

Appendix | 1

UNCONFIRMED MINUTES for WWASC Ordinary Council Meeting – 18 February 2025



Wujal Wujal Aboriginal Shire Council

Ordinary Council | Meeting Agenda

Date: Tuesday 18 February 2025
Time: 9.07am
Venue: Council Administration and MS Teams



Order of Business

Order of Business	2
1. Opening of Meeting	3
1.1 Welcome Opening of Meeting.....	3
1.2 Acknowledgement of Traditional Owners	3
2. Attendance, Leave of Absence and Apologies	3
2.1 Attendance	3
2.2 Leave of Absence Apologies	4
2.3 Visitors Presenters	4
3. Condolences Congratulations	4
4. Mayoral Motion	4
5. Confirmation of minutes of the Previous Meeting	4
6. Declarations of Interest in the matters on the Agenda.....	4
7. Business Arising or Outstanding Matters from Previous Meeting	5
8. Items for Consideration and Decision	8
8.1 Policy: Acceptable Requests Guidelines	8
8.2 Policy: CCTV Policy.....	9
8.3 Policy: Funeral Assistance Policy	10
8.4 Local Government Remuneration Commission Report	11
8.5 Policy: Register and Status of Council Policies.....	12
8.6 Indigenous Land Use Agreement (ILUA).....	12
8.7 Policy: Use of the Council Bus Policy	13
8.8 Policy: Hire of Band Equipment Policy.....	13
8.8 Review of the Alcohol Management Plan.....	14
9. Reports: Elected Members and Council Officers	14
9.1 Mayor's Monthly Portfolio Report	14
9.2 Deputy Mayor Claudia Doughboy: Economic Development, Tourism and Health	15
9.3 Councillor Robert Bloomfield: Community Sports and Lifestyle.....	15
9.4 Councillor Nikita Tayley: Environment and Culture	15
9.5 Councillor Lucas Creek: Law and Order	16
9.6 Chief Executive Officer Report	16
9.7 Corporate and Commercial Report	17
9.8 Operations Report.....	17
9.9 Community Services Report	18
10. Presentations to Council	18
10.1 ATSI Public Health – Community Priorities Over the Next Five Years	18



10. Presentations to Council	19
10.1 Housing 10-Year Strategic Capital Plan	19
11. General Business	20
12. Next Ordinary Council Meeting Date	20
13. Meeting Closure	20

APPENDICES

Appendix Number	Item Number and information	Page Number in Appendices
1	Minutes of Ordinary Council Meeting 21 January 2025	1
2	eScooter Poster	19
3	Acceptable Request Guidelines	21
4	CCTV	27
5	Funeral Assistance Policy	35
6	Local Government Remuneration Commission Report	38
7	Register and Status of Council Policies	44
8	Indigenous Land Use Agreement (ILUA)	242
9	Use of the Council Bus Policy	251
10	Hire of Band Equipment Policy	261
11	Grants Report	264
12	Finance Report	270
13	Eastern Kuku Yalanji Regional Strategic Trail Concept Plan	281

1. Opening of Meeting

- 1.1 Welcome | Opening of Meeting
- 1.2 Acknowledgement of Traditional Owners

2. Attendance, Leave of Absence and Apologies

2.1 Attendance

Councillors:

Councillor Alister Gibson, Mayor
Councillor Claudia Doughboy, Deputy Mayor
Councillor Robert Bloomfield
Councillor Nikita Tayley
Councillor Lucas Creek

WWASC Staff Representatives

Chief Executive Officer, Kiley Hanslow
Operations Manager, Works and Building Services, Perry Gould
Financial Accountant, Khushwant Kumar
Community Services Manager, Kesa Strieby
Executive Assistant, Bronwyn Barry (secretariat)



2.2 Leave of Absence | Apologies

2.3 Visitors | Presenters

The schedule for these presentations is as follows:

Time	Topic	Agency/Presenter
1:00 – 1:30pm	Community Engagement results and draft Environmental Health Plan	David Hancock and Laughlan McCulloch - ATSI Health
1:45 – 2:15pm	10-year Strategic Capital Plan Presentation	Danielle Sturton and Ryan Smith - Housing

3. Condolences | Congratulations

Condolences to Ron and Beacroft family - Bloomfield

Condolences Wallis Family – Cairns

Congratulations to Norman Tayley taking on a Teacher's role at the Bloomfield River State School

4. Mayoral Motion

Mayoral minutes/motion are used to introduce urgent/non routine matters only.

5. Confirmation of minutes of the Previous Meeting

5.1 Minutes of the Ordinary Council Meeting | 21 January 2025

Refer to [Appendix 1](#) (Page 1 of the Appendices) to review the minutes of the meeting held 21 January 2025.

Resolution: Acceptance of the minutes meeting held Tuesday 21 January 2025

Resolution:	That the minutes of the Ordinary Council Meeting held on Tuesday 21 January 2025 be accepted as a true and correct record of that meeting.	
Moved:	Cr Robert Bloomfield	Carried 5/5
Seconded:	Mayor Alister Gibson	
Resolution No	20250218-01	

6. Declarations of Interest in the matters on the Agenda

- Declaration of Prescribed Conflict of Interest of any Item of Business
- Declaration of Declarable Conflict of Interest of any Item of Business
- Councillors to review existing Registers of Interest and Related Parties Disclosures

7. Business Arising or Outstanding Matters from Previous Meeting

- Reports of COVID-19 cases in community - Cr Nikita Tayley requested information on COVID isolation
 - *Mandatory COVID isolation ended on 14 October 2022 meaning people legally cannot be directed to isolate if they have COVID.*
- Activ8Me community Wi-Fi does not seem to be working well – Cr Nikita Tayley
 - *CEO Kiley Hanslow requested a report from Joe Faracci (Activ8Me) of the speeds and connectivity of the community Wi-Fi network since commencement 24/01/25. – Joe advised on 5/02/25 that support staff have looked at Cr Nikita' Tayley's home WIFI phone, apparently it lost power and switched off. He was informed at about 10:07hrs that the phone was powered up. Joe is following up on data information and will provide it ASAP.*
- Cr Nikita Tayley advised that there is a need for a guardrail near Harrigan's Landing (near the big rock before the Bloomfield River State School) and a need for a permanent guardrail just past the Ayton boat ramp. Both areas are in Cook Shire.
 - *CEO Kiley Hanslow emailed CEO Brian Joiner at Cooktown Shire Council on 24/01/25 asking him to investigate these areas for Council and provide a response on this request.*
 - *Response from Cooktown Shire.*

Not exactly sure where is the Harrigan's Landing, but I assume it's where the big washout was (see below first image), the yellow highlighted section has guard rail in the approved scope of works from QRA.



As for south of Boat ramp, QRA only approved the guard rail for yellow section and did not approve for red section. However, because red site is high risk, we plan to install guard rail there as well using maintenance funds (~\$55k).



- CEO Kiley Hanslow emailed Aubrey Hearsey and Marcus Jarmyn at Housing to advise that at the January 2025 Council meeting Councillors raised the issue of the number of dogs tenants are keeping. CEO advised there is a two-dog policy for social housing tenants in Wujal Wujal through Housing and asked if they could please follow up with tenants who are keeping more than two dogs. CEO also asked if they could remind tenants to keep dogs in their yards, with gates and fences closed.
- Councillor Bloomfield mentioned a Mountain Bike Association came to Wujal Wujal to investigate options for mountain bike track development in community and did some preliminary markings, they were due to come back in 2020 but due to COVID this did not happen.
 - There is an Easter Kuku Yalanji Regional Strategic Trail Concept Plan which was prepared for Jabalbina Yalanji Aboriginal Corporation in July 2017. Given the location of these trails within the Wet Tropics and Traditional Lands this mountain bike project was best placed to be provided through Jabalbina. Copies of the concept plan are included in the Council **Appendix 13 page 281**.
- Deputy Mayor enquired about the duties of Deputy Mayor.
 - CEO Kiley Hanslow emailed the following legislative information from the Local Government Act 2009 to the Deputy Mayor and Mayor on 24/01/25.
In Queensland, the duties and responsibilities of a Deputy Mayor are outlined in the Local Government Act 2009 (Qld). The below is a clarification of their role under legislation:

Primary Role:

The Deputy Mayor's primary function is to act in the position of the Mayor when the Mayor is unavailable (e.g., due to absence, illness, or a vacancy in the office of the Mayor). This role ensures continuity of leadership and decision-making within the council.

This duty is stipulated in **section 165(3) of the Local Government Act 2009**, which states that the Deputy Mayor may perform the responsibilities of the Mayor in their absence.



Duties Beyond Acting as Mayor:

Outside of situations where the Deputy Mayor is required to step into the Mayor's role, the Deputy Mayor's responsibilities and duties are effectively the same as those of other Councillors. This means:

- Representing the interests of their division/portfolio (if the council is divided into divisions/portfolios) and the broader local government area.
- Making decisions in the public interest during council meetings.
- Participating in the development and review of council statutory and strategic policies, strategies, and plans.
- Ensuring transparency, accountability, and good governance.

No Distinct Legislative Powers:

The legislation does not provide the Deputy Mayor with any separate or distinct powers beyond those of other Councillors, except for the specific function of stepping into the Mayor's role when required.

This framework ensures that the Deputy Mayor's role is clearly defined, primarily as a backup to the Mayor, while their broader responsibilities align with those of all Councillors in governing the local area.

- Council Band Equipment Policy.
 - CEO Kiley Hanslow emailed the Governance Officer and Community Services Manager on 24/01/25 requesting them to refresh the policy. Community Services Manager was requested to provide some band equipment quotes and research any available grants for band equipment. The policy was refreshed and is tabled in this current Council meeting.
- Travel Allowance and Fuel Mileage
 - Executive Assistant to the Mayor and CEO emailed the Mayor and Councillors the ATO Travel Allowance TD 2024/25 – legally binding rates and the ATO Fuel Mileage rates on 7/02/25.

Community Manager left the meeting at 9:36am

Community Manager returned to the meeting at 9:37

- eScooters - **Refer to Appendix 2** (page 19 of the Appendices)
Queensland State Regulations around eScooters - Key rules to be aware of include:
 - Reduce speed on footpaths – 12km/h on footpaths and shared paths
 - Maximum speed limit – 25km/h on bike paths or roads
 - No talking on phones when riding
 - Always wear a helmet
 - No doubling
 - Riders must be 12 years or more (12-15 year olds must be supervised)
 - Warn pedestrians as you approach
 - Use light and reflectors after dark
 - Park your eScooter in a safe place out of the way of other path users

Flyers have been distributed around community on noticeboards advising of these legislative requirements.



8. Items for Consideration and Decision

8.1 Policy: Acceptable Requests Guidelines

Report to:	Mayor, Councillors and Chief Executive Officer
Subject:	Policy: Acceptable Requests Guidelines
Reporting Officer:	Chief Executive Officer
Status:	Decision

Refer to Appendix 3 (page 21 of the Appendices) for the Acceptable Requests Guidelines policy.

Purpose

Council is required by legislation to have in place an Acceptable Requests Guidelines Policy. This policy outlines how an acceptable request can be made in the context of s 170A of the Local Government Act 2009 to assist the Councillor carry out their role as Councillor:

- (a) for advice; or
- (b) for information, that Council has access to, relating to Council.

Wujal Wujal Aboriginal Shire Council has had in place a policy document called the Councillor Interaction with Staff Policy dated 2019 which has in effect been our Acceptable Requests Guidelines Policy. Review of the Councillor Interaction with Staff Policy showed that it was not only very out of date, but that the wording required updating to bring it into alignment with best practice. This review has now taken place, with the outcome of a new Acceptable Requests Guidelines Policy that is current, meets the legislative requirements and is also much easier to read and understand.

Council proposes to replace the Councillor Interaction with Staff Policy with the Acceptable Requests Guidelines Policy included with this report.

Community members/customers should be mindful that where the matter is a simple operational request, (e.g. reporting a pothole, missed bin service or submitting an application) they may receive more prompt attention by lodging a request via the Customer Service Centre in the first instance. For these routine matters, direct engagement between the community member/customer and Council will reduce delays and enable the most appropriate support or advice to be provided directly to the customer.

Proposed Resolution:

That Council adopt the Acceptable Requests Guidelines policy as presented.

Resolution: Acceptable Requests Guidelines policy

Resolution:	Council adopts the Acceptable Requests Guidelines policy as presented	
Moved:	Cr Lucas Creek	Carried 5/5
Seconded:	Cr Robert Bloomfield	
Resolution No	20250218-02	

NOTE: Community Manager Kesa Strieby to organise a booth in the Cultural Advisor (Uncle Bill Harrigan's) office where people can fill out Customer Request forms.



8.2 Policy: CCTV Policy

Report to:	Mayor, Councillors and Chief Executive Officer
Subject:	Closed Circuit TV (CCTV) Policy
Reporting Officer:	Chief Executive Officer
Status:	Decision

Refer to Appendix 4 (page 27 of the Appendices) for the CCTV policy.

Purpose

This policy outlines how Wujal Wujal Aboriginal Shire Council (Council) will manage its obligations to the public and Wujal Wujal employees when installing, operating and managing its CCTV systems.

This policy applies to Council controlled and managed CCTV systems installed within its premises and in public spaces.

Resolution: CCTV Policy

Resolution:	Council adopts the CCTV Policy as presented.	
Moved:	Deputy Mayor Claudia Doughboy	Carried 5/5
Seconded:	Cr Nikita Tayley	
Resolution No	20250218-03	



8.3 Policy: Funeral Assistance Policy

Report to:	CEO, Mayor and Councillors
Subject:	Funeral Assistance Policy
Reporting Officer:	Chief Executive Officer
Status:	Decision

Refer to Appendix 5 (page 35 of the Appendices) for the Funeral Assistance policy.

Purpose

This report summarises the proposed Funeral Assistance Policy available for Wujal Wujal Community members, subject to the conditions outlined in the policy.

Overview

The former Funeral Assistance Policy had not been reviewed since 2015 and was considered to no longer be relevant.

The previous policy required any financial assistance to be repaid to Council, this requirement had resulted in bad/doubtful debts which would require considerable time and effort for Council to pursue. Pursuing debt collection would in effect cost more than the value of the outstanding amount.

It is Council's intention to source funding from Community or Emergency Grants to cover the cost of this financial assistance and all applications for this assistance will need to be made to the Community Services Manager who will manage the process, be the primary point of contact for Funeral Financial Assistance Requests and maintain the Funeral Financial Assistance Register.

Two levels of funding covered in the policy

Families of Current Community Members

Up to \$500 is available for the assistance for the funeral costs of any community member who was living in Wujal Wujal immediately before their death and who will be buried in Wujal Wujal.

Families of Current or Former Serving Councillors

Up to \$1000 is available for the assistance for the funeral costs of a past or currently serving Councillor who will be buried in Wujal Wujal.

ACTION: Governance Officer to update policy to reflect the following:

- Council can provide flowers up to the value of \$200 – Mayor to advise CEO if flowers are to be sent.
- Funding will be paid to the Funeral Parlor / florist / shop (for food) not to an individual.

Resolution: Financial Assistance for Funerals

Resolution:	Policy needs further updates to be taken to March 2025 meeting	
Moved:		Lost/Carried
Seconded:		
Resolution No	20250218-	



8.4 Local Government Remuneration Commission Report

Report to:	CEO, Mayor and Councillors
Subject:	Local Government Remuneration Commission Report
Reporting Officer:	Chief Executive Officer
Status:	Decision

Refer to Appendix 6 (page 38 of the Appendices) for Local Government Remuneration Commission Report.

Purpose

This report summarises the findings of the Local Government Remuneration Commission Report which was finalised in December 2024 and to inform Councillors of the increase in the maximum remuneration levels applied to their roles, which is applicable, if adopted, from 1 July 2025.

Maximum remuneration applicable on 1 July 2024	Mayor \$119,393	Deputy Mayor \$68,880	Councillor \$59,695
Maximum remuneration applicable on 1 July 2025	Mayor \$122,975	Deputy Mayor \$70,946	Councillor \$61,486
Increase of \$\$	\$3,585	\$2,066	\$1,794

Resolution: Local Government Remuneration Commission Report

Resolution:	That council adopt the maximum remuneration values as determined for Category 1 Council's, effective 1 July 2025 and adopted the updated Councillor Remuneration Policy Magiq ref 36930 that incorporates the new remuneration values	
Moved:	Mayor Alister Gibson	Carried 5/5
Seconded:	Cr Nikita Tayley	
Resolution No	20250218-04	



8.5 Policy: Register and Status of Council Policies

Report to: Mayor, Councillors and Chief Executive Officer
Subject: Register and Status of Council Policies
Reporting Officer: Chief Executive Officer
Status: Information

Refer to Appendix 7 (page 44 of the Appendices) Register and Status of Council Policies.

Purpose

This report provides Council with a high-level summary of the status of Council's policies and outlines the broad categories of policies and the process for review and adoption of each category (Class) of policy.

Updating our policies

Council's Governance Officer is working to review and update all policies, with the goal that all policies will be current (less than 2 years old) by the end of the current financial year. As a result of this, a large number of Statutory and Strategic Policies will be coming to Council for formal adoption prior to 1 July 2025.

Resolution: Policy Register and Status of Council Policies

Resolution:	That council accept the status update report on Council's policies as presented.	
Moved:	Deputy Mayor Claudia Doughboy	Carried 5/5
Seconded:	Cr Robert Bloomfield	
Resolution No	20250218-05	

Meeting adjourned for morning tea at 10:38am

Meeting resumed at 11:04am

8.6 Indigenous Land Use Agreement (ILUA)

Report to: CEO, Mayor and Councillors
Subject: Indigenous Land Use Agreement (ILUA)
Reporting Officer: Chief Executive Officer
Status: Decision

Refer to Appendix 8 (page 242 of the Appendices) for ILUA presentation

An ILUA meeting was held on 5 February 2025 to discuss the process for Wujal Wujal and its implications for post-cyclone rebuilding efforts. It was discussed that Council needs to engage its own lawyer for ILUA negotiations and to assess the risks of proceeding without full native title consent.

Resolution: Council engage a lawyer for ILUA negotiations

Resolution:	That Council endorse the engagement of its own lawyer for ILUA negotiations going forward	
Moved:	Deputy Mayor Claudia Doughboy	Carried 5/5
Seconded:	Cr Lucas Creek	
Resolution No	20250218-06	



8.7 Policy: Use of the Council Bus Policy

Report to:	Mayor, Councillors and Chief Executive Officer
Subject:	Use of the Council Bus Policy
Reporting Officer:	Chief Executive Officer
Status:	Information

Refer to Appendix 9 (page 257 of the Appendices) for the Use of the Council Bus policy.

Purpose

The policy governing the use of the council bus has been updated and was formally adopted by council on 21 January 2025.

Community Services Manager oversees the hire/booking process

As discussed at the 21 January 2025 Council meeting, the following items have been placed in the community bus:

- "No Food or Drinking on the Bus" signage,
- cleaning items,
- copy of the policy.

Resolution: Use of the Council Bus Policy

Resolution:	That council accept the update report on the Use of the Council Bus Policy as presented.	
Moved:	Cr Nikita Tayley	Carried 5/5
Seconded:	Cr Robert Bloomfield	
Resolution No	20250218-07	

8.8 Policy: Hire of Band Equipment Policy

Report to:	Mayor, Councillors and Chief Executive Officer
Subject:	Hire of Band Equipment Policy
Reporting Officer:	Chief Executive Officer
Status:	Decision

Refer to Appendix 10 (page 261 of the Appendices) for Hire of Band Equipment Policy.

General Principals

To outline the principals and requirements as they apply to the hire and use of Wujal Wujal Aboriginal Shire Council's Band Equipment, referred to simply as Band Equipment in this policy document.

A quote for band equipment has been sought.

Resolution: Hire of Band Equipment Policy

Resolution:	To revisit policy at midterm review and brought back to March 2025 Ordinary Council meeting	
Moved:		Lost/Carried
Seconded:		
Resolution No	20250218-	



8.8 Review of the Alcohol Management Plan

Report to:	Mayor, Councillors and Chief Executive Officer
Subject:	Review of the Wujal Wujal Alcohol Management Plan
Reporting Officer:	Chief Executive Officer
Status:	Decision

Purpose

This report is presented to the Council to seek a resolution on the review of the Wujal Wujal Alcohol Management Plan (AMP). The review aims to assess the effectiveness of the current plan, its impact on the community, and recommendations for potential amendments to better align with community needs.

Recommendation

That Council supports the Queensland Government and relevant stakeholders to review the AMP to better support community needs and priorities.

Resolution: Review of the Wujal Wujal Alcohol Management Plan

Resolution:	That Council resolve to review the Wujal Wujal Alcohol Management Plan to better support community needs and priorities	
Moved:	Deputy Mayor Claudia Doughboy	Carried 5/5
Seconded:	Cr Nikita Tayley	
Resolution No	20250218-08	

9. Reports: Elected Members and Council Officers

9.1 Mayor's Monthly Portfolio Report

Report to:	Councillors and Chief Executive Officer
Subject:	Monthly Portfolio Report: Finance, Governance and all other portfolios
Reporting Officer:	Councillor Alister Gibson, Mayor
Status:	Noting

Mayor Alister Gibson represented the interests of the Wujal Wujal Aboriginal Shire Council since the last Ordinary Council meeting on 21 January 2025 and reported on his portfolio: Governance, Finance and all other portfolios.

Resolution: That Council note Mayor Alister Gibson's portfolio report as presented.

Resolution:	Council noted Mayor Alister Gibson's portfolio report as presented.	
Moved:	Deputy Mayor Claudia Doughboy	Carried 5/5
Seconded:	Cr Nikita Tayley	
Resolution No	20250218-09	



9.2 Deputy Mayor Claudia Doughboy: Economic Development, Tourism and Health

Report to: Mayor, Councillors and Chief Executive Officer
Subject: Monthly Portfolio Report: Economic Development, Tourism and Health
Reporting Officer: Councillor Claudia Doughboy, Deputy Mayor
Status: Noting

Deputy Mayor Claudia Doughboy represented the interests of the Wujal Wujal Aboriginal Shire Council at the following meetings since the last Ordinary Council meeting on 21 January 2025 and reports on her portfolio: Economic Development, Tourism and Health.

Resolution: That Council note Deputy Mayor Claudia Doughboy's portfolio report as presented.

Resolution:	Council noted Deputy Mayor Claudia Doughboy's portfolio report as presented.	
Moved:	Cr Nikita Tayley	Carried 5/5
Seconded:	Cr Robert Bloomfield	
Resolution No	20250218-10	

9.3 Councillor Robert Bloomfield: Community Sports and Lifestyle

Report to: Mayor, Councillors and Chief Executive Officer
Subject: Monthly Portfolio Report: Community, Sports and Lifestyle
Reporting Officer: Councillor Robert Bloomfield
Status: Noting

Councillor Robert Bloomfield represented the interests of the Wujal Wujal Aboriginal Shire Council at the following meetings since the last Ordinary Council meeting on 21 January 2025 and reports on his portfolio: Community, Sports and Lifestyle.

Resolution: That Council note Councillor Robert Bloomfield's portfolio report as presented.

Resolution:	Council noted Councillor Robert Bloomfield's portfolio report as presented.	
Moved:	Cr Nikita Tayley	Carried 5/5
Seconded:	Deputy Mayor Claudia Doughboy	
Resolution No	20250218-11	

9.4 Councillor Nikita Tayley: Environment and Culture

Report to: Mayor, Councillors and Chief Executive Officer
Subject: Monthly Portfolio Report: Environment and Culture
Reporting Officer: Councillor Nikita Tayley
Status: Noting

Councillor Nikita Tayley represented the interests of the Wujal Wujal Aboriginal Shire Council at the following meetings since the last Ordinary Council meeting on 21 January 2025 and reports on her portfolio: Environment and Culture.



Resolution: That Council note Councillor Nikita Tayley's portfolio report as presented.

Resolution:	Council noted Councillor Nikita Tayley's portfolio report as presented.	
Moved:	Deputy Mayor	Carried 5/5
Seconded:	Cr Lucas Creek	
Resolution No	20250218-12	

9.5 Councillor Lucas Creek: Law and Order

Report to: Mayor, Councillors and Chief Executive Officer
Subject: Monthly Portfolio Report: Law and Order
Reporting Officer: Councillor Lucas Creek
Status: Noting

Councillor Creek represented the interests of the Wujal Wujal Aboriginal Shire Council at the following meetings since the last Ordinary Council meeting on 21 January 2025 and reports on his portfolio: Law and Order.

Resolution: That Council note Councillor Lucas Creek's portfolio report presented.

Resolution:	Council noted Councillor Lucas Creek's portfolio report as presented.	
Moved:	Cr Nikita Tayley	Carried 5/5
Seconded:	Cr Robert Bloomfield	
Resolution No	20250218-13	

9.6 Chief Executive Officer Report

Report to: Mayor and Councillors
Subject: Chief Executive Officer's Report
Reporting Officer: Chief Executive Officer Kiley Hanslow
Status: Noting

The Chief Executive Officer represented the interests of the Wujal Wujal Aboriginal Shire Council at the following meetings since the last council meeting on 21 January 2025.

Resolution: Acceptance of the Chief Executive Officer's Monthly Report

Resolution:	That Council receive the Chief Executive Officer's Monthly Report as presented.	
Moved:	Cr Robert Bloomfield	Carried 5/5
Seconded:	Mayor Alister Gibson	
Resolution No	20250218-14	

Meeting adjourned for lunch at 12:12pm

Meeting recommenced at 1:05pm



9.7 Corporate and Commercial Report

Report to:	Mayor, Councillors and Chief Executive Officer
Subject:	Monthly Portfolio Report: Corporate and Commercial Finance Report
Reporting Officer:	Finance Accountant Khush Kumar
Status:	Noting

Refer to **Appendix 12** (Page 270 of the Appendices) to view Financial Report.

Council Financial Accountant to present the financial report to Council.

Resolution: Acceptance of the Corporate and Commercial Report

Resolution:	That Council accept the Financial Corporate and Commercial Report as presented.	
Moved:	Cr Nikita Tayley	Carried 5/5
Seconded:	Cr Lucas Creek	
Resolution No	20250218-16	

9.8 Operations Report

Report to:	Mayor, Councillors and Chief Executive Officer
Subject:	Monthly Operations Report
Reporting Officer:	Operations Manager, Perry Gould
Status:	Noting/Information

This report outlines the works undertaken during the month of January 2025 including Civil, Building, Water Supply, Sewer Services, Parks and Gardens, Animal Management, Environmental Health, Disaster Management.

Resolution: That Council receives the Works and Building Services Monthly Report as presented.

Resolution:	That Council receive the Works and Building Services Monthly Report for January 2025 as presented.	
Moved:	Cr Robert Bloomfield	Carried 5/5
Seconded:	Deputy Mayor Claudia Doughboy	
Resolution No	20250218-18	

Community Services Manager rejoined the meeting 3:02pm



9.9 Community Services Report

Report to: Mayor, Councillors and Chief Executive Officer
Subject: Monthly Community Services Report
Reporting Officer: Community Services Manager, Kesa Strieby
Status: Noting

This report outlines the works undertaken during the month of January 2025.

ACTION: Community Services Manager Kesa Strieby to organise committee ASAP for the Rodeo and check if anyone in community would like to sponsor the rodeo rides – check with the rodeo circuit company what prize money is expected for 1st, 2nd and 3rd prizes.

ACTION: Community Services Manager Kesa Strieby to organise Women's Centre warming ceremony with the Cultural Advisor Uncle Bill Harrigan.

Resolution: Council accept the Community Services Report for January 2025

Resolution:	That Council accept the Community Services Report as presented.	
Moved:	Mayor Alister Gibson	Carried 5/5
Seconded:	Cr Lucas Creek	
Resolution No	20250218-19	

10. Presentations to Council

10.1 ATSI Public Health – Community Priorities Over the Next Five Years

Presentation to: Mayor, Councillors and Chief Executive Officer
Subject: ATSI Public Health – Community Priorities Over the Next Five Years
Presenters: David Hancock ATSI Public Health, Lauchlan McCulloch ATSI Public Health
Status: Discussion
Time on agenda: 1:00pm – 1:30pm

ATSI Public Health attendees:

- David Hancock
- Lauchlan McCulloch
-

Top three concerns from community (43 people participated)

- Drinking water
- Veterinarian visits
- Rodents / insects

Resolution: Council note the presentation by Westpac Remote Services.

Resolution:	That Council note the presentation by ATSI Public Health.	
Moved:	Mayor Alister Gibson	Carried 5/5
Seconded:	Cr Lucas Creek	
Resolution No	20250218-15	



10. Presentations to Council

10.1 Housing 10-Year Strategic Capital Plan

Presentation to:	Mayor, Councillors and Chief Executive Officer
Subject:	Housing 10-Year Strategic Capital Plan
Presenters:	Danielle Sturton Department Housing and Public Works, Ryan Smith Department Housing and Public Works
Status:	Discussion
Time on agenda:	1:00pm – 1:30pm

Presentation at 2:20pm

Department Housing and Public Works attendees:

- Danielle Sturton
- Ryan Smith

Note: Invite Uncle Bill Harrigan to be involved in the next “Housing 10-Year Strategic Capital Plan” meeting.

Resolution: Council note the presentation by First Nations Housing and Homelessness, Department Housing and Public Works.

Resolution:	That Council note the presentation by First Nations Housing and Homelessness, Department Housing and Public Works.	
Moved:	Deputy Mayor Claudia Doughboy	Carried 5/5
Seconded:	Cr Robert Bloomfield	
Resolution No	20250218-17	



11. General Business

Deputy Mayor Claudia Doughboy - Kindergarten children– can we have a Kindy pick up and drop off on Monday, Tuesday, Wednesday? Council to supply Gumboots, raincoats and umbrellas for the Kindy children - only as a one-off. **ACTION:** Coraleen to send out a letter to the parents.

When calling the police there is a long response time. **ACTION:** CEO to follow up with the Sergeant to tighten up response times.

Cr Nikita Tayley – long grass in the alley way next to the Councillors house, **ACTION:** Operations Manager Perry Gould to organise the grass to be cut.

Control dogs, they are biting people (no report was put in) – Essential Services Coordinator Zenarra Ashworth and Animal Management Officer Gregory to do more drive arounds to check on the dogs. **ACTION:** Essential Services Coordinator Zenarra Ashworth to do a dog audit, dog registration drive and de-sexing drive.

Bridge – cause way Platypus creek lots of potholes, deep dip (Cedar Bay crossing)

Cr Lucas Creek – people are receiving houses but not living in them. Living at their parents or grandparents' place. Housing needs to do an audit.

Cr Robert Bloomfield – hole in the yard – housing issue not Council. Mango and Tamarind tree in front of Auntie Lila's (46 Kleim Street) needs trimming. Recommended Councillor to have the tenant report this to Housing.

Mayor – spoke to Cook Shire Mayor re maintenance on North side through ASTI TIDS funding they cannot do any more maintenance on the road as this is no longer the primary access to Wujal Wujal, Bloomfield Road is currently the primary access road. **ACTION:** Take to next Council meeting to change primary access back to North road.

Deputy Mayor Claudia Doughboy and Cr Nikita Tayley are presenting at the Queensland Indigenous Women's Rangers Network (QIRN) meeting on 6 March 2025. **ACTION:** CEO Kiley Hanslow requested to provide her presentation and photos from the TC Jasper flooding event for the Councillors to take to their QIRN presentation.

Operations Manager Perry advised that TC Mowing have advised they will not be starting up their business and are not able to provide a lawn and property maintenance service to Council.

Feedback from staff on the new Council Admin Hub presented to Councillors.

12. Next Ordinary Council Meeting Date

The next Ordinary Council Meeting is set for **Tuesday 18 March 2025.**

13. Meeting Closure

Meeting closed at 4:19pm

Appendix | 2

Local Housing Plan

Wujal Wujal Local Housing Plan

March 2025



Acknowledgement

We respectfully acknowledge the Aboriginal and Torres Strait Islander Traditional Owners and Elders of the lands and seas on which we meet, live, learn and work.

We acknowledge those of the past, the ancestors whose strength has nurtured this land and its people, and who have passed on their wisdom. We acknowledge those of the present for their leadership and ongoing effort to protect and promote Aboriginal and Torres Strait Islander peoples and cultures. We acknowledge those of the future, the Elders not yet born, who will inherit the legacy of our efforts.

We recognise it is our collective efforts, and responsibility as individuals, communities and governments, to ensure equality, recognition and advancement of Aboriginal and Torres Strait Islander Queenslanders across all aspects of society and everyday life.

We would like to acknowledge the work undertaken by our previous elected Council in the preliminary development of the Wujal Wujal Local Housing Plan. Mayor Bradley Creek, Deputy Mayor Vincent Tayley, Councillor Robert Bloomfield, Councillor Vanessa Tayley, and Councillor Regan (Bobby) Kulka, we thank you for your time and appreciate your insights, passions and dedications to improve housing, housing services and related outcomes for the Wujal Wujal community.

Contents

Acknowledgement	2
Table of Figures.....	4
Preface by Wujal Wujal Aboriginal Shire Council	5
Introduction.....	6
What is a Local Housing Plan and its Purpose?	7
Version History	7
Closing the Gap.....	8
Our Community	10
About us.....	10
Flood mapping and resilience	Error! Bookmark not defined.
Our Elected Council Representatives	11
Founding of our Council	11
What has been reflected through engagement	14
Wujal Wujal Priorities and Key Deliverables	15
How we will get there	18
Working Together	18
Key Contacts	18
Governance Model	18
Our People and Community.....	19
Population.....	19
Median Age	20
Homeless Population.....	20
Projected Population	20
Household Structure.....	21
Work and Labour Force Status	21
Household Income.....	22
Wujal Wujal Housing	23
Renting, Buying or Owned (Housing Tenure)	23
Key Housing Characteristics	23
Social Housing – Existing Housing and Registered Need	24
Breakdown of Housing Register (waitlist) to consider Wujal Wujal's future housing needs	25
Bedroom number suitability – overcrowding	27
Land Availability in Wujal Wujal.....	Error! Bookmark not defined.
Home Ownership.....	28
Government Employee Housing	28
Capital Works Investment	29
Interim Remote Capital Program Funding Agreement	29
Forward Remote Capital Program Funding Agreement.....	29
Upgrades, Repairs and Maintenance program	30
Appendix A	32

Table of Figures

Figure 1: Aboriginal and Torres Strait islander people living in appropriately sized (not overcrowded) dwellings, including trajectory and Closing the Gap 2031 Target.....	9
Figure 2:Wujal Wujal Township: Preliminary desktop analysis of Tropical Cyclone Jasper Infrastructure damage (Version - 09), Produced by Remote Indigenous Land and Infrastructure Program Office (RILIPO), Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities, and the Arts (DTATSIPCA), 14 March 2024.....	Error! Bookmark not defined.
Figure 3: Cultural identification of population, utilising 2021 Census data	19
Figure 4: Comparison of adult population counts from 2021 census and unpublished data from the Australia Electoral Commission, utilising 2021 Census data and unpublished AEC data.....	19
Figure 5: Age of Aboriginal and Torres Strait Islander population demonstrating raw number (n) and percentage (%) of population, utilising 2021 Census data	20
Figure 6: Household type as a percentage of Aboriginal and Torres Strait Islander households, utilising 2021 census data.....	21
Figure 7: Labour force status of Wujal Wujal Aboriginal and Torres Strait Islander population including: not in labour force, people aged 15+ in vocational training and university, unemployed, and employed, utilising 2021 Census data	21
Figure 8: Age of people not in labour force as a percentage of population not in labour force	22
Figure 9: People not in labour force as a percentage of their age group, utilising 2021 Census data ..	22
Figure 10: Total household income equivalised (by ABS) for comparison of income between different sized households, utilising 2021 Census data	22
Figure 11: Housing tenure type, utilising 2021 Census data and acknowledging an error in collected or published data	23
Figure 12: Household characteristics: household size, people per bedroom, and large households, utilising 2021 Census data	23
Figure 13: Breakdown of current location of approved applicant, utilising unpublished Reside data...	25
Figure 14: Breakdown of applicant 'reproductive age' (RA) cohorts to consider the likelihood of additional children being born to applicants which would impact future bedroom number need, utilising DHPW data	Error! Bookmark not defined.
Figure 15: Breakdown of approved bedroom allocations by cohort. 50-55 years age bracket stands alone as people aged up to 49 are considered to be within their reproductive life and those aged 55+ are eligible for seniors housing. Utilising DHPW data (ALL009), Aug, 2024. F = Female, M = Male...	26
Figure 16: Breakdown of population by age group, additionally showing youth population with female youth population, older population, and national fertility information.	27

Preface by Wujal Wujal Aboriginal Shire Council

Wujal Wujal Aboriginal Shire Council is committed to ensuring all community members have access to safe, secure, and appropriate housing that meets their needs. Housing is not just a fundamental human right; it is the foundation of strong families, social well-being, community connection and economic stability.

The Local Housing Plan for Wujal Wujal has been developed to identify and address the unique housing challenges within our community and to establish clear, actionable priorities for meeting both current and future housing needs.

This Wujal Wujal Local Housing Plan reflects our commitment to working collaboratively with community members, government agencies, and key stakeholders to improve housing outcomes for our community. It acknowledges the specific needs of our community members, including the importance of culturally appropriate housing, the demand for additional social and affordable housing, and the need to maintain and upgrade existing housing stock. Furthermore, it highlights the necessity of sustainable housing solutions that consider environmental factors, such as flood resilience, and the long-term growth of our community.

Key priorities outlined in this Wujal Wujal Local Housing Plan include:

- Addressing the critical need for additional housing supply to reduce overcrowding and improve living conditions.
- Securing funding and investment for the construction of new homes, the rebuild of housing at end-of-life, and the maintenance of existing properties.
- Supporting economic empowerment through housing programs and initiatives including Homes on Country.
- Ensuring housing infrastructure is resilient, sustainable, and aligned with community aspirations.
- Strengthening partnerships between all levels of government and the private sector to achieve long-term housing solutions.

This Wujal Wujal Local Housing Plan serves as a roadmap for the future, guiding our efforts to create a thriving, well-housed community. Wujal Wujal Aboriginal Shire Council is dedicated to implementing the strategies outlined in this Plan and advocating for the resources necessary to achieve these goals.

We extend our gratitude to everyone who has contributed to the development of this Plan, and we look forward to working together to build a stronger, healthier, and more resilient community for generations to come.

Mayor Alister Gibson

Wujal Wujal Aboriginal Shire Council

Introduction

The Queensland Government is committed to supporting healthy and empowered Aboriginal and Torres Strait Islander communities through shared leadership, transparency and accountability.

The *Homes for Queenslanders* housing plan was announced on 6th February 2024 building on the work already done under the Queensland Housing Strategy and associated plans. Homes for Queenslanders sets an ambitious target for a fair and sustainable housing system that ensures better housing outcomes for both now and future generations, ensuring every Queenslanders has a safe, secure and affordable place to call home.

Homes for Queenslanders demonstrates the Queensland Government's long-term commitment to 2046 to work with communities, industry and the housing and homelessness sector to deliver more social and affordable homes and better services for vulnerable Queenslanders. It sets the long-term priorities and vision for Queensland's housing system.

Homes for Queenslanders also aligns with the policy commitments in *Our Place: A First Nations Housing and Homelessness Roadmap to 2031* (Our Place Roadmap) and *Our Place: A First Nations Housing and Homelessness Action Plan, 2024-2027* (Our Place Action Plan). The Our Place Roadmap continues the Government's commitment to reframe relationships with First Nations peoples, placing communities at the forefront of decision-making, established under the *Aboriginal and Torres Strait Islander Housing Action Plan 2019-2023*.

Our Place was co-designed with the peak body, Aboriginal and Torres Strait Islander Housing Queensland, and is informed by the voices of more than 300 people and organisations. It is a strategy for change over the next eight years in First Nations housing and homelessness, delivered through two consecutive four-year action plans. Backed by \$61.3 million investment over four years from 2024-2027. The Our Place Action Plan brings together a suite of actions that address systemic challenges and respond to the unique cultural strengths, values and priorities of Aboriginal and Torres Strait Islander peoples in Queensland.

These actions will be delivered in partnership with local communities, to accelerate change and deliver immediate housing solutions. We can have a fairer and better future when First Nations peoples have a seat at the table and a greater say about housing solutions.

We are making a shared commitment to reduce the impact of social inequality on Aboriginal and Torres Strait Islander peoples and close the gap in housing outcomes. Together, we can make sure everyone in our community has a home as the foundation to thrive.

Action 1.3 of the Our Place Action Plan reaffirms the department's commitment to Local Housing Plan development to address systemic barriers that limit place-based decision-making, championing local First Nations leadership in housing and housing service delivery for improved outcomes for First Nations Queenslanders.

What is a Local Housing Plan and its Purpose?

The Wujal Wujal Local Housing Plan identifies local housing priorities, it is a strategic document to guide the Department of Housing and Public Works (DHPW or 'the department') and Council to deliver structural, service, and economic reforms to improve housing outcomes in Wujal Wujal.

The Wujal Wujal Local Housing Plan will be developed through a co-design process to inform ongoing housing services in Wujal Wujal.

A local housing plan (LHP) will:

- ✦ Provide the Wujal Wujal Aboriginal Shire Council, Community and government with a strategic focus and a tool to identify the needs and priorities for housing services.
- ✦ Ensure the Wujal Wujal Aboriginal Shire Council and Community are at the centre of decision making about local housing services.
- ✦ Identify the partnerships and arrangement to achieve housing outcomes.
- ✦ Form an agreement between DHPW and community to improve housing outcomes for Aboriginal and Torres Strait Islander Queenslanders.

The Wujal Wujal Local Housing Plan will be a living document that will be reviewed and monitored through new governance arrangements between DHPW and Council to ensure community priorities and concerns are raised and key actions and deliverables are identified to resolve issues. This will lead to better housing outcomes that meet the community need.

Version History

Version date		Endorsed	
		Council	DHPW
2022, May	Draft provided to Council for comment		
2022, November	Re-draft provided to Council for comment. Council suggested changes		
2023	January, July, December re-drafts provided to Council following engagement		
2024	June and August re-drafts provided to Council following engagement		
2025	March, re-draft provided to Council following engagement. Minor amendments in preparation for final draft.		

Closing the Gap

A long-term Australian Government funding commitment to Aboriginal and Torres Strait Islander housing is needed to address overcrowding, stimulate job creation and economic development in remote areas, and contribute to national intergovernmental efforts to Close the Gap on Indigenous disadvantage.

The National Indigenous Reform Agreement on Closing the Gap was signed on 30 July 2020 between Australian governments and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations. This Agreement includes a housing target for the first time, but no associated funding.

The Agreement commits Queensland to a range of targets, including a new housing target (Target 9) to 'By 2031, increase the proportion of Aboriginal and Torres Strait Islander people living in appropriately sized (not overcrowded) housing to 88%'.

As measured at the 2016 Census, Queensland's baseline was 79.4%. In 2021, according to the subsequent Census, 81.2% Aboriginal and Torres Strait Islander people in Queensland lived in appropriately sized (not overcrowded) dwellings, where no extra bedrooms were needed to adequately house the usual residents.

The Queensland Government's response to the Australian Government's funding shortfall initially included implementation of the Aboriginal and Torres Strait Islander Housing Action Plan 2019–2023 and the Queensland Housing and Homelessness Action Plan 2021–2025. Our Place: A First Nations Housing and Homelessness Roadmap to 2031 and Our Place: A First Nations Housing and Homelessness Action Plan 2024–2027 were developed to continue building upon these important foundations.

The department's remote capital investments are also aligned with Homes for Queenslanders, which is a whole-of-system housing plan following the good work begun under the Queensland Housing Investment Growth Initiative.

Homes for Queenslanders includes a target of one million new homes by 2046, including 53,500 new social homes of which 1,200 are earmarked for First Nations communities.

- ✦ As part of Homes for Queenslanders, the government is making a \$3.1 billion investment into housing and homelessness initiatives around 5 key pillars: Build more homes, faster.
- ✦ Support Queensland Renters.
- ✦ Help first homeowners into the market.
- ✦ Boost our social housing Big Build.
- ✦ Work towards ending homelessness.

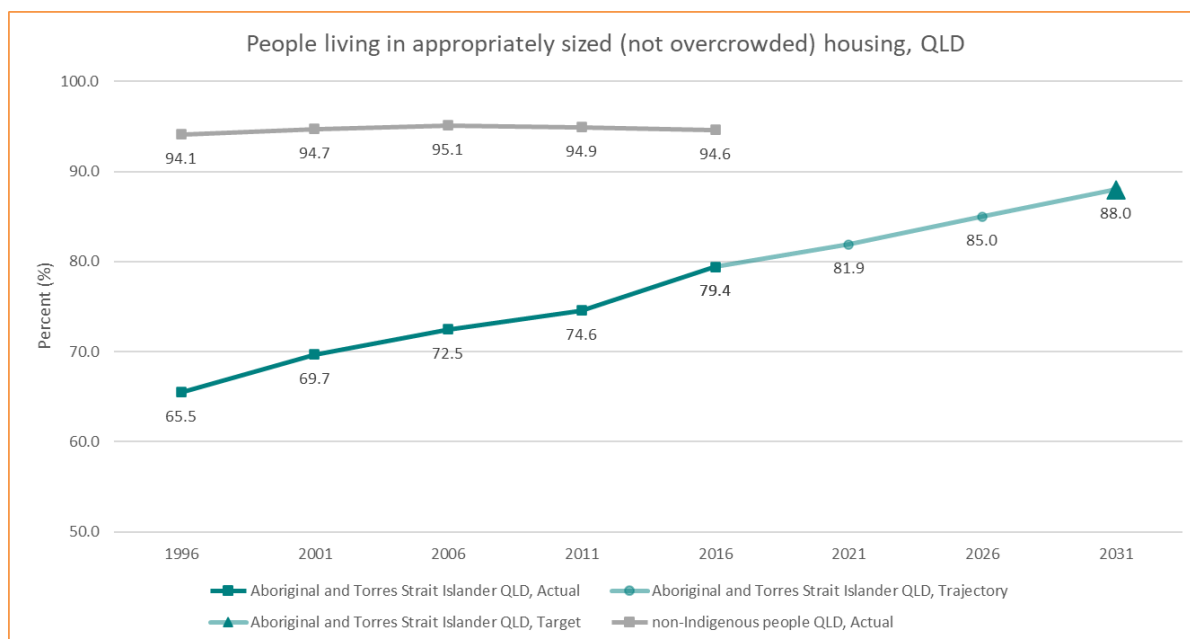


Figure 1: Aboriginal and Torres Strait islander people living in appropriately sized (not overcrowded) dwellings, including trajectory and Closing the Gap 2031 Target.

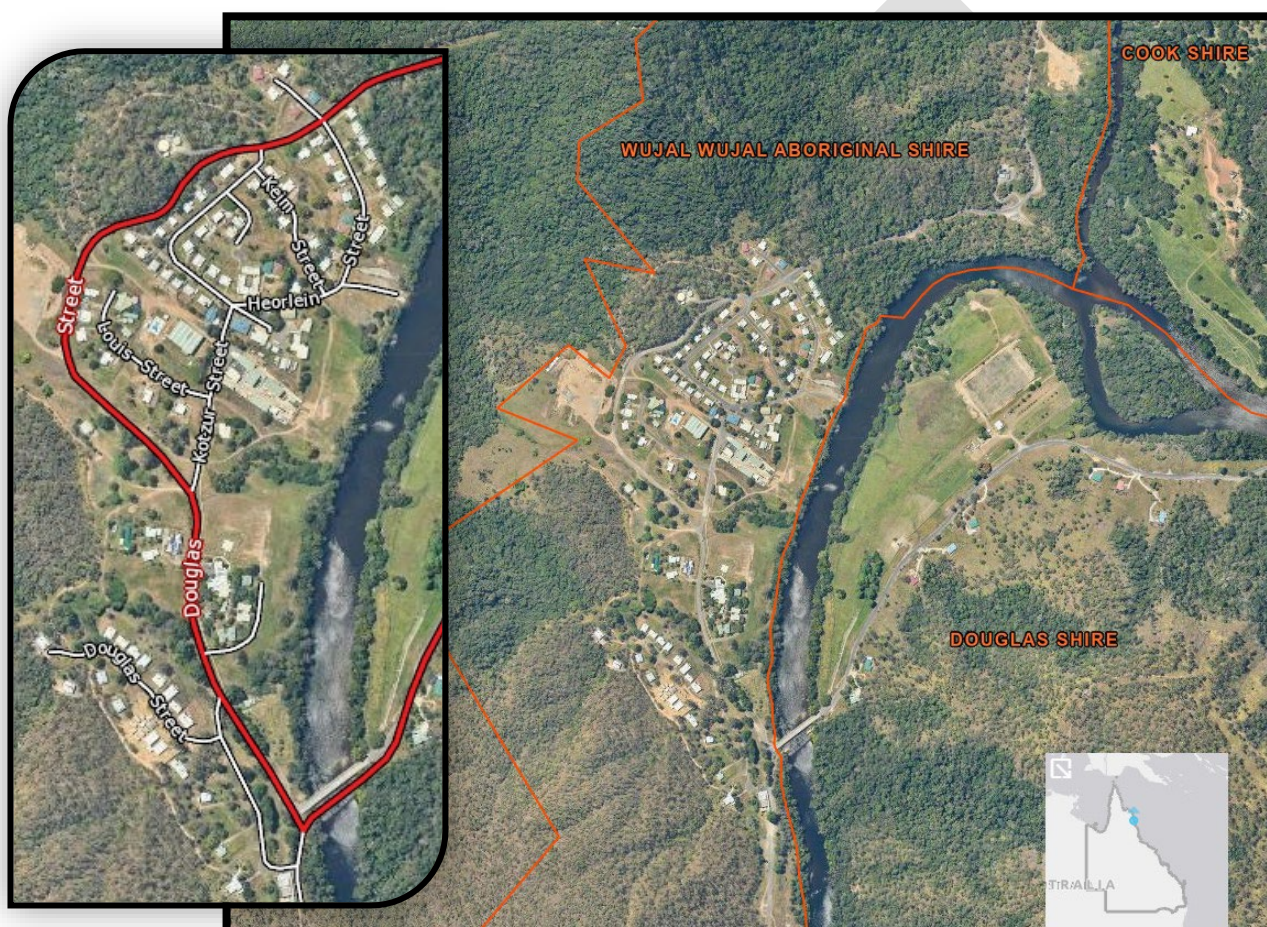
Our Community

About us

Wujal Wujal's local clans are the Kuku Nyungul and Jalunji peoples and the Eastern Kuku Yalanji who have native title to the Wujal Wujal area.

Wujal Wujal is located in the Cape York region about an hour's drive south of Cooktown. The surrounding environment and cultural tourism attract many people to the region. There are several Indigenous languages spoken within this community.¹

Council website <https://www.wujalwujalcouncil.qld.gov.au/>



2

¹ Wujal Wujal Aboriginal Shire Council, "Yulmbarri Bubunga" – Come to our land, available from <https://www.wujalwujalcouncil.qld.gov.au/>, 2022, accessed 2 November 2022.

² Queensland Government, *Queensland Globe*, Available at <https://qldglobe.information.qld.gov.au/>, 2022, accessed 3 November 2022.

Our Elected Council Representatives



Mayor Alister Gibson



Deputy Mayor Claudia Dougboy



Councillor Robert Bloomfield



Councillor Lucas Creek



Councillor Nikita Tayley

3

Founding of our Council

On 16 February 1980, the Bloomfield River mission was officially renamed Wujal Wujal (meaning 'many falls'). On 29 October 1987, the Aboriginal reserve held by the Queensland Government was transferred to the trusteeship of the council under a Deed of Grant in Trust.

On 1 January 2005, under the Local Government (Community Government Areas) Act 2004, Wujal Wujal Aboriginal Council became the Wujal Wujal Aboriginal Shire Council.⁴

³ Wujal Wujal Aboriginal Shire Council, *Meet your Council*, Images, available at <https://www.wujalwujalcouncil.qld.gov.au/council/meet-your-council/>, 2024, accessed 11 June 2024.

⁴ Queensland Government, *Wujal Wujal*, available at <https://www.qld.gov.au/firstnations/cultural-awareness-heritage-arts/community-histories/community-histories-u-y/community-histories-wujal-wujal>, 1995-2022, accessed 3 November 2022.

Flood recovery and resilience⁵

Tropical Cyclone Jasper crossed the Queensland coast as a category 2 system in the vicinity of Wujal Wujal at around 8pm AEST on the evening of 13 December 2023. The subsequent rainfall led to an extraordinary flooding event causing significant and record-breaking flooding resulting in isolation and evacuation of the community by emergency services. Community members were unable to return home for many months while the land, housing and community infrastructure were cleaned up, repaired and rebuilt. This event and its aftermath had a significant impact on the community.

Over 30 key stakeholders collaborated and coordinated with community through the Wujal Wujal immediate recovery with many continuing with recovery and resilience building through **Binalmalmal (learning)**, **Ngulkurrmanka (healing)** and **Kabanka (rising)**.

Following the TC Jasper flooding event a number of activities have been undertaken to secure community and infrastructure in the event of a similar flooding event.

Development of housing on higher ground

Through Master Plan preparation, Council worked with the Remote Indigenous Land and Infrastructure Program Office (RILIPO), relevant consultants and the department to develop a set of flood resilience concepts for consideration. Options focused on developing either a community place of refuge or housing development on vacant higher ground, specifically Lots 1 and 2 on SP301682.

Noting the preference of the community established following wider community consultation, Council unanimously passed resolution 20241029-03 to develop housing. While a place of refuge was deemed a suitable, the community felt that housing is crucial community infrastructure that allows community to shelter in place for longer periods, providing shelter for individuals and their families in case of any weather event or evacuation.

This project requires coordination between various state departments, a long timeline and substantial funding.

Homes on Country

The Wujal Wujal community has aspirations to build homes on Country. While these plans are in very early stages, Council is supportive and working with Jabalbina to progress this initiative over time.

⁵ Excerpts of this section taken from *Wujal Wujal Ngulkurrmanka (Healing)*, *Binalmalmal (Learning)* and *Kabanka (Rising)*, endorsed by Wujal Wujal Aboriginal Shire Council on Tuesday, 16 July 2024



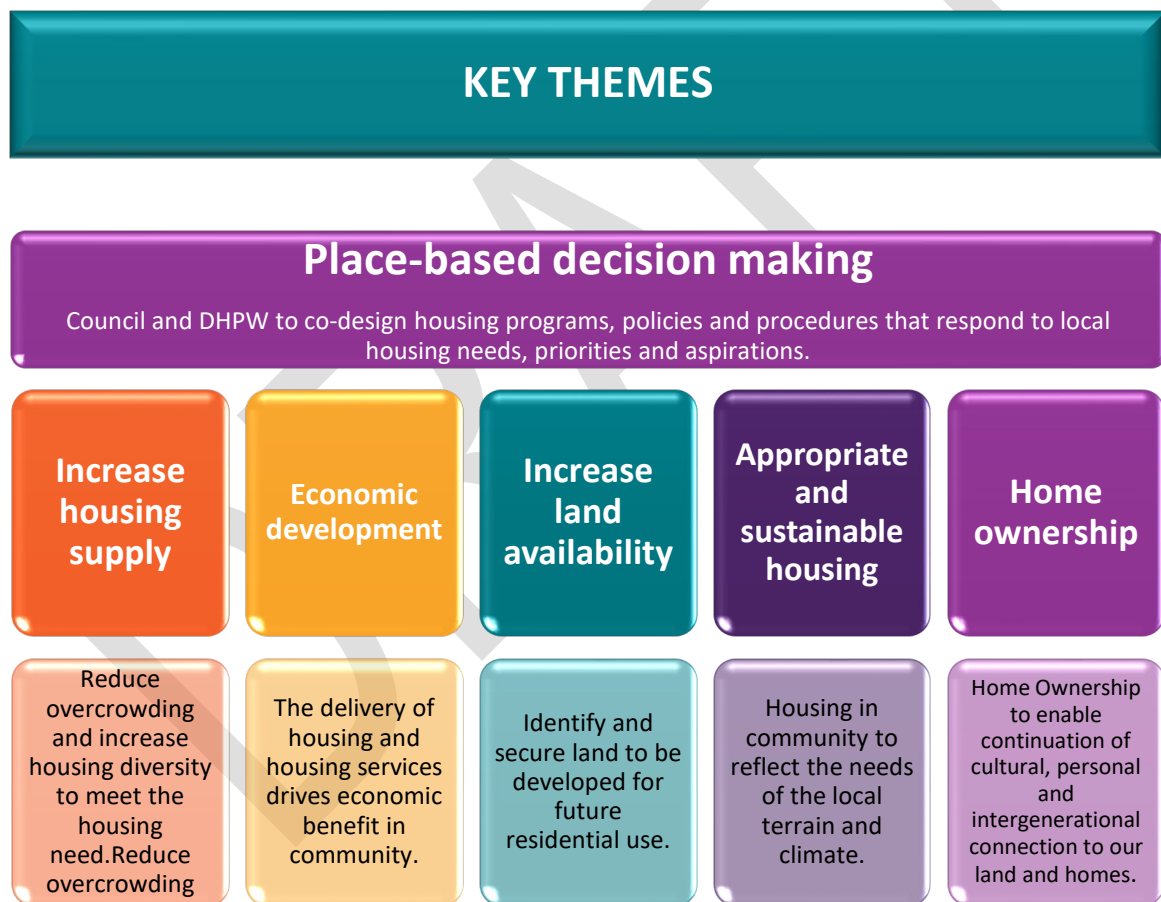
Figure 2:Wujal Wujal Township: Preliminary desktop analysis of Tropical Cyclone Jasper Infrastructure damage (Version - 09), Produced by Remote Indigenous Land and Infrastructure Program Office (RILIPO), Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities, and the Arts (DTATSIPCA), 14 March 2024.

What has been reflected through engagement

From November 2020 to February 2022 the department led a series of engagement sessions with remote and discrete Aboriginal and Torres Strait Islander Councils to facilitate discussion on housing issues and the development of a draft Local Housing Plan. Six key themes emerged: place-based decision making, increased housing supply, economic development, increased land availability, appropriate and sustainable housing, and home ownership.

These themes have been explored, considered, prioritised and expanded upon through six engagement sessions with the Wujal Wujal Aboriginal Shire Council throughout 2022, 2023, 2024 and 2025 to develop the Wujal Wujal Local Housing Plan.

To help inform further development of a Local Housing Plan the department has identified the following key themes and priorities across all Council areas. Further discussions will tailor priorities for Wujal Wujal to develop a final list of priorities that will inform actions to be implemented through a formal governance structure.



Wujal Wujal Priorities and Key Deliverables

<p>Priority Area 1</p> <p>Place-based decision making is an overarching theme</p>	<p>Key Deliverables</p> <p>We decide how housing services are delivered in our community. This will be delivered by:</p> <ul style="list-style-type: none"> 1.1 Develop and implement a strategy to collect data that accurately reflects our community 1.2 Strategic working group to monitor and evaluate the Wujal Wujal Local Housing Plan 1.3 Shared decision-making and accountability for the delivery of all Housing Services in Wujal Wujal 1.4 Housing policy and procedures that reflect community values and culture 1.5 Council has increased visibility and input into the development of upgrades and maintenance programs 1.6 Develop more effective reporting of maintenance issues 1.7 Key Performance Indicators for upgrades, maintenance and OT modifications 1.8 Incentive programs to encourage sustainable tenancies 1.9 Maintain a full time Wujal Wujal Local Housing Officer from the Wujal Wujal community 1.10 Develop local property inspector / officer positions 	<p>Responsibilities and timeframes to be outlined in associated Implementation Plan</p>
<p>Priority Area 2</p> <p>Increase housing supply</p>	<p>Key Deliverables</p> <ul style="list-style-type: none"> 2.1 Secure capital investment funds to reduce overcrowding 2.2 Increase housing diversity to meet Wujal Wujal's housing needs 2.3 Develop a shared understanding of current and future housing needs in Wujal Wujal 2.4 Time between tenancies is minimised to reduce vacancies in Wujal Wujal 2.5 Identify 'end of life' housing stock that can be redeveloped with higher density rebuilds including duplex, triplex and townhouses, and progress to maximise housing yield in conjunction with 4.4 	<p>Responsibilities and timeframes to be outlined in associated Implementation Plan</p>

Priority Area 3	Key Deliverables <p>The delivery of housing services in our communities supports Wujal Wujal's economic development.</p> <ul style="list-style-type: none"> 3.1 Increase local opportunities for employment through housing. 3.2 The investment of housing services in our communities supports local jobs, traineeships, apprenticeships, youth mentoring programs and provides ongoing opportunities for economic development across our communities. 3.3 Support the development of locally owned and operated Aboriginal and Torres Strait Islander businesses that are provided with opportunities to build capacity and capability and are registered with QBuild and Council. 3.4 Locally owned and operated Aboriginal and/or Torres Strait Islander businesses are considered when procuring works to deliver housing related services in Wujal Wujal. 3.5 Utilise local workforce to deliver housing related works. 3.6 Council to consider building Government Employee Housing to be built by and leased from Council under long term agreements. 	Responsibilities and timeframes to be outlined in associated Implementation Plan
Economic development		
Priority Area 4	Key Deliverables <ul style="list-style-type: none"> 4.1 Identify existing vacant land in Wujal Wujal. 4.2 Secure land for future residential development/subdivision. 4.3 Secure funding for land and infrastructure development. 4.4 Identify 'end of life' housing stock that can be redeveloped as subdivisions, and progress to maximise available land yield in conjunction with 2.5. 4.5 Boundary realignment to expand the WWASC Local Government Area. 	Responsibilities and timeframes to be outlined in associated Implementation Plan
Increase land availability		

<p>Priority Area 5</p> <p>Appropriate and sustainable housing</p>	<p>Key Deliverables</p> <p>All dwellings consider the specific needs of the community</p> <p>5.1 New house designs are informed by the community's housing need.</p> <p>5.2 Community consultation will inform final design of new housing construction and alterations.</p> <p>5.3 Overcrowded houses and homelessness within our communities is identified, options are explored, and a housing response is developed to address each situation in order of priority. This is to include tenancy management, property management and capital responses e.g. plug-ins and additional toilet and bathroom facilities.</p> <p>5.4 All new homes built in Wujal Wujal consider the unique location and is designed and delivered to have the least possible impact on our land and sea.</p> <p>5.5 Development of programs that support housing options for households that are outside the scope of usual tenancy policy/procedure e.g. air conditioners, generator plugs etc.</p> <p>5.6 Utilise the upgrade / maintenance programs to develop a local response to Rheumatic heart disease and other chronic illness and ensure healthy homes under reformed Closing the Gap targets that acknowledge improved health outcomes from suitable housing.</p> <p>5.7 All new homes will be built with consideration to potential flooding and remediations will include, but not be limited to, houses built out of the flood zone and appropriately elevated houses.</p> <p>5.8 Housing and alteration design and construction utilises robust materials to lessen ongoing maintenance and Points of Failure.</p>	<p>Responsibilities and timeframes to be outlined in associated Implementation Plan</p>
<p>Priority Area 6</p> <p>Home ownership</p>	<p>Key Deliverables</p> <p>Home Ownership is made available to ensure the continuation of our cultural, personal and intergenerational connection to our land and homes.</p> <p>6.1 Community members are provided with all necessary information to make fully informed decisions regarding home ownership, especially in regards to upfront and potential ongoing financial liabilities.</p> <p>6.2 Community members are provided opportunities to increase their financial literacy skills.</p> <p>6.3 Land tenure arrangements allow for Home Ownership in Wujal Wujal.</p> <p>6.4 Develop agreed sale price for sale of new social housing under 99-year home ownership lease.</p> <p>6.5 Reinvestment strategy for Home Ownership revenue to address overcrowding and homelessness.</p> <p>6.6 Affordable home ownership products made available to Wujal Wujal residents.</p> <p>6.7 Council to develop a robust decision-making framework to ensure all home ownership Expressions of Interest are processed in a consistent, transparent manner that minimises potential financial loss for Council.</p>	<p>Responsibilities and timeframes to be outlined in associated Implementation Plan</p>

How we will get there

Working Together

The Wujal Wujal Local Housing Plan will be delivered in partnership by Wujal Wujal Aboriginal Shire Council and the Department of Housing and Public Works. We know that working in partnership is the key to delivering responsive housing services that provide communities with the greatest outcomes. The Local Housing Plan will be delivered by:

- ✦ The formation of a working group to drive implementation of the deliverables identified in the Wujal Wujal Local Housing Plan. The working group will meet quarterly or as required to ensure the identified priorities are delivered appropriately.
- ✦ The working group will develop a monitoring and evaluation framework to drive shared accountability for implementation.
- ✦ DHPW and Council will implement new governance arrangements to ensure actions from the Local Housing Plan are implemented and housing outcomes are improved for Wujal Wujal tenants.
- ✦ A 12 monthly review and update of the Local Housing Plan, which may include community consultation and endorsement from, the Minister for the Department of Housing and Public Works and Wujal Wujal's Ministerial Champion.

Key Contacts

Council	First Nations Housing and Homelessness, DHPW
Mayor Alister Gibson	Sharon Kenyon, General Manager
Deputy Mayor Claudia Doughboy	Chantal Cora, A/Director, Engagement and Partnerships
Councillor Robert Bloomfield	Jacinta McKewen, Director, Delivery Services (Property and Tenancy)
Councillor Nikita Tayley	Rick Healey, Director, Remote Capital Delivery
Councillor Lucas Creek	Jacob McKenna, Director, Strategy, Policy and Performance
CEO, Kiley Hanslow	Martin Vinton, Director, Program Delivery

Governance Model

A number of arrangements are in place, being established or suggested to ensure a strong relationship and management between Council and the department in the delivery of housing outcomes for the community demonstrated in Appendix A. These include:

- ✦ Local Housing Plan Governance Meetings (Quarterly). Individual Councils, key departmental staff and cross-agency stakeholders as required. Led by Engagement and Partnerships (E&P).
- ✦ Operational Meetings (Bi-monthly or as required) through existing arrangements (Delivery Meetings [Led by Delivery] and Joint Operations Meetings [Led by QBuild]).

Our People and Community⁶

Demographic data, besides total population, refers to the Aboriginal and Torres Strait Islander population of Wujal Wujal utilising the Census 2021 Indigenous profile, unless otherwise stated.

Population

At the time of the 2021 census, **276 people were recorded as Wujal Wujal residents** (46.4% male and 55.8% female). **Aboriginal and/or Torres Strait Islander identified people represented 93.5% of the population – 258 people.** This data comprises the Wujal Wujal Local Government Area only and does not capture the households in Wujal Wujal that fall within Cook (7 households) and Douglas (8 households) Shire Local Government Areas.

Data from the Wujal Wujal Primary Health Care Centre provided in February 2023 places the **Wujal Wujal population at 419, almost all Indigenous. Council considers this a more accurate representation of the local population.** However, this data is unable to be disaggregated. As such, census data is used throughout the following demographic and housing discussions to form a picture of Wujal Wujal, while bearing in mind actual numbers are likely higher.

Unpublished Electoral Commission (AEC) data displayed in Figure 3 suggests a significantly higher population than census data. This data shows the population in Wujal Wujal aged 17 years and above may be undercounted by as many as 43 people (20.9% difference). This undercount has implications of the youth (under 18) as an additional 43 adults might suggest a significant undercount of these adult's children.

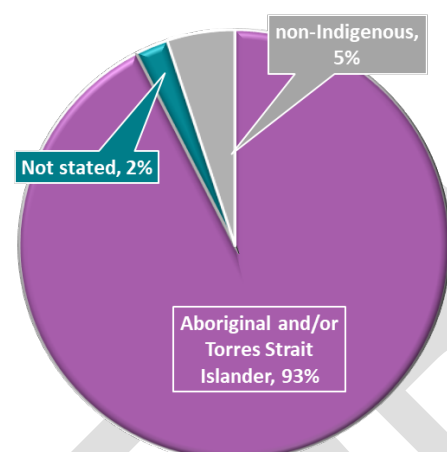


Figure 3: Cultural identification of population, utilising 2021 Census data

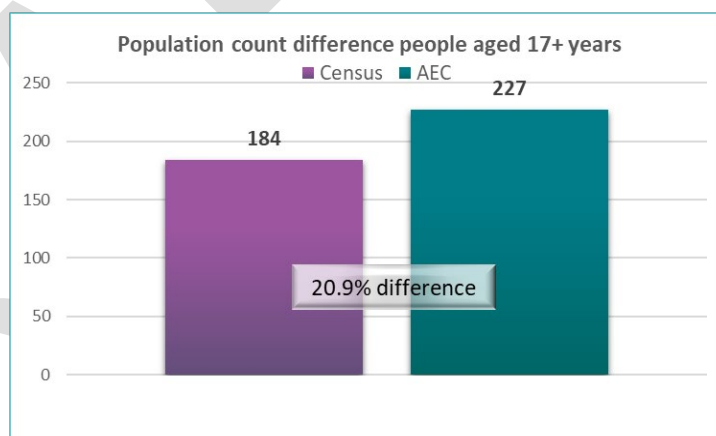


Figure 4: Comparison of adult population counts from 2021 census and unpublished data from the Australia Electoral Commission, utilising 2021 Census data and unpublished AEC data

⁶ Data is sourced from the Australian Bureau of Statistics (ABS) Census 2021 (Indigenous Profiles), unless otherwise stated. The Department acknowledges the limitations of this data raised by councils. Data will be updated as further information is available. The data presented reflects the captured housing related priorities only and should not be taken to represent all cohort types that exist within the community. Some aspects do not total 100 percent due to rounding and confidentiality adjustments by ABS.

Median Age

The median age for Aboriginal and Torres Strait Islanders in Wujal Wujal is 29, compared with 23 for Indigenous people throughout Queensland. Over a quarter (27.5%) of Aboriginal and Torres Strait Islander people are under 15 years of age.

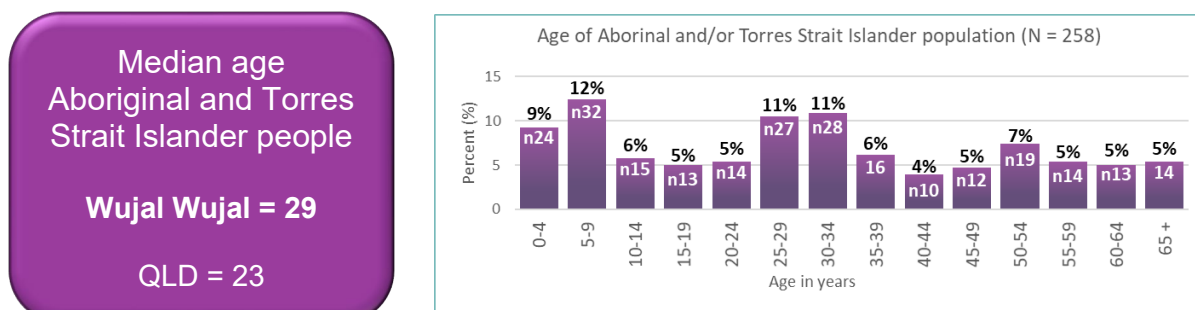


Figure 5: Age of Aboriginal and Torres Strait Islander population demonstrating raw number (n) and percentage (%) of population, utilising 2021 Census data

Homeless Population

On census night 2016, 13 people in Wujal Wujal identified as homeless, which is a rate of 461.0 per 10,000 people compared with 45.6 per 10,000 in Queensland.⁷



Projected Population

Projections from the Queensland Government Statistician's Office indicate a falling population in Wujal Wujal⁷. However, projected population is calculated from numerous data sources including population trends, registered births and deaths, land supply, and generalised birth rates which is set at 2.1 births per female for the 'high population growth' projection. We do not have the fertility rate for Wujal Wujal, however, in 2021 the fertility rate for Aboriginal and Torres Strait Islander women was 2.34 births per woman⁸ which would result in a positive growth rate in Wujal Wujal, and an increasing population. Additionally, **foundational population data is underestimated which further underestimates projected populations**. Projections are included as a general indication of how the Wujal Wujal population may change only.

⁷ Queensland Government Statistician's Office, Queensland Regional Profiles, available at <https://statistics.qgso.qld.gov.au/qld-regional-profiles> 1999 - 2022, accessed 26 October 2022.

⁸ Australian Bureau of Statistics, *Births, Australia*, available from <https://www.abs.gov.au/statistics/people/population/births-australia/latest-release>, n.d., accessed 14 November 2022.

The Wujal Wujal community suggest predictions of a decreasing population reflects lack of housing which pushes people out of the community, and shorter-term absences. The people of Wujal Wujal want to grow their community.

Wujal Wujal Projected Population 2041		
Low population growth	216	5 yearly growth rate -6.1%
Medium population growth	246	5 yearly growth rate -3.6%
High population growth	280	5 yearly growth rate -1.2%

Household Structure

The majority of household structures in Wujal Wujal are families, with only 18.7% of Aboriginal and/or Torres Strait Islander households being lone person households.

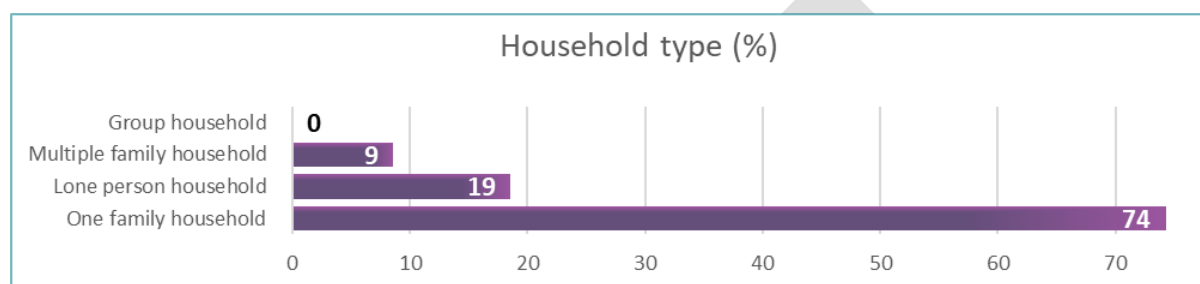


Figure 6: Household type as a percentage of Aboriginal and Torres Strait Islander households, utilising 2021 census data

Work and Labour Force Status

In Wujal Wujal, the unemployment rate for Aboriginal and Torres Strait Islander persons is 9.3%, however 70.5% of Aboriginal and Torres Strait Islander people are not in the labour force.

Not in Labour Force refers to persons of working age (15+) who are not employed and not looking for work. This includes retirees, persons with disabilities, those performing home duties and caring for children and various other temporary or permanent barriers to employment. Over a quarter (28.7%) of those not in the labour force are aged between 25 and 34 years.

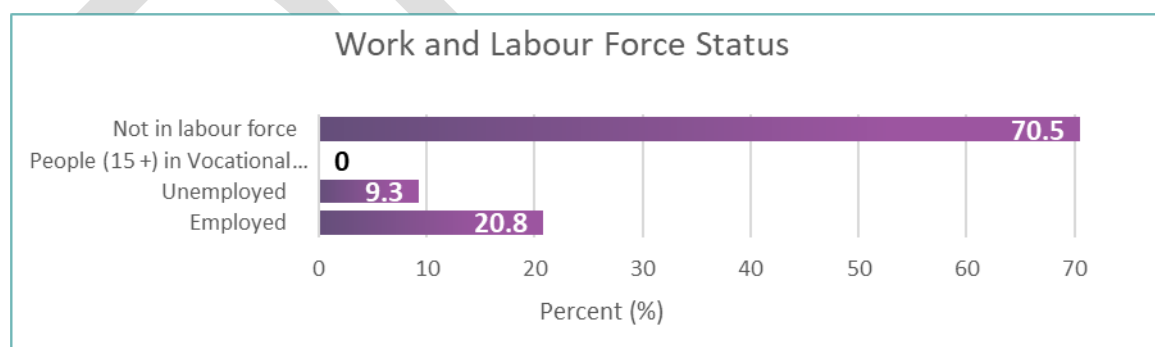


Figure 7: Labour force status of Wujal Wujal Aboriginal and Torres Strait Islander population including: not in labour force, people aged 15+ in vocational training and university, unemployed, and employed, utilising 2021 Census data

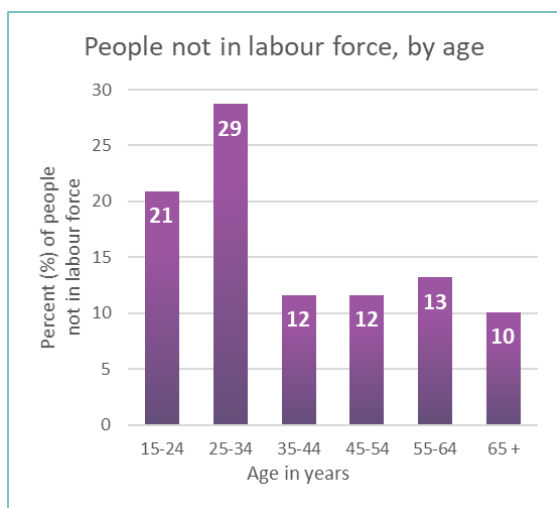


Figure 8: Age of people not in labour force as a percentage of population not in labour force

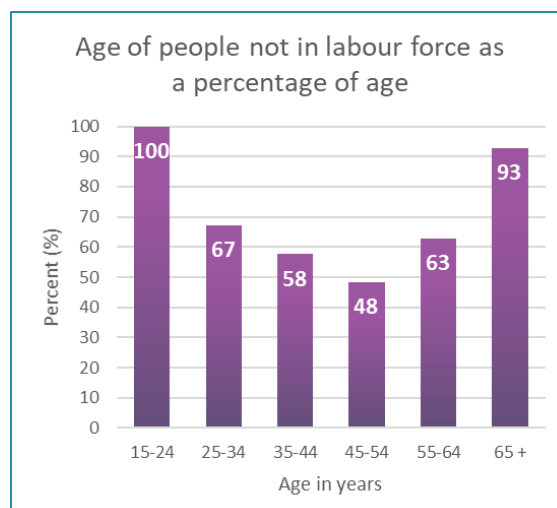


Figure 9: People not in labour force as a percentage of their age group, utilising 2021 Census data

Household Income

Total household income measures the income of all household members. As households vary in size, especially with overcrowding, the Australian Bureau of Statistics (ABS) adjusts (equivalises) household income to take into account household size differences.

Equivalised household income demonstrates that almost half (44.1%) of Aboriginal and Torres Strait Islander households in Wujal Wujal have incomes below \$400, with 83.8% of this cohort having incomes below \$1,000 per week. All non-Indigenous households (7 households) have weekly incomes above \$1,000 per week.

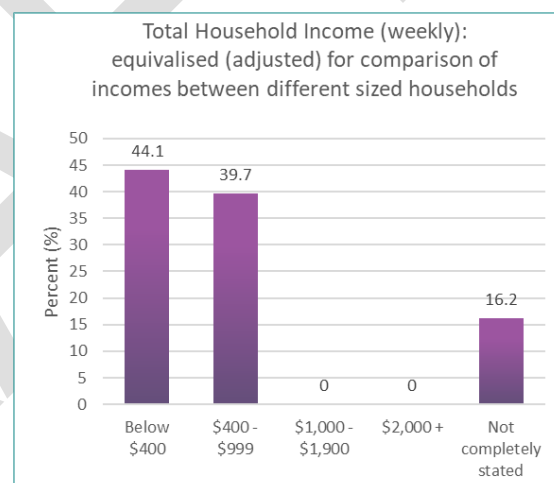


Figure 10: Total household income equivalised (by ABS) for comparison of income between different sized households, utilising 2021 Census data

Wujal Wujal Housing

Renting, Buying or Owned (Housing Tenure)

Almost all of the homes in Wujal Wujal are rented, including social housing and private rentals.

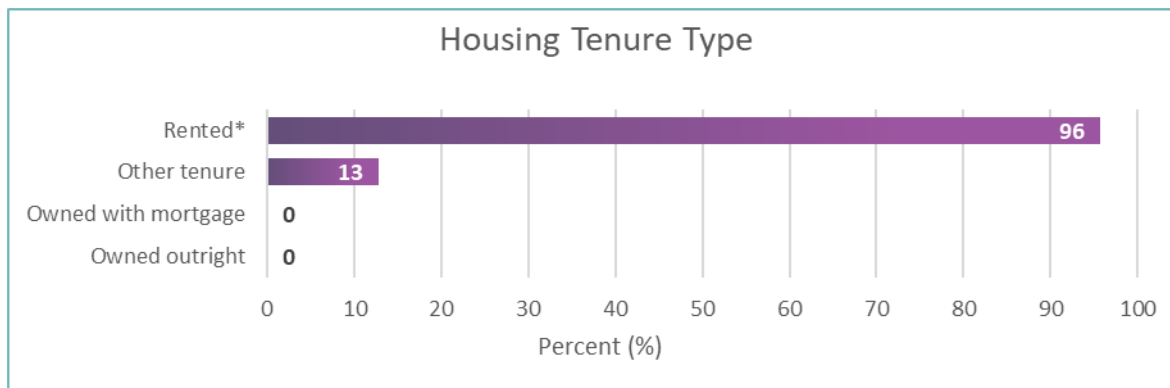


Figure 11: Housing tenure type, utilising 2021 Census data and acknowledging an error in collected or published data

Key Housing Characteristics

The average household size is 3.4 people for Aboriginal and Torres Strait Islanders in Wujal Wujal. The proportion of dwellings that require one or more bedrooms is 27.8%

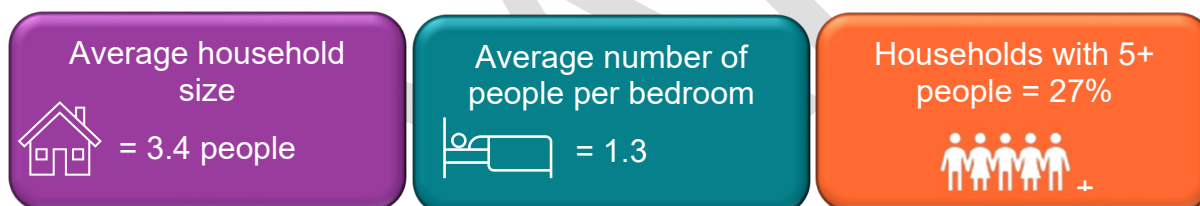


Figure 12: Household characteristics: household size, people per bedroom, and large households, utilising 2021 Census data

Social Housing – Existing Housing and Registered Need

Wujal Wujal has a total of 91 Social Housing Properties. DHPW tenancy manages all 91 properties in Wujal Wujal. The Community is serviced from the Cooktown Hub with a number of locally based positions, along with drive in/drive out support from Cairns. Approved applications are added to DHPW's Housing Register (the Register). Table 1 represents current stock and approved social housing applications in Wujal Wujal. Return to Community activity in early 2024 included an application drive encouraging people to make and update housing register applications where needed.

Table 1: Existing social housing stock in Wujal Wujal, and current (August 2024) approved housing applications including 8 x housing transfers (utilising unpublished Reside data), by bedroom number

	Current stock = 91			Current housing approvals (waitlist)
	Wujal Wujal	Douglas	Ayton	
1 B/R	8	-	-	11
2 B/R	20	-	-	6
3 B/R	37	-	7	11
4 B/R	10	8	-	1
5 B/R	1	-	-	-
Total	76	8	7	29
Number of bedrooms needed				60

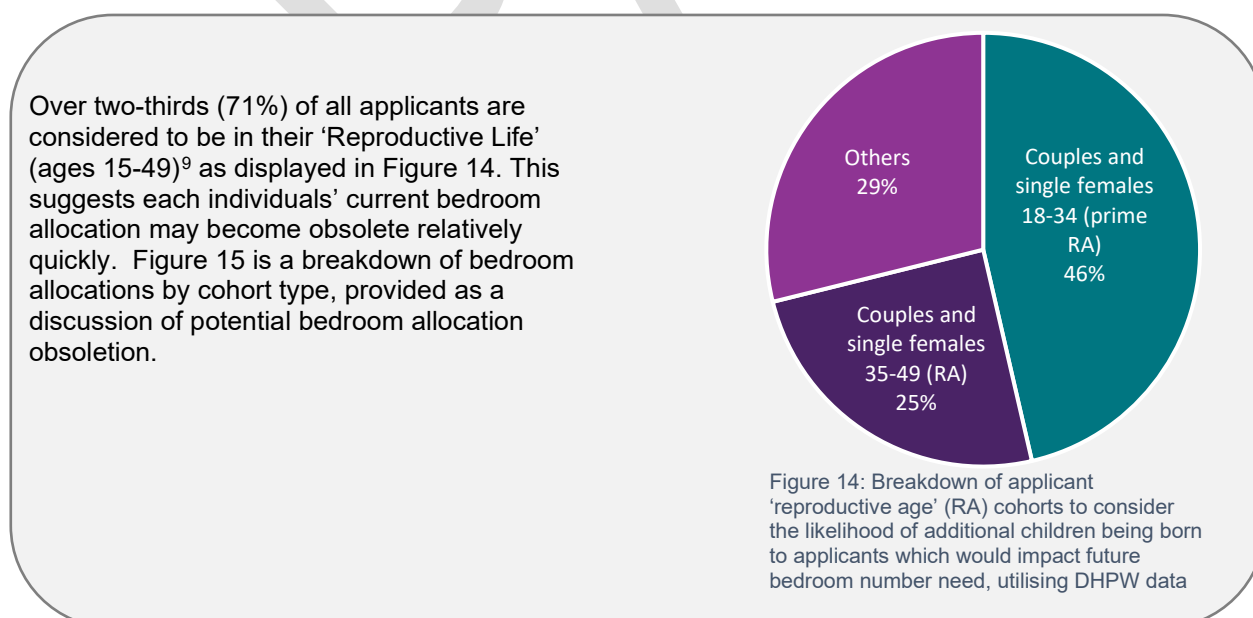
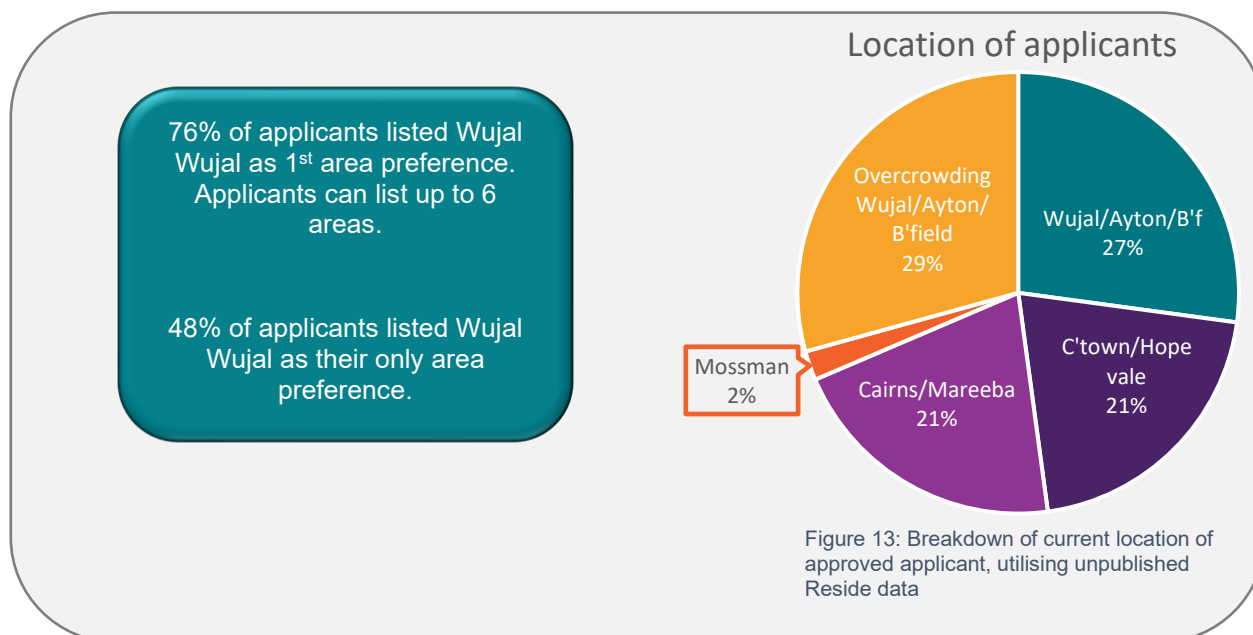
Table 2: Description of housing types and count of Wujal Wujal dwelling types (July 2023)

Housing Types	Description	Wujal Wujal = 76	Douglas = 8	Ayton = 7	Total = 91
Detached House	Completely separate structure on its own site which does not share any facilities with neighbours	64	-	7	71
Duplex	Two single story houses separated by a common wall	4	-	-	4
Dual Occupancy	Two detached houses on one site	-	-	-	-
Townhouse	Two storey houses sharing common walls. Allows two or more houses to be attached side-by-side typically with bedrooms upstairs, living downstairs	-	-	-	-
Cluster House	Three or more detached houses on one site	-	8	-	8
Apartment	Two or more attached (single storey?) houses on a single site e.g., triplex, quadplex etc.	8	-	-	8

Breakdown of Housing Register (waitlist) to consider Wujal Wujal's future housing needs

Current (August 2024) DHPW Housing Register **approvals** indicate that **29 dwellings with a total of 60 bedrooms are needed to meet current need**. However, 8 of these approvals are for housing transfers.

As this LHP is a future-focused document, consideration of future need is required. The following interpretation of available data is an attempt to consider what the future Wujal Wujal housing need may look like. However, this discussion must be treated with caution as accurate predictions are not possible. Both the Housing Register and census are snapshots of a point in time. This discussion attempts to apply assumptions to that snapshot to imagine what the Wujal Wujal population may look like in the near to medium (20 year) future.



⁹⁹ Australian Bureau of Statistics, *Births, Australia Methodology*, 2021, available from

<https://www.abs.gov.au/methodologies/births-australia-methodology/2021#glossary>, accessed 30 January 2023.

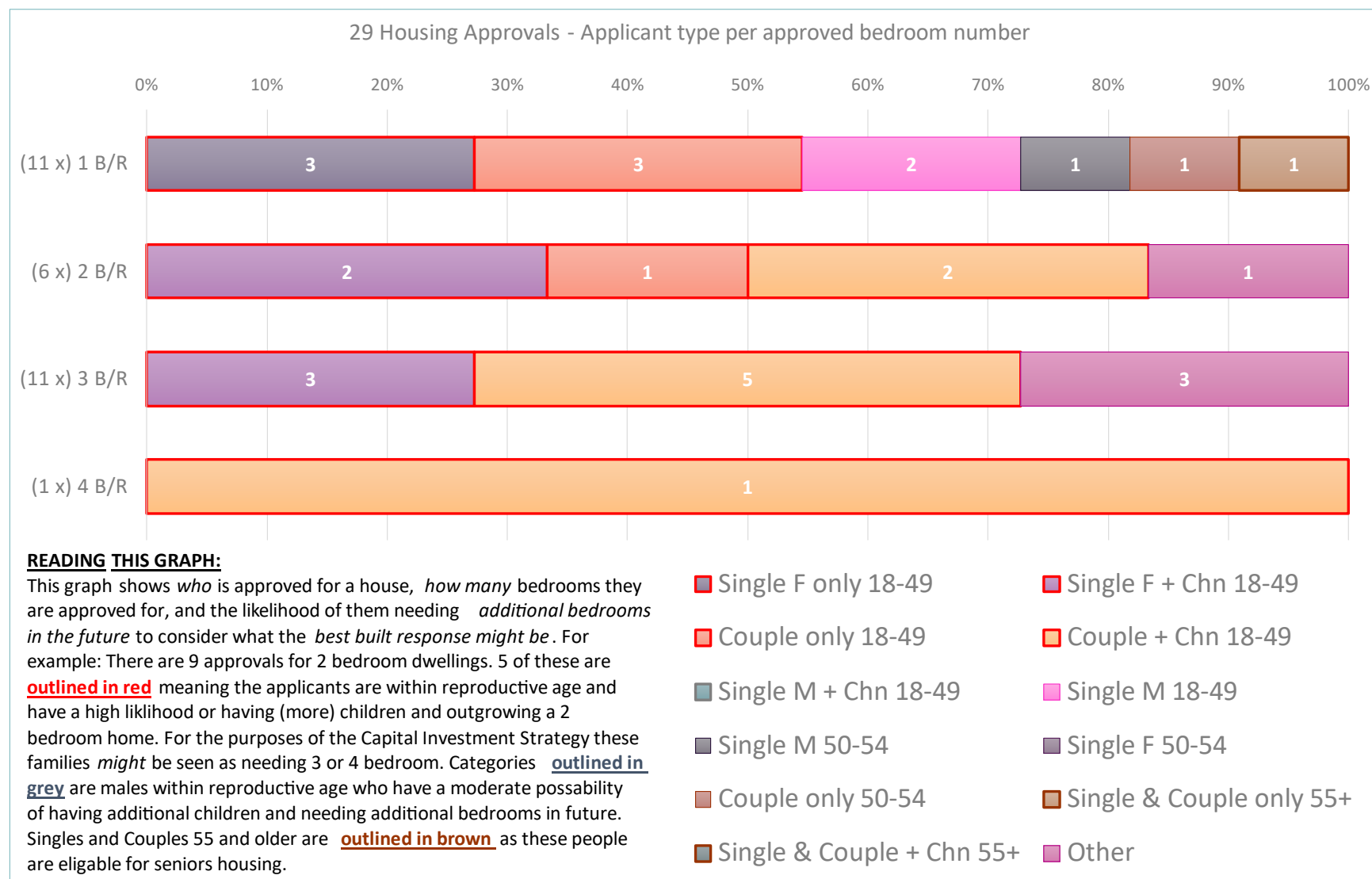


Figure 15: Breakdown of approved bedroom allocations by cohort. 50-55 years age bracket stands alone as people aged up to 49 are considered to be within their reproductive life and those aged 55+ are eligible for seniors housing. Utilising DHPW data (ALL009), Aug, 2024. F = Female, M = Male

Furthermore, potential future births need to be considered for future housing need, especially as Wujal Wujal has a large youth population (38%), as displayed in Figure 16.

At the other end of the spectrum are older generations, some who will be nearing end of life. Life expectancy at birth for Aboriginal and Torres Strait Islander people living in remote and very remote areas in 2015 - 2017 is 65.9 years for males and 69.6 years for females.

Wujal Wujal has a relatively small aging population as seen in Figure 16. This suggests a much lower rate of people leaving houses through natural causes than young people growing into needing their own homes, therefor supporting the need to increase housing stock beyond the Housing Register.

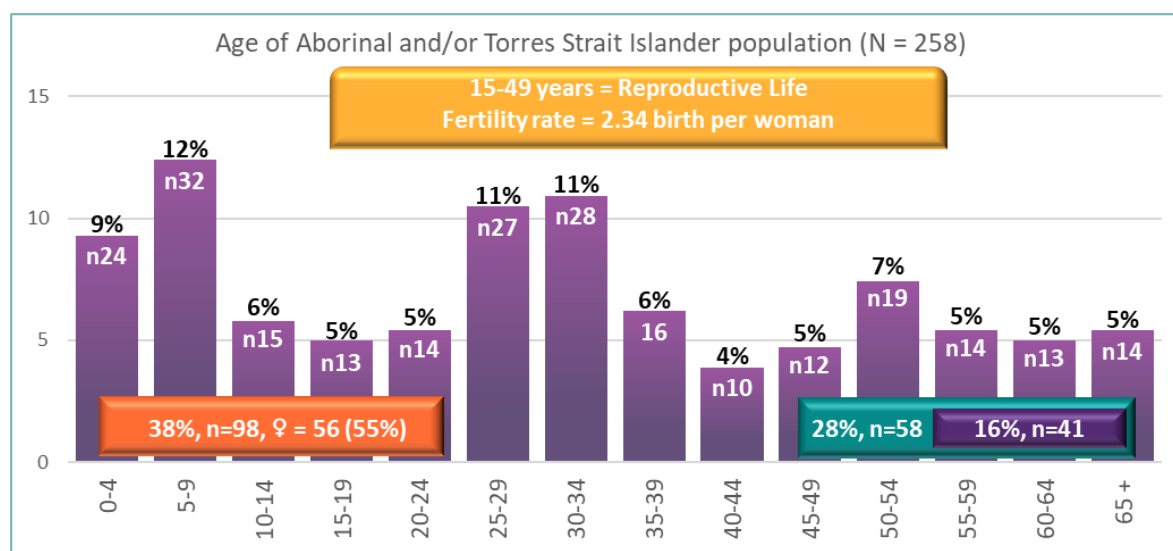
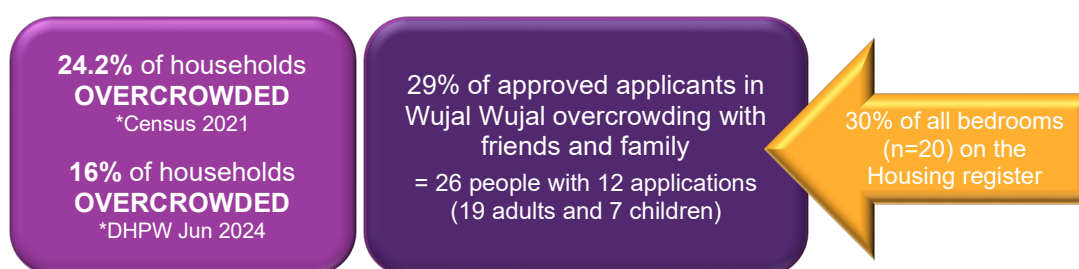


Figure 16: Breakdown of population by age group, additionally showing youth population with female youth population, older population, and national fertility information.

Bedroom number suitability – overcrowding

Anecdotal community evidence suggests chronic overcrowding. Evidence of overcrowding is supported by both census and DHPW data.



Home Ownership

Council supports the notion of home ownership, however only for homes suitable for taking ownership such as new builds, with the understanding that home ownership may not be suitable for everyone and should not result in financial stress for individuals or families. Council will continue to work with the department to develop a process appropriate for the Wujal Wujal community.

Government Employee Housing

Council is supportive of increasing Government Employee Housing within community, however land supply within the DOGIT remains a barrier.

Aged Care Accommodation

The community has aspirations to developing additional aged care living areas. Community consultation is underway to extend the aged care facility with the view to remain central to community. Residential aged care is a community aspiration and Council will continue to advocate towards this.

Council Owned and Managed Housing

Council owns staff housing within the DOGIT however this housing is insufficient for current and future staffing needs. Council is seeking to expand staff housing within the DOGIT.

Capital Works Investment

Interim Remote Capital Program Funding Agreement

In October 2018 the Queensland Government committed \$40 million towards an Interim Capital Program to sustain a modest level of construction and employment in Aboriginal and Torres Strait Islander communities, while negotiations were undertaken with the Australian Government for future housing construction funding.

Wujal Wujal Aboriginal Shire Council have received an allocation of \$2.35 million (GST not applicable) under this program. An initial funding agreement was in place to build nine self-contained units and one extension to an existing social housing dwelling to assist in reducing overcrowding. Although all projects commenced, only 4 units were able to be completed. In March 2024, Council wrote to the Department requesting termination of the Funding Agreement as Council no longer had the means or capacity to perform its obligations under the terms of the contract. In May 2024 the Department committed to completing the outstanding works for the remaining builds.

The current status of the program in the table below, is reported as at 6 March 2025. Any adjustments or variations to the program of works beyond 6 March 2025, will not be reflected in this document but will be managed through the operational management of the program. Adjustment or variations will be updated during the annual review process of the local housing plan.

Address	Yield	Status
Lot 25 Hartwig Street	1x2 Bedroom self-contained unit	Complete
Lot 29 Hartwig Street	1x2 Bedroom self-contained unit	Complete
Lot 38 Hartwig Street	1x2 Bedroom self-contained unit	Complete
Lot 39 Hartwig Street	1x2 Bedroom self-contained unit	Complete
Lot 10 Keim Street	1x2 Bedroom self-contained unit	Completion due July 2025
Lot 18 Keim Street	1x2 Bedroom self-contained unit	Completion due March 2025
Lot 51 Louis Street	1x2 Bedroom self-contained unit	Completion due March 2025
Lot 91 Louis Street	1x2 Bedroom self-contained unit	Completion due July 2025
Lot 90 Heorlein Street	1x2 Bedroom self-contained unit	Completion due March 2025
Lot 16 Third Street	1x2 Bedroom Extension	Completion due July 2025

Forward Remote Capital Program Funding Agreement

The \$105 million remote housing funding agreement is between the Commonwealth, Queensland Government and Aboriginal and Torres Strait Islander local government areas and the Torres Shire, and funding is to be used to address overcrowding. A funding methodology was agreed to at a workshop of Mayors held in February 2020 and confirmed with the Minister for Housing at a teleconference in September 2020.

Wujal Wujal Aboriginal Shire Council received an allocation of \$2,352,941 (GST not applicable) under this program and submitted a Housing Investment Plan on 1 December 2021 proposing the development of 1 x 9 lot subdivision, 1 x 5 lot subdivision, and three new social housing dwellings.

In December 2023 Wujal Wujal was severely impacted by a significant flood event and in March 2024, Council wrote to the department requesting termination of the Funding Agreement as they no longer had the means or capacity to perform its obligations under the terms of the contract. In May 2024 the





Department committed to continue working with Council to understand their future priorities for social housing investment, and if still within the scope of what the Councils determines as their highest priorities we will arrange the completion the nine-lot subdivision to accommodate future construction of new social housing dwellings.

Upgrades, Repairs and Maintenance program

The department manages annual funding for upgrades, and repairs and maintenance programs on social housing dwellings in Wujal Wujal. Planned maintenance and upgrade programs are developed in conjunction with Council from condition data provided through property inspections on the social housing dwellings.

The planned maintenance and upgrades program is project managed by QBuild, Department of Housing and Public Works. Works are delivered by Council.

The department, through the First Nations Housing and Homelessness unit, is responsible for coordinating the property management services to the Social Housing Portfolio within Wujal Wujal. These services include:





-  Undertaking Annual Property Inspections that check and identify any health, safety and security requirements for the asset.
-  Undertaking Condition Assessments on properties every 3 years to identify current maintenance requirements and future upgrade works
-  Overall program delivery of the Maintenance and Upgrade program.
-  The Property Management function to Wujal Wujal is provided by a Cairns based staff on a regular drive in/ drive out basis.

QBuild is DHPW's service delivery provider for the Maintenance and Upgrade program. QBuild are responsible to develop procurement methodologies and engagement of service delivery providers that maximises the use of place-based service providers (i.e. councils, local contractors).

Where place-based service providers are unable to meet the required procurement (i.e., tender closing dates etc) and program delivery timeframes (due to capacity and capability), QBuild will engage other registered service delivery providers to ensure the end of financial year program deliverables and timeframes are achieved.

As part of the disaster response and recovery of flooding from ex-Tropical Cyclone Jasper in December 2023. The department launched immediate action to restore social housing dwellings.

This included:

-  26 Social Housing homes received major upgrades after being significantly damaged.
-  Condition Assessments were completed on all 91 properties.
-  All identified maintenance works were reported to QBuild.
-  All required internal upgrades and internal paints were completed.

Since 2019, Wujal Wujal has received the following funding:

Annual Funding	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25 BUDGET
Upgrades	\$391,105	\$152,501	\$283,954	\$661,455	\$161,641	\$ 811,610
Maintenance	\$604,237	\$716,016	\$529,570	\$1,328,314	\$1,025,447	\$ 1,059,168
Total	\$995,342	\$868,517	\$813,524	\$1,989,769	\$ 1,187,088	\$ 1,870,778

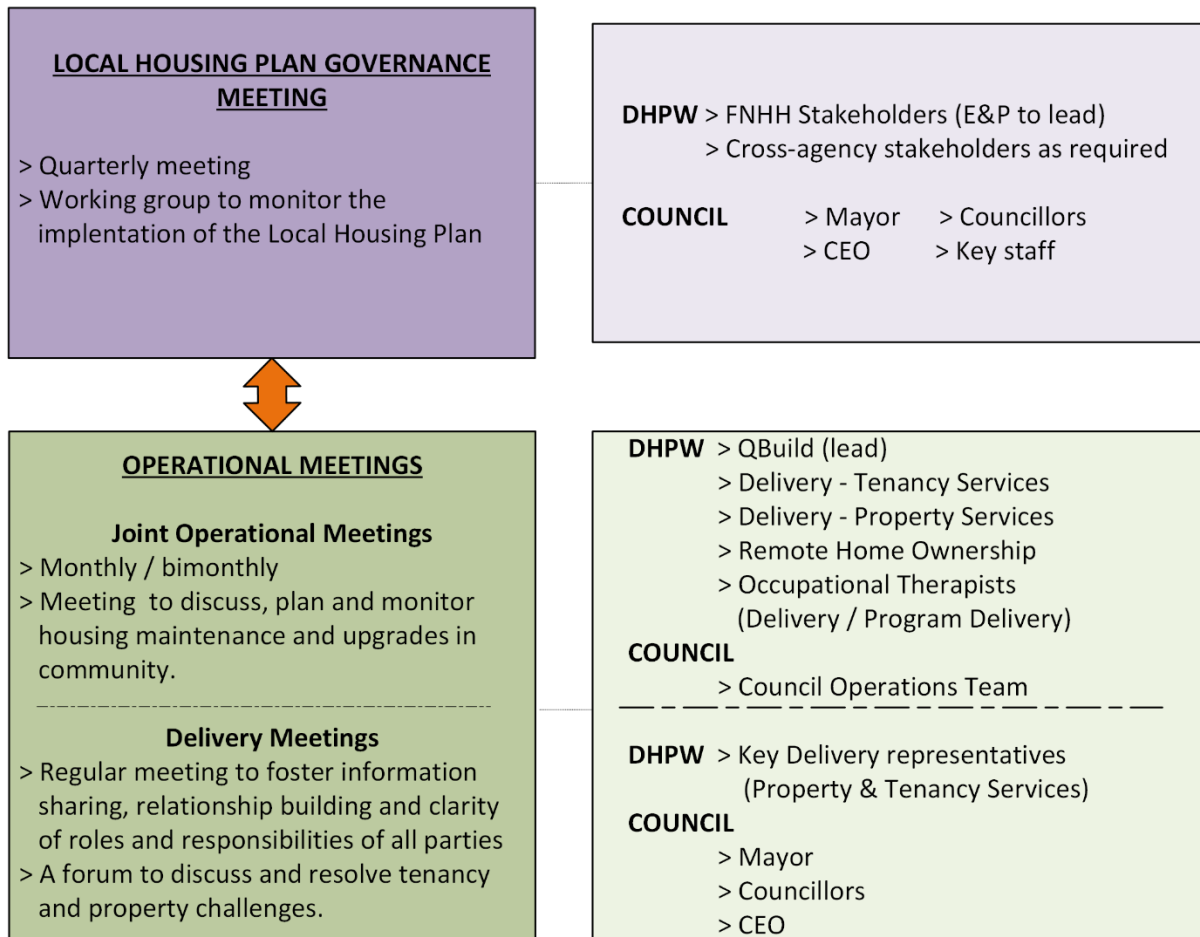
The following outputs have been achieved since 2019:

Annual Outputs	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25 BUDGET
Upgrades	9	3	10	10	4	43
Maintenance	599	852	575	987	567	-
Total	608	855	585	997	508	-

Appendix A

Draft Governance Structure First Nations Housing and Homelessness

- > Closing the Gap
- > Local Thriving Communities Reform Agenda
- > Homes for Queenslanders
- > Our Place: A First Nations Housing and Homelessness Roadmap 2031
- > Our Place: A First Nations Housing and Homelessness Action Plan 2024-2027



Local Decision-Making Bodies (LDMBs) (established under Local Thriving Communities (LTC)), contribute to decision-making and shared leadership across communities.

[illegible]

Appendix | 3

Public Interest Disclosure Policy



Public Interest Disclosure Policy

Document Control

Policy Category	Strategic				
Reviewed Adopted		Resolution Ref		File Reference	Magic 37131
Next review due	2027				

1. Origin / Authority

Wujal Wujal Aboriginal Shire Council

2. Purpose and Scope

Council is committed to fostering an ethical, transparent culture. where all staff members feel confident and comfortable about making a disclosure of wrongdoing and feel safe in the knowledge that they will not be subject to, or are provided with, strong protections against reprisal.

In pursuit of this, Council values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated.

Council will provide support to an employee or others who make disclosures about matters in the public interest. This Policy demonstrates this commitment, and ensures that practical and effective procedures are implemented which comply with the requirements of the *Public Interest Disclosure Act 2010* (PID Act).

The purpose of the Public Interest Disclosure Policy is to:

- Ensure the prompt and efficient action of all disclosure and compliance with the *Public Interest Disclosure Act 2010* and Council's Public Interest Disclosure Policy.
- Outline the disclosure processes and the required responsibilities of all employees.
- Allow for a prompt investigation into disclosure complaints.
- Ensure that appropriate action is taken when required.

This policy applies to all Councillors, Council officers and members of the public.

3. Policy Statements

3.1 Definitions

Allegation/Alleged Conduct	A stated belief or claim that is yet to be substantiated on the balance of probabilities
Anonymous	Where the person disclosing information does not identify themselves at any stage, to anyone.
Confidential Information	<p>Includes:</p> <ol style="list-style-type: none">1. Information about the identity, occupation, residential or work address or whereabouts of a person —<ul style="list-style-type: none">• who makes a public interest disclosure; or• against whom a public interest disclosure has been made.2. Information disclosed by a public interest disclosure; and3. Information about an individual's personal affairs; and4. Information that, if disclosed, may cause detriment to a person; <p>Does not include:</p> <ol style="list-style-type: none">1. Information publicly disclosed in a public interest disclosure made to a court, tribunal or other entity that may receive evidence under oath, unless further disclosure of the information is prohibited by law
Council/Councillors	The Wujal Wujal Aboriginal Shire Council and the elected members of Council including the Mayor.
CEO	The person appointed to the position of Chief Executive Officer under the Act and anyone acting in that position.

<p>Corrupt Conduct</p>	<p>As defined in section 15 of the Crime and Conduct Act.</p> <p>Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—</p> <ul style="list-style-type: none"> • a unit of public administration; or • (a person holding an appointment; and <p>(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—</p> <ul style="list-style-type: none"> • is not honest or is not impartial; or • involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or • involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and <p>(c) would, if proved, be—</p> <ul style="list-style-type: none"> • a criminal offence; or • a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment. <p>Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) impairs, or could impair, public confidence in public administration; and</p> <p>(b) involves, or could involve, any of the following—</p> <ul style="list-style-type: none"> • collusive tendering; • fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)— <ul style="list-style-type: none"> ○ protecting health or safety of persons; ○ protecting the environment; ○ protecting or managing the use of the State's natural, cultural, mining or energy resources; • dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets; • evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue; • fraudulently obtaining or retaining an appointment; and <p>(c) would, if proved, be—</p> <ul style="list-style-type: none"> • a criminal offence; or • a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.
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Disclosure	<p>What is a disclosure under the PID Act</p> <p>A disclosure is information that tends to show, or that the public official reasonably believes tends to show, disclosable conduct. Disclosable conduct is conduct engaged in by an agency, public official or contracted service provider. Types of conduct include:</p> <ul style="list-style-type: none"> • illegal conduct • corruption • maladministration • abuse of public trust • deception relating to scientific research • wastage of public money • unreasonable danger to health and safety or to the environment.
Investigation	For the purposes of this procedure, investigation includes any enquiry undertaken to establish whether the information provided in a PID can be substantiated, including a review or audit
Maladministration	<p>Administrative action that –</p> <ul style="list-style-type: none"> • Was taken contrary to law; or • Was unreasonable, unjust, oppressive, or improperly discriminatory; or • Was in accordance with a rule or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive or improperly discriminatory in the particular circumstances; or <p>Was taken –</p> <ul style="list-style-type: none"> • For an improper purpose; or • For irrelevant grounds; or • Having regards to irrelevant considerations; or • Was an action for which reasons should have been given, but were not given; or • Was based wholly or partly on a mistake of law or fact; or • Was wrong
PID	Public Interest Disclosure is a disclosure about wrongdoing in the public sector that serves the public interest, uncovers corruption and other misuses of public resources.
PID Standards	As detailed on the Queensland Ombudsman’s website. Refer to following link: https://www.ombudsman.qld.gov.au/what-we-do/role-of-the-ombudsman/legislation-and-standard
Property Authority	A person or organisation that is authorised under the Public Interest Disclosure Act 2010 to receive disclosures.
Public Officer	A public officer, of a public sector entity, is an employee, member or officer of the entity.
Reasonable Belief	A view which is objectively fair or sensible.

Reportable Conduct	<p>Is conduct by a person or persons connected with council which is:</p> <ul style="list-style-type: none"> • Dishonest • Fraudulent • Corrupt • Illegal (including theft, drug sale/use, violence or threatened violence and criminal damage against property) • A breach of legislation or local laws • Serious improper conduct • Unsafe work practices • Conduct which may cause financial or non-financial loss to the council or be otherwise detrimental to the interests of the council • Gross mismanagement • Serious or substantial waste • Repeated instance of breach of administrative procedures
Reprisal	Any person causes or attempts or conspires to cause, detriment to another person because or in the belief that a person has made or make a PID
Substantial	Substantial means 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight or importance.
Specific	Means 'precise or particular'. This refers to conduct or detriment that is able to be identified or particularised as opposed to broad or general concerns or criticisms.
The Act	Shall mean the Public Interest Disclosure Act 2010.

3.2 General Statement

- Everyone whether a Councillor, employee or member of the public, plays an important role in identifying cases of maladministration, official misconduct and the misuse of public resources or contraventions giving rise to dangers to public health and safety, the environment or to persons with disabilities.
- All disclosures will be handled in the same manner regardless of whether the disclosure is made from a person or public official.
- Disclosure must be made to the proper authority, namely a public sector entity and Council can only pursue disclosures where the information and the subject of the disclosure relates to the conduct of Council or that Council has the power to investigate.

Council will:

- Promote the public interest by facilitating public interest disclosures (PIDs)
- Ensure that PIDs are properly assessed and, where appropriate, properly investigated and dealt with
- Ensure appropriate consideration is given to the interests of persons who are the subject of a PID, and
- Ensure protection from reprisal is afforded to persons making a PID.



Responsibilities

3.3.1 Chief Executive Officer and Senior Managers

The Executive Management Team members are responsible for:

- The communication of expectations that all employees are required to conduct their duties to high professional and ethical standards and always act in the public interest, (refer to the Code of Conduct).
- Reasonable procedures are in place to deal with a disclosure and that those procedures are published to enable persons and public officials to access them.
- The disclosures are properly assessed, investigated and dealt with, including appropriate action being taken in relation to any wrongdoing in a disclosure.
- That employees making a disclosure receive support and protection from reprisal.
- That all legislative obligations in relation to reporting and investigation are met.
- That all matters involving suspected official misconduct are referred to the Crime and Corruption Commission pursuant to the *Crime and Corruption Act 2001*.

3.3.2 Supervisors

All supervisors are responsible for maintaining an ethical culture and leading by example to:

- Provide clear direction to employees on how to raise matters that involve official misconduct, while maintaining confidentiality and natural justice;
- Ensure that employees in their operational area are aware of their obligations in relation to the requirements of the Public Interest Disclosure Policy and this procedure; and
- Monitor the workplace for signs of reprisal against a Disclosure or an employee who is the subject of a disclosure under the principles of natural justice.

3.3.3 Employees

All employees are responsible for;

- Complying with the Public Interest Disclosure Policy and this procedure and Council's Code of Conduct.
- Reporting their concerns about suspected misconduct or unethical behaviour in accordance with the Public Interest Disclosure Policy and this procedure.
- Participating in various awareness training programs.

3.4 Making a Disclosure

A disclosure can be made in writing (preferable) or orally and anonymously.

A person making an anonymous disclosure, direct to Council, should disclose as much information as possible to enable Council to respond appropriately.

A disclosure may be made in accordance with Section 17 of the *Public Interest Disclosure Act 2010* to a proper authority.

Under this section a disclosure may be made to any of the following:

- The Chief Executive Officer.
- In the case of Council, the Mayor.
- For a Council Employee, the direct Manager or Supervisor.
- The Queensland Ombudsman if the disclosure concerns official misconduct.

Any disclosure pertaining to the CEO or a Councillor shall be dealt with in accordance with current statutory provisions.

A person should disclose anything that they think may constitute a disclosure and be prepared to provide evidence to support the disclosure to the investigating officer.

- All disclosures will be treated with strict confidentiality and shall not be discussed (including any correspondence) with any other person other than chosen support persons.
- Under *section 46* of the Act, Disclosers have a right of appeal or review, internally and externally on the management of and/or a decision regarding their disclosure. External review avenues include the Queensland Ombudsman and the Crime and Corruption Commission.
- Some disclosures are not protected by the Act, including disclosures made to the media, frivolous or vexatious disclosures, those that question the merits of Council policy and those that are made to avoid disciplinary action.
- To intentionally make a false disclosure is an offence under *section 66* of the Act.
- Disclosures can be made directly to the Crime and Corruption Commission regarding misconduct, or the Ombudsman concerning maladministration or concerning a Member of Parliament.

3.4.1 Information to provide when making a disclosure

Contact Details

- provide contact details (this could be an email address that is created for the purpose of making the disclosure or a telephone number)

Provide as much information as possible in writing about the suspected wrongdoing, including:

- who was involved
- what happened
- when it happened
- where it happened
- whether there were any witnesses, and if so, who they are
- any evidence that supports the PID, and where the evidence is located, and
- any further information that could help investigate the PID.

3.5 Support and Protection

- Management will treat all disclosures in the strictest of confidence, including disclosures which do not qualify as an actual disclosure as defined in legislation.
- All concerns are taken seriously and privacy and confidentiality will be protected as far as possible throughout any investigation process.
- An employee may share information with an assistance provider appointed by council, union representative or an appointed support person.
- Under *section 36* of the Act, a person is not liable civilly, criminally or under an administrative process for making a disclosure.
- An employee cannot be dismissed on the basis of making a disclosure or intending to make a disclosure in accordance with the Act.
- Under *section 40* of the Act, Council is responsible for preventing detriment including any reprisals and bullying to the maker of a disclosure. It is also an offence for an employee to make a reprisal because of a belief that another person has made or intends to make a disclosure.
- If a person feels as though they have been disadvantaged or subjected to a reprisal for making a disclosure, they should raise the matter immediately with their senior management.
- Council will ensure that all people involved in an investigation of a disclosure, either as a Discloser or subject, will be offered an appropriate level of support and case management.
- Action will be taken to ensure where possible that people's identities and details of the disclosure remain confidential.

- Subject officers are assumed to be innocent of any adverse allegations until there is evidence to the required standard of proof to show otherwise. The rules of natural justice apply to any subject officer under investigation in respect to an allegation made against them.
- It is the responsibility of the responsible officer of the proper authority to provide feedback to the Discloser about the progress and the outcome of the disclosure. Council also undertakes to keep the Discloser who is not a public officer informed of the progress of their disclosure.

Any apparent conflict between disclosure and confidentiality is risk managed by Council through a clear focus on the prevention of fraud, wrongdoing and unethical behaviour.

3.6 Responsibility Person dealing with a Disclosure

- The Chief Executive may appoint a Council Officer or other person to deal with a specific application.
- The responsible person is to ensure that the matter meets the criteria under the Act and, if so, the person prepares recommendations for appropriate management consideration.
- If a disclosure pertains to an administrative action, environment or safety concerns the responsible person refers the disclosure to the relevant Council section or the appropriate State Government Department or agency.
- If a disclosure requires an investigation, Council will commence an appropriate investigation process. In some instances, certain investigations may be referred to external organisations for investigation, recommendation and/or completion.
- The responsible person will liaise directly with the relevant State Government Department or agency as required, maintain the required registers, and complete all legislative reporting requirements.
- When a disclosure investigation has identified a discipline breach, the responsible person makes the appropriate recommendations for action for Council, the CEO or EMT consideration.

The responsible person is to update the appropriate senior management on the ongoing progress of any disclosure investigations and processes as appropriate.3.7 Education and Training

Council will facilitate educational awareness programs for councillors and staff pertaining to the Public Interest Disclosure Policy and Public Interest Disclosure Procedure.

3.8 Record Keeping and Reporting

The Act requires Council to keep an adequate record of public interest disclosures, including details of the discloser, the nature of the information disclosed, and action taken by Council, even where the disclosure is investigated and found to be incorrect. This is done so that disclosers are identified and can be protected from reprisal.

The PID Coordinator is to maintain a confidential file pertaining to each potential PID, with the following requirements –

- The name of the person making the disclosure (if known)
- Details of the disclosure
- The determination made in respect of the PID claim
- Action taken on the disclosures (including review, investigation or other form of managerial response)

4. Application

This policy applies to all employees, volunteers and contractors (workers) of Council.

This Policy will commence on adoption by Council. It replaces all other policies (whether written or not).

5. Associated Policies, Processes and Forms

- Code of Conduct for Employees
- Code of Conduct for Councillors
- Complaints Management Process
- Public Information Disclosure Process

6. Relevant Legislation

- Local Government Act 2009
- Local Government Regulations 2012
- Public Interest Disclosure Act 2010 (PID Act)
- Crime and Corruption Act 2001.
- <https://www.apsc.gov.au/public-interest-disclosure-scheme>
- <https://www.ombudsman.gov.au/Our-responsibilities/making-a-disclosure/information-for-disclosers>

7. Review

Council will formally review this policy every two years.

Kiley Hanslow

Chief Executive Officer

Wujal Wujal Aboriginal Shire Council

Appendix | 4

Funeral Financial Assistance Policy



WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

Funeral Financial Assistance Policy

Document Control

Reviewed Adopted	2009	Resolution Ref	Unknown	File Reference	5195
Reviewed Adopted	2015	Resolution Ref	Unknown	File Reference	10734
Reviewed Adopted		Resolution Ref		File Reference	36743
Next review due	2026				

1. Origin / Authority

Wujal Wujal Aboriginal Shire Council.

2. Purpose and Scope

Purpose: To assist families including those of current or former Councillors who may need assistance with the financial burden associated with funerals within Wujal Wujal.

Scope: This policy applies to community members and current or former Councillors who were living in Wujal Wujal immediately before, or at the time of their death, **and** who will be buried in Wujal Wujal.

3. Policy Statements

3.1 Grant Funding Applications to cover the value of the assistance given

Council would seek funding from grants to cover the costs to Council of this Funeral Financial Assistance.

- The family applying for this financial assistance should contact the Community Services Manager to apply for the funding.
- Only one grant will be provided for each funeral.
- The Community Services Manager is the primary point of contact for any application for this funeral financial assistance and will maintain a checklist of funeral financial assistance provided.

3.2 Value of Funeral Financial Assistance - families

Subject to the conditions that this applies only to **families of community members** who were living in Wujal Wujal immediately before or at the time of their death **and** who will be buried in Wujal Wujal the following is available:

- Up to \$200 for flowers may be provided, as directed by the Mayor.
- Up to \$500 is available for the assistance of the funeral costs of any community member who was living in Wujal Wujal immediately before, or at the time of their death **and** who will be buried in Wujal Wujal.

3.2 Value of Funeral Assistance to current or former Councillors

This applies only to current or former Councillors who were living in Wujal Wujal immediately before their death **and** who will be buried in Wujal Wujal the following is available:

- Up to \$200 for flowers may be provided, as directed by the Mayor.
- Up to \$1000 is available for the assistance for the funeral costs of a past or currently serving Councillor, who will be buried in Wujal Wujal.

3.3 Financial assistance is paid directly to the service provider, not to an individual or family

- Any financial assistance approved by the Community Services Manager will be paid directly to a service provider, it will not be paid directly to individuals. For example, funds for flowers will be paid directly to the florist, funds for funeral costs will be paid to the funeral parlour.

4. Application

- Families may apply for funding under section 3.2 **or** section 3.3, they may **not** apply for both.
- This policy applies only to those who meet the criteria outlined in sections 3.2 and 3.3.
- This Policy does **not** form part of any employee's contract of employment.

5. Associated Policies, Procedures and Forms

- Funeral Assistance funding application form
- Funeral Assistance Funding application procedure

6. Relevant Legislation

Not applicable

7. Review

Council undertakes to regularly review this policy to take account of changes in legislation, activities, services and products. As a result of this review, changes may be made to this policy from time to time.
Council will formally review this policy every two years.

Kiley Hanslow

Chief Executive Officer

Wujal Wujal Aboriginal Shire Council

Appendix | 5

Asset Management Policy



Asset Management Policy

DRAFT

Document Control

Policy Category	Strategic				
Reviewed Adopted		Resolution Ref		File Reference	Magiq 37128
Next review due	2027				

1. Origin / Authority

Wujal Wujal Aboriginal Shire Council

2. Purpose and Scope

Wujal Wujal Aboriginal Shire Council applies the asset management policy framework to achieve the following objectives:

1. Ensure that Council delivers effective and efficient services and infrastructure, at the appropriate levels to residents, visitors and the environment.
2. Safeguard Council assets including physical assets and employees by implementing appropriate asset management strategies, and appropriate financial treatment of those assets.
3. Create an environment where all Council employees will take an integral part in overall management of Council assets (create asset management awareness throughout Council).
4. Meet or surpass legislative compliance for asset management.
5. Ensure resources and operational capabilities are identified and responsibility for asset management is allocated.
6. Demonstrate transparent and responsible asset management processes that align with appropriate best practice.

Wujal Wujal Aboriginal Shire Council is committed to implementing a systematic asset management methodology in order to implement appropriate asset management best-practices across all areas of Council. This includes ensuring that assets are planned, created, operated, maintained, replaced and disposed of in accordance with Council's priorities for service delivery.

Asset Management relates directly to the objectives of Council's Corporate Plan and will ensure that Council delivers the appropriate level of service through its assets. This will provide positive impact upon:

- Members of the public and staff.
- Council's financial position.
- The ability of the organisation (Council) to deliver the expected level of services and infrastructure.
- The political environment within which the Council operates.
- The legal liabilities of Council.

This policy applies to all council activities and services and service delivery.

3. Policy Statements

Council's operational and long-term financial decisions are developed to ensure sustainable services and reduce the risk exposure to an acceptable level through its management of assets for present and future communities. Council will realise value of its managed assets through managing risk and opportunity, in achieve the desired balance of cost, risk and performance in the delivery of services to the community.

Council is committed to the asset management fundamentals of value, alignment, leadership, and assurance for:

- | | |
|---------------------------------------|-------------------------------------|
| • Long term financial sustainability | • Demonstrate social responsibility |
| • Improved financial performance | • Demonstrate compliance |
| • Informed asset investment decisions | • Enhance Councils reputation |
| • Management of risk | • Improve sustainability |
| • Continuous improvement | • Improve utilisation of assets |

The management of assets and service potential will be achieved by:

- ensuring the strategic goals for the organisation drive effective asset management;
- asset management planning will be linked to, and support, other corporate planning, review and reporting processes;
- integrating strategy planning, financial affordability, capital and operational works planning;
- maintaining a long-term financial plan which demonstrates that the full costs of an asset are borne equitably by all users (including future users) of the asset, including a basis for allocating depreciation and obsolescence;
- ensuring that the lowest lifecycle cost of an asset is achieved while maintaining agreed levels of services
- annually prioritising capital investment plan and reviewing asset management strategies
- measure, monitor and review, asset and service management values and performance;
- ensuring consistency through the use of asset management systems, business processes and governance requirements with available technology for continuous improvement.
- ensuring a consistent service delivery approach to asset management;
- improving through leadership, cross functional integration, effective communication, collaboration and influencing culture; and

Definitions

Council:	Wujal Wujal Aboriginal Shire Council
CEO	Chief Executive Officer (of Council)
Asset	An asset is an item or thing that has potential or actual value to council and community.
Asset Management	To provide effective control and governance to infrastructure assets to realise value through managing risk
Asset Management System	A system that forms an integrated part of council's management of mission, corporate plan, policies, objectives, asset and service management plans, operational plans, supporting activities, control activities, and other relevant processes.
Business Case/Planning Report	A Business Case demonstrates the advantage and value of a new service/asset and a Planning Report details the alternative delivery methods and the recommended option.
Lifecycle Cost	The total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, depreciation, rehabilitation, and disposal costs.
Strategic Asset and Service Management Plan	The management of one or more infrastructure assets and services that combines management techniques(including financial and technical), resources, activities, and time scale over the life cycle of the asset in the most cost-effective manner to provide a specified level of service incorporating a long-term financially informed projection of the activities and objectives.
Value	Assets exists to provide tangible, non-tangible, financial or non-financial benefits to council and the community in accordance with the Council objectives.

4. Application

This Policy will commence on adoption by Council. It replaces all other policies (whether written or not).

5. Associated Policies, Documents and Forms

- Operational Plan
- Corporate Plan

6. Relevant Legislation

- Local Government Act 2009
- Local Government Regulations 2012

7. Review

Council will formally review this policy every two years.

Kiley Hanslow

Chief Executive Officer

Wujal Wujal Aboriginal Shire Council

DRAFT

Appendix | 6

Administrative Action Complaints Management Policy



Administrative Action Complaints Policy

Document Control

Version History:	Feb 2025				
Policy Category	Statutory				
Reviewed Adopted		Resolution Ref		File Reference	36656
Next review due	Annual				

This policy is to remain in force until otherwise determined by Council.

1. Origin / Authority

Wujal Wujal Aboriginal Shire Council

2. Purpose

2.1 Purpose

This policy has been developed to support Council's continuing commitment to inclusive and ethical governance for Wujal Wujal Shire by appropriately addressing complaints from external sources.

s 268(1) of the *Local Government Act 2009* requires Council to establish a complaints management system (CMS) for resolving administrative action complaints.

The Complaints Management System has been established to ensure complaints are dealt with fairly, objectively, professionally, respectfully and subject to any legal requirements, in confidence.

Council aims to provide a level of customer service that does not attract complaints, but:

- acknowledges the right of the public and its staff to complain when dissatisfied with a service, and encourages feedback from customers, clients, staff and the general public;
- requires staff to be 'complaints friendly' and not defensive or negative about feedback and complaints; and
- recognises that properly handled and analysed, complaints and feedback help Council to improve its business processes and therefore, time spent on handling complaints is an investment in better service to the public.

2.2 Scope

This policy applies to all administrative action complaints lodged by an affected person. It has been established to achieve the following objectives:

- Provide a framework for the resolution of complaints about the administrative actions of Council which is easy to understand and readily accessible to all.
- Ensure complaints are treated in a fair and objective manner and that an efficient and consistent approach is undertaken with the assessment of all complaints.
- Enable appropriate implementation of enhancements to Council's administrative processes through the effective management of complaints.
- Foster an organisational culture of continuous improvement.
- Establish relevant and on-going training to build the capacity of staff to effectively manage complaints.

Whilst this policy is intended to capture all complaints, there are certain processes in complaint management which are regulated by legislation and therefore separate policies or systems may apply, for example:

- Complaints about the conduct or performance of the Mayor or Councillors are dealt with under the Code of Conduct for Councillors Policy.
- Complaints against employees and reports of suspected official misconduct are dealt with under the relevant policy and procedure.
- Competitive Neutrality Complaints are managed through the Competitive Neutrality Complaints Management Process.
- Public Interest Disclosures are dealt with under Council's Public Interest Disclosure Policy.

Administrative actions complaints which involve more serious conduct issues will be dealt with under the processes set up for dealing with the more serious conduct issue. For example:

- 1) An administrative action complaint which alleges councillor or staff corruption will be dealt with as per the requirements of the *Crime and Corruption Act 2001* and the *Crime and Corruption Regulation 2015*. If an administrative actions complaint alleges corruption on the part of Council's Chief Executive Officer, Council's *Chief Executive Officer Corruption Allegation Policy* will also apply.
- 2) An administrative action complaint which alleges misconduct or inappropriate conduct by a councillor as defined under the *Local Government Act 2009*, will be dealt with as per the requirements of that legislation.

3. Policy Statements

3.1 Definitions

Term	Definition
Administrative Action Complaint	An administrative action complaint is defined in s 268(2) of the <i>Local Government Act 2009</i> as a complaint that is about an administrative action of a local government including the following: a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision; an act, or a failure to do an act; the formulation of a proposal or intention; the making of a recommendation; and is made by an affected person.
Affected person	A person who is apparently directly affected by an administrative action of Council.
Complainant	The affected person or organisation making a complaint.
Council Officer	Includes a permanent, temporary, casual or contract person under Council employment.
Frivolous matter	A matter viewed as trivial, lacking in substance, or unworthy of serious attention. Considerations include whether: <ul style="list-style-type: none"> • The complainant has a history of making false or unsubstantiated complaints; • There is no information to support the allegation in any way; • The allegation is not serious or sensible, and is of such a nature that a reasonable person could not treat it as being bona fide; • The allegation is without any foundation and appears to be designed to harass, annoy or embarrass the subject officer; • The allegation is inherently improbable and there is no information that in any way supports it.
Investigating officer	The officer selected to investigate the complaint and may be a supervisor, manager or an external investigator.
Management Team	Team comprising of the Chief Executive Officer and Managers of Council.
Request for service	A request for the Council to take action to satisfy the needs of a customer.
Vexatious complaint	A complaint which is intended to, or perceived to intend to cause distress, embarrassment, or to harass the subject of the complaint (may also relate to Frivolous complaints).

3.2 Complaints

A **complaint** is a record of a customer's dissatisfaction with delivery of a product or service offered by Council or the unsatisfactory conduct of a Council officer.

- This is distinct from a request for service.
- However, a request for service may develop into a complaint where the provision or timeliness of the service is considered unsatisfactory.

Council reserves the right to refuse to investigate a complaint if it is reasonably considered that:

- the complaint is trivial, concerns frivolous matters, or was vexatious; or
- the complainant does not have a sufficient direct interest in the administrative action which is the subject of the complaint; or
- the complainant has a right of appeal, reference or review, or another remedy that the person has not exhausted; or
- the complaint has been previously investigated formally by Council.

3.3 Timeliness of Complaints

Administrative action complaints must be made **no later than six months** after the affected person was notified or became aware of the administrative action objected to.

- Any request for an internal review of a decision taken by Council with regards an administrative action complaint must be received within 20 business days of the day on which the complainant receives advice as to the outcome of Council's primary complaint assessment and decision.
- Applications for internal review received outside these timeframes will only be accepted where the relevant Council officer under Council's Administrative Actions Complaints Process decides that exceptional circumstances apply.

3.4 Lodgement Process

All administrative action complaints will be:

- 1) Accepted regardless of the means by which they are provided, whether by phone, in person, in writing or anonymously with minor exceptions as set out in the Complaints Management Process Map
- 2) Acknowledged, assessed and resolved in a timely manner;
- 3) Dealt with fairly, confidentially and objectively;
- 4) Where appropriate, referred to external agencies;
- 5) Managed in a way which complies with relevant legislative requirements;
- 6) Used in the preparation of regular reporting to Council's executive leadership team and are reflected in information published in Council's annual reports as required by legislation.
- 7) Tracked and monitored;
- 8) Resolved by mediation, negotiation and informal resolution where possible.

3.5 Investigation

The investigating officer will take all reasonable and necessary actions to objectively and impartially assess the complaint.

- All documents received or created will be officially recorded.
- The timeline to complete the assessment of the complaint is **15 business days** from Council's receipt of the complaint.
- Should the complaint be of a complex nature this timeline may be extended upon written advice to the complainant.

3.6 Results of Investigation (non-anonymous complaints)

Each non-anonymous complainant is to be:

- 1) Provided with written statements as to the outcome of their complaint as soon as practical and within the relevant timeframe stipulated in Council's *Administrative Actions Complaints Process*;
- 2) Provided with the reasons for the outcome of their complaint;
- 3) Advised of internal review and/or external appeal options if relevant.

3.7 Anonymous Complaints

Council acknowledges the inherent difficulty in investigating and resolving complaints made by unknown persons. Nevertheless, anonymous complaints, or complaints from people who wish their names to be held in confidence, will be accepted for investigation, provided there is sufficient information to enable an investigation to be conducted.

3.8 Human Rights

The Human Rights Act 2019 places requirements on Council to act and make decisions in a way that is compatible with human rights. When responding to administrative action complaints, Council will review the matter in line with Council's Human Rights Policy and the Human Rights Act 2019.

3.9 Unreasonable Customer Conduct

- All administrative action complaints received by Council will be given serious consideration and all complainants will be treated equitably and with courtesy.
- Notwithstanding the above, Council recognises that customers may behave in a manner which may result in a waste of Council resources if accepted.
- If a complainant has demonstrated a pattern of lodging complaints which is repetitive or of a frivolous nature; or if a complainant's behaviour is unreasonable, argumentative or threatening; Council may decide to warn a complainant that it may apply restrictions on staff contact and communication should the behaviours continue. Alternatively, Council may decide to actually apply such restrictions.

3.10 Continuous Improvement

Council will also use the *Administrative Actions Complaints Process* to assist in the delivery of excellent customer service, encourage open and honest communication, improve community confidence in Council's management of complaints and pursue continuous improvement.

4. Responsibilities

Responsible Officer	Responsibility
Chief Executive Officer	Promote a culture that values complaints and their effective resolution and provide adequate support and direction to key staff responsible for handling complaints.
Executive Leadership Team	Encourage excellence in customer service by Council officers and ensure that all officers implement the Council's complaint management policies and procedures in the manner intended by Council. Encourage and support recommendations for system improvements.

Responsibilities continued...

Responsible Officer	Responsibility
Governance Coordinator	Oversight of the Customer Complaints Register and coordination of complaints received. Oversight of the policy and annual review of the effectiveness of the complaints management process
Managers	Provide reports to ELT on issues arising from complaint handling work and ensure recommendations arising from the process are canvassed where appropriate. Encourage staff managing complaints and assist them to resolve them promptly.
All Staff	Treat all people with respect, including people who make complaints.

5. Associated Policies, Processes and Forms

- Competitive Neutrality Complaints Management Policy
- Complaints Involving Corruption of a Public Official (CEO) Policy
- Complaints Management Policy
- Complaints Management Process Map
- Administrative Action Complaints Management Form

6. Relevant Legislation

- Crime and Corruption Act 2001
- Crime and Corruption Regulation 2015
- Human Rights Act 2019
- Information Privacy Act 2009
- Information Privacy Regulation 2009
- Integrity Act 2009
- Integrity Regulation 2011
- Ombudsman Act 2001
- Public Interest Disclosure Act 2

7. Review

This policy is to be reviewed whenever legislation changes, or every 2 years if no changes have been required to be enacted, at the direction of the Chief Executive Officer.

Kiley Hanslow

Chief Executive Officer

Wujal Wujal Aboriginal Shire Council



Administrative Action Complaints Management Complaint Form

We want to make it easy for you to complain.

Simply fill out this form and send it to Hope Vale Aboriginal Shire Council, by mail, email, or fax.

If you prefer, you can ring our office or visit our website for advice on how to complain.

Thank you for taking the time to help us improve our services.

Date this complaint is lodged: _____

1. Contact Details

Name	
Email	
Address	
Phone	
Preferred way for Council to contact you:	

Are you the person affected by the matters of this complaint?	Please check the relevant option:	
	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If no, please provide contact details for the person on whose behalf you are acting

Name	
Email	
Address	
Phone	

Does the person affected by the complaint have a disability or other special need?

Yes ☐

If yes, please specify:

2. Describe the complaint

Have you made a related complaint to Council before?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please state when the previous complaint was made and the nature of the previous related complaint.	Date previous Complaint was made: _____	Nature of previous complaint:

Use additional pages if needed.

[illegible]

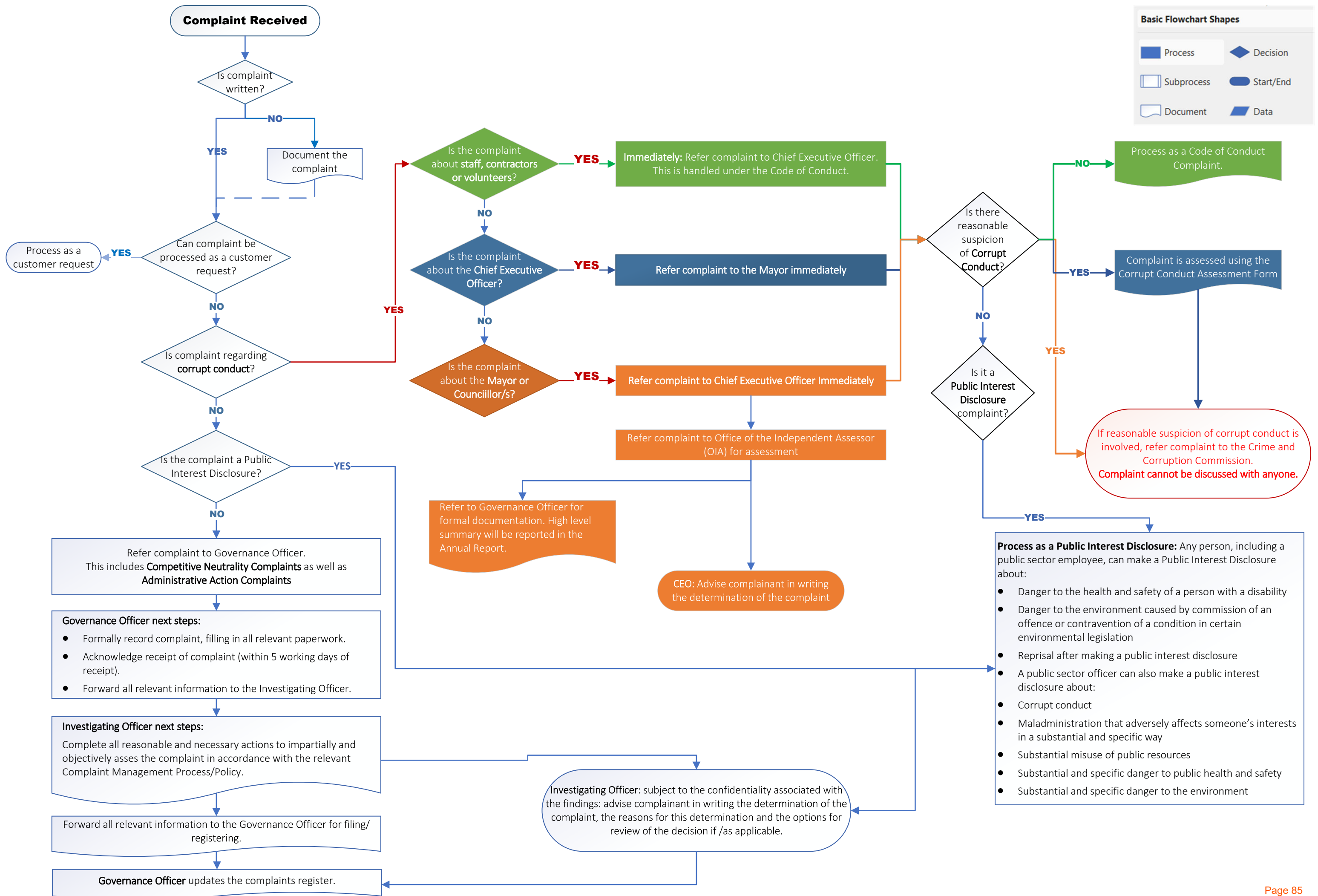
Let us know if you have spoken to a professional advisor or government department and tell us what advice was received and when.

[illegible]

Signature _____ Date _____

We will contact you within 15 business days of receiving this complaint and advise you what we will do and the expected time it will take.

Your information will be treated confidentially.



Appendix | 7

Competitive Neutrality Complaints Management Policy



WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

Competitive Neutrality Complaints Management Policy

Document Control

Version History:	Feb 2025				
Policy Category	Statutory				
Reviewed Adopted		Resolution Ref		File Reference	36993
Next review due	Annual				

1. Origin / Authority

Wujal Wujal Aboriginal Shire Council

2. Purpose and Scope

2.1 This Policy establishes a process for receiving, managing, and resolving competitive neutrality complaints made by affected persons in accordance with section 48 of the Local Government Act 2009 (LGA).

2.2 This Policy applies to:

- a) Complaints regarding business activities undertaken by Council where someone has claimed to be adversely affected by a competitive advantage allegedly enjoyed by Council (affected person).
- b) Business activities undertaken by Council, in relation to the application of competitive neutrality principles.

This Policy details how Council will manage complaints that it is not adhering to the competitive neutrality principles in the LGA. As such, this Policy must therefore be read in conjunction with the requirements of section 48 of the LGA. Should the complaints procedure fail to include or conflict in any manner with the requirements of section 48 of the LGA, the requirements of the LGA shall prevail

The types of complaints listed below will be managed separately from this policy:

- Corruption complaints that are required to be dealt with under the Crime and Corruption Act 2001.
- Administrative Action Complaints.
- Public Interest Disclosures (PIDs) made under the Public Interest Disclosure Act 2010.
- Internal complaints relating to staff conduct (i.e. Code of Conduct matters).
- Social media comments.
- Customer requests.

3. Policy Statements

3.1 Overview

Wujal Wujal Aboriginal Shire Council recognises that an effective complaints management system is integral to delivering good customer service and therefore values all complaints.

While Council encourages a proactive approach to complaints management, the objective of the competitive neutrality complaints process is to ensure that Council is adhering to the Competitive Neutrality Principles.

The Complaints Management System governed by this policy aims to:

- Be fair and objective. All complaints are considered on their merits and the principles of justice are observed;
- Support continuous improvement. Where applicable, the outcomes from a complaints management process are applied to improve business operations, policies and procedures;
- Be open and accountable. The decisions and outcomes regarding a complaint are made available to the affected person, subject to statutory provisions;
- Be accessible and simple to understand. The process facilitates feedback from the community in a form that encourages participation.

Wujal Wujal Aboriginal Shire Council will endeavour to ensure a commitment to a complaints management system that ensures the transparent, effective and timely resolution of complaints, and that contributes to continuous improvement of Council's services.

3.1 Definitions

The Code of Competitive Conduct is the code described in section 47 of the Local Government Act 2009 and Division 7, Part 2, Chapter 3 of the Local Government Regulation 2012.

A **competitive neutrality complaint** is a complaint that relates to the failure of Council to conduct a business activity in accordance with the competitive neutrality principle; and is made by an affected person.

An **affected person** is a person who:

- competes with the local government in relation to the business activity; and
- claims to be adversely affected by a competitive advantage that the person alleges is enjoyed by the local government; or
- a person who wants to compete with the local government in relation to the business activity; and claims to be hindered from doing so by a competitive advantage that the person alleges is enjoyed by the local government.

Competitive advantage or disadvantage Competitive advantage may include financial advantages, procedural advantages, or regulatory advantages:

- **Financial advantages**—e.g., where a government business has an exemption from paying a tax, does not have to earn profits that reflect those market competitors need to earn, or has access to less expensive funds due to an implicit or explicit government guarantee.
- **Regulatory advantages**—e.g., where a government business has an exemption from complying with certain regulations that apply to private sector businesses (such as environmental regulations).
- **Procedural advantages**—e.g., where a government business does not have to supply the same information for a government approval process as a private sector business (such as planning and approval processes).

The **Competitive Neutrality Principle** is used when Council applies the Code of Competitive Conduct to its business activities. Council must apply the Competitive Neutrality Principle to the business activity by:

- removing any competitive advantage or competitive disadvantage, wherever possible and appropriate; and
- promoting efficient use of resources to ensure markets are not unnecessarily distorted.

LGA refers to the Local Government Act 2009.

LGR refers to the Local Government Regulation 2012

QCA means the Queensland Competition Authority established under the Queensland Competition Authority Act 1997.

Significant business activity is a business activity of Council that:

- is conducted in competition, or potential competition, with the private sector; and
- meets the threshold prescribed under a regulation.

3.3 Complaints Process

3.3.1 Overview of complaints process:

The complaints procedure is a two-stage process.

Stage one (early resolution):	Aims to clarify and if possible, resolve any competitive neutrality complaint in an informal manner.
Stage two (formal complaint):	If the complaint is not resolved in this manner the complainant may lodge a formal complaint.

3.4 Stage one (early resolution):

Council is committed to early resolution of and/or clarifying Competitive Neutrality concerns in an informal manner by undertaking a preliminary review.

Anyone considering making a competitive neutrality complaint is encouraged to meet with Council representatives to allow the person to explain before the complainant makes a formal complaint to the Queensland Competition Authority (QCA).

3.4.1 How to lodge a complaint

The complainant lodges a request for a preliminary investigation in writing addressed to the Chief Executive Officer (CEO).

The request shall outline in brief terms:

- the Council business activity to which the complaint relates and how the complainant is adversely affected by the Council business activity (the complainant's concerns); and,
- the principles of competitive neutrality allegedly compromised by the business activity.

To assist the process, the FORM- Competitive Neutrality Compliant – Preliminary Complaints Magic 37167.

This form has been developed to capture relevant initial information to assist preliminary investigations. Note complaints need to be in writing.

3.4.2 Preliminary Investigation

- 1) Complainant advises Council verbally or in writing of their concerns.
 - Preference is to be provided in writing using the Preliminary Request – Competitive Neutrality Compliant Form or another medium that responds to the information required noted above.
 - If the complaint is made verbally, it should be referred to the CEO if available or another senior officer of Council and all relevant details obtained.
- 2) The CEO will confirm if they are to facilitate the complaint or appoint another Review Officer in accordance with this Policy.
- 3) Council will acknowledge the receipt of the concerns in writing within 3 working days and advise the person expressing the concerns that the matter is being investigated.
- 4) The CEO, or their delegated Review Officer, will seek to establish the facts relating to the concerns expressed by the complainant.
- 5) Investigation of the matter may involve meeting with the person, collecting data, and holding further meetings.
- 6) A proposed response will be developed to the concerns and seek, within a reasonable time, the complainants' views on the proposed response.
- 7) The CEO shall make a response to the person in writing.
- 8) The Review Officer will document and record the complaint and the resulting decision and recommendation (recordkeeping).

Council will assist any person wanting to make a complaint by providing them with information about the steps that must be taken, as per the LGR.

3.5 Stage two (formal complaint):

- 1) If the complaint is not resolved through Stage one, the person who wishes to make a complaint must make the complaint in writing to the QCA.
- 2) The complaint process should be followed by Council in accordance with sections 45 to 55 of the LGR. Complainants are advised that all complaints must be made in writing and provide the following:
 - details of the business activity's alleged failure to comply with the competitive neutrality principle.
 - information that shows the person is or may be in competition with Council's business entity.
 - information that shows how the person is or may be adversely affected by the business entity's alleged failure, and information that shows that the person has made a genuine attempt to resolve the complaint directly with Council.
- 3) A competitive neutrality complaint [Form](#) is available on the [Queensland Competition Authority](#) webpage or contact them on (07) 3222 0555 or via their online contact [form](#).

3.6 Reports and Recommendations

The QCA will provide a report to Council with recommendations following the completion of its investigation. Council will consider any report provided by the QCA within 30 days of receiving it and will decide by

- meeting whether to implement the authority's recommendation,
- stating the reasons for the decision.

Within 7 days of making the resolution, Council will give notice of its decision to the complainant and the QCA. A copy of Council's resolution must be provided to all relevant stakeholders, i.e. the complainant, corporatised business entity that is conducting the business activity.

If the QCA provides a report to Council about an investigation into a competitive neutrality complaint, a copy of the report will be made available for public inspection at Council's administration centre as soon as practicable (s43 LGR).

3.7 Recordkeeping

In accordance with section 44(2)(b) of the LGR Council will maintain accurate records of all complaints, decisions and recommendations.

3.8 Register of Business Activities

Council maintains a register of its business activities (T0556). The register includes:

- the business activities to which the competitive neutrality principle has been applied and the date it was applied;
- the business activities to which the code of competitive conduct applies and the date the code was applied; and
- a list of current investigative notices for competitive neutrality complaints and the business activities to which they relate, and Council's responses to the recommendations made by the QCA in relation to the complaints.

4. Associated Policies, Processes, Forms and Resources

- Competitive-Neutrality-Complaints-Form-local-gov-1: <https://www.qca.org.au/wp-content/uploads/2021/06/competitive-neutrality-complaints-form-local-gov-1.pdf>
- Contact the QCA: <https://www.qca.org.au/contact/>
- Making a Competitive Neutrality Complaint: <https://www.qca.org.au/project/make-a-competitive-neutrality-complaint/>
- Competitive Neutrality Investigations: <https://www.qca.org.au/project/competitive-neutrality/recent-competitive-neutrality-investigations/>
- [Handbook: Making a competitive neutrality complaint to the Queensland Competition Authority](#)

6. Relevant Legislation

- Local Government Act 2009
- Local Government Regulation 2012

7. Review

Council will formally review this policy every 2 years.

Kiley Hanslow

Chief Executive Officer

Wujal Wujal Aboriginal Shire Council



Competitive Neutrality Complaints Management Preliminary Complaint Form

Date this complaint is lodged: _____

1. Contact Details

Name	
Email	
Address	
Phone	
Name of Business	
Address of Business	

2. Describe the business activity of the local government that you are complaining about.

Examples include running a sporting facility, running a caravan park, conducting public concerts, or providing public entertainment

3. Describe how you consider the local government business entity failed to comply with the principle of competitive neutrality in conducting the business activity that you are complaining about.

For example, the local government business entity may have failed to abide by the code of competitive conduct, or it may enjoy competitive advantages because it is a public sector business entity

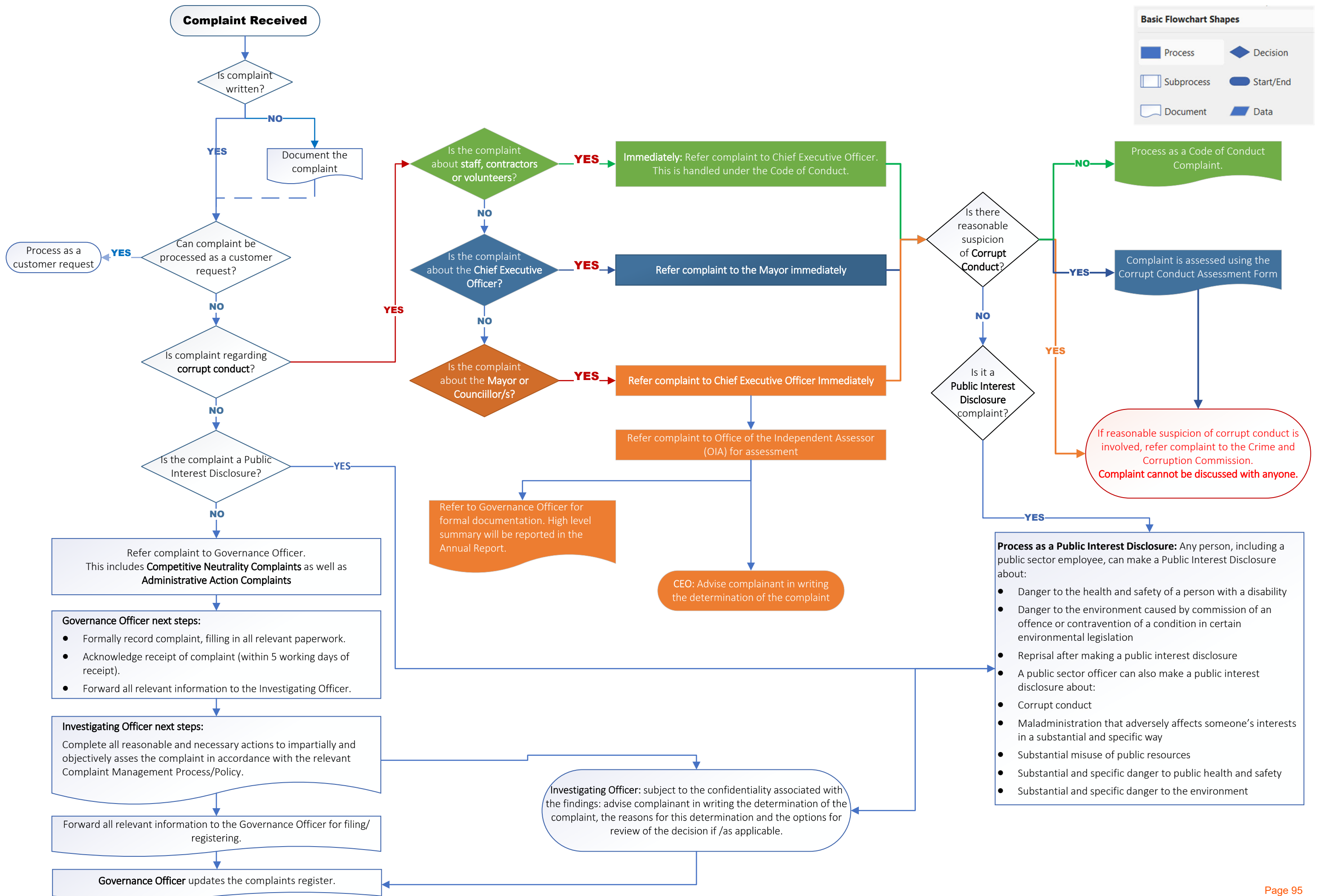
4. Details of your business



Competitive Neutrality Complaints Management Preliminary Complaint Form

5. Provide information addressing how you are adversely affected by the local government business entity's alleged failure to comply with the principle of competitive neutrality.

Please supply this information to the council. Council will forward this to the CEO for the preliminary investigation and will be in contact with you shortly to discuss the matter.



Appendix | 8

Hire of Band Equipment



WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

Hire of Band Equipment Policy

Document Control

Policy Class:	Strategic				
Reviewed Adopted		Resolution Ref		File Reference	36826
Next review due	2027				

1. Origin / Authority

Wujal Wujal Aboriginal Shire Council

2. Purpose and Scope

To outline the principals and requirements as they apply to the hire and use of Wujal Wujal Aboriginal Shire Council's Band Equipment, referred to simply as Band Equipment in this policy document.

3. Policy Statements

3.1 Defining who may hire the band equipment

The band equipment is for the benefit of the community for use by community in community and may be hired by:

- any member of the community/ person who lives inside Wujal Wujal, and
- who is over the age of 18, and
- who has not been banned from use of the equipment previously.

This person will be referred to as the Hirer in this policy document and will complete and honour the Hire of Band Equipment agreement.

3.2 Responsibility of the hirer

The Hirer is responsible to:

- pay for any/all costs associated with the hire the equipment (refer to the Fees Schedule for the most up to date fees and charges);
- Users of the Council band equipment outside of business hours must have prior agreement with the Community Services Manager, a Councillor, or another Council delegated staff member regarding the start and finish time of the band equipment use. Upon return, the equipment must be inspected by the agreed Council employee or Councillor, who will also be responsible for locking the facility where the equipment is stored.
- to care for the equipment with all diligence, and;
- are liable for any loss, theft or damage to the equipment.

3.2 Limitations of the use of the band equipment

The band equipment is available for hire inside the community and must not be taken out of the community unless approved by Council via formal approval process.

Request to use the equipment outside of community must be made in writing and approved by the Community Services Manager.

3.3 Liability for damage, loss or theft of band equipment while in use by the hirer

The condition of all of the band equipment will be checked prior to hire and checked on return of hire on the Band Equipment Hire Agreement form.

In the event of damage, or loss the hirer will be liable for the full costs of the repair or replacement of this equipment, as determined by the Community Services Manager.

3.4 Fees and charges for the hire of the band equipment

Hire Fees are outlined in the Fees and Charges Schedule.

Fees will be paid in full no later than 2 working days prior to the hire date.

4. Application

This policy applies to anyone hiring the Band Equipment.

This Policy will commence on adoption by Council. It replaces all other policies (whether written or not).

5. Associated Policies, Legislation and Forms

- Hire of Band Equipment Agreement
- Fees and Charges Schedule

7. Review

Council will formally review this policy every two years.

Kiley Hanslow

Chief Executive Officer

Wujal Wujal Aboriginal Shire Council

Appendix | 9

Local Laws

What is a local law?

Fact Sheet

A local law is a statutory instrument made by local governments to regulate a broad range of issues within their communities.

The types of local law that can be made are:

- local law - developed independently by an individual local government tailored to meet the specific needs of its community
- interim local law - effective for up to six months to enable local governments to quickly adopt a local law to address a particular issue
- subordinate local law - made under a head of power contained in a local law to provide for the detailed implementation of the broader principles contained in the local law
- model local law - a local law approved by the Minister for Local Government as suitable for adoption by local governments.

Power to make local laws

Section 28 of the *Local Government Act 2009* and section 29 of the *City of Brisbane Act 2010* provides the power for local governments to make and enforce local laws that are necessary or convenient for the good rule and government of their local government area.

However, the legislation also limits the powers of local governments to make local laws:

- with penalties of more than 850 penalty units
- that purport to stop a local law being amended or repealed in the future
- about a prohibited subject (i.e. network connections, distribution of how-to-vote cards, prohibiting the placement of election signs/posters, development processes or swimming pool safety barriers)
- that are anti-competitive (unless the local government has complied with the prescribed procedure for review of the anti-competitive provision)
- that are inconsistent with state law.

Local government responsibilities

It is the responsibility of each local government to make local laws and to decide what process it will use to make them, provided the process and the laws are consistent with the provisions of the relevant Act:

- *Local Government Act 2009* (chapter 3, part 1)
- *City of Brisbane Act 2010* (chapter 3, part 2)

Model Local Law No. 1 (Administration) 2010

Contents

Part 1	Preliminary.....	3
1	Short title	3
2	Purposes and how they are to be achieved.....	3
3	Definitions—the dictionary	3
4	Relationship with other laws	3
Part 2	Approvals for prescribed activities	3
5	Meaning of <i>prescribed activity</i>	3
6	Offence to undertake local law prescribed activity without approval	4
7	Approvals for prescribed activities to be obtained under this part.....	5
8	Form of application	5
9	Local government's discretion in granting approvals.....	6
10	Conditions of approval	7
11	Compliance with conditions of approval	8
12	Third party certification.....	8
13	Term of approval.....	8
14	Renewal of approval	8
15	Transfer of approval.....	9
16	Amending conditions at request of approval holder	10
17	Grounds for amending, suspending or cancelling approval	10
18	Procedure for amending, suspending or cancelling approval.....	11
19	Procedure for immediate suspension of approval	12
Part 3	Authorised persons	12
20	Appointment.....	12
21	Threatening etc an authorised person	12
Part 4	Review of decisions	13
22	Application for review.....	13
23	Review decision	13
24	Stay of operation of original decision.....	13

Part 5	Enforcement	14
	25 Production of records.....	14
	26 Compliance notice for contravention of local law or approval condition	14
	27 Compliance notice authorised by local law	15
	28 Power to remove and cost recovery	16
	29 Stop orders	16
Part 6	Legal proceedings.....	17
	30 Defence of reasonable excuse	17
	31 General defence for owners or occupiers of land.....	17
	32 Joint and several liability	17
	33 Rewards	17
Part 7	Miscellaneous.....	18
	34 Maintenance of good order at meetings	18
	35 Fees	18
	36 Abandoned goods.....	18
	37 Dealing with seized and impounded items	18
Part 8	Subordinate local laws.....	19
	38 Subordinate local laws	19
Schedule 1	Dictionary.....	21
Schedule 2	Prescribed activities	24

Part 1 Preliminary

1 Short title

This model local law may be cited as *Model Local Law No. 1 (Administration) 2010*.

2 Purposes and how they are to be achieved

- (1) The purposes of this local law are to provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters.
- (2) The purposes are to be achieved by providing for—
 - (a) consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities; and
 - (b) authorised persons for enforcing local laws; and
 - (c) review of certain decisions made under local laws; and
 - (d) enforcement of local laws; and
 - (e) matters relating to legal proceedings; and
 - (f) miscellaneous administrative matters relating to meetings, fees, abandoned goods and seized and impounded items.

3 Definitions—the dictionary

The dictionary in schedule 1 defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from, laws regulating land use planning and development assessment; and
- (b) applies to each of the local government's local laws subject to any specific provision in a local law that expresses a contrary intention.

Part 2 Approvals for prescribed activities

5 Meaning of prescribed activity

Prescribed activity means—

- (a) an activity prescribed in part 1 of schedule 2 and defined in part 2 of schedule 2; or

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27 of Model Local Law No.1 (Administration) 2010

- (b) an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.

6 Offence to undertake local law prescribed activity without approval

- (1) This section applies to a prescribed activity mentioned in—
- section 5(a); or
 - section 5(b) if the Local Government Act that authorises the local government to grant the approval is a local law.²
- (2) A person must not undertake the prescribed activity without a current approval granted by the local government.

Maximum penalty for subsection (2)—

- for an activity for which no category has been declared by subordinate local law—50 penalty units; or
 - for a category 1 activity—50 penalty units; or
 - for a category 2 activity—200 penalty units; or
 - for a category 3 activity—500 penalty units.
- (3) However, a local government may, by subordinate local law, declare that subsection (2) does not apply to a prescribed activity or a particular activity that is within the category of a prescribed activity.

Examples—

- A subordinate local law may declare that subsection (2) does not apply to installation of a specified type of advertising device (for example, a device prescribed as a ‘permitted advertising device’). These permitted advertising devices would not require an approval under this part but other types of advertising devices would continue to require an approval.
- A subordinate local law may declare that subsection (2) does not apply to the operation of a camping ground that meets certain criteria (for example, less than a certain size or in a particular location) or complies with certain conditions. A person operating such a camping ground would therefore not require an approval under this part.
- A subordinate local law may declare that subsection (2) does not apply to the establishment or operation of a temporary home in a particular part of the local government’s area.

- (4) In this section—

category 1 activity means a prescribed activity that is declared as a category 1 activity by a subordinate local law for this definition.

category 2 activity means a prescribed activity that is declared as a category 2 activity by a subordinate local law for this definition.

category 3 activity means a prescribed activity that is declared as a category 3 activity by a subordinate local law for this definition.

² For the offence for undertaking a prescribed activity mentioned in section 5(b) without a current approval if the Local Government Act is not a local law, see the relevant Local Government Act that provides for the approval.

current approval means an approval that is in force and has not been suspended at the time the prescribed activity is being undertaken.

7 Approvals for prescribed activities to be obtained under this part

An approval required for a prescribed activity must be obtained under this part.

8 Form of application

- (1) An application for the local government's approval of a prescribed activity must be made in a form approved by the local government.

Examples of a form approved by the local government—

A written form or an online application process.

- (2) The application must be accompanied by—
 - (a) documents and materials required under a subordinate local law for this paragraph; and
 - (b) proof that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law; and
 - (c) the prescribed fee.

Example for paragraph (a)—

The local government may require an application to include site plans, management plans, relevant consents, evidence of public liability insurance etc.

Example for paragraph (b)—

A prescribed activity may require approvals under another Act in relation to development, building, liquor, carriage of goods, business licensing etc.

- (3) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (4) The notice under subsection (3) must state—
 - (a) the grounds on which the request is made; and
 - (b) an outline of the facts and circumstances forming the basis for the grounds; and
 - (c) a detailed description of the information requested; and
 - (d) the date, not less than 7 days after the applicant receives the notice, by which the applicant must provide the information.
- (5) If the applicant does not, without reasonable excuse, provide the further information by the stated date—
 - (a) the application lapses; and
 - (b) the local government must give the applicant written notice stating that—
 - (i) under this section the application lapses; and
 - (ii) the applicant may make a new application.
- (6) However, the local government may extend the period for the applicant to provide the further information.
- (7) A person must not provide information in or in connection with an application that is, to the person's knowledge, false or misleading in a material particular.

Maximum penalty for subsection (7)—20 penalty units.

9 Local government's discretion in granting approvals

- (1) The local government may grant an approval for an applicant to undertake a prescribed activity only if it is satisfied that—
 - (a) if the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme—the separate approval has been granted; and
 - (b) the proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and
 - (c) the grant of the approval would be consistent with the purpose of any relevant local law; and
 - (d) the proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and
 - (e) if the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and
 - (f) if the application relates to a prescribed activity mentioned in section 5(b)—the grant of the approval would be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval.

Example for paragraph (a)—

An application for commercial use of a local government controlled area that is held in trust by the local government under the *Land Act 1994* may require registration of a trustee lease or issue of a trustee permit prior to the approval being granted for commercial use of the area.

- (2) The local government may, by written notice to the applicant—
 - (a) grant the approval unconditionally; or
 - (b) grant the approval subject to conditions determined in accordance with section 10; or
 - (c) refuse to grant the approval.

Examples for paragraph (b)—

- If an application for which the local government's approval is required may result in damage to property, the local government may, as a condition of giving its approval, require the applicant to give reasonable security (which may include a deposit of money, a guarantee or an insurance bond) to ensure that the damage is made good.
 - The local government may grant an approval subject to the standard conditions imposed on the approval pursuant to a subordinate local law made under section 10(3) of this law.
- (3) However, the local government's powers in deciding the application are subject to the provisions of any relevant local law.
 - (4) The local government must give the applicant an information notice if the local government—
 - (a) refuses to grant the approval; or
 - (b) grants the approval subject to a non-standard condition.
 - (5) In this section—

non-standard condition means a condition that is not prescribed under section 10(3) as a condition that must be imposed on an approval or that will ordinarily be imposed on an approval.

10 Conditions of approval

- (1) An approval may be granted on conditions the local government considers appropriate.
- (2) However, the conditions must—
 - (a) be reasonably necessary to ensure that the operation and management of the prescribed activity will be adequate to protect public health, safety and amenity and prevent environmental harm; and
 - (b) be consistent with the purpose of any relevant local law; and
 - (c) if the approval is for a prescribed activity mentioned in section 5(b)—be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval; and
 - (d) not conflict with the conditions of any other relevant approval issued under an Act; and
 - (e) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the prescribed activity under an Act within 3 days of the relevant approval being suspended or cancelled.
- (3) Subject to subsection (2), the local government may, by subordinate local law, prescribe conditions that must be imposed on an approval or that will ordinarily be imposed on an approval.
- (4) To remove any doubt, it is declared that a condition of an approval may authorise an act or omission that—
 - (a) contravenes a noise standard; or
 - (b) causes an environmental nuisance.³

Example for paragraph (a)—

A condition of an approval for operation of a temporary entertainment event may authorise the operation of an amplifier device at specified times that would otherwise be a contravention of the noise standard in the *Environmental Protection Act 1994*, section 440Y.

- (5) In this section—

environmental nuisance see *Environmental Protection Act 1994*, section 15.

noise standard see *Environmental Protection Act 1994*, section 440K.

³ See *Environmental Protection Act 1994*, schedule 1, section 3(b).

11 Compliance with conditions of approval

- (1) A holder of an approval must ensure each condition of the approval is complied with.
Maximum penalty for subsection (1)—50 penalty units.
- (2) For a prescribed activity mentioned in section 5(b), this section does not apply if the Act that provides for the local government to grant an approval stipulates a penalty for contravening a condition of the approval.

12 Third party certification

- (1) In deciding an application under this part, the local government may accept the certificate of a third party certifier as evidence about any application requirement that is mentioned in a subordinate local law for this subsection.

Example—

A subordinate local law under section 9(1)(d) might specify that a criterion to be met by applicants for approval to operate a public swimming pool is a management plan that complies with the Royal Life Saving Society's *Guidelines for Safe Pool Operation*. A subordinate local law under the current section could state that compliance with this requirement is a matter about which a third party certifier may provide certification. In deciding an application, the local government may then accept a certificate of a third party certifier (approved under a subordinate local law pursuant to subsection (2) – e.g. the Royal Life Saving Society) as evidence that this requirement has been met.

- (2) In this section—

third party certifier means—

- (a) an individual or organisation declared under a subordinate local law for this paragraph as a third party certifier for particular application requirements; or
- (b) an individual or organisation that has the qualifications prescribed under a subordinate local law for this paragraph as necessary to provide a certificate about particular application requirements.

application requirement means a matter that the local government must be satisfied about, or have regard to, before granting an application for approval for a prescribed activity.

13 Term of approval

Unless sooner cancelled or suspended, an approval remains in force for—

- (a) the term provided for the prescribed activity under a subordinate local law for this paragraph; or
- (b) if there is no term provided for under a subordinate local law—one year from the date the approval is granted.

14 Renewal of approval

- (1) An approval holder may, before the end of the term of the approval, apply to the local government to renew or extend the approval for—
 - (a) a further term provided for the prescribed activity under a subordinate local law for this paragraph; or
 - (b) if there is no term provided for under a subordinate local law—a further term equal to the current term of the approval.
- (2) However, an approval holder may not apply to renew or extend the approval where the local government has given the approval holder reasonable written notice that the approval is one of a class of approvals that the local government does not intend to renew or extend.

Example—

The local government might give notice to the approval holder that, in order to prevent environmental harm to an endangered ecosystem, it does not intend to grant, renew or extend any approvals for the prescribed activity in a specified part of the local government area.

- (3) The application under subsection (1) must be—
 - (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may, by written notice to the applicant—
 - (a) grant the application; or
 - (b) grant the application and amend the conditions of the approval; or
 - (c) refuse the application.
- (7) In deciding under subsection (6), the local government may have regard to—
 - (a) the matters mentioned in section 9(1); and
 - (b) whether the conditions of the approval are being complied with by the applicant.
- (8) The local government must give the applicant an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.
- (9) The local government may amend the conditions of the approval under subsection (6)(b) without following the procedure in section 18.
- (10) If an approval holder applies to renew or extend the approval, the approval remains in force until—
 - (a) if the application is granted, with or without amendment of the conditions—the date the application is granted; or
 - (b) if the application is refused and the applicant applies for a review of the decision under part 4—the date the applicant is given notice of the review decision; or
 - (c) if the application is refused and the applicant has not applied for a review of the decision under part 4—14 days after the applicant is given an information notice under subsection (8).

15 Transfer of approval

- (1) The holder of an approval together with another person may apply to the local government for transfer of the approval to the other person (the *proposed transferee*).⁴
- (2) However, an approval cannot be transferred under this section if it is of a category declared as non-transferable under a subordinate local law for this subsection.

⁴ See the Act, section 97, for the power of a local government to fix cost-recovery fees for approvals.

- (3) The application under subsection (1) must be—
 - (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may grant an application to transfer an approval only if it is satisfied about the matters mentioned in section 9(1).
- (7) The local government may, by written notice to the approval holder and the proposed transferee—
 - (a) grant the application to transfer the approval; or
 - (b) refuse the application to transfer the approval.
- (8) If the local government decides to grant the application to transfer the approval, the local government may amend the existing conditions of the approval.
- (9) The local government may amend the conditions of the approval under subsection (8) without following the procedure in section 18.
- (10) The local government must state, in the notice given under subsection (7)(a), any amendments to the conditions of the approval and the day that they take effect.
- (11) The local government must give the approval holder and the proposed transferee an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.

16 Amending conditions at request of approval holder

- (1) An approval holder may apply to the local government to amend the conditions of the approval.
- (2) The application must be written and state—
 - (a) the proposed amendment; and
 - (b) the reasons for it.
- (3) The local government must consider and decide whether to grant or refuse the application.
- (4) If the local government decides to amend the conditions as requested, the local government must, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day that they take effect.
- (5) If the local government refuses to amend the conditions, the local government must give the approval holder an information notice.
- (6) The local government may amend the conditions of the approval under this section without following the procedure in section 18.

17 Grounds for amending, suspending or cancelling approval

Each of the following is a ground for amending, suspending or cancelling an approval—

- (a) amendment, suspension or cancellation is necessary—

- (i) for the protection of public health or safety; or
 - (ii) to prevent environmental harm; or
 - (iii) to prevent property damage or loss of amenity; or
 - (iv) to allow for works on roads or local government controlled areas; or
 - (v) to improve access to a road; or
 - (vi) to improve the efficiency of vehicle or pedestrian traffic.
- (b) another approval required for the prescribed activity under an Act has been suspended or cancelled;
 - (c) in undertaking the prescribed activity, the approval holder has failed to comply with a local law or an Act;
 - (d) the approval holder has failed to comply with a condition of the approval;
 - (e) the approval holder has failed to comply with a notice under sections 26 or 27 that relates to the conduct of the prescribed activity or has failed to comply with a stop order under section 29;
 - (f) the approval was granted because of a document or representation that was—
 - (i) false or misleading; or
 - (ii) obtained or made in another improper way.

18 Procedure for amending, suspending or cancelling approval

- (1) This section applies if the local government considers there is a ground under section 17 to amend, suspend or cancel an approval (the *proposed action*).
- (2) Before taking the proposed action, the local government must give the approval holder a written notice (the *show cause notice*) stating—
 - (a) the proposed action; and
 - (b) the grounds for the proposed action; and
 - (c) an outline of the facts and circumstances that are the basis of the grounds; and
 - (d) if the proposed action is suspension of the approval, the proposed suspension period; and
 - (e) that the approval holder may make written submissions, within a stated reasonable time of at least 21 days after the notice is given, why the proposed action should not be taken.
- (3) If, after considering all submissions made within the stated time, the local government decides that a ground no longer exists to cancel, amend or suspend the approval, the local government must take no further action about the show cause notice and give written notice to the approval holder about the decision.
- (4) If, after considering all submissions made within the stated time, the local government still considers there is a ground to take the proposed action, the local government may—
 - (a) if the proposed action was to amend the approval—amend the approval; or
 - (b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or
 - (c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.

- (5) If the local government decides to amend, suspend or cancel the approval, the local government must give the approval holder an information notice.
- (6) The decision takes effect on the day the written notice mentioned in subsection (3) or (5) is given to the approval holder, or if a later day of effect is stated in the notice, the later day.
- (7) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

19 Procedure for immediate suspension of approval

- (1) Despite section 18, the local government may immediately suspend an approval if the local government believes that continuation of the prescribed activity by the approval holder poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) The suspension—
 - (a) can be effected only by the local government giving a notice to the approval holder about the decision to immediately suspend the approval, together with a show cause notice about proposed action under section 18; and
 - (b) operates immediately the notices are given to the approval holder; and
 - (c) continues to operate until the earliest of the following happens—
 - (i) the local government cancels the suspension;
 - (ii) the local government gives the approval holder notice under section 18(3) or (5) of its decision about the show cause notice;
 - (iii) 14 days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice;
 - (iv) 14 days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

Part 3 Authorised persons

20 Appointment

An authorised person's instrument of appointment⁵ must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

21 Threatening etc an authorised person⁶

A person must not threaten, insult or use abusive language to an authorised person.

Maximum penalty—20 penalty units.

⁵ See the Act, chapter 6, part 6, for the power to appoint authorised persons.

⁶ See also the Act, section 149, in relation to obstructing a person enforcing a local government Act and section 150 in relation to impersonating an authorised person.

Part 4 Review of decisions

22 Application for review

- (1) A person who is given, or is entitled to be given, an information notice for a decision under a local law (an **original decision**) may apply to the chief executive officer⁷ for a review of the decision under this part.⁸
- (2) The application (a **review application**) must be made within 14 days of—
 - (a) if the person is given an information notice for the decision—the day the person is given the notice; or
 - (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the original decision.
- (3) However, the local government may, at any time, extend the time for making a review application.
- (4) The review application must be in writing and—
 - (a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and
 - (b) supported by enough information to enable the local government to decide the application.

23 Review decision

- (1) The local government must review the original decision within 28 days after receiving a review application and make a decision (the **review decision**) to—
 - (a) confirm the original decision; or
 - (b) amend the original decision; or
 - (c) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
 - (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision, unless the original decision was made by the chief executive officer.
- (3) The local government must, within 5 days of making the review decision, give the applicant notice of the decision (the **review notice**).
- (4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.
- (5) If the local government does not give the review notice within the 5 days, the local government is taken to have made a review decision confirming the original decision.

24 Stay of operation of original decision

- (1) A review application does not stay the original decision that is the subject of the application.

⁷ See definition of **chief executive officer** in the Act, schedule 4.

⁸ Persons who are aggrieved by a local government decision for which they do not receive, and are not entitled to receive, an information notice may seek redress under the local government's complaints process, which is required by the Act, section 268.

- (2) However, the applicant may, immediately after being given the information notice about the original decision, apply to the Magistrates Court for a stay of the original decision.
- (3) The court may stay the original decision to secure the effectiveness of the review.
- (4) A stay may be granted on conditions the court considers appropriate.

Part 5 Enforcement

25 Production of records

- (1) This section applies where an authorised person has entered a property under the Act to find out whether the conditions of an approval have been complied with.⁹
- (2) The authorised person may require the occupier of the property to produce for inspection records that are required by the conditions of an approval.
- (3) A person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—10 penalty units.

26 Compliance notice for contravention of local law or approval condition

- (1) Subsection (2) applies if an authorised person is satisfied on reasonable grounds that—
 - (a) a person—
 - (i) is contravening a local law or a condition of an approval; or
 - (ii) has contravened a local law or a condition of an approval in circumstances that make it likely the contravention will continue or be repeated; and

(b) a matter relating to the contravention can be remedied; and

(c) it is appropriate to give the person an opportunity to remedy the matter.

Examples for paragraph (b) of matters relating to a contravention that can be remedied—

- If the contravention relates to a person's failure to take action that is required under a local law or a condition of an approval, then the matter can be remedied by the person taking that action.
- If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.

- (2) The authorised person may give¹⁰ a written notice (a **compliance notice**) to the person (the **recipient**) requiring the person to remedy the contravention.¹¹
- (3) The compliance notice must state the following—
 - (a) the particular provision of the local law or condition of an approval the authorised person believes is being, or has been, contravened; and
 - (b) briefly, how it is believed the provision of the local law or condition of an approval is being, or has been, contravened; and

⁹ See the Act, section 132.

¹⁰ See the *Acts Interpretation Act 1954*, sections 39 and 39A, regarding the service of documents on a person.

¹¹ Where a compliance notice is given to the owner of a property and requires action to be taken in relation to that property, then it will constitute a **remedial notice** under the Act, section 138(2).

- (c) the time by which the recipient must remedy the contravention; and
 - (d) that it is an offence to fail to comply with the compliance notice; and
 - (e) the maximum penalty for failing to comply with the compliance notice.
- (4) The time under subsection (3)(c) must be reasonable having regard to—
- (a) the action required to remedy the contravention; and
 - (b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and
 - (c) how long the recipient has been aware of the contravention.
- (5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.

Examples of reasonable steps to avoid further contravention—

- The repetition of a specified action at stated intervals for a certain period.
 - Stopping taking an action that is prohibited by a local law or condition of an approval.
- (6) The compliance notice must include, or be accompanied by, an information notice.
- (7) The recipient must comply with the compliance notice.¹²

Maximum penalty for subsection (7)—50 penalty units.

27 Compliance notice authorised by local law

- (1) This section applies if—
- (a) a local law provides that an authorised person may give a compliance notice to a person;¹³ and
 - (b) the authorised person gives¹⁴ a compliance notice to the person (the *recipient*).¹⁵
- (2) The compliance notice must state the following—
- (a) the provision of the local law that authorises the authorised person to give a compliance notice; and
 - (b) the specified action that the recipient must take to comply with the notice; and
 - (c) the time by which the recipient must comply with the notice; and
 - (d) that it is an offence to fail to comply with the notice; and
 - (e) the maximum penalty for failing to comply with the notice.
- (3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a

¹² See also sections 17(e) and 18 of the MLL No.1 regarding the local government's power to amend, suspend or cancel an approval where a notice is not complied with, and the Act, section 142, regarding the local government's power to enter property and take action that is required under a remedial notice.

¹³ For example, see *Local Law No.4 (Local Government Controlled Areas, Facilities & Roads) [insert year]*, section 9(2) (Power to require owner of land adjoining road to fence land) and *Local Law No. 3 (Community & Environmental Management) [Insert year]*, section 10(1) (Pest control notices), section 13(2) (Overgrown allotments), section 14(2) (Accumulation of objects and materials on allotments), section 16(2) (Fire hazards), section 19(2) (Community safety hazards).

¹⁴ See also footnote 10.

¹⁵ See also footnote 11.

remedial notice, to be taken under another Local Government Act.

- (4) The time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.
 - (5) The compliance notice must include, or be accompanied by, an information notice.
 - (6) The recipient must comply with the compliance notice.¹⁶
- Maximum penalty for subsection (6)—50 penalty units.

28 Power to remove and cost recovery

- (1) This section applies where—
 - (a) a structure or other material thing has been brought onto a local government controlled area or road in contravention of a local law; or
 - (b) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law.
- (2) An authorised person may seize (by dismantling if necessary) and impound the structure or thing if its immediate removal is necessary—
 - (a) in the interests of public health or safety; or
 - (b) to prevent environmental harm, property damage or loss of amenity.
- (3) Where subsection (2) does not apply, an authorised person may seize (by dismantling if necessary) and impound the structure or thing if—
 - (a) the owner, or person in possession, of the structure or thing has not complied with a compliance notice requiring the owner or person to remove it; and
 - (b) the time for making an application for review of the compliance notice under section 22 has expired.
- (4) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1).
- (5) In this section—

thing does not include an animal.

29 Stop orders

- (1) An authorised person may give a relevant person an order to immediately stop a prescribed activity if the authorised person believes that continuation of the activity poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.

¹⁶ See also footnote 12.

- (2) An order under this section—
 - (a) may be given orally or in writing; and
 - (b) operates until the earliest of the following happens—
 - (i) the expiry of the period, of no more than 3 days, specified by the authorised person when the order is given;
 - (ii) the local government immediately suspends the approval for the prescribed activity under section 19.
- (3) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.
- (4) A person who receives an order under this section must comply with the order.
Maximum penalty for subsection (4)—50 penalty units.
- (5) This section does not affect the local government’s powers under another law.
- (6) In this section—
relevant person means the approval holder for the prescribed activity or an employee or agent of the approval holder currently conducting the prescribed activity.

Part 6 Legal proceedings

30 Defence of reasonable excuse

If a person is charged with an offence involving a contravention of a local law, it is a defence to prove that the person had a reasonable excuse for the contravention.

31 General defence for owners or occupiers of land

In a proceeding under a local law against the owner or occupier of land for an offence relating to an act or omission with respect to the land, it is a defence for the owner or occupier to prove that—

- (a) the act or omission occurred without the owner’s or occupier’s knowledge or consent; and
- (b) the owner or occupier could not, by reasonable diligence, have prevented the act or omission.

32 Joint and several liability

- (1) If a local law imposes a liability on an owner or occupier of property, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant property, or are jointly engaged in the relevant activity, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

33 Rewards

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for—
 - (a) an offence involving damage to, or theft of, property of the local government or under the local government’s control; or
 - (b) an offence against a local law.

- (2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government.

Part 7 Miscellaneous

34 Maintenance of good order at meetings

- (1) A person who is not a member of the local government or a local government committee must not obstruct the proper conduct of a meeting of the local government or committee.

Maximum penalty for subsection (1)—20 penalty units.

- (2) If a person (other than a member) obstructs the proper conduct of a meeting of the local government or committee, the chairperson may ask the person to withdraw from the meeting place.
- (3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period fixed by the chairperson.

Maximum penalty for subsection (3)—20 penalty units.

- (4) If a person contravenes subsection (3), an authorised person may, at the request of the chairperson, exercise reasonable force to remove the person, and keep the person away, from the meeting place.

35 Fees

- (1) If a local law provides for payment of a fee, and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the Act, chapter 4, part 2.
- (2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.

Example—

Suppose that a person pays an approval fee appropriate to an approval of 1 year's duration but, because of unforeseen circumstances, surrenders the approval within 3 months after it is granted. A resolution might provide that, in such a case, the former approval holder is to receive a partial reimbursement of the approval fee.

- (3) Unless specific provision to the contrary is made in the local law or resolution fixing a fee, the local government may, in an appropriate case, waive or partially remit a fee.

36 Abandoned goods

- (1) This section applies where an authorised person considers on reasonable grounds that goods have been abandoned in a local government controlled area or on a road.
- (2) The authorised person may seize and impound the goods.

37 Dealing with seized and impounded items

- (1) This section applies where—
 - (a) an authorised person has exercised a power under a local law to seize and impound a structure, thing or goods (an *impounded item*);¹⁷ or

¹⁷ See, for example, section 28 of MLL No.1 in relation to structures or things brought onto a local government controlled area or road in contravention of a local law and section 36 in relation to abandoned goods.

- (b) the local government has impounded an item that has been delivered into its custody pursuant to a local law (also an *impounded item*) and the local law states that this section is to apply.
- (2) However, this section does not apply to an impounded item that is an animal¹⁸
- (3) If the impounded item is perishable, it may be immediately disposed of as the chief executive officer directs and the proceeds applied in accordance with subsection (6).
- (4) A person may reclaim the impounded item if—
 - (a) written application is made to the chief executive officer; and
 - (b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and
 - (c) the applicant pays the prescribed fee for the impounding of the item.
- (5) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item—
 - (a) if it has no commercial value or has a value that would not cover the costs of sale of the item—as the chief executive officer directs; or
 - (b) by sale through—
 - (i) public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
 - (ii) an agent of the local government; or
 - (iii) an enterprise owned by the local government; or
 - (c) if it has been offered for sale under paragraph (b) but has not been sold within a reasonable period—as the chief executive officer directs.
- (6) The proceeds of the sale or disposal of the impounded item must be applied—
 - (a) firstly, towards the costs of the sale or disposal; and
 - (b) secondly, towards the prescribed fee for impounding the impounded item; and
 - (c) thirdly, to the former owner of the impounded item.
- (7) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (6)(c) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

Part 8 Subordinate local laws

38 Subordinate local laws

The local government may make subordinate local laws about—

- (a) prescribed activities in respect of which the requirement for an approval does not apply;¹⁹ and
- (b) the categories of prescribed activities for the purposes of maximum penalties;²⁰

¹⁸ See *Model Local Law No.2 (Animals)* __ [insert year], part 4, in relation to the seizure of animals. See the *Animal Management (Cats and Dogs) Act 2008* in relation to the seizure of regulated dogs.

¹⁹ See section 6(3) of MLL No.1.

²⁰ See section 6(4) of MLL No.1.

- (c) the documents and materials that must accompany an application for an approval;²¹ and
- (d) additional criteria for the granting of approvals for prescribed activities;²² and
- (e) the conditions that must be imposed on an approval or that will ordinarily be imposed on an approval;²³ and
- (f) application requirements for which a third party certifier's certificate may be accepted by the local government;²⁴ and
- (g) the individuals or organisations that are declared as third party certifiers for particular application requirements;²⁵
- (h) the qualifications that are necessary for an individual or organisation to provide a third party certificate about particular application requirements;²⁶ and
- (i) the term for which an approval for a prescribed activity remains in force;²⁷ and
- (j) the further term for which an approval for a prescribed activity may be renewed or extended;²⁸ and
- (k) categories of approvals that are non-transferable;²⁹ and
- (l) complementary accommodation prescribed as appropriate for caravan parks;³⁰ and
- (m) a State-controlled road to which this local law applies;³¹ and
- (n) public place activities prescribed as regulated activities on local government controlled areas and roads.³²

²¹ See section 8(2)(a) of MLL No.1.

²² See section 9(1)(d) of MLL No.1.

²³ See section 10(3) of MLL No.1.

²⁴ See section 12(1) of MLL No.1.

²⁵ See section 12(2) of MLL No.1, definition of *third party certifier*, paragraph(a).

²⁶ See section 12(2) of MLL No.1, definition of *third party certifier*, paragraph(b).

²⁷ See section 13(a) of MLL No.1.

²⁸ See section 14(1)(a) of MLL No.1.

²⁹ See section 15(2) of MLL No.1.

³⁰ See schedule 1, definition of *complementary accommodation*, paragraph (b).

³¹ See schedule 1, definition of *road*, subparagraph (b)(i).

³² See schedule 2, part 2, definition of *regulated activities on local government controlled areas and roads*, paragraph (c).

Schedule 1 Dictionary

Section 3

amend for an approval, includes varying a condition, removing a condition or adding a condition.

approval includes a consent, permission, licence, permit or authorisation.

authorised person see the Act, schedule 4³³.

caravan see *Residential Tenancies and Rooming Accommodation Act 2008*, section 7.

complementary accommodation means—

- (a) accommodation in an on-site caravan, a cabin or a tent or other structure that can be readily assembled and disassembled; or
- (b) other accommodation prescribed under a subordinate local law for this paragraph as appropriate to caravan parks.

compliance notice means a compliance notice given under—

- (a) section 26; or
- (b) another local law that authorises the giving of a compliance notice.

disturbance, of human remains, includes interfering with remains, removal of remains and opening of a site of burial

DOGIT land means land that is DOGIT land under the *Aboriginal Land Act 1991*, section 13, or the *Torres Strait Islander Land Act 1991*, section 12.

entertainment includes recreation and amusement.

entertainment event means an event that is open to the public for entertainment whether or not a charge for admission is made and whether or not the person who controls admission to the place reserves a right to refuse admission.

environmental harm see *Environmental Protection Act 1994*, section 14.

goods does not include animals.

human remains means the body or part of the body of a deceased person.

information notice, for a decision, means a written notice stating the following—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person to whom the notice is given may apply for a review of the decision within 14 days after the notice is given; and
- (d) how to apply for a review.

Local Government Act see the Act, schedule 4.

local government cemetery means a cemetery under the control of the local government, including a cemetery located on land owned by the local government or on land for which the local government is the trustee.

³³ See also section 20 of MLL No.1.

local government controlled area—

- 1 A *local government controlled area* means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

Examples of local government controlled areas—

- parks, reserves and gazetted foreshores
- camping grounds or caravan parks on land owned or controlled by the local government
- local government swimming pools
- cemeteries
- Council Chambers and local government offices
- jetties.

- 2 A *local government controlled area* includes part of a local government controlled area.

- 3 A *local government controlled area* does not include a residential lot on DOGIT land.

network connection see the Act, section 35(2).

prescribed activity see section 5.

prescribed fee means a cost-recovery fee fixed by the local government, by local law or by resolution, under the Act³⁴.

property see *Acts Interpretation Act 1954*, section 36.

public notice means a notice published in a newspaper circulating in the local government's area.

public place see the Act, section 125(5).

residence means human habitation on a short-term or long-term basis.

review decision see section 23(1).

road means—

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road—
 - (i) prescribed under a subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided; and
 - (ii) in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b).

shared facility accommodation means accommodation occupied or available for occupation by residents, in return for payment, on the basis of residents sharing 1 or more of the following facilities—

- (a) dormitories or bedrooms;
- (b) toilets;
- (c) bathrooms, showers or other bathing facilities;
- (d) laundries;

³⁴ See the Act, section 97.

- (e) dining facilities;
- (f) cooking facilities;
- (g) recreation facilities.

show cause notice see section 18(2).

the Act means the *Local Government Act 2009*.

Schedule 2 Prescribed activities

Section 5

Part 1 Prescribed activities

alteration or improvement to local government controlled areas and roads

commercial use of local government controlled areas and roads

establishment or occupation of a temporary home

installation of advertising devices

keeping of animals

operation of camping grounds

operation of cane railways

operation of caravan parks

operation of cemeteries

operation of public swimming pools

operation of shared facility accommodation

operation of temporary entertainment events

undertaking regulated activities regarding human remains

undertaking regulated activities on local government controlled areas and roads

Part 2 Definitions of prescribed activities

*alteration or improvement to local government controlled areas and roads*³⁵ means—

1 *Alteration or improvement to local government controlled areas and roads* means—

- (a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or
- (b) planting, clearing or damaging of vegetation in a local government controlled area or on a road.

2 *Alteration or improvement to local government controlled areas and roads* does not include an alteration or improvement—

³⁵ Where a local government controlled area comprises land held on trust by the local government under the *Land Act 1994*, the local government must take account of, and give precedence to, its rights, powers and responsibilities as a trustee under that Act.

- (a) that constitutes development under the Planning Act³⁶; or
- (b) for which a tree clearing permit is required under the *Vegetation Management Act 1999*; or
- (c) that involves a network connection; or
- (d) for which written approval of the local government is required under section 75 of the Act.

commercial use of local government controlled areas³⁷ and roads means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

- (a) the provision of a public passenger service under the *Transport Operations (Passenger Transport) Act 1994*;
- (b) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business;
- (c) a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*;
- (d) using a road for a particular purpose if the use constitutes development under the Planning Act;
- (e) operation of a temporary entertainment event;
- (f) undertaking a regulated activity on a local government controlled area or road where the activity is the holding of a public place activity.

establishment or occupation of a temporary home means the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence but does not include—

- (a) a structure for erection which is constituted as development under the Planning Act; or
- (b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park.

installation of advertising devices means the installation, erection or display of an advertisement or sign that is visible from a road or other public place.³⁸

keeping of animals means the keeping of an animal or animals for which an approval is required under *Local Law No.2 (Animal Management)* [insert year].

operation of camping grounds means to permit access to, or use of, a commercial camping ground but does not include a caravan park.

operation of cane railways means the operation of a tramway or railway—

- (a) operated, entirely or partly, on an access right under the *Sugar Industry Act 1999*, chapter 2, part 4³⁹; and

³⁶ See the definition of *Planning Act* in the Act, schedule 4.

³⁷ See footnote 36.

³⁸ See the Act, section 37(5), regarding the relationship between a local law about advertising devices and the local government's planning scheme.

³⁹ *Sugar Industry Act 1999*, chapter 2 (Supply contracts and cane access rights), part 4 (Cane access, harvesting and mill supply).

- (b) used, or proposed to be used, to transport sugar cane, sugar or sugar cane by-products; and
- (c) that does not transport passengers or other freight for reward.

operation of caravan parks means to operate, on a commercial basis, a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

operation of cemeteries means to operate a place for disposing of human remains by—

- (a) burial; or
- (b) cremation; or
- (c) placement in a columbarium, mausoleum or vault.

operation of public swimming pools means the operation of a swimming pool that is made available for use to—

- (a) members of the public or a section of the public; or
- (b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- (c) persons who have a commercial relationship with the owner of the pool.

operation of shared facility accommodation means the provision of shared facility accommodation to holiday makers or travellers but does not include accommodation in a hotel or motel.

operation of temporary entertainment events means the opening to the public, or the preparation for opening to the public, of an entertainment event and for which the opening to the public does not constitute development under the Planning Act.

undertaking regulated activities regarding human remains means undertaking one of the following activities—

- (a) disturbance of human remains buried outside a cemetery; or
- (b) burial or disposal of human remains (excluding cremated remains) outside a cemetery; or
- (c) disturbance of human remains in a local government cemetery.

undertaking regulated activities on local government controlled areas⁴⁰ and roads means undertaking one of the following activities on a local government controlled area or road—

- (a) driving or leading of animals to cross a road; or
- (b) depositing of goods or materials; or
- (c) holding of a public place activity prescribed under a subordinate local law for this paragraph, excluding the operation of a temporary entertainment event.

Example for paragraph (c)— A subordinate local law may prescribe that a display or information booth in a public park or on a footpath is a regulated activity.

⁴⁰ See footnote 36.

Model Local Law No. 2 (Animal Management) 2010

Contents

Part 1	Preliminary.....	3
	1 Short title.....	3
	2 Purpose and how it is to be achieved.....	3
	3 Definitions—the dictionary	3
	4 Relationship with other laws	3
Part 2	Keeping of animals	4
	Division 1 Prohibition on keeping animals	4
	5 Prohibition on keeping animals in prescribed circumstances.....	4
	Division 2 Animals for which approval is required	4
	6 Requirement for approval	4
	Division 3 Animals for which desexing is required	5
	7 Requirement to desex an animal.....	5
	Division 4 Minimum standards	6
	8 Minimum standards for keeping animals	6
	Division 5 Identification of registered cats and dogs	6
	9 Identification for cats and dogs in certain circumstances	6
Part 3	Control of animals.....	6
	Division 1 Animals in public places	6
	10 Exclusion of animals	6
	11 Dog off-leash areas	6
	12 Control of animals in public places	7
	13 Person in control of dog or prescribed animal to clean up faeces	8
	Division 2 Restraint of animals	8
	14 Duty to provide proper enclosure and prevent animal from wandering.....	8
	15 Koala conservation requirements	8
	Division 3 Aggressive behaviour by animals other than dogs	9
	16 Limited application of division to dogs	9
	17 Animals not to attack or cause fear to persons or animals.....	9
	18 Defences for offence against s 17	10

Division 4	Dangerous animals other than dogs	10
19	Declaration of dangerous animal other than a dog	10
20	Power to require responsible person for declared dangerous animal to take specified action	10
Part 4	Seizure, impounding or destruction of animals	11
Division 1	Seizure of animals	11
21	Seizure of animals	11
Division 2	Destruction of animal without notice	11
22	Power to immediately destroy seized animal	11
Division 3	Return or impounding of animals	12
23	Immediate return of animal seized wandering at large.....	12
24	Impounding of seized animal	12
25	What is a notice of impounding	12
26	Dealing with animal seized and impounded for wandering at large	13
27	Dealing with animal seized and impounded for non-compliance with local law	13
28	Dealing with animal seized and impounded for attacking etc a person or another animal	14
29	Reclaiming an impounded animal	14
Division 4	Destruction of animal following notice	15
30	Destruction orders	15
Division 5	Disposal of impounded animals	16
31	Application of this division	16
32	Sale, disposal or destruction of animals	16
Division 6	Other impounding matters	17
33	Register of impounded animals	17
34	Access to impounded animal.....	17
35	Unlawful removal of seized or impounded animal	18
Part 5	Appeals against destruction orders	18
36	Who may appeal.....	18
37	Starting appeal.....	18
38	Stay of destruction order	18
39	Hearing procedures	18
40	Court's powers on appeal.....	19
41	Appeal to District Court.....	19
Part 6	Miscellaneous.....	19
42	Sale of animals	19
43	Subordinate local laws.....	19
Schedule	Dictionary.....	21

Part 1 Preliminary

1. Short title

This model local law may be cited as *Model Local Law No. 2 (Animal Management) 2010*.

2. Purpose and how it is to be achieved

- (1) The purpose of this local law is to regulate and manage the keeping and control of animals in the local government's area in a way that—
 - (a) balances community expectations with the rights of individuals; and
 - (b) protects the community against risks to health and safety; and
 - (c) prevents pollution and other environmental damage; and
 - (d) protects the amenity of the local community and environment.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of the keeping of animals in terms of how many, what type, how, and where animals can be kept; and
 - (b) the prescription of minimum standards for keeping animals; and
 - (c) the proper control of animals in public places and koala conservation areas; and
 - (d) the management of dangerous or aggressive animals other than dogs;¹ and
 - (e) the seizure and destruction of animals in certain circumstances; and
 - (f) the establishment and administration of animal pounds.

3. Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4. Relationship with other laws²

This local law is—

- (a) in addition to, and does not derogate from—
 - (i) laws regulating the use or development of land; and
 - (ii) other laws about the keeping or control or welfare of animals; and
- (b) to be read with *Local Law No. 1 (Administration)* __[insert year].

¹ The *Animal Management (Cats and Dogs) Act 2008* provides for the management of **regulated dogs**, comprising declared dangerous dogs, declared menacing dogs and restricted dogs.

² This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or Commonwealth. See the Act, section 27.

Part 2 Keeping of animals

Division 1 Prohibition on keeping animals

5. Prohibition on keeping animals in prescribed circumstances

- (1) The local government may, by subordinate local law, prohibit the keeping of animals in prescribed circumstances.
- (2) The circumstances in which the keeping of animals is prohibited may be specified by reference to 1 or more of the following factors—
 - (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) whether an animal is a restricted dog;³
 - (g) the locality in which the animal would be kept;
 - (h) the nature of the premises in which the animal would be kept, including the size of the enclosure or the size of the allotment.⁴

Example for subsection (2)—

A prohibition may be imposed in relation to keeping certain species or a prescribed number of animals of a certain species in an urban locality.

- (3) A person must not keep an animal in contravention of a prohibition under this section.
Maximum penalty for subsection (3)—50 penalty units.

Division 2 Animals for which approval is required

6. Requirement for approval

- (1) Subject to subsections (3) and (4), the local government may, by subordinate local law, require an approval⁵ for keeping an animal or animals in prescribed circumstances.
- (2) The circumstances in which an approval is required may be specified by reference to 1 or more of the following factors—
 - (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;

³ Section 72(3) of the *Animal Management (Cats and Dogs) Act 2008* provides: “A permit application may be made for more than 1 restricted dog for the same place only if the keeping of more than 1 restricted dog and more than 1 dog of any breed is permitted under a local law.”

⁴ See the *Animal Management (Cats and Dogs) Act 2008*, chapter 4, regarding particular conditions on keeping regulated dogs, including requirements about enclosures.

⁵ Keeping an animal for which an approval is required under this local law is a **prescribed activity** under schedule 2 of *Local Law No. 1 (Administration) [insert year]*. The process for obtaining an approval for a prescribed activity is set out in part 2 of that local law and section 6 creates an offence for a person undertaking a prescribed activity without a current approval.

- (e) number;
 - (f) the locality in which the animal is to be kept, including whether it is an urban or non-urban locality;
 - (g) the nature of the premises in which the animal is to be kept, including the size of the enclosure or the size of the allotment.⁶
- (3) An approval under this section is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development approval under the Planning Act⁷.
- (4) Under this section, the local government may not require an approval for keeping a restricted dog.⁸

Division 3 Animals for which desexing is required

7. Requirement to desex an animal

- (1) The local government may, by subordinate local law, require an animal of a particular species or breed to be desexed.
- (2) The subordinate local law may—
- (a) specify that the requirement for desexing only applies once an animal reaches a certain age; and
 - (b) exempt animals under particular circumstances.

Example for paragraph (b)—

Exemption might be provided for an animal that is owned by a member of a recognised breeders' association for the purposes of breeding or showing.

- (3) A person must not keep an animal that is required to be desexed unless the animal has been desexed.

Maximum penalty for subsection (3)—20 penalty units.

⁶ See note 4.

⁷ See the definition of *Planning Act* in the Act, schedule 4.

⁸ Section 71 of the *Animal Management (Cats and Dogs) Act 2008* requires a permit issued by the local government for a person to own or be responsible for a restricted dog. The processes for the granting of restricted dog permits are set out under chapter 4, part 3 of that Act.

Division 4 Minimum standards

8. Minimum standards for keeping animals

- (1) The local government may, by subordinate local law, specify minimum standards for the keeping of animals or a particular species or breed of animal.
- (2) A person who keeps an animal must ensure that the relevant minimum standards prescribed by a subordinate local law are complied with.⁹

Maximum penalty for subsection (2)—20 penalty units.

- (3) If a person is required to hold an approval to keep an animal, the obligation to comply with the minimum standards prescribed by a subordinate local law is in addition to an obligation imposed by a condition of the approval.

Division 5 Identification of registered cats and dogs

9. Identification for cats and dogs in certain circumstances

The local government may, by subordinate local law, prescribe the identification required by the *Animal Management (Cats and Dogs) Act 2008* for a cat or dog that is at a place other than the address stated in the registration notice for the cat or dog.¹⁰

Part 3 Control of animals

Division 1 Animals in public places

10. Exclusion of animals

- (1) The local government may, by subordinate local law, specify public places where animals, or animals of a particular species or breed, are prohibited.
- (2) The owner or responsible person for an animal must ensure that the animal is not in a public place in contravention of a prohibition specified under subsection (1).

Maximum penalty for subsection (2)—20 penalty units.

- (3) The local government must take reasonable steps to provide notice to members of the public regarding the animals that are prohibited in a particular public place.
- (4) In this section—

reasonable steps include, as a minimum, the display of a notice at a prominent place within the particular public place, stating—

- (a) the animals that are prohibited in the place; and
- (b) in general terms, the provisions of subsection (2).

11. Dog off-leash areas

- (1) The local government may, by subordinate local law, designate an area within a public place as an area where a dog is not required to be on a leash (a *dog off-leash area*).

⁹ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

¹⁰ Section 45 of the *Animal Management (Cats and Dogs) Act 2008* requires a person who keeps a cat or dog at a place other than the address in the registration notice to ensure it bears the identification prescribed by the local government under a local law.

- (2) The local government must take reasonable steps to provide notice to members of the public regarding the designation of an area as a dog off-leash area.
- (3) In this section—
reasonable steps include, as a minimum, the display of a notice at a prominent place within the dog off-leash area indicating the extent of the area.

12. Control of animals in public places¹¹

- (1) The owner or responsible person for an animal must ensure that the animal is not in a public place—
 - (a) unless the animal is under the effective control of someone; and
 - (b) if the animal is a declared dangerous animal¹²—unless the animal is securely restrained to prevent it from—
 - (i) attacking a person or animal; or
 - (ii) acting in a way that causes fear to a person or animal; or
 - (iii) causing damage to property.

Maximum penalty for subsection (1)—20 penalty units.

- (2) The owner or responsible person for a dog that is on heat must ensure that the animal is not in a public place.

Maximum penalty for subsection (2)—20 penalty units.

- (3) An animal is under the *effective control* of someone only if—
 - (a) a person who is physically able to control the animal—
 - (i) is holding it by an appropriate leash, halter or rein; or
 - (ii) has appropriately tethered it to an object fixed to a place from which the object can not be moved by the animal and is continuously supervising the animal; or
 - (iii) has corralled it in a temporary enclosure adequate to contain the animal and is continuously supervising the animal; or

¹¹ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, section 3, regarding the requirement for muzzling and effective control of regulated dogs in public and section 93, which applies this requirement where a dog is subject to a proposed declaration notice.

¹² See the definition of *declared dangerous animal* in the schedule.

- (b) the animal is tethered in or on a vehicle and unable to reach beyond the vehicle extremities; or
- (c) the animal is a dog in a dog off-leash area and under the supervision of a person who is able to control the animal by voice command; or
- (d) the animal is participating in, or being exhibited or trained at, an exhibition or an obedience trial supervised by a body recognised for this section by the local government; or
- (e) the animal is a working animal actually engaged in moving livestock and under the supervision of a person who is able to control the animal by voice command.

13. Person in control of dog or prescribed animal to clean up faeces

If a dog or any other animal prescribed by subordinate local law defecates in a public place, the person who has control of the dog or animal must immediately remove and dispose of the faeces in a sanitary way.

Maximum penalty—20 penalty units.

Division 2 Restraint of animals

14. Duty to provide proper enclosure and prevent animal from wandering

- (1) A person who keeps an animal must maintain a proper enclosure to prevent the animal from wandering or escaping from the person's land.¹³

Maximum penalty for subsection (1)—20 penalty units.

- (2) The local government may, by subordinate local law, prescribe requirements for a proper enclosure for an animal or species or breed of animal.
- (3) The owner of the animal must ensure that it is not wandering at large.¹⁴

Maximum penalty for subsection (3)—20 penalty units.

- (4) It is a defence to a prosecution for an offence against subsection (3) for the defendant to prove that—
 - (a) the defendant maintained a proper enclosure for the animal and could not, by the exercise of reasonable diligence, have prevented the escape of the animal; or
 - (b) the animal was wandering at large in circumstances authorised by the conditions of an approval granted under a local law.

Example for paragraph (b)—

The conditions of an approval to keep racing pigeons might authorise the approval holder to release the pigeons from their enclosure for a certain amount of time each day and during official pigeon racing events.

15. Koala conservation requirements

- (1) The local government may, by subordinate local law, prescribe requirements for keeping a dog on land that is within a koala area.
- (2) The prescribed requirements may relate to—

¹³ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

¹⁴ See the definition of *wandering at large* in the schedule.

- (a) the enclosure in which the dog must be kept between sunset and sunrise; or
 - (b) tethering the dog between sunset and sunrise to prevent it from attacking a koala; or
 - (c) fencing that must be in place to separate dogs from koalas on the land or on a part of the land; or
 - (d) other measures that will be likely to prevent an attack by the dog on a koala between sunset and sunrise.
- (3) A person who keeps a dog on land that is within a koala area must comply with requirements prescribed under this section.

Maximum penalty for subsection (3)—20 penalty units.

- (4) In this section—

koala area means—

- (a) a koala habitat area; or
- (b) an area designated by subordinate local law as a koala area.

koala habitat area means an area designated as a koala habitat by—

- (a) a conservation plan made under the *Nature Conservation Act 1992*; or
- (b) a State planning instrument.

Division 3 Aggressive behaviour by animals other than dogs

16. Limited application of division to dogs¹⁵

- (1) Unless otherwise indicated, this division does not apply in relation to aggressive behaviour by a dog.
- (2) In this section—

aggressive behaviour means attacking, or acting in a way that causes fear to, someone else or another animal.

17. Animals not to attack or cause fear to persons or animals

- (1) A responsible person for an animal must take reasonable steps to ensure the animal does not attack, or act in a way that causes fear to, someone else or another animal.

Maximum penalty for subsection (1)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
 - (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
 - (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
 - (d) otherwise—20 penalty units.
- (2) A person must not allow or encourage an animal to attack, or act in a way that causes fear to, a person or another animal.

Maximum penalty for subsection (2)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or

¹⁵ Aggressive behaviour by dogs is covered by the *Animal Management (Cats and Dogs) Act 2008*, sections 194 to 196. Page 136

- (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
- (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
- (d) otherwise—20 penalty units.

(3) In this section—

allow or encourage, without limiting the *Criminal Code*, sections 7 and 8, includes cause to allow or encourage.

another animal does not include vermin that are not the property of anyone.

Examples of vermin that are someone's property—

- a pet mouse or guinea pig
- vermin that are protected animals under the *Nature Conservation Act 1992*.¹⁶

18. Defences for offence against s 17

It is a defence to a prosecution for an offence against section 17 for the defendant to prove that the animal attacked, or acted in a way that caused fear to, the person or other animal—

- (a) as a result of the animal being attacked, mistreated, teased, or provoked by the person or other animal, including a dog; or
- (b) to protect the responsible person, or a person accompanying the responsible person (the **accompanying person**), or the responsible person's or accompanying person's property.

Division 4 Dangerous animals other than dogs¹⁷

19. Declaration of dangerous animal other than a dog

- (1) A local government may, by subordinate local law, specify criteria for an authorised person to declare an animal other than a dog to be a declared dangerous animal.
- (2) An authorised person may declare an animal other than a dog to be a declared dangerous animal if the animal meets the criteria prescribed by subordinate local law.
- (3) A declaration under subsection (2) takes effect at the time the local government gives the responsible person for the animal an information notice¹⁸ about the declaration.

20. Power to require responsible person for declared dangerous animal to take specified action

An authorised person may, by giving a compliance notice,¹⁹ require the responsible person for a declared dangerous animal to take specified action—

- (a) to warn persons who enter land on which the animal is kept of the presence of a declared dangerous animal on the land; and
- (b) to ensure that the animal remains in secure custody and is unable to attack or cause fear to persons or other animals or cause damage to another person's property.

¹⁶ See section 83 of that Act.

¹⁷ Dangerous dogs are dealt with in the *Animal Management (Cats and Dogs) Act 2008*.

¹⁸ See the definition of **information notice** in *Local Law No.1 (Administration) [insert year]*, schedule 1.

¹⁹ See *Local Law No.1 (Administration) [insert year]*, section 27 regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

Part 4 Seizure, impounding or destruction of animals

Division 1 Seizure of animals

21. Seizure of animals

- (1) An authorised person may seize²⁰ an animal, other than a dog,²¹ in the following circumstances—
 - (a) the animal is found wandering at large; or
 - (b) the responsible person for the animal has not complied with a compliance notice that has been issued in relation to compliance with this local law; or
 - (c) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
 - (d) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.²²
- (2) An authorised person may seize a dog in the following circumstances—
 - (a) the dog is found wandering at large; or
 - (b) the responsible person for the dog has not complied with a compliance notice that has been issued in relation to compliance with this local law; or
 - (c) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.
- (3) The authorised person may seize an animal under subsection (1)(a) or a dog under subsection (2)(a) where—
 - (a) another person has found the animal or dog wandering at large and delivered it to the authorised person; or
 - (b) an occupier of private land has found the animal or dog wandering at large on the land, taken it under effective control and requested the authorised person to enter the land to seize it.
- (4) However, an authorised person is not obliged to accept the custody of an animal under this section.
- (5) For the purposes of seizing an animal, an authorised person may take any action, including the use of force, which is reasonable in the circumstances to capture or control the animal.

Division 2 Destruction of animal without notice

22. Power to immediately destroy seized animal

- (1) This section applies where an authorised person has seized an animal, other than a

²⁰ See the *Local Government Act 2009*, chapter 5, part 2, division 1 in relation to authorised persons' enforcement powers, including entry to land.

²¹ See the *Animal Management (Cats and Dogs) Act 2008*, section 125, for seizure of a dog.

²² The *Transport Operations (Road Use Management) Act 1995*, section 100(13) provides: "If a local law provides for a matter mentioned in subsection (12), subsections (3) to (11) no longer apply in the local government's area." Page 138

regulated dog,²³ under this local law or another law.

- (2) The authorised person may, without notice, immediately destroy the animal if—
 - (a) the authorised person reasonably believes the animal is dangerous and the authorised person can not control it; or
 - (b) the animal is significantly suffering as a result of disease, severe emaciation or serious injuries; or
 - (c) an owner of the animal has requested the authorised person to destroy it.

Division 3 Return or impounding of animals

23. Immediate return of animal seized wandering at large

- (1) This section applies where—
 - (a) an animal has been seized under section 21(1)(a) or section 21(2)(a); and
 - (b) the authorised person who seizes the animal knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person may return the animal to the owner or responsible person.

24. Impounding of seized animal

An authorised person who seizes an animal under this local law or another law may impound the animal at a place of care for animals operated by—

- (a) the local government; or
- (b) another organisation or local government prescribed by subordinate local law.

Example for paragraph (a)—

An animal pound.

Example for paragraph (b)—

A veterinary surgery or an animal refuge.

25. What is a notice of impounding

- (1) A *notice of impounding* means a written notice, given to the owner or responsible person for an animal, stating that—
 - (a) the animal has been impounded; and
 - (b) the animal may be reclaimed within the prescribed period provided that—
 - (i) the cost-recovery fee is paid; and
 - (ii) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— the approval or registration is obtained; and
 - (iii) if the animal has been seized under section 21(1)(b) or 21(2)(b)— the owner or responsible person has complied with the relevant compliance notice; and
 - (iv) continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and

²³ See the *Animal Management (Cats and Dogs) Act 2008*, section 127, for power to destroy a seized regulated dog. Page 139

- (v) no destruction order has been made for the animal.

- (2) In this section—

relevant compliance notice means the compliance notice mentioned in section 21(1)(b) or 21(2)(b).

26. Dealing with animal seized and impounded for wandering at large

- (1) Subsection (2) applies where—

- (a) an authorised person has impounded an animal seized under section 21(1)(a) or 21(2)(a); and
- (b) the animal was not a declared dangerous animal at the time of being seized; and
- (c) the authorised person knows, or can readily find out, the name and address of the owner or responsible person for the animal.

- (2) The authorised person must give the owner or responsible person a notice of impounding.

- (3) Subsection (4) applies where—

- (a) an authorised person has impounded a declared dangerous animal seized under section 21(1)(a); or
- (b) an authorised person has impounded an animal that has been seized more than 3 times during a 12 month period.

- (4) The authorised person may—

- (a) give the owner or responsible person for the animal a notice of impounding; or
- (b) make a destruction order for the animal under section 30.

27. Dealing with animal seized and impounded for non-compliance with local law

- (1) This section applies where an authorised person has impounded an animal seized under section 21(1)(b) or 21(2)(b).

- (2) The authorised person may—

- (a) give the owner or responsible person for the animal a notice of impounding; or
- (b) if the animal was being kept in contravention of section 5 of this local law or is an animal for which an approval cannot be granted under this local law or is an animal for which an application for approval under this local law has been rejected—dispose of the animal under division 5.

28. Dealing with animal seized and impounded for attacking etc a person or another animal

- (1) This section applies where an authorised person has impounded an animal seized under section 21(1)(c).
- (2) The authorised person may²⁴—
 - (a) make a destruction order for the animal under section 30; or
 - (b) give the owner or responsible person a notice of impounding.

29. Reclaiming an impounded animal

- (1) This section applies where—
 - (a) the owner or responsible person for an animal has been given a notice of impounding; or
 - (b) an authorised person does not know, and cannot readily find out, the name and address of an owner or responsible person for the animal.
- (2) The animal may be reclaimed by an owner or responsible person if the owner or responsible person—
 - (a) reclaims the animal within the prescribed period; and
 - (b) pays the cost-recovery fee; and
 - (c) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration—obtains the approval or registration; and
 - (d) if the responsible person has not complied with a current compliance notice that has been issued in relation to compliance with this local law—complies with the compliance notice.
- (3) However, the animal may not be reclaimed by an owner or responsible person if—
 - (a) continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; or
 - (b) a destruction order has been made for the animal.
- (4) The animal may be reclaimed by an owner or responsible person for the animal if an event as follows happens—
 - (a) if subsection (3)(a) applies—
 - (i) an authorised person advises the owner or responsible person that the animal's continued retention as evidence is no longer required; and
 - (ii) the owner or responsible person has satisfied subsection (2)(b)-(d);
 - (b) if subsection (3)(b) applies—
 - (i) an application for a review or an appeal is made relating to the destruction order and, as a result of the review or appeal, the order is no longer in force; and
 - (ii) the owner or responsible person has satisfied subsection (2)(b)-(d).

²⁴ An authorised person may also declare an animal as a declared dangerous animal under section 19 if specified criteria are met.

Division 4 Destruction of animal following notice

30. Destruction orders

- (1) An authorised person may make an order (a ***destruction order***) stating the person proposes to destroy an animal 14 days after the order is served.
- (2) A destruction order may only be made in 1 or more of the following circumstances—
 - (a) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
 - (b) the animal is a declared dangerous animal and was found wandering at large; or
 - (c) the animal has been seized more than 3 times during a 12 month period.
- (3) The destruction order must—
 - (a) be served on a person who owns, or is a responsible person for, the animal; and
 - (b) include or be accompanied by an information notice.²⁵
- (4) If a destruction order is made for the animal, the person may destroy the animal 14 days after the order is served if no review application has been made relating to the decision to make the order.
- (5) If an application for review has been made relating to the decision to make the order, the person may destroy the animal if—
 - (a) the review is finally decided or is otherwise ended; and
 - (b) the order is still in force; and
 - (c) the time allowed for filing a notice of appeal has expired and no notice of appeal has been filed.
- (6) If an appeal is made relating to the decision to make the order, the person may destroy the animal if—
 - (a) the appeal is finally decided or is otherwise ended; and
 - (b) the order is still in force.
- (7) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
 - (a) a review relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) no application for an appeal has been made against the order; and
 - (c) the order is no longer in force; and
 - (d) the owner or responsible person has satisfied section 29(2)(b)-(d).
- (8) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
 - (a) an appeal relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) the order is no longer in force; and
 - (c) the owner or responsible person has satisfied section 29(2)(b)-(d).

²⁵ See note 17.

- (9) In this section—

review means a review conducted under the process mentioned in part 4 of *Local Law No.1 (Administration)* [insert year].

appeal means an appeal under part 4 of this local law.

Division 5 Disposal of impounded animals

31. Application of this division

This division applies where—

- (a) an impounded animal has not been reclaimed within the prescribed period under section 29(2); or
- (b) if section 29(3)(a) applies—the impounded animal has not been reclaimed within 3 days of an authorised person’s advice to the owner or responsible person that the animal’s continued retention as evidence is no longer required; or
- (c) if section 29(3)(b) applies—the impounded animal has not been reclaimed within 3 days of the completion of a review or appeal that caused a destruction order to no longer be in force; or
- (d) an authorised person has seized an animal mentioned in section 27(2)(b); or
- (e) the owner of an animal has surrendered the animal to the local government.

32. Sale, disposal or destruction of animals

- (1) The local government may—

- (a) offer the animal for sale by public auction or by tender; or
- (b) if the animal is an animal mentioned in section 27(2)(b) or is of a species, breed or class specified by subordinate local law for this paragraph—
 - (i) sell the animal by private agreement; or
 - (ii) dispose of the animal in some other way without destroying it; or
 - (iii) destroy the animal.

Example for paragraph (b)—

The subordinate local law might specify dogs, cats and other small domestic animals, for which a public auction or tender might not be practicable.

- (2) An animal may only be sold or disposed of under subsection (1) if the local government is satisfied that this will not result in the animal being kept in contravention of the requirements of this local law.

Examples—

- A pig that has been seized because it is being kept in an urban area in contravention of a prohibition under a subordinate local law could be sold to a person outside the urban area but not to another person in an urban area.
 - An animal that a subordinate local law has prohibited in any part of the local government area could not be sold to a person who resides within the local government area.
 - A declared dangerous animal could only be sold to a person who has complied with any specified requirements for keeping such an animal.
- (3) If an animal is to be offered for sale at a public auction under this section, notice of the time and place of the auction must be exhibited at the local government’s public office for at least 2 days before the date of the auction.

- (4) An amount realised on sale of an impounded animal must be applied—
 - (a) first, towards the costs of the sale; and
 - (b) second, towards the cost-recovery fee for impounding; and
 - (c) third, in payment of the remainder to the former owner of the animal, unless the owner had surrendered the animal to the local government.
- (5) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (4)(c) within 1 year of the date of the sale, the amount becomes the property of the local government.
- (6) If an animal that is offered for sale by public auction or tender is not sold through the auction or tender process, the local government may dispose of the animal as it considers appropriate.

Examples—

- The local government may give the animal away.
- The local government may have the animal destroyed.

Division 6 Other impounding matters

33. Register of impounded animals

- (1) The local government must ensure that a proper record of impounded animals (the *register of impounded animals*) is kept.
- (2) The register of impounded animals must contain the following information about each impounded animal—
 - (a) the species, breed and sex of the animal; and
 - (b) the brand, colour, distinguishing markings and features of the animal; and
 - (c) if applicable—the registration number of the animal; and
 - (d) if known—the name and address of the responsible person; and
 - (e) the date and time of seizure and impounding; and
 - (f) the name of the authorised person who impounded the animal; and
 - (g) the reason for the impounding; and
 - (h) a note of any order made by an authorised person relating to the animal; and
 - (i) the date and details of whether the animal was sold, released, destroyed or disposed of in some other way.
- (3) The register of impounded animals must be kept available for public inspection at the place of care for animals or, if the place has no public office, at an office prescribed by subordinate local law.

34. Access to impounded animal

- (1) This section applies to an animal impounded under section 24.
- (2) The local government must allow the owner of the animal to inspect it at any reasonable time, from time to time.
- (3) Subsection (2) does not apply if it is impracticable or would be unreasonable to allow the inspection.
- (4) The inspection must be provided free of charge.

35. Unlawful removal of seized or impounded animal

- (1) A person must not, without the authority of an authorised person, remove or attempt to remove—
 - (a) a seized animal from the custody or control of an authorised person; or
 - (b) an impounded animal from the local government's facility for keeping impounded animals.

Maximum penalty for subsection (1)—50 penalty units.

- (2) Any costs arising from damage or loss caused by a person contravening subsection (1) are recoverable by the local government as a debt.

Part 5 Appeals against destruction orders**36. Who may appeal**

An owner or responsible person for an animal the subject of a destruction order may appeal to the Magistrates Court against the decision to make the destruction order.

37. Starting appeal

- (1) An appeal must not be started unless a review of the decision to make the destruction order has been finally decided or otherwise ended.
- (2) An appeal is started by—
 - (a) filing notice of appeal with the Magistrates Court; and
 - (b) serving a copy of the notice of appeal on the local government; and
 - (c) complying with rules of court applicable to the appeal.
- (3) The notice of appeal must be filed within 14 days after the appellant is given notice by the local government about the finalisation of the review of the decision to make a destruction order.
- (4) However, the court may, at any time, extend the time for filing the notice of appeal.
- (5) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

38. Stay of destruction order

Upon filing the notice of appeal, the destruction order is stayed until the court decides the appeal.

39. Hearing procedures

- (1) In deciding an appeal, the Magistrates Court—
 - (a) has the same powers as the local government; and
 - (b) is not bound by the rules of evidence; and
 - (c) must comply with natural justice.
- (2) An appeal is by way of rehearing, unaffected by the decision appealed against.

40. Court's powers on appeal

- (1) In deciding an appeal, the Magistrates Court may—
 - (a) confirm the decision appealed against; or
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the matter to the local government with directions the court considers appropriate.
- (2) If the court substitutes another decision, the substituted decision is, for the purposes of this local law, other than this part, taken to be the decision of the local government.
- (3) An order for the costs of an appeal may only be made against the local government if the court is satisfied that the animal was unlawfully seized or there was no reasonable basis for making the decision subject to the appeal.

41. Appeal to District Court

An appeal lies to a District Court from a decision of the Magistrates Court, but only on a question of law.

Part 6 Miscellaneous

42. Sale of animals

- (1) The local government may, by subordinate local law, specify conditions to be complied with by persons who offer animals, or a particular species of animal, for sale.
- (2) Conditions specified under subsection (1) are in addition to requirements of the *Animal Management (Cats and Dogs) Act 2008* in relation to the supply of cats and dogs.
- (3) A person must not offer or display animals for sale in the area unless the person complies with conditions specified under subsection (1).

Maximum penalty for subsection (3)—50 penalty units.

43. Subordinate local laws

The local government may make subordinate local laws about—

- (a) the circumstances in which the keeping of animals is prohibited;²⁶ or
- (b) the circumstances in which an approval is required for the keeping of animals;²⁷ or
- (c) the circumstances in which desexing of an animal is required;²⁸ or
- (d) minimum standards for keeping animals generally or animals of a particular species or breed;²⁹ or
- (e) the identification for cats and dogs required under the *Animal Management (Cats and Dogs) Act 2008*;³⁰ or

²⁶ See section 5(1).

²⁷ See section 6(1).

²⁸ See section 7(1).

²⁹ See section 8(1).

³⁰ See section 9.

- (f) the exclusion of animals, or animals of a specified species, from public places;³¹ or
- (g) designated dog off-leash areas;³² or
- (h) animals whose faeces in public places must be removed and disposed of;³³ or
- (i) proper enclosure requirements;³⁴ or
- (j) requirements for keeping a dog within a koala area;³⁵ or
- (k) designation of an area as a koala area;³⁶ or
- (l) the criteria for declaring an animal other than a dog to be a declared dangerous animal;³⁷ or
- (m) the organisation or local government that operates a place or care for impounded animals;³⁸ or
- (n) the species, breed or class of animal that may be disposed of other than by public auction or tender;³⁹ or
- (o) the office at which the register of impounded animals is available for public inspection;⁴⁰ or
- (p) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale;⁴¹ or
- (q) the exclusion of animals of a particular species from the application of this local law;⁴² or
- (r) the declaration of a species of animal as a declared dangerous animal;⁴³ or
- (s) the period within which an impounded animal may be reclaimed.⁴⁴

³¹ See section 10(1).

³² See section 11(1).

³³ See section 13.

³⁴ See section 14(2).

³⁵ See section 15(1).

³⁶ See section 15(4).

³⁷ See section 19(1).

³⁸ See section 24(b).

³⁹ See section 32(1)(b).

⁴⁰ See section 33(3).

⁴¹ See section 42(1).

⁴² See the definition of *animal* in the schedule.

⁴³ See the definition of *declared dangerous animal* in the schedule.

⁴⁴ See the definition of *prescribed period* in the schedule.

Schedule Dictionary

Section 3

animal includes a mammal, fish, bird, reptile, amphibian or insect but does not include an animal of a species excluded by subordinate local law from the application of this local law.

attack, by an animal, means—

- (a) aggressively rushing at or harassing any person or animal; or
- (b) biting, butting, kicking, or otherwise causing physical injury to, a person or an animal; or
- (c) tearing clothing on, or otherwise causing damage to the property in the immediate possession of, a person.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) [insert year]*, section 27.

cost-recovery fee means the fee fixed by the local government to cover the costs associated with impounding an animal.⁴⁵

declared dangerous animal means an animal—

- (a) of a species declared by subordinate local law as a declared dangerous animal; or
- (b) declared under section 19 of this local law to be a declared dangerous animal.

destroy, an animal, includes causing it to be destroyed.

destruction order see section 30(1).

dog off-leash area see section 11(1).

effective control see section 12(3).

notice of impounding see section 25(1).

owner, of an animal, means

- (a) its registered owner;
- (b) a person who owns the animal, in the sense of it being the person's personal property;
- (c) a person who usually keeps the animal, including through an agent, employee or anyone else;
- (d) if a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the minor.

prescribed period means the period, fixed by subordinate local law, of not less than—

- (a) if the animal is registered with the local government—5 days; or
- (b) if the animal is not registered with the local government—3 days;

and commencing on the day a notice of impounding is given to a person or, if no notice is given to a person, on the day of the seizure.

registered owner, of an animal, means a person recorded as being the owner of the animal in a registry kept by a local government.

responsible person, for an animal, means—

- (a) the person, or the person's employee acting within the scope of the employment, who has immediate control or custody of the animal; or
- (b) the parent or guardian of a minor who has immediate control or custody of the animal; or
- (c) the person who occupies the place at which the animal is usually kept,

⁴⁵ See the Act, section 97 for the power of a local government to fix a cost recovery fee.

but does not include—

- (a) a person who occupies the place at which the animal is usually kept, if someone else who is an adult and lives at the place keeps the animal; or
- (b) a person who has the control or custody of or keeps the animal as an employee of someone else, if the person is acting within the scope of the employment.

restricted dog see *Animal Management (Cats and Dogs) Act 2008*, section 63.

State planning instrument see *Sustainable Planning Act 2009*, schedule 3.

the Act means the *Local Government Act 2009*.

wandering at large means—

- (a) the animal is not under the effective control of someone; and
- (b) the animal is in either—
 - (i) a public place; or
 - (ii) a private place without the consent of the occupier.

Model Local Law No. 3 (Community and Environmental Management) 2010

Contents

Part 1	Preliminary.....	3
1	Short title.....	3
2	Purpose and how it is to be achieved.....	3
3	Definitions—the dictionary.....	3
4	Relationship with other laws	3
Part 2	Declared local pests	3
Division 1	Application	3
5	Application of part.....	3
Division 2	Declaration of local pests	4
6	Declaration of local pests.....	4
7	Emergency declarations	4
8	Application of declaration.....	5
Division 3	Control of local pests	5
9	Power to search for declared local pests.....	5
10	Pest control notices	5
Division 4	Prohibition of sale and propagation.....	6
11	Prohibition on sale	6
12	Prohibition on introducing, propagating etc a declared local pest	6
Part 3	Overgrown and unsightly allotments	6
13	Overgrown allotments.....	6
14	Accumulation of objects and materials on allotments	7
Part 4	Fires and fire hazards	8
15	Regulation of lighting and maintaining fires in the open.....	8
16	Fire hazards	8
Part 5	Community safety hazards.....	9

17	What is a community safety hazard.....	9
18	Power to enter property to inspect for community safety hazards	9
19	Removal or reduction of community safety hazards	10
20	Prescribed requirements.....	10
Part 6	Noise standards	11
21	Prescribed noise standards	11
Part 7	Miscellaneous.....	11
22	Subordinate local laws	11
Schedule	Dictionary.....	12

Part 1 Preliminary

1 Short title

This model local law may be cited as *Model Local Law No. 3 (Community and Environmental Management) 2010*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from—
 - (a) inadequate protection against animal and plant pests; and
 - (b) vegetation overgrowth; and
 - (c) visual pollution resulting from accumulation of objects and materials; and
 - (d) fires and fire hazards not regulated by State law; and
 - (e) community safety hazards; and
 - (f) noise that exceeds noise standards.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
- (b) to be read with *Local Law No. 1 (Administration)*__ [insert year].

Part 2 Declared local pests

Division 1 Application

5 Application of part

- (1) This part does not apply to—
 - (a) an animal or plant that is a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*² or the *Plant Protection Act 1989*³; or
 - (b) noxious fisheries resources or diseased fisheries resources⁴.

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

² See the *Land Protection (Pest and Stock Route Management) Act 2002*, sections 36 and 37, regarding the declaration of plants and animals as declared pests for the State or part of the State.

³ See the *Plant Protection Act 1989*, section 4, regarding the declaration of pests that are harmful to the growth or quality of crop plants.

⁴ See the *Fisheries Act 1994*, section 94, regarding the declaration of diseased fisheries resources.

- (2) In this section—

declared pest see the *Land Protection (Pest and Stock Route Management) Act 2002*, section 8 and the *Plant Protection Act 1989*, section 4.

diseased fisheries resources see the *Fisheries Act 1994*, section 94.

noxious fisheries resources see the *Fisheries Act 1994*, schedule.

Division 2 Declaration of local pests

6 Declaration of local pests

- (1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.
- (2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government's area; and
 - (b) comes into force on the date of publication.

- (4) In this section—

chief executive means the chief executive of the department in which the *Land Protection (Pest and Stock Route Management) Act 2002* is administered.

7 Emergency declarations

- (1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.
- (2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government's area; and
 - (b) comes into force on the date of publication; and
 - (c) comes to an end three months after the date of publication.

- (4) In this section—

environmental harm see *Environmental Protection Act 1994*, section 14.

8 Application of declaration

A declaration may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

Division 3 Control of local pests

9 Power to search for declared local pests

- (1) This section applies if an authorised person wants to enter a property to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

10 Pest control notices

- (1) An authorised person may, by compliance notice⁵ given to the owner of land, require the owner⁶ to take specified action to control declared local pests.
- (2) The specified action may include action to—
 - (a) destroy declared local pests on the land; or
 - (b) minimise the risk of an outbreak of declared local pests on the land; or
 - (b) prevent or minimise seeding or reproduction by declared local pests; or
 - (c) contain infestation by declared local pests within a localised area; or
 - (d) reduce the density or extent of infestation by declared local pests; or

⁵ See *Local Law No.1 (Administration) [insert year]*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

⁶ See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

- (e) remove harbour provided to declared local pests.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

Division 4 Prohibition of sale and propagation

11 Prohibition on sale

A person must not—

- (a) sell or supply a declared local pest; or
- (b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

12 Prohibition on introducing, propagating etc a declared local pest

- (1) A person must not—

- (a) introduce, propagate or breed a declared local pest; or
- (b) provide harbour to a declared local pest.

Maximum penalty for subsection (1)—50 penalty units.

- (2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

Example of persons that might be exempted from subsection (1) in relation to specified pests—

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

- (3) In this section—

introduce means to introduce, or cause to introduce, into the local government's area.

Part 3 Overgrown and unsightly allotments

13 Overgrown allotments

- (1) This section applies where an authorised person forms the opinion that an allotment is overgrown with vegetation to such an extent that it—
 - (a) has seriously affected the visual amenity of the allotment; or
 - (b) is likely to attract or harbour reptiles.
- (2) The authorised person may, by compliance notice⁷ given to the responsible person for the allotment, require the responsible person to clear the vegetation to an extent specified in the notice.

⁷ See footnote 5.

- (3) However, the notice cannot prevent a use of land authorised under the Planning Act⁸ or the *Environmental Protection Act 1994*.
- (4) In this section—
- vegetation** includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law⁹ of the State or Commonwealth or under the local government's planning scheme.

14 Accumulation of objects and materials on allotments

- (1) This section applies where an authorised person forms the opinion that objects or materials brought on to, or allowed to accumulate on, an allotment—
- (a) have seriously affected the visual amenity of the allotment; or
- (b) are likely to attract or harbour reptiles.

Examples for paragraph (a) of objects and materials that may seriously affect the visual amenity of an allotment—

- Discarded or disused machinery or machinery parts.
- Broken-down or severely rusted vehicles.
- Discarded bottles, containers or packaging.
- Refuse or scrap material.

- (2) The authorised person may, by compliance notice¹⁰ given to the responsible person for the allotment, require the responsible person to—
- (a) remove objects or materials that are causing the circumstance mentioned in subsection (1)(a) or (b); or
- (b) take other specified action to remedy the circumstance mentioned in subsection (1)(a) or (b).

Example of action that might be required under paragraph (b)—

Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from public view.

- (3) However, the notice cannot prevent a use of land authorised under the Planning Act or the *Environmental Protection Act 1994*.

⁸ See definition of *Planning Act* in the Act, schedule 4.

⁹ For example, vegetation may be protected under the *Nature Conservation Act 1994*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)*.

¹⁰ See footnote 5.

Part 4 Fires and fire hazards

15 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Rescue Service Act 1990*.¹¹
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

Example—

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
 - the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
 - the fire is lit and extinguished within a specified time.
- (3) A person must comply with a prohibition or restriction imposed under this section.

Maximum penalty for subsection (3)—50 penalty units.

- (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.

Maximum penalty for subsection (4)—50 penalty units.

- (5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

16 Fire hazards

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹² given to the responsible person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.¹³

¹¹ See the *Fire and Rescue Service Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 6 August 2004.

¹² See footnote 5.

¹³ See also the *Fire and Rescue Service Act 1990*, section 69, under which the Fire Services Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

(3) In this section—

fire hazard means—

- (a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or
- (b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

Examples of fire hazards for paragraph (a)—

- Live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash.
- A substantial accumulation of grass clippings that is liable to spontaneous combustion.
- Dry vegetation that could be easily ignited or other flammable materials.

Part 5 Community safety hazards

17 What is a community safety hazard

A community safety hazard is—

- (a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) objects or materials on land that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or
- (c) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.

Examples of a fence or structure that may be a community safety hazard for paragraph (a)—

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

18 Power to enter property to inspect for community safety hazards

- (1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to inspect the property for community safety hazards.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the

property, excluding a home on the property, without the permission of the occupier; and

- (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

19 Removal or reduction of community safety hazards

- (1) This section applies where an authorised person forms the opinion that a community safety hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹⁴ given to the responsible person for the allotment, require the responsible person to take specified action in relation to the community safety hazard to—
 - (a) remove the hazard; or
 - (b) reduce the level of risk to persons or property.

Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community safety hazard—

Securing objects or materials that may become airborne in periods of high wind.

20 Prescribed requirements

- (1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community safety hazards located on the owner's land.

Example of prescribed requirements—

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
 - A requirement to install and maintain an electric fence in accordance with appropriate standards.
- (2) A responsible person must comply with requirements prescribed under this section.

Maximum penalty for subsection (2)—50 penalty units.

¹⁴ See footnote 5.

Part 6 Noise standards

21 Prescribed noise standards

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.¹⁵
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
 - (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);¹⁶ and
 - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.¹⁷

Part 7 Miscellaneous

22 Subordinate local laws

The local government may make subordinate local laws about—

- (a) declaring animals or plants of specified species to be local pests;¹⁸ or
- (b) lighting and maintaining of fires in the open;¹⁹ or
- (c) fire hazards;²⁰ or
- (d) community safety hazards;²¹ or
- (e) prescribed requirements relating to community safety hazards;²² or
- (f) prescribed noise standards for the *Environmental Protection Act 1994*.²³

¹⁵ See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation 2008*, section 99, devolves the administration and enforcement of noise standards to local governments. Section 109 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

¹⁶ See, however, *Local Law No.1 (Administration)* __[insert year], section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

¹⁷ Section 440O(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3.

¹⁸ See section 6(1).

¹⁹ See section 15(2).

²⁰ See section 16(3)(b).

²¹ See section 17(c).

²² See section 20(1).

²³ See section 21(2).

Schedule Dictionary

Section 3

allotment means an individual parcel or piece of land.

animal means an organism (other than a human being) that is not a plant and includes eggs and semen.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration)*__
[insert year], section 27.

declared local pest means a plant or animal declared to be a pest under section 6 or 7.

plant means vegetation of any type, including its flowers, roots, seeds and other parts.

reasonable written notice means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

responsible person means the person who has control or management of the place and includes a person in charge of activities or structures in the place that may result in contravention of this local law.

the Act means the *Local Government Act 2009*.



WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

Model Local Law No. 4

Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2010

Contents

Part 1	Preliminary.....	2
	1 Short title.....	2
	2 Purpose and how it is to be achieved.....	2
	3 Definitions—the dictionary.....	2
	4 Relationship with other laws.....	2
Part 2	Use of local government controlled areas, facilities and roads.....	3
	5 Prohibited and restricted activities.....	3
	6 Motor vehicle access to local government controlled areas.....	3
	7 Opening hours of local government controlled areas.....	4
	8 Power of closure of local government controlled areas.....	5
Part 3	Matters affecting roads.....	6
	9 Power to require owner of land adjoining road to fence land.....	6
	10 Numbering of premises and allotments adjoining a road.....	7
Part 4	Miscellaneous.....	7
	11 Subordinate local laws.....	7
Schedule	Dictionary.....	7

Part 1 Preliminary

1 Short title

This model local law may be cited as *Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2010*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to—
 - (a) protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads; and
 - (b) preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of access to local government controlled areas; and
 - (b) the prohibition or restriction of particular activities on local government controlled areas or roads; and
 - (c) miscellaneous matters affecting roads.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws² regulating the use of trust land and roads; and
- (b) is to be read with *Local Law No. 1 (Administration)* __ [insert year].

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

² Other legislation that may be relevant in the application of this local law includes the *Land Act 1994*, the *Land Regulation 1995* and the *Land Protection (Pest and Stock Route Management) Act 2002*.

Part 2 Use of local government controlled areas, facilities and roads³

5 Prohibited and restricted activities

- (1) The local government may, by subordinate local law, declare an activity to be—
 - (a) prohibited in a local government controlled area or road (a *prohibited activity*); or
 - (b) restricted in a local government controlled area or road (a *restricted activity*).

Example for paragraph (a)—

The local government may declare that the lighting of fires is a prohibited activity in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

Example for paragraph (b)-

The local government may declare that the playing of sport generally, or the playing of certain sports, is a restricted activity in that it is restricted to particular times of the day, week, month or year in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

- (2) The local government must take reasonable steps to provide notice to members of the public regarding restricted activities declared for local government controlled areas or roads.
- (3) In this section—

reasonable steps may include the display of a notice at a prominent place within each local government controlled area for which a declaration under subsection (1)(b) has been made, stating—

 - (a) if the declaration relates to the whole area—the restricted activities for the area; and
 - (b) if the declaration relates to a part of the area—the restricted activities and a description of the part of the area to which the declaration applies; and
 - (c) in general terms, the provisions of subsection (4).
- (4) A person must not engage in a prohibited activity or a restricted activity.

Maximum penalty - 20 penalty units

6 Motor vehicle access to local government controlled areas

- (1) A *motor vehicle access area* is an area within a local government controlled area that is—

³ Local Law No. 1 (Administration)___[insert year] deals with activities on local government controlled areas and roads that require the local government's approval, such as commercial use of local government controlled areas and roads, alterations or improvements to local government controlled areas, and other miscellaneous regulated activities.

- (a) a car park or roadway for which there is no sign or traffic control device indicating that vehicles owned by members of the public are excluded; or
 - (b) declared under a subordinate local law for this paragraph as a motor vehicle access area.
- (2) For the purposes of *Local Law No.1 (Administration)* __[insert year], section 5(b), it is a prescribed activity⁴ to bring a motor vehicle onto or drive a motor vehicle on any part of a local government controlled area that is not a motor vehicle access area.
- (3) The local government may, by subordinate local law, declare a specific type of motor vehicle (a **prohibited vehicle**) as prohibited in a specified motor vehicle access area.
- (4) For the purposes of *Local Law No.1 (Administration)* __[insert year], section 5(b), it is a prescribed activity⁵ to bring a prohibited vehicle onto or drive a prohibited vehicle on the specified motor vehicle access area.
- (5) However, subsections (2) and (4) do not apply for an emergency vehicle.
- (6) The local government must take reasonable steps to provide notice to members of the public regarding—
- (a) declarations of motor vehicle access areas under subsection (1)(b); and
 - (b) declarations of prohibited vehicles under subsection (3).
- (7) In this section—
- emergency vehicle** includes the following—
- (a) an ambulance;
 - (b) a fire-engine;
 - (c) a police vehicle;
 - (d) another vehicle, including a tow truck, helicopter or mobile crane, if used in circumstances of an emergency.
- reasonable steps** include, as a minimum, the display of a notice at a prominent place within each declared motor vehicle access area stating—
- (a) a description of the declared motor vehicle access area; and
 - (b) a description of prohibited vehicles for the area; and
 - (c) in general terms, the provisions of subsections (2) and (4).

7 Opening hours of local government controlled areas

- (1) The local government may, by subordinate local law, declare the times when a local government controlled area is open to the public (the **opening hours**).
- (2) A person must not enter or remain in a local government controlled area outside the

⁴ *Local Law No.1 (Administration)* __[insert year], section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

⁵ See footnote 3.

opening hours unless the person is authorised to do so by the chief executive officer⁶.

Maximum penalty for subsection (2)—20 penalty units.

- (3) If the local government declares the opening hours for a local government controlled area under subsection (1), it must place a notice showing the opening hours at each public entrance to the area.

8 Power of closure of local government controlled areas

- (1) The local government may, by resolution, temporarily close a local government controlled area to public access—
- (a) to carry out construction, maintenance, repair or restoration work; or
 - (b) to protect the health and safety of a person or the security of a person's property; or
 - (c) because of a fire or other natural disaster; or
 - (d) to conserve or protect the cultural or natural resources of the area or native wildlife.
- (2) A resolution under subsection (1)—
- (a) must state a period, not greater than 6 months, during which the area will be closed; and
 - (b) must be revoked by the local government as soon as practicable after the local government becomes satisfied that the reason for making the resolution no longer exists.
- (3) The local government may, by subordinate local law, permanently close a local government controlled area to public access for any of the following reasons—
- (a) the conservation of the cultural or natural resources of the area, including, for example—
 - (i) to protect significant cultural or natural resources; or
 - (ii) to enable the restoration or rehabilitation of the area; or
 - (iii) to protect a breeding area for native wildlife; or
 - (iv) to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or
 - (v) to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island custom;
 - (b) protection of the health and safety of members of the public;
 - (c) protection of a facility or service in the area, including, for example, infrastructure, water supply facilities or power generating equipment;
 - (d) protection of the amenity of an area adjacent to the area;
 - (e) the orderly or proper management of the area.
- (4) If the local government closes a local government controlled area under subsections (1) or (3), it must place at each public entrance to the area a notice of the closure, including

⁶ See definition of *chief executive officer* in the Act, schedule 4.

a statement of the duration of the closure.

Example—

If the local government closes an area that is part of a wider local government controlled area, it must place notices at each public entrance to the closed area.

- (5) A person must not enter or remain in a local government controlled area while it is closed to public access under this section, unless the person is authorised to do so by the chief executive officer.

Maximum penalty for subsection (5)—20 penalty units.

- (6) In this section—

significant Aboriginal area see the *Aboriginal Cultural Heritage Act 2003*, section 9.

significant Torres Strait Islander area see the *Torres Strait Islander Cultural Heritage Act 2003*, section 9.

Part 3 Matters affecting roads

9 Power to require owner of land adjoining road to fence land

- (1) This section applies if, in the local government's opinion, it is necessary for land adjoining a road to be fenced to prevent the risk of—
- (a) animals escaping from the land onto the road; or
 - (b) interference with the safe movement of traffic or the safe use of the road.
- (2) The local government may, by giving a compliance notice⁷ to the owner—
- (a) if the land is not currently fenced—require the owner to fence the land; or
 - (b) if a current fence on the land is in disrepair—require the owner to repair or replace the fence.
- (3) The local government may, by subordinate local law, set out the minimum standards with which the fence must comply.
- (4) In this section—

animal does not include a native animal, feral animal or pest animal.

feral animal see *Animal Care and Protection Act 2001*, section 42.

pest animal see *Animal Care and Protection Act 2001*, section 42.

⁷ See *Local Law No.1 (Administration)* __ [insert year], section 27, regarding the requirements for compliance notices.

10 Numbering of premises and allotments adjoining a road⁸

- (1) An owner of land must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by the local government under this section.

Maximum penalty for subsection (1)—10 penalty units.

- (2) An owner of land (other than vacant land) must display the number allocated so as to be easily identified from the adjoining road.

Maximum penalty for subsection (2)—10 penalty units.

Part 4 Miscellaneous

11 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the declaration of prohibited activities or restricted activities;⁹ or
- (b) the declaration of motor vehicle access areas;¹⁰ or
- (c) the declaration of prohibited vehicles;¹¹ or
- (d) the opening hours for a local government controlled area;¹² or
- (e) closing a local government controlled area to public access;¹³ or
- (f) minimum standards for fences on land adjoining a road.¹⁴

Schedule Dictionary

Section 3

local government controlled area see *Local Law No.1 (Administration) 2010*, schedule 1.

road see *Local Law No.1 (Administration) 2010*, schedule 1.

⁸ See the Act, section 60, regarding control of roads by a local government.

⁹ See section 5(1).

¹⁰ See section 6(1).

¹¹ See section 6(3).

¹² See section 7(1).

¹³ See section 8(3).

¹⁴ See section 9(3).

Model Local Law No. 5 (Parking) 2010

Contents

Part 1	Preliminary	2
	1 Short title	2
	2 Purpose and how it is to be achieved	2
	3 Definitions—the dictionary	2
	4 Relationship with other laws	2
Part 2	Declaration of parking areas for the TORUM Act	2
	5 Declaration of traffic areas	2
	6 Declaration of off-street regulated parking areas	3
Part 3	Parking contrary to parking restriction	3
	7 Parking permits	3
	8 Commercial vehicle identification labels	3
Part 4	Minor traffic offence infringement notice penalties	4
	9 Minor traffic offence infringement notice penalties	4
Part 5	Miscellaneous	4
	10 Subordinate local laws	4
Schedule	Dictionary	4

Part 1 Preliminary

1 Short title

This model local law may be cited as *Model Local Law No. 5 (Parking) 2010*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to complement the regulated parking provisions in chapter 5, part 6 of the TORUM Act by providing for the exercise of local government powers authorised under that Act.
- (2) The purpose is achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) lawfully parking contrary to an indication on an official traffic sign with a parking permit or in a loading zone with a commercial vehicle identification label; and
 - (c) the prescribing of infringement notice penalties for minor traffic offences.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from, the TORUM Act, chapter 5, part 6²; and
- (b) to be read with *Local Law No. 1 (Administration)* MPart 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas

- (1) The local government may, by subordinate local law, declare the whole or a part of its area to be a traffic area.^{3 4}
- (2) The subordinate local law must define the boundaries of the traffic area.

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

² A local government cannot regulate parking on a State-controlled road unless the written agreement of the chief executive has been obtained under the TORUM Act, section 101(1)(b).

³ See the TORUM Act, sections 102(3)(a) and 102(2)(b).

⁴ The TORUM Act, section 69(4), provides: “A local government may install or remove an official traffic sign that will result in a change to the management of a local government road, of a kind mentioned in the *Transport Planning and Coordination Act 1994*, section 8D(1), only if the chief executive has approved the proposed change under the *Transport Planning and Coordination Act 1994*, section 8D.”

6 Declaration of off-street regulated parking areas

- (1) The local government may, by subordinate local law, declare an area of land controlled⁵ by the local government, including structures on the land, as an off-street regulated parking area.⁶
- (2) The subordinate local law must define the boundaries of the off-street regulated parking area.

Part 3 Parking contrary to parking restriction

7 Parking permits⁷

- (1) The local government may issue a parking permit.⁸
- (2) The local government may prescribe, by subordinate local law, the persons that may be issued with a permit mentioned in subsection (1).
- (3) A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or payment of a fee, if the vehicle displays—
 - (a) a parking permit for people with disabilities;⁹ or
 - (b) a permit issued by the local government and valid for the place and time at which the vehicle is parked.

8 Commercial vehicle identification labels¹⁰

- (1) The local government may issue a commercial vehicle identification label.¹¹
- (2) The local government may, by subordinate local law, prescribe vehicles that may be issued with a commercial vehicle identification label.¹²
- (3) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.¹³

⁵ See the TORUM Act, section 104(2).

⁶ See the TORUM Act, sections 104(1)(b) and 101(1)(c).

⁷ See the TORUM Act, section 103(4).

⁸ *Local Law No. 1 (Administration)* [insert year], section 5(b), provides that a **prescribed activity** includes “an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.” Section 7 of *Local Law No. 1 (Administration)* [insert year] provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration)* [insert year]. As a result, an approval for a parking permit must be obtained under that part.

⁹ Parking permits for people with disabilities are issued under the TORUM Act, section 111, by the chief executive of the department administering the TORUM Act.

¹⁰ See the TORUM Act, section 103(5).

¹¹ *Local Law No. 1 (Administration)* [insert year], section 5(b), provides that a **prescribed activity** includes “an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.” Section 7 of *Local Law No. 1 (Administration)* [insert year] provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration)* [insert year]. As a result, an approval for a commercial vehicle identification label must be obtained under that part.

¹² The TORUM Act already defines certain vehicles designed for the carriage of goods as commercial vehicles – see schedule 4, definition, **commercial vehicle**.

¹³ See also *Transport Operations (Road Use Management-Road Rules) Regulation 1999*, section 179, relating to drivers who are permitted to stop in a loading zone.

Part 4 Minor traffic offence infringement notice penalties

9 Minor traffic offence infringement notice penalties

- (1) The local government may prescribe, by subordinate local law, an amount (in penalty units) as the infringement notice penalty for a minor traffic offence.¹⁴
- (2) However, a subordinate local law under subsection (1) may not prescribe an amount greater than 5 penalty units.

Part 5 Miscellaneous

10 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the declaration of traffic areas;¹⁵ or
- (b) the declaration of off-street regulated parking areas;¹⁶ or
- (c) the persons who may be issued with a permit to park a vehicle contrary to an indication on an official traffic sign;¹⁷ or
- (d) vehicles that may be issued with a commercial vehicle identification label;¹⁸ or
- (e) infringement notice penalty amounts that apply for minor traffic offences.¹⁹

Schedule Dictionary

Section 3

commercial vehicle identification label means a label of the type depicted in the Manual of Uniform Traffic Control Devices as a commercial vehicle identification label.

indication, on an official traffic sign, see TORUM Act, schedule 4.

infringement notice penalty means an infringement notice fine under the *State Penalties Enforcement Act 1999*.

minor traffic offence see TORUM Act, section 108(4).

official traffic sign see TORUM Act, schedule 4.

off-street regulated parking area see TORUM Act, schedule 4.

parking permit for people with disabilities see TORUM Act, schedule 4.

traffic area see TORUM Act, schedule 4.

TORUM Act means the *Transport Operations (Road Use Management) Act 1995*.

¹⁴ See the TORUM Act, section 108(1). The maximum penalty for an offence relating to paid parking is 40 penalty units under the TORUM Act, section 106(1). The maximum penalty for other parking offences is 40 penalty units under the TORUM Act, section 74.

¹⁵ See section 5(1).

¹⁶ See section 6.

¹⁷ See section 7(2).

¹⁸ See section 8(2).

¹⁹ See section 9(1).

Model Local Law No. 7 (Indigenous Community Land Management) 2010

Contents

Part 1	Preliminary.....	2
	1 Short title	2
	2 Purpose and how it is to be achieved	2
	3 Definitions—the dictionary.....	2
	4 Relationship with other laws.....	2
Part 2	Authority to enter etc. trust area.....	2
	5 Authorisation of classes of persons	2
	6 Authorisation of individuals.....	3
Part 3	Scientific research	3
	7 Approval required to undertake scientific research.....	3
Part 4	Camping sites.....	4
	8 Designation of camping sites	4
	9 Approval required for camping	4
	10 Conditions on use of camping site	4
	11 Fee for camping approval.....	4
	12 Temporary closures.....	4
Part 5	Parks and reserves	5
	13 Application to Aboriginal or Torres Strait Islander land.....	5
	14 Designation of parks and reserves.....	5
	15 Prohibited and restricted activities	5
	16 Motor vehicle access to parks and reserves	6
Part 6	Miscellaneous.....	6
	17 Approval to be produced on request.....	6
	18 Subordinate local laws	7
Schedule	Dictionary	7

Part 1 Preliminary

1 Short title

This model local law may be cited as *Model Local Law No. 7 (Indigenous Community Land Management) 2010*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to enable local governments that have jurisdiction over trust areas under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* to regulate the use of these areas.
- (2) The purpose is to be achieved by providing for—
 - (a) the authorisation of persons to enter, be in or live in the trust area, complementing the provisions of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, part 6; and
 - (b) the regulation of scientific research within the trust area; and
 - (c) the designation and management of camping sites within the trust area; and
 - (d) the designation and regulation of the use of parks and reserves within the local government's area.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from—
 - (i) the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*; and
 - (ii) other laws about Aboriginal and Torres Strait Islander interests in land; and
- (b) to be read with *Local Law No. 1 (Administration)*__ [insert year].

Part 2 Authority to enter etc. trust area

5 Authorisation of classes of persons

- (1) For the purposes of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 53(1)(c), the local government may, by subordinate local law, specify a class or category of persons who are authorised to enter, be in or live in the trust area.

Example—

The local government may specify that the customers of a particular tour operator or the employees of a particular construction company are authorised to enter a part of the trust area.

- (2) The subordinate local law must state the parts of the trust area where the authorisation

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

applies.²

- (3) The subordinate local law may state that the authorisation is subject to specified conditions.
- (4) A person must comply with the specified conditions for an authorisation.

Maximum penalty for subsection (4)—35 penalty units.

6 Authorisation of individuals

- (1) This section applies to a person who does not have authority to enter, be in or live in the trust area under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, sections 53(1)(a), 53(1)(b) or 54.
- (2) For the purposes of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 53(1)(c), the local government may grant approval authorising the person to enter, be in or live in the trust area.³
- (3) An approval mentioned in subsection (2) applies to the parts of the trust area specified by subordinate local law.⁴

Part 3 Scientific research

7 Approval required to undertake scientific research

- (1) For the purposes of *Local Law No.1 (Administration)* __[insert year], section 5(b), it is a prescribed activity⁵ to conduct scientific research within the trust area.
- (2) However, conducting scientific research within the trust area is not a prescribed activity for the following persons—
 - (a) a person who is conducting scientific research in the course of performing a function, or exercising a power, under an Act that requires the person to be in the trust area;
 - (b) a person mentioned in the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 54, who is conducting scientific research related to the purpose of their entry to the trust area;
 - (c) a person who is assisting, or is acting under the direction or control of, a person mentioned in paragraph (a).
- (3) In this section—

scientific research means all studies, surveys and research in both natural sciences and social sciences including anthropology, history, prehistory, cultural appreciation and sociology.

² See the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 53(3). See also section 53(2) regarding the requirement for written consent of the grantee of Aboriginal or Torres Strait Islander land before making a local law that authorises entry to that land.

³ *Local Law No. 1 (Administration)* __[insert year], section 5(c), provides that a **prescribed activity** includes “an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.” *Local Law No. 1 (Administration)* __[insert year], section 7, provides that an approval required for a prescribed activity must be obtained under part 2 of that local law. As a result, an approval to enter, be in or live in the trust area must be obtained under that part.

⁴ See footnote 2.

⁵ *Local Law No.1 (Administration)* __[insert year], section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

Part 4 Camping sites

8 Designation of camping sites

- (1) The local government may, by resolution, designate a part of the trust area for the purposes of camping (a *camping site*).
- (2) However, a resolution under subsection (1) may only be made for a part of the trust area that is—
 - (a) an accessible place; or
 - (b) a place that the local government has decided, by a resolution made under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 50(1)(b), to be a place to which persons who are not residents of the trust area may have access.
- (3) A resolution may be made under subsection (1) for a place that is Aboriginal or Torres Strait Islander land only with the written consent of the grantee of the land.
- (4) In this section—
accessible place see the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 50(7).

9 Approval required for camping

- (1) For the purposes of *Local Law No.1 (Administration)* __[insert year], section 5(b), it is a prescribed activity to camp within a camping site.⁶
- (2) In this section—
camp see the *Recreation Areas Management Act 2006*, schedule.

10 Conditions on use of camping site

- (1) The local government may, by subordinate local law, prescribe conditions regarding the use of a camping site, which may have regard to the traditional and cultural land uses of the residents of the trust area or persons who have a particular connection with the camping site under Aboriginal tradition or Island custom.
- (2) A person must not breach a condition prescribed under subsection (1) regarding the use of a camping site.
 Maximum penalty for subsection (2)—20 penalty units.

11 Fee for camping approval

Prescribed fees fixed by the local government for approvals under section 9 may differ for residents and non-residents of the local government's area.⁷

12 Temporary closures

- (1) An authorised person may temporarily close the whole, or part, of a camping site—
 - (a) if the authorised person reasonably believes that there is a likelihood of flooding, fire, other danger or emergency that may pose a risk to a person camping at the site; or
 - (b) if such closure is necessary for the observance of a traditional or cultural practice; or

⁶ See footnote 5.

⁷ See the Act, section 97, regarding the local government's power to fix cost-recovery fees.

- (c) if such closure is necessary for maintenance or other work to be carried out; or
 - (d) if such closure is necessary for the rehabilitation of the place or site; or
 - (e) if such closure is necessary to conserve or protect the cultural or natural resources of the area or native wildlife.
- (2) A person must not camp in a camping site, or a part of a camping site, that is closed.
- Maximum penalty for subsection (2)—20 penalty units.

Part 5 Parks and reserves

13 Application to Aboriginal or Torres Strait Islander land

A subordinate local law under this part may be made in relation to a place that is Aboriginal land or Torres Strait Islander land only with the written consent of the grantee.

14 Designation of parks and reserves

- (1) The local government may, by subordinate local law, designate land under the local government's control as a *park*.
- (2) The local government may, by subordinate local law, designate land under the local government's control as a *reserve*.
- (3) Land should be designated as a park (rather than as a reserve) if it is to be used predominantly for public recreation.

15 Prohibited and restricted activities

- (1) The local government may, by subordinate local law, declare an activity to be—
 - (a) prohibited in a local government controlled area or road (a *prohibited activity*); or
 - (b) restricted in a local government controlled area or road (a restricted activity).

Example for paragraph (a)—

The local government may declare that the lighting of fires is a prohibited activity in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

Example for paragraph (b)—

The local government may declare that the playing of sport generally, or the playing of certain sports, is a restricted activity in that it is restricted to particular times of the day, week, month or year in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

- (2) The local government must take reasonable steps to provide notice to members of the public regarding restricted activities declared for local government controlled areas or roads.
- (3) In this section—

reasonable steps may include the display of a notice at a prominent place within each local government controlled area for which a declaration under subsection (1)(b) has been made, stating—

- (a) (a) if the declaration relates to the whole area—the restricted activities for the area; and
- (b) (b) if the declaration relates to a part of the area—the restricted activities and a description of the part of the area to which the declaration applies; and
- (c) in general terms, the provisions of subsection (4).

- (4) A person must not engage in a prohibited activity or a restricted activity.

Maximum penalty - 20 penalty units

16 Motor vehicle access to parks and reserves

- (1) A **motor vehicle access area** is an area within a park or reserve that is—
- (a) a car park or roadway for which there is no sign or traffic control device indicating that vehicles owned by members of the public are excluded; or
 - (b) declared under a subordinate local law for this paragraph as a motor vehicle access area.
- (2) For the purposes of *Local Law No.1 (Administration)* __[insert year], section 5(b), it is a prescribed activity⁸ to bring a motor vehicle onto or drive a motor vehicle on any part of a park or reserve that is not a motor vehicle access area.
- (3) The local government may, by subordinate local law, declare a specific type of motor vehicle (a **prohibited vehicle**) as prohibited in a specified motor vehicle access area.
- (4) For the purposes of *Local Law No.1 (Administration)* __[insert year], section 5(b), it is a prescribed activity⁹ to bring a prohibited vehicle onto or drive a prohibited vehicle on the specified motor vehicle access area.
- (5) However, subsections (2) and (4) do not apply for an emergency vehicle.
- (6) The local government must take reasonable steps to provide notice to members of the public regarding—
- (a) declarations of motor vehicle access areas under subsection (1)(b); and
 - (b) declarations of prohibited vehicles under subsection (3).
- (7) In this section—
- emergency vehicle** includes the following—
- (a) an ambulance;
 - (b) a fire-engine;
 - (c) a police vehicle;
 - (d) another vehicle, including a tow truck, helicopter or mobile crane, if used in circumstances of an emergency.
- reasonable steps** include, as a minimum, the display of a notice at a prominent place within each declared motor vehicle access area, stating—
- (a) a description of the declared motor vehicle access area; and
 - (b) a description of prohibited vehicles for the area; and
 - (c) in general terms, the provisions of subsections (2) and (4).

Part 6 Miscellaneous

17 Approval to be produced on request

- (1) Where an authorised person reasonably believes that a person present in the trust area is a

⁸ See footnote 4.

⁹ See footnote 4.

person who requires approval to be in a place¹⁰, camp at a camping site¹¹ or conduct an activity¹², the authorised person may request the person to produce the relevant approval for inspection.

- (2) A person must comply with a request under subsection (1).

Maximum penalty for subsection (2)—40 penalty units.

18 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the classes or categories of persons who are authorised to enter, be in or live in the trust area;¹³ and
- (b) the parts of the trust area to which an approval under section 6 applies;¹⁴
- (c) conditions regarding the use of a camping site;¹⁵ and
- (d) designating land as a park;¹⁶ and
- (e) designating land as a reserve;¹⁷ and
- (f) declaration of prohibited or restricted activities for a park or reserve;¹⁸ and
- (g) declaration of motor vehicle access areas;¹⁹ and
- (h) declaration of prohibited vehicles.²⁰

Schedule Dictionary

Section 3

Aboriginal land see the *Aboriginal Land Act 1991*, section 10.

authorised person see *Local Law No.1 (Administration) [insert year]*, schedule 1.

camping site see section 8.

park includes part of a park.

prescribed fee see *Local Law No.1 (Administration) [insert year]*, schedule 1.

reserve includes part of a reserve.

resident means a member of the community residing in the trust area.

Torres Strait Islander land see the *Torres Strait Islander Land Act 1991*, section 9.

trust area means a part of the local government's area that is a trust area within the meaning of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 48.

the Act means the *Local Government Act 2009*.

¹⁰ See section 6.

¹¹ See section 9.

¹² See section 7.

¹³ See section 5.

¹⁴ See section 6(3).

¹⁵ See section 10.

¹⁶ See section 14(1).

¹⁷ See section 14(2).

¹⁸ See section 15(1).

¹⁹ See section 16(1)(b).

²⁰ See section 16(3).

Appendix | 10

Wujal Wujal Project Locations



Wujal Wujal Presentation Sites Projects

Elders and Traditional Owners
Engagement – Site Visit 11 March 2025



Projects Sites Inspections

- Pre meeting with Elders and Traditional Owners
- RILIPO explained the Master Plan aims, including land constraints, flooding and locations of the projects.
- WWASC requested RILIPO to inspect the sites gathering the Elders feedbacks and comments.

Projects site visit

- lot 1 SP301682 Housing Development.
- Lots 12-16 SP338357 – 134 -136 SP263792 Wujal Wujal Art Centre.
- Lot 108 SP3383557 Place of Refuge (Multi Purpose Building)



Lot 1 SP301682 Site Inspection

Elders are supporting the development of houses in lot 1

- RILIPO explained to the Elders the new location of the residential development.
- Elders supported the initiative as they mentioned to build in higher places outside of the flooding zones.
- RILIPO explained the process that is taking place to develop lot 1.



Lots 12-16 SP338357 Wujal Wujal Art Centre

RILIPO

- RILIPO Explained to the Elders the location, constraints and views from the proposed Art Centre.
- RILIPO explained the Elders the views from the proposed location, topography and constraints of the site.
- RILIPO advised the Elders to compare the location (lots 12-16) with lot 134 and 136 proposed by WWASC in the provided maps.

Elders – Traditional Owners

- The Elders, Traditional Owners and Artists were satisfied with the location of the new Art Centre lots 12-16.
- They advised that lot 134 is not an option due to the past fooding events.
- They advised lot 136 is not an option as is near the cemetery.





Lot 12-16 SP338357

Discussing the location of the Art Centre



Lots 12-16 SP338357 Art Centre



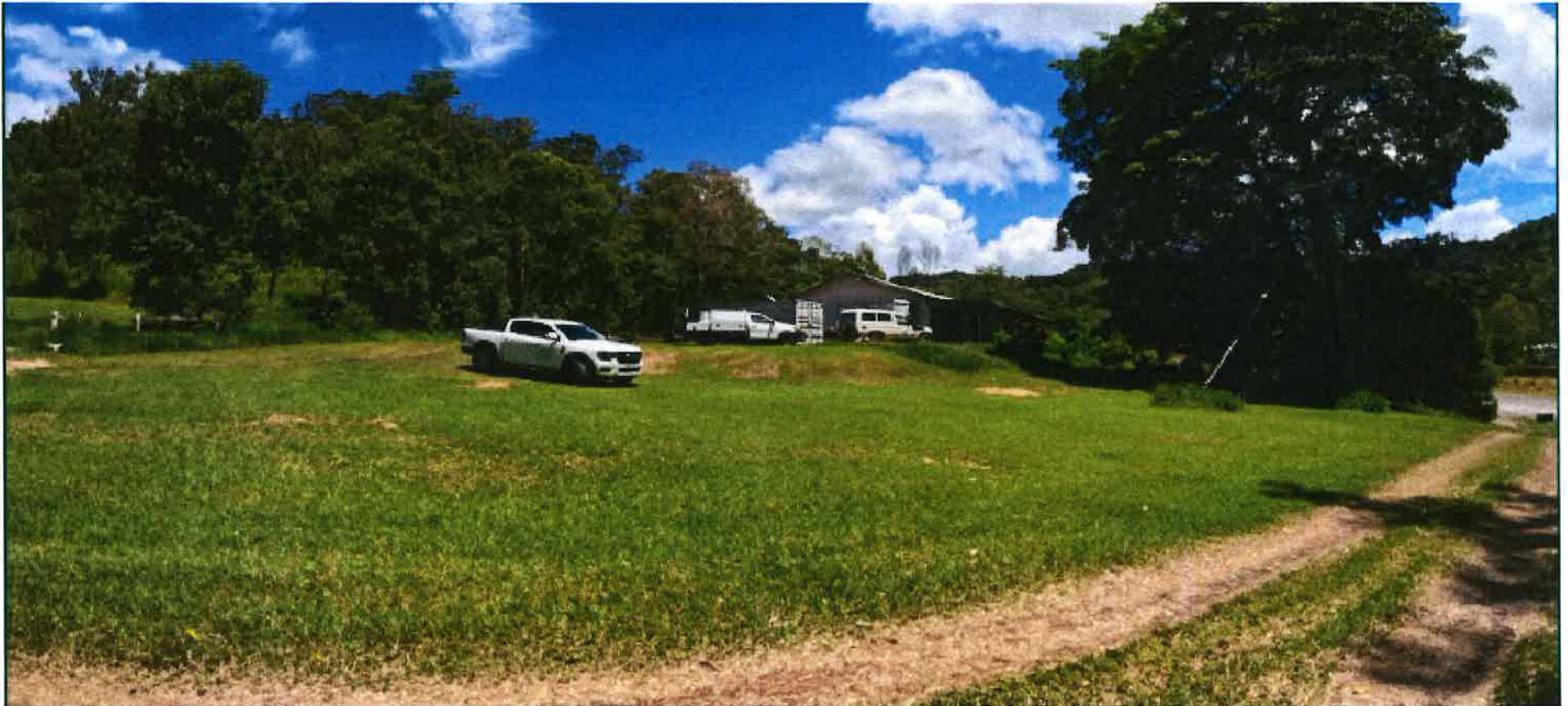


WWASC Councillors supporting the sites inspections

Lot 108 SP3383557 Site Inspection - Place of Refuge

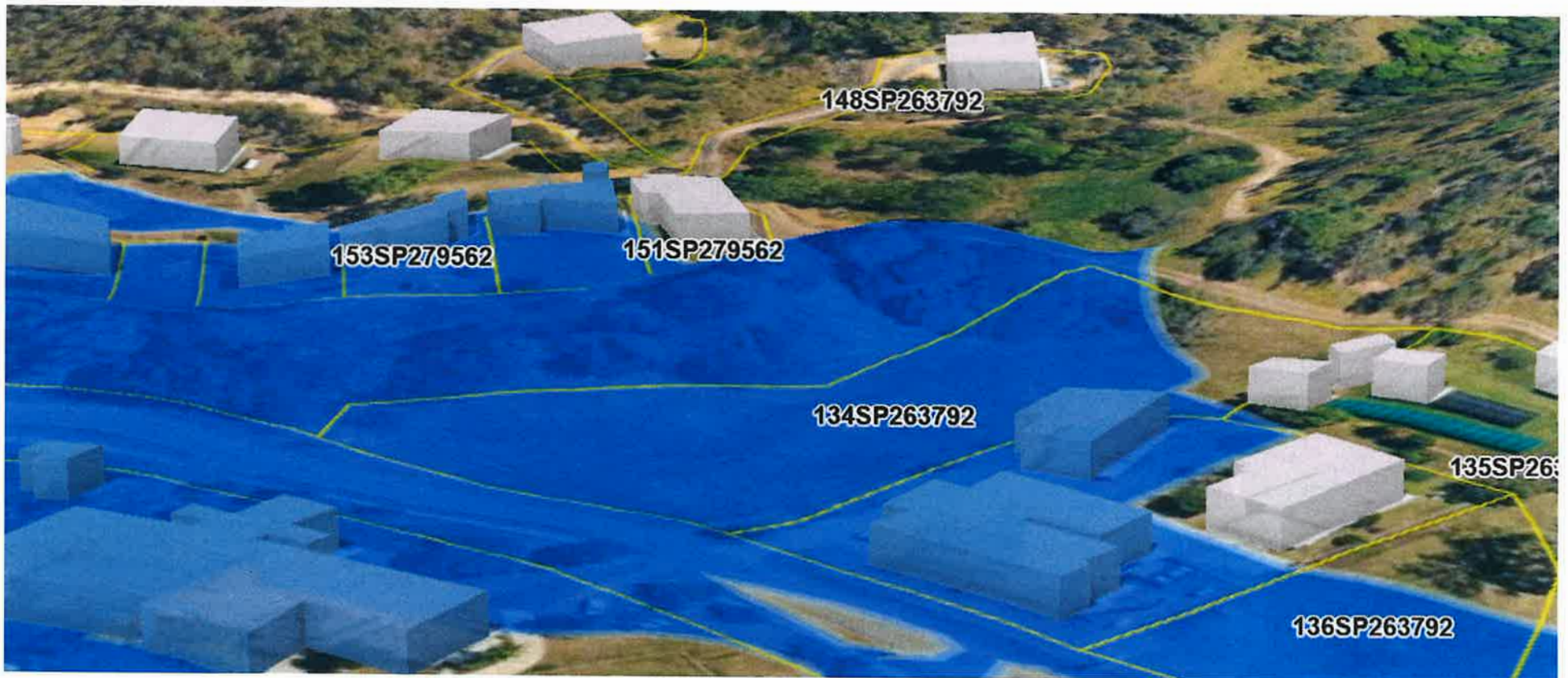


lot 108 SP3383557 Place of Refuge



Lot 134-136 SP263792 Site Inspection

Lot 134-136 SP263792 Site Inspection - Flooding 3D Map



Outcomes of the site inspection



Elders inspected lot 1 to see the new possible development of housing. Elders and TOs were pleased with the location

Three locations were presented to the Elders and Traditional owners to develop the Wujal Wujal Art and Cultural Centre, lots 12-16 - 134 and 136.



Elders were in favour of developing the Art Centre on lots 12-16. The Elders were not interested in building in a flooding area related to lot 134. Lot 136 was not considered due to the proximity to the cemetery

The Elders were presented with lot 108 for the development of the Place of Refuge. There were pleased with the location of the (multipurpose building)



Outcomes of the site inspection



The Elders and TOs advised that they understood the limitations of the land, so they are keen to work with the men's and Council to have a consensus approach

to either rearranged the men shed to be incorporated into the new building or build the new infrastructure around the men shed.



The Elders advised due to the land constraints after the floodings, the community must work together.

Elders are willing to work with the Council to achieve a positive outcome for the broader Wujal Wujal community and future generations.



Tuesday 11 March 2025 Site Inspections



Discussing the Art Centre Location

Discussion of the lots suggested by WWASC



Uncle Billy guides us to lot 134 SP2633792

The Group gather to discuss why lot 134 is not an option.



Elders enjoying the morning - lot 108

Discussion of the new place of refuge - men shed



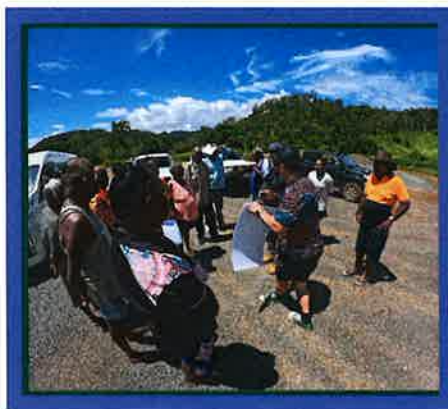
Looking at lot 12-16

Discussion of the Art Centre location

Tuesday 11 March 2025 Site Inspections



Prestart site meeting



Lot 1 Visit



**WWASC Councillors
supporting the
inspections**



Looking at lot 108



Site inspection debrief

- Elders appreciated that RILIPO represented by Ricardo Sandoval and the Archaeology Survey Team represented by John Dockrill took an extra step to make the time and take the Elders ,Traditional Owners and Artists to the sites inspections supported by WWASC.
- This extra inspections conclude the Master Plan consultations.
- The final Master Plan Draft will be submitted to WWASC for review and endorsement.

Appendix | 11

Wujal Wujal Master Plan

Appendix | 12

Grants Report

Funding Applications Submitted Awaiting Outcome

Wujal Wujal Aboriginal Shire Council



Funding Program	Funding Body	Grant Type	Project Name	Project Summary	Project Manager	Department	Grant Application Status	Funding Outcome Due Date	Funding Amount Applied For (GST Excl.)	Co-contribution (cash)	Total Project Cost (GST Excl.)
Regional Precincts and Partnership Program - Partnership Development - Stream 1 PLANNING	Department of Infrastructure, Transport, Regional Development, Communications & the Art	Operational	Wujal Wujal Cultural and Economic Growth Precinct - PLANNING AND DESIGN	Planning project for the development of: 1. Admin and Business Development Hub 2. Emergency Evacuation Centre 3. Recreation Centre 4. Art Centre 5. Cemetary Expansion	Kiley	CEO	Submitted	Dec 2024 - Feb 2025	\$4,168,580.00	\$0.00	\$4,168,580.00
SES Support Grant 2025-26	Queensland Fire & Emergency Services Department	Capital	All-Terrain Vehicle and Trailer	For the purchase of an All-Terrain Vehicle and Trailer	Kiley	CEO	Submitted	.Apr 2025	\$53,260.22	\$0.00	\$53,260.22
Sport & Recreation Recovery Grant (SRRG)	Department of Sport, Racing, Olympic and Paralympic Games	Capital	Splash Park Reimbursement - Recovery Works	Reimbursement of costs for recovery works undertaken following TC Jasper.	Dan	Works & Building	Submitted	.Mar 2025	\$118,104.00	\$0.00	\$118,104.00
Sport & Recreation Recovery Grant (SRRG)	Department of Sport, Racing, Olympic and Paralympic Games	Capital	Sport & Recreation Centre Reimbursement - Recovery Works	Reimbursement of costs for recovery works undertaken following TC Jasper.	Dan	Works & Building	Submitted	.Mar 2025	\$161,807.00	\$0.00	\$161,807.00
2025 NAIDOC Local Grants Opportunity	National Indigenous Australians Agency	Operational	Wujal Wujal NAIDOC 2025 Community Celebrations Honouring Strength, Vision and Legacy	Entertainment, equipment and sound system, cultural food and refreshments, decorations, event activities, community transport	Kesa	Community Services	Submitted	.June 2025	\$25,000.00	\$0.00	\$1,304,000.00
Strong and Resilient Communities - Inclusive Communities R4	Department of Social Services	Operational	Community Empowerment and Inclusion Wujal Wujal Aboriginal Shire	Key initiatives include -School Holiday Programs Sports, arts, education, leadership, and life skills. -Womens Development Supporting female artists, leadership, and empowerment. -Community Events Hosting a Rodeo to boost social and economic participation. -Employment Hiring locals to run events and build skills. -Inclusion & Empowerment Tailored programs for people with disabilities and other target cohorts enhancing life skills, independence, and digital literacy. All programs include workshops on digital skills, self-care, and empowerment	Kesa	Community Services	Submitted	.May 2025	\$360,000.00	\$0.00	\$30,000.00
ATSI TIDS TMR 25-26	Department of Transport and Main Roads (TMR)	Operational	P1 - Design Intersection	This project aims to create a design for the upgrade of 2 major intersection within the township of Wujal Wujal, one located at Douglas Street and Kotzur Street and the other connecting Hartwig Street, Heorlein Street and Kotzur Street.	Perry	Works & Building	Submitted	.June 2025	\$106,722.00	\$0.00	\$14,839.00
ATSI TIDS TMR 25-26	Department of Transport and Main Roads (TMR)	Operational	P2 - Line Marking and Pedestrian Crossing	This project aims to improve road safety at key intersections and crossings through the installation of line markings. Two pedestrian crossings will also be installed following the alignment of a footpath.	Perry	Works & Building	Submitted	.June 2025	\$56,434.59	-	\$19,912.00

Successful Funding Applications 10 February - 4 March 2025

Wujal Wujal Aboriginal Shire Council



Funding Program	Funding Body	Grant Type	Project Name	Project Summary	Department	Grant Application Status	Approved Funding (GST Excl.)
Scheme Supply Fund - My Pathway 2	Department of Housing, Local Government and Planning (DHLGP)	Operational	Planning Scheme Amendments - Housing Supply and Community Infrastructure Needs	<p>NOTE - EOI Submission successful - stage 2 detailed submission due 16 April 2026.</p> <p>The key deliverable being undertaken as part of this funding request are:</p> <ul style="list-style-type: none"> - Studies required to support planning scheme amendments, including but not limited to, Land Availability Study and Cultural Heritage Study (legal requirement under the Planning Act Section 25.1) - Renewal of Council's Planning Scheme 	CEO	EOI - Successful	TBC

Grant Funded Projects in Delivery
Wujal Wujal Aboriginal Shire Council

On Track
Potential Risk
At Risk
Project Complete

CAPITAL

Underspend
Overspend



No	PROJECT	PROJECT COMPLETION DATE as per Agreement	APPROVED GRANT FUNDING GST Excl.	APPROVED COUNCIL CO-CONTRIBUTION	TOTAL PROJECT COST	EXPENDITURE TO DATE (Grant) as at 04 March 2025	TOTAL GRANTS FUNDS REMAINING	EXPENDITURE TO DATE (Co-contribution)	TOTAL CO-CONTRIBUTION REMAINING	COMMITTED	NOTES / UPDATE	ACTION	WHO BY	ACTION DUE DATE	OVERALL STATUS	COST CODE
1	FRRR Strengthening Rural Communities – Prepare and Recover – Generator Stands and Slabs	31-May-25	\$25,000.00	\$0.00	\$25,000.00	\$0.00	\$25,000.00	\$0.00	\$0.00	\$25,000.00	PO 38804 raised for \$30k - (25k from FRRR and \$5k LRRG) Materials on site works to be completed by the end of March 2025. Acquittal due 29/06/2025.	Progress Works	Dan	15 May 2025		5369-2020-0000
2	Discrete Communities Planning Funding Landscape Design (approx \$27,458.80) -Mango Tree Meeting Place (Concept and Detailed) -Sport & Rec Hall Footpath Design -Sport Field Footpath Designs And Consultancy services fees for sport and recreation strategic / planning documents including grants writing, administration and project management.	30-Jun-25	\$73,315.00	\$0.00	\$73,315.00	\$21,946.80	\$51,368.20	\$0.00	\$0.00	\$22,724.00	Landplan completed site visit to undertake initial project discussions - next steps to undertake prelim design work followed by community consultation. Design works expected to commence March 2025.	Progress Works	Dan	31 May 2025		5997-2000-0000 5997-2000-0010 Landscape Design 5997 – 2000 – 0020 Grants Management
3	SES Support Grant 2024-25 - Vehicle	30-Jun-25	\$89,439.32	\$0.00	\$89,439.32	\$87,174.59	\$2,264.73	\$0.00	\$0.00	\$0.00	Land cruiser Workmate Utility has been purchased. Vehicle has been picked up and now with Council. Funding Ready to acquit	Acquit funding	Steph	31 March 2025		0105-3500-0000 (purchase clearing account – motor vehicle)
4	Gambling Community Benefit Fund – Purchase of 4x4 Bus, Lift/Ramp and Emergency Kitchen Trailer	30-Jun-25	\$100,000.00	\$0.00	\$100,000.00	\$68,061.09	\$31,938.91	\$0.00	\$0.00	\$0.00	Bus has been purchased. \$31,938.91 gst excl. remaining Variation approved to utilise remaining funds for a 4 seater AVT vehicle.	Purchase four-seater side-by-side quad vehicle	Perry	31 March 2025		0105-3500-0000 (purchase clearing account – motor vehicle)
5	Local Roads and Community Infrastructure Program Phase 4 – Road Signage	30-Jun-25	\$15,698.00	\$0.00	\$15,698.00	\$0.00	\$15,698.00	\$0.00	\$0.00	\$0.00	Original scope of works (pot holes) has been covered by QRA funds. WW has been activated under current disaster which covers pot holes across the shire. LRCI funds can be reallocated to a new project. Potential new project - road signage (give way, stop, pedestrian crossing etc). Nick to coordinate purchase and install. Submit variation for above road safety initiative project. Awaiting further project information to assist with variation.	Submit change of scope variation	Steph	14 March 2025		5160-0000-0000 5160-0000-0010 5160-0000-0020
6	Works for Queensland (W4Q) 21-24 – Construction of Council Administration and Business Development Hub STAGE 1	30-Jun-25	\$1,090,000.00	\$0.00	\$1,090,000.00	\$9,621.26	\$1,080,378.74	\$0.00	\$0.00	\$0.00	Pre and concept design stages in discussions with external contractor with a view to engage by the end of March 2025. - Pre-design phase expected to be undertaken April 2025 - Concept design expected to be undertaken May - June 2025 L SHAPE Building STAGE 1 – admin, community development, chambers, IKC, LDCC. STAGE 2 – offices / commercial – accommodation above Site works cannot commence until ILUA and Cultural Heritage Assessment has been undertaken with RILIPO– Archaeologist has been engaged – CHRA is planned for Jan – Mar 2025. Funding department have verbally confirmed that a variation can be requested to extend completion date once detailed planning has progressed and further project information is known.	Set-up and coordinate monthly steering committee meeting (once RFT has been advertised).	Steph	TBC		0102-0041-0000 0102-0041-0010 Construction 0102-0041-0020 PM
7	ATSI TIDS RTA 3 x Radar Signs Speed Bumps Redlines	30-Jun-25	\$90,032.00	\$0.00	\$90,032.00	\$17,478.00	\$72,554.00	\$0.00	\$0.00	\$0.00	Confirmed project: Speed Bumps x 2 (\$52k) , radar signs x 4 (approx. \$20k plus \$3k supply, concrete and installation), redlines (\$15k) - 3 radar signs have been installed on Douglas and Hartwig St. Speed Bumps Hartwig and/or Kotzur St (TBC), Redlines Douglas St and Rossville-Bloomfield Road (TBC) Red lines - entrance areas require surveying. Speed bumps currently being designed by Erscon designers. Locations to be approved by Council (meeting March)	Organise survey of entrance areas and finalise speed bump design	Nick	14 March 2025		4450-2000
8	Minor Infrastructure and Facilities Fund – Sport Field Lighting	30-Nov-25	\$395,364.00	\$0.00	\$395,364.00	\$1,988.75	\$393,375.25	\$0.00	\$0.00	\$362,977.15	Contractor will carry out electrical work in line with power for the sports field amenities block (following CHRA) PO raised for purchase and installation of lights. Contractor will confirm lead times for materials once known. (PO500001). Site works cannot commence until Cultural Heritage Assessment has been undertaken. – CHRA is planned for Jan – Mar 2025.	Finalise PC Conditions Order project signage for funding acknowledgement	Steph Steph	15 March 2025 Following CHRA report		4022-2000-0000 4022-2000-0010 - Purchase/Install Lights 4022-2000-0020 - PM 4022-2000-0030 - signage
9	Building Bush Tourism (BBT) – Footpath Douglas Street and Interpretive Signs Signs \$30,000 Project Coordination \$10,000 Footpath 160,000	31-Jan-26	\$200,000.00	\$0.00	\$200,000.00	\$3,332.50	\$196,667.50	\$0.00	\$0.00	\$6,667.50	Survey has been completed. New quote received for signs- 250ml wide by 100ml thick - bollards - screw on sign - \$1564 for 6 signs Initial survey results have been made available. A footpath design for Douglas Street will be completed and quotes will be sought. Purchase Order for signs raised (38836). Potentially use designs from school children - Perry visiting school. Full survey report has been received - design will commence and will go to April Council meeting.	Finalise designs for signs Footpath Design	Dan/Steph Nick	31 March 2025 31 March 2025		5163-2000-0000 5163-2000-0010 Footpath 5163-2000-0020 Survey and Design 5163-2000-0030 Interpretive Signage 5163-2000-0040 Delivery Support 5163-2000-0050 Signage Installation
10	Reef Guardian Councils Program - Activating Local Councils Reef Action Plans – Cemetery Carpark	31-Mar-26	\$920,000.00	\$0.00	\$920,000.00	\$14,261.25	\$905,738.75	\$0.00	\$0.00	\$7,100.00	Survey has been completed. Design proposal to be completed followed by community consultation. Site works cannot commence until ILUA and Cultural Heritage Assessment has been undertaken with RILIPO– CHRA is planned for Jan – Mar 2025.	Carpark Design Project site photos	Nick Nick	15 March 2025 15 April 2025		3200-2002-0000 3200-2002-0010 Contract & Labour 3200-2002-0020 Project Admin
11	SES Support Grant 2024-25 – Demountable Office	30-Jun-26	\$204,447.19	\$0.00	\$204,447.19	\$0.00	\$204,447.19	\$0.00	\$0.00	\$0.00	•New building plans to be completed – Dan liaising with contractor. •Potentially have shed with office. •Given the location of the SES facility an ILUA will need to be established on the area. Site works cannot commence until ILUA and Cultural Heritage Assessment has been undertaken with RILIPO– CHRA is planned for Jan – Mar 2025.	Progress building plans	Dan	30 June 2025		0107-3500-0000 (purchase clearing account – Furniture and Fittings)
12	Works for Queensland (W4Q) 24-27 - Construction of Council Administration and Business Development Hub – STAGE 1	30-Jun-27	\$1,630,000.00	\$0.00	\$1,630,000.00	\$0.00	\$1,630,000.00	\$0.00	\$0.00	\$0.00	20% of funding allocation can be utilised for planning and design. Update as W4Q 19-24 above Variation submitted to utilise 20% of W4Q 24-27 towards the planning and design (\$326,000). and reduce IS project to \$1,304,000. Site works cannot commence until ILUA and Cultural Heritage Assessment has been undertaken with RILIPO– CHRA is planned for Jan – Mar 2025.	-	-	-		0102-0040-0000 0102-0040-0020 Construction 0102-0040-0030 PM

13	Roads to Recovery (R2R) 24-29 – TBC	30-Jun-29	\$87,614.00	\$0.00	\$87,614.00	\$0.00	\$87,614.00	\$0.00	\$0.00	\$0.00	Survey has been completed. Footpath design to be undertaken.	Complete footpath design and seek quotes	Nick	31 March 2025		4440-2000
14	Local Roads and Community Infrastructure Program Phase 3 – Line Marking (Pedestrian Crossings)	Project Complete	\$14,238.90	\$0.00	\$14,238.90	\$14,174.73	\$64.17	\$0.00	\$0.00	\$0.00	Project complete	-	-	-		4024-2000-0000
15	Local Roads and Community Infrastructure Program Phase 2 – Line Marking (Pedestrian Crossings)	Project Complete	\$10,825.00	\$0.00	\$10,825.00	\$10,825.00	\$0.00	\$0.00	\$0.00	\$0.00	Project complete	-	-	-		0102-0015 - Carpark 5159-2000-0000 - Line Marking
16	Roads to Recovery (R2R) 19-24 – Construction of Footpath to new Primary Health Care Centre (including potholes)	Project Complete	\$49,871.00	\$0.00	\$49,871.00	\$49,871.00	\$0.00	\$0.00	\$0.00	\$0.00	Project complete	-	-	-		4440-2000
17	Rapid Low Earth Orbit (LEO) Satellite Deployment Program - Starlink	Scott Quiall mentioned there is no date or expenditure	\$45,000.00	\$0.00	\$45,000.00	\$0.00	\$45,000.00	\$0.00	\$0.00	\$17,767.00	•Starlink have been installed for: 1. CEO House, 2. Council Depot 3. Aged Care 4. IKC 5. Council Office 6. Water Treatment Plant 7. Fuel Station 8. Roaming Emergency Kit. One more roaming kit required, and business connections. Fourier assisting with project installations.					1160-0010-0000
18	National Water Grid Fund – Water Infrastructure Upgrades	TBC	\$6,000,000.00	\$0.00	\$6,000,000.00	\$0.00	\$6,000,000.00	\$0.00	\$0.00	\$0.00	Funding department to project manage and hold funds. Detailed design is 90% complete. Will be 100% complete by the end of March 2025. Community consultation planned for 12/03/2025 including visit to the school (water wise program). Procurement for construction will be advertised April 2025.					Not applicable
19	Play our Way Program – Stream 1 Facilities - Design and Construction of a Female Gym	Awaiting funding agreement		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Successful funding notification received. Applied for \$2,220,960.64. Project cannot commence until funding agreement is in place. RFQ for external project manager for the design works has been advertised with a closing date of 7 March 2025. External PM cannot be formally engaged until a funding agreement is in place - this is expected to take place mid to late March 2025. Site works cannot commence until ILUA and Cultural Heritage Assessment has been undertaken with RILIPO– CHRA is planned for Jan – Mar 2025.	Collate RFQ submissions for evaluation by ELT.	Steph	10 March 2025		TBC
20	Cultural Heritage Risk Assessment (CHRA)										Priority 1, 2, and 3 project site loctions have been assessed. Community consultation took place on 19 February 2025. CHRA report is underway and expected to be finalised by mid-March 2025. The CHRA will be beneficial for the ILUA process.					
21	Indigenous Land Use Agreement (ILUA)										RILIPO are currently plotting out the detailed ILUA timeframes, at this stage the earliest the ILUA could be finalised is approximately December 2025 up to March 2026. This timeframe is an estimate and is subject to change. There are several steps in the process and RILIPO is working on a document to record all of these which will be shared with the ILUA parties. RILIPO's initial meeting with the legal representatives for the native title parties, the Cape York Land Council (CYLC) went well and resulted in CYLC indication of support for the ILUA. RILIPO to inform CYLC through lawyers that WWASC require to progress ILUA process by the end of March to meet funding deadlines. RILIPO has talked through the projects with CYLC. Key aspect RILIPO are waiting for is CYLC to confirm all native title party representatives involved in the Wujal Wujal claim to ensure all parties are at the table from the initial get go and community consultation process. RILIPO waiting for response to see if we can get full consent for Council have emergency cyclone ILUA in place to get current projects underway and completed within funding deadlines.					

Grant Funded Projects in Delivery

PROJECT CONTROL GROUP MEETING NOTES 26/02/2025

Wujal Wujal Aboriginal Shire Council

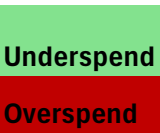


QRA



No	PROJECT	PROJECT COMPLETION DATE as per Agreement	APPROVED GRANT FUNDING GST Excl.	APPROVED COUNCIL CO-CONTRIBUTION	TOTAL PROJECT COST	EXPENDITURE TO DATE (Grant) as at 04 March 2025	TOTAL GRANTS FUNDS REMAINING	EXPENDITURE TO DATE (Co-contribution)	TOTAL CO-CONTRIBUTION REMAINING	COMMITTED	NOTES / UPDATE	ACTION	WHO BY	ACTION DUE DATE	OVERALL STATUS	COST CODE
1	Get Ready QLD 24-25 - Two-way radio for zone leaders, USB for each household, Disaster Community Exercise Event	Project Complete	\$4,880.00	\$0.00	\$4,880.00	\$4,880.00	\$0.00	\$0.00	\$0.00	\$0.00	Project Complete	-	-	-		5334-0008-0000
2	Recovery Project Manager (RPM)	30-Jun-25	\$333,333.00	\$0.00	\$333,333.00	\$228,597.76	\$104,735.24	\$0.00	\$0.00	\$0.00	In-progress Extension of time to June 2026 requested to allow utilisation of funds.	-	-	-		1220-2000-0000
3	WWASC.0025.2324P.RRG.001 Christmas Event	Project Complete	\$15,000.00	\$0.00	\$15,000.00	\$3,972.50	\$11,027.50	\$0.00	\$0.00	\$11,027.50	Project Complete	-	-	-		5368-2000-0070
4	WWASC.0025.2324P.RRG.002 Domestic Animal Care Package	30-Jun-25	\$20,000.00	\$0.00	\$20,000.00	\$16,742.43	\$3,257.57	\$0.00	\$0.00	\$0.00	•\$3,257.51 remaining •Perry to arrange surplus expenditure on animal care	Provide update	Perry	12 March 2025		5368-2000-0060
5	WWASC.0025.2324P.RRG.003 Generators	Project Complete	\$120,000.00	\$0.00	\$120,000.00	\$90,650.00	\$29,350.00	\$0.00	\$0.00	\$0.00	•Confirmed generators under LRRG 1. Old IKC/ Temp Admin Building (30kva) 2. Windy (30kva) 3. Youth Centre (10kva), 4. 85 Heorlein St (10kva) 5. Mens Centre (10kva) 6. \$81,450 GST EXL.-	-	-	-		5368-2020-0000
6	WWASC.0025.2324P.RRG.004 BBQ - Knowledge Tree Area WWASC.0025.2324P.RRG.005 Knowledge Tree Gathering Place	30-Jun-26	\$300,000.00	\$0.00	\$300,000.00	\$0.00	\$300,000.00	\$0.00	\$0.00	\$0.00	Design works being undertaken under Discrete Communities Planning Program.	-	-	-		5368-2010-0010
7	WWASC.0025.2324P.RRG.007 Temporary Recovery Project Officer	30-Jun-26	\$175,000.00	\$0.00	\$175,000.00	\$0.00	\$175,000.00	\$0.00	\$0.00	\$0.00	Project on hold - to discuss and allocate project at Project Control Group meeting on 12/03/2025.	Consider projects	All	12 March 2025		5368-2000-0020
8	WWASC.0025.2324P.RRG.009 Temporary Disaster Recovery Communications Officer	30-Jun-26	\$175,000.00	\$0.00	\$175,000.00	\$0.00	\$175,000.00	\$0.00	\$0.00	\$0.00	Project on hold - to discuss and allocate project at Project Control Group meeting on 12/03/2025.	Consider other options or new project	All	12 March 2025		5368-2000-0030
9	WWASC.0025.2324P.RRG.010 Lights for Temp Health Clinic	30-Jun-26	\$60,000.00	\$0.00	\$60,000.00	\$0.00	\$60,000.00	\$0.00	\$0.00	\$0.00	Erscon to arrange installation of lights. Lights to be ordered to meet AS. Investigate lighting and spacing required. Design underway/	1.Lighting design	Nick	12 March 2025		0105-0009-0000
10	WWASC.0025.2324P.RRG.011 Community Emergency Packs	Project Complete	\$10,000.00	\$0.00	\$10,000.00	\$3,838.73	\$6,161.27	\$0.00	\$0.00	\$0.00	Project Complete	-	-	-		5368-2000-0010
11	WWASC.0031.2324P.RRG.001 Disaster Finance and Projects Admin Officer	30-Jun-26	\$85,000.00	\$0.00	\$85,000.00	\$28,200.00	\$56,800.00	\$0.00	\$0.00	\$0.00	In-progress	-	-	-		5369-2000 0000
12	**New Submission** Water Tanks – Purchase and Installation	30-Jun-26	\$40,000.00	\$0.00	\$40,000.00	\$5,995.45	\$34,004.55	\$0.00	\$0.00	\$24,980.00	Purchase and installation of 3 to 4 water tanks which are to be connected to Council properties on higher ground, this will ensure there is reliable clean water for the community that is not connected to the mains supply. Scope of works also includes installation/plumbing plus concrete slabs for underneath the water tanks required. Prices received for electrical works and cross overs. Slabs due to be installed over the next month.	Progress project	Dan	30 June 2025		5368-2000-0080

Grant Funded Projects in Delivery
Wujal Wujal Aboriginal Shire Council
Community Services



No	PROJECT	PROJECT COMPLETION DATE as per Agreement	APPROVED GRANT FUNDING GST Excl.	APPROVED COUNCIL CO-CONTRIBUTION	TOTAL PROJECT COST	EXPENDITURE TO DATE (Grant) as at 04 March 2025	TOTAL GRANTS FUNDS REMAINING	EXPENDITURE TO DATE (Co-contribution)	TOTAL CO-CONTRIBUTION REMAINING	COMMITTED	NOTES / UPDATE	ACTION	WHO BY	ACTION DUE DATE	OVERALL STATUS	COST CODE
1	Deadly Active Sport and Recreation Program	30-Jun-25	\$120,055.00	\$0.00	\$120,055.00	\$25,587.65	\$94,467.35	\$0.00	\$0.00	\$0.00	Project Plan submitted to sport and rec to inform of planned expenditure up to 30 June 2025. Kesa to progress project.	Review and approved Project Plan	Kiley	Complete		5383-0010-0000 5383-0010-0001 Wages 5383-0010-0002 Non Wages
2	Indigenous Visual Arts Industry Support Program IVAIS01041 - Art Centre Coordinator salary, on-costs, professional development and training	30-Jun-25	\$100,000.00	\$0.00	\$100,000.00	TBC	TBC	\$0.00	\$0.00	\$0.00	To support Wujal Wujal Aboriginal Shire Council to provide visual arts services to artists based in the Wujal Wujal community and employ Indigenous arts workers. Kesa to liaise with Khush on art expenditure for the IVAIS grant this financial year.	Investigate any art centre spend since July 2024, inform finance to journal over to relevant IVAIS 01041 and 01001	Kesa	11/02/2025 28/02/2025		IVAIS01041
3	Regional Arts Fund - Projects Grant Design and paint a mural on the amenities block opposite the community hall.	30-Jun-25	\$30,000.00	\$0.00	\$30,000.00	\$0.00	\$30,000.00	\$0.00	\$0.00	\$0.00	Design and paint a mural on the amenities block opposite the community hall. Mural has been completed and funded by My Pathway and RACQ Community Foundation Grant. • New project allocation: o \$12k for 6 community building signs (\$2k each) (IKC, Women's Centre, Community Hall, Cultural Connections Office, Radio Station, Council Admin o \$18k for art workshops and professional development, including: o Teddy's workshops (end of month/March) o Ceramic workshop o Choir activities o Cairns Indigenous Art Fair attendance 21/02/2025 - variation email sent to funding dept. 04/03/2025 - follow up email sent to dept re scope variation. Next report due 9 August 2025 (Acquittal)	Submit change of scope variation	Steph	Complete		5530-2300-0000
4	Indigenous Knowledge Centre Establishment and Refurbishment Grant 2024-26 1) Shade Sail purchase and installation for the outside area \$25,378.00 EX GST 2) New IKC Sign – Removal of old sign, stain timber to hide old outline, supply and install new IKC Sign \$2,780.00 EX GST 3) For the outside area to facilitate IKC programs and activities - trestle tables , plastic chairs, BBQ Webber, Esky, glass notice board \$1,842.00 EX GST.	31-Oct-25	\$30,000.00	\$0.00	\$30,000.00	\$0.00	\$30,000.00	\$0.00	\$0.00	\$0.00	New scope approved. Next quarterly report due 30 April 2025	-	-	-		5162-2000-0000
5	Bike Riding Encouragement Program - Community Grants Innovation Funding Purchase bikes and accessories, freight, mechanics course, professional bike maintenance kits, bike maintenance training sessions.	06-Dec-25	\$28,432.34	\$0.00	\$28,432.34	\$0.00	\$28,432.34	\$0.00	\$0.00	\$0.00	Once purchased, bikes will be stored in the rec hall (currently being upgraded). Conduct the workshops as part of school holiday program. Kesa to seek quotes for bikes, mechanics course, workshops, accessories etc. Next report due 6 December 2025 (Acquittal)	Seek quotes	Kesa	5 March 2025		5385-2000-0000
6	Growing Indigenous Knowledge Centre Project \$80,000 24-25 \$80,000 25-26 As at 30/10/2024 \$74,000 utilised 24-25 FY, \$6,000 remaining	30-Jun-26	\$160,000.00	\$0.00	\$160,000.00	TBC	TBC	\$0.00	\$0.00	\$74,000.00	24- 25 allocation – Software, trainers, staffing costs, ink, interactive screen, laptop kit, tablet kit, audio kit, video camera kit, lighting kit, printing kit. Kesa to follow-up whether items have been purchased. Quarterly report due 31 March 2025.	Follow up purchase of items	Kesa	5 March 2025		5165-0010-0000
7	Backing Indigenous Art (BIA) Indigenous Art Centre (IAC) Multi-year Funding	30-Jun-26	\$180,000.00	\$0.00	\$180,000.00	TBC	TBC	\$0.00	\$0.00	\$0.00	Funding has been approved to undertake activities as outlined in Council's Art Centre Strategic Plan. Art Workshops have been planned and Cairns Indigenous Art Fair with CIAF (July). Jewellery, textile, water colour workshops will be held. Expo in botanical gardens in may to showcase local art work. May - tourists visiting Wujal - art works to be created. Next progress report due 28 March 2025.	-	-	-		5618-2000-0000 5618-2000-0010 Expenses 5618-2000-0020 Vehicle use 5618-2000-0030 Consultant/artist 5618-2000-0040 Workshops 5618-2000-0050 Accommodation 5618-2000-0060 Op expenses and supplies 5618-2000-0070 Marketing
8	Indigenous Visual Arts Industry Support Program IVAIS01001 In carrying out the Activity, the Grantee is to undertake the following activities: (a) provide professional support to ATSI artists in the production, promotion and marketing of their art, including: i. production of art works ii. arts training and professional development; iii. purchase of necessary equipment and supplies to maintain art centre operations; iv. marketing of artists and their works; v. managing sale of works including providing payment to artists; vi. upgrade or refurbishment of art centre facilities; vii. access for Aboriginal and Torres Strait Islander artists to national and international markets; viii. increased digital literacy and/or infrastructure. (b) provide employment and economic opportunities in the visual arts industry for Aboriginal and Torres Strait Islander peoples including engagement, training and professional development.	30-Jun-27	\$600,000.00	\$0.00	\$600,000.00	TBC	TBC	\$0.00	\$0.00	TBC	To support Wujal Wujal Aboriginal Shire Council to provide visual arts services to artists based in the Wujal Wujal community and employ Indigenous arts workers. Kesa to liaise with Khush on art expenditure for the IVAIS grant this financial year.	Investigate any art centre spend since July 2024, inform finance to journal over to relevant IVAIS 01041 and 01001	Kesa	28 February 2025		IVAIS01001 - IVAIS01001 Training & Professional Development - IVAIS01001 Equipment & Materials - IVAIS01001 Marketing - IVAIS01001 Artist Salaries - IVAIS01001 Upgrade & Refurb Works
9	Play our Way Program - Stream 2 Participation and Equipment for Women and Girls To engage a sport and rec coordinator, purchase equipment and run a program of activities for women and girls	30-Jun-27	\$460,073.00	\$0.00	\$460,073.00	\$0.00	\$460,073.00	\$0.00	\$0.00	\$0.00	Activity Work Plan has been finalised. Kesa to plan for expenditure. Next progress report due 15 May 2025.	Expenditure plan of action	Kesa	19 March 2025		5996-2000-0000
10	Backing Indigenous Art (BIA) Strategic Development Fund (SDF)	TBC	\$60,000.00	\$0.00	\$60,000.00	TBC	TBC	\$0.00	\$0.00	\$0.00	Project is yet to commence - awaiting executed funding agreement. Succession planning and leadership development. Kesa to forward copy of funding agreement.	Forward grants copy of funding agreement	Kesa	5 March 2025		5619-2000-0000

Appendix | 13

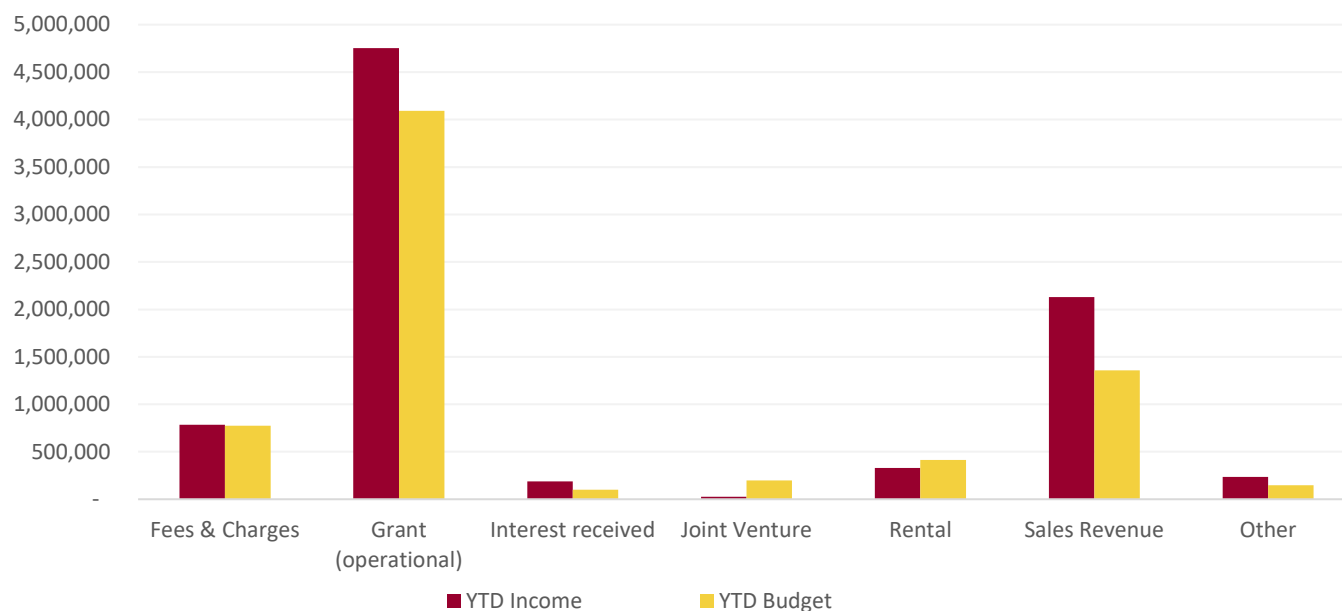
Finance Report



Monthly Financial Report February 2025

Income

Per type of Income



Explanation

Revenue	YTD Budget	YTD Income	Full Year Budget
Fees & Charges	774,712	786,364	1,162,068
Grant (operational)	4,092,458	4,753,723	8,031,305
Interest received	100,000	188,538	150,000
Joint Venture	197,600	25,500	634,400
Rental	414,104	329,083	621,162
Sales Revenue	1,357,244	2,129,897	2,034,120
Other	149,160	234,117	176,240
TOTAL	7,085,278	8,447,221	12,809,295

- The YTD income summary shows total revenue of \$8.4 million, which is ahead of the budgeted 76 million, with a full-year target of \$12.8 million.
- Key revenue streams like Interest, Fees & Charges, Sales Revenue are performing above expectations.
- Regarding the variance in grants, it is primarily due to timing differences. For instance, we received early payments for the Deadly Active Sport & Recreation Grant and Indigenous Visual Arts Grant. Additionally, payments for Home Care and Child Care Package were higher during the current period compared to the budgeted amount for the same period



Monthly Financial Report February 2025

Operational Grants

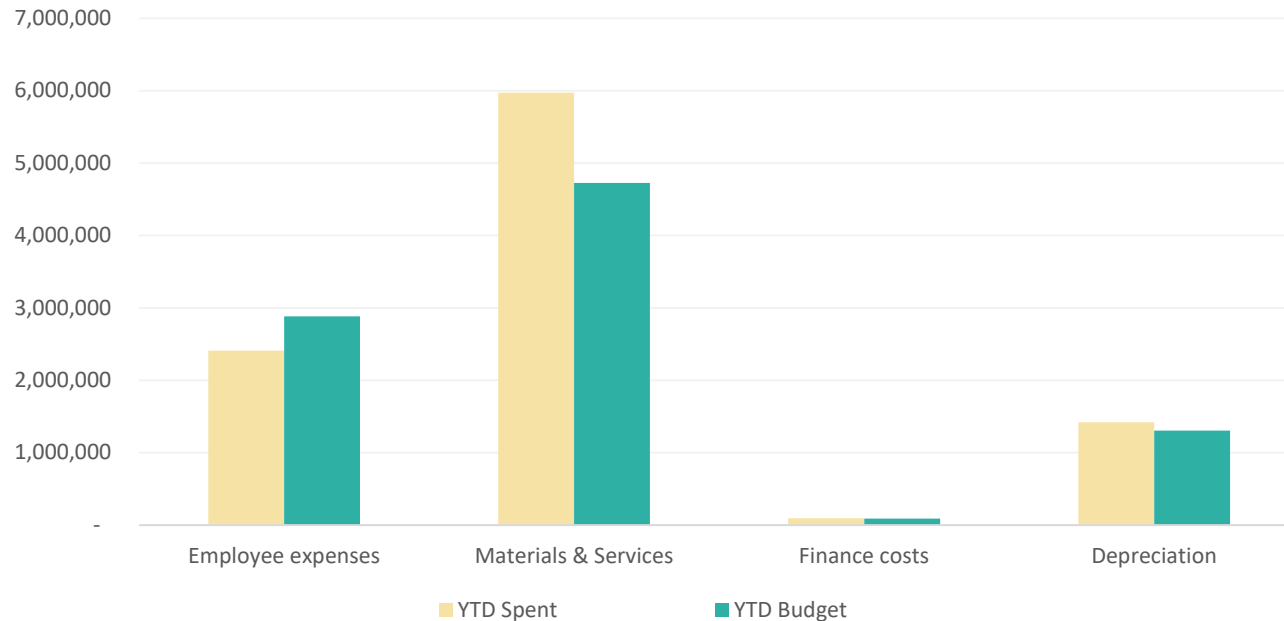
Operational Grant	YTD Budget	YTD Income	Full Year Budget
SQF First Start Grant	14,000	-	30,000
Financial Assistance grants	3,153,449	3,158,767	4,936,604
Thriving Communities	68,646	-	102,969
Other Misc.	67,600	-	346,087
ATSI -Public Health Grants	69,478	422,686	178,658
Kindergarten Grants	65,493	167,207	241,196
Public Library grant	10,000	100,000	20,000
Get Ready Queensland Grant	3,256	25,413	4,880
Community Safety Plan DATSIP Funding	45,177	-	85,000
NAIDOC Grant	-	62,203	50,000
Arts Centre Grant	167,982	240,000	376,841
Home Care Package Subsidy	222,902	343,268	648,711
Indigenous Employment Grants	82,152	-	164,305
DATSIP Grant	80,364	5,000	190,000
Deadly Active Sport & Recreation Grant	41,960	229,179	151,055
LRRG grants	-	-	505,000
TOTAL	4,092,458	4,753,723	8,031,305



Monthly Financial Report February 2025

Expenses

Per type of Expenses



Explanation

Expense	YTD Budget	YTD Spent	Full Year Budget
Employee expenses	2,882,413	2,408,718	4,323,684
Materials & Services	4,725,857	5,974,370	6,574,062
Finance costs	88,320	96,187	132,475
Depreciation	1,306,056	1,422,002	1,959,074
TOTAL	9,002,647	9,901,277	12,989,295

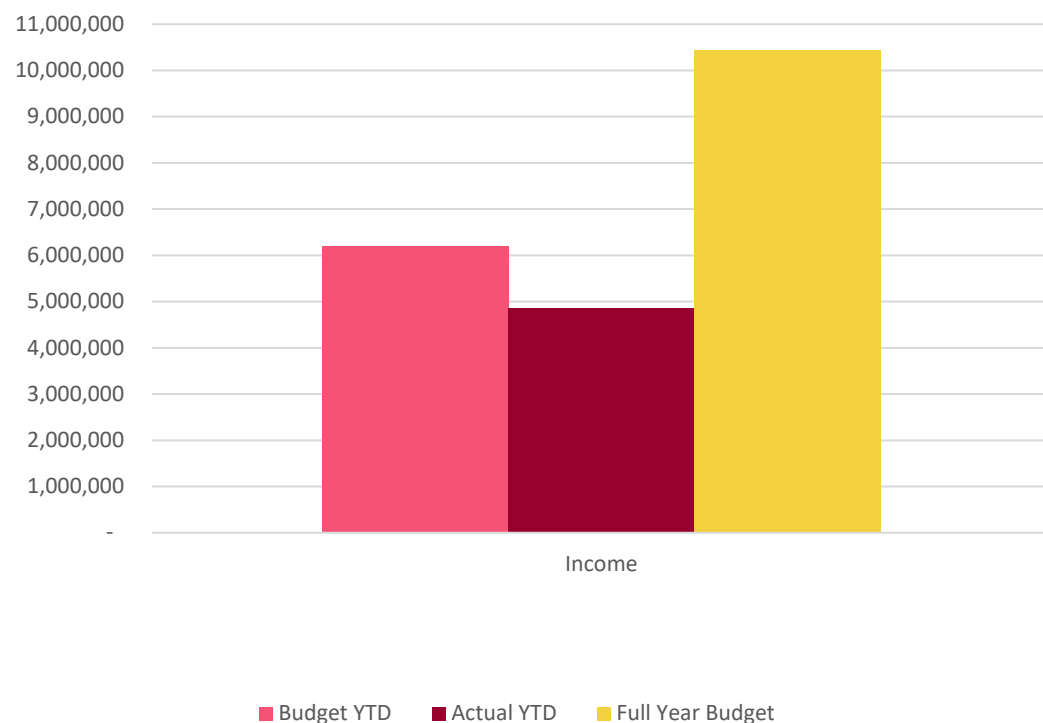
- The YTD expense summary indicates that total spending is \$9.90 million, exceeding the budgeted amount of \$9.00 million, with a full-year budget set at \$12.99 million.
- Employee expenses are significantly under budget, mainly due to vacancies.
- The primary driver of the current budget overrun is the unexpected increase in Materials & Services due to disaster-related restoration efforts and increased expenditure linked to building services income.



Monthly Financial Report February 2025

Capital Grants

Capital Grants



Explanation

Particular	Budget YTD	Actual YTD	Full Year Budget
Income	6,198,825	4,850,742	10,433,464

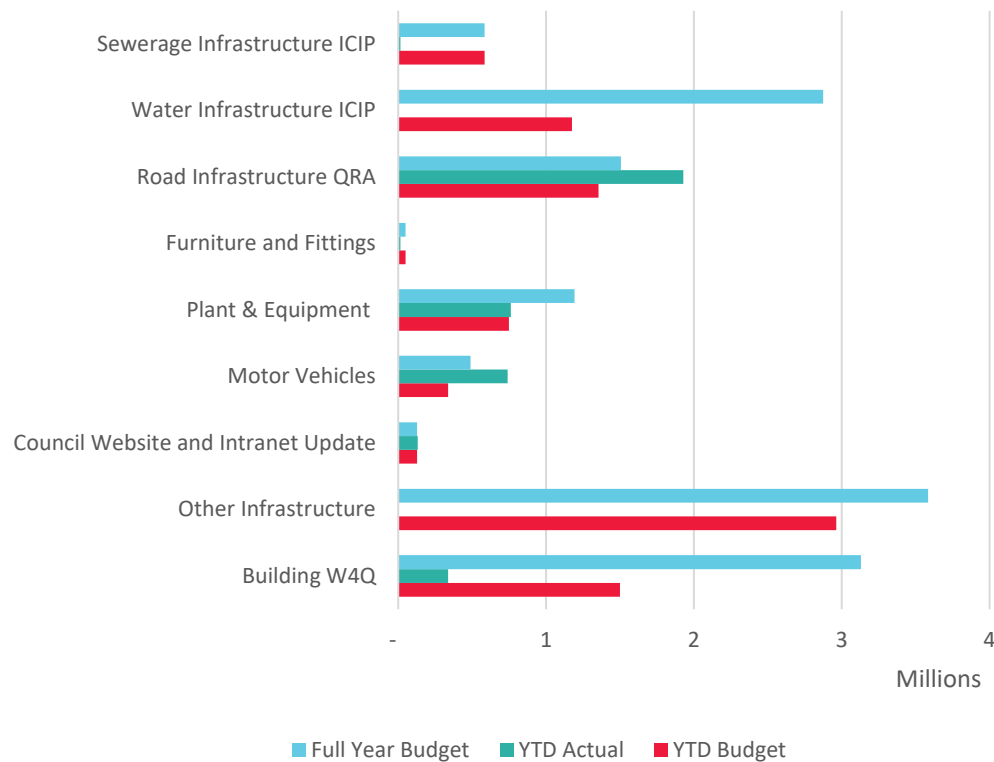
- The YTD income summary reveals that **actual income stands at \$4,850,742**, which is far below the **budgeted YTD income of \$6.2million** and the **full-year budget target of \$10.43 million**. This considerable shortfall in income is primarily due to deferred capital projects, which has led to delays in the anticipated revenue generation
- Council’s main capital projects are delayed whilst awaiting Indigenous land use agreement (ILUA) and cultural heritage assessment.
- The Qld government has provided the timeframe of December 2025 for the ILUA process to be complete.



Monthly Financial Report February 2025

Capital Expenditure

Per Area



Explanation

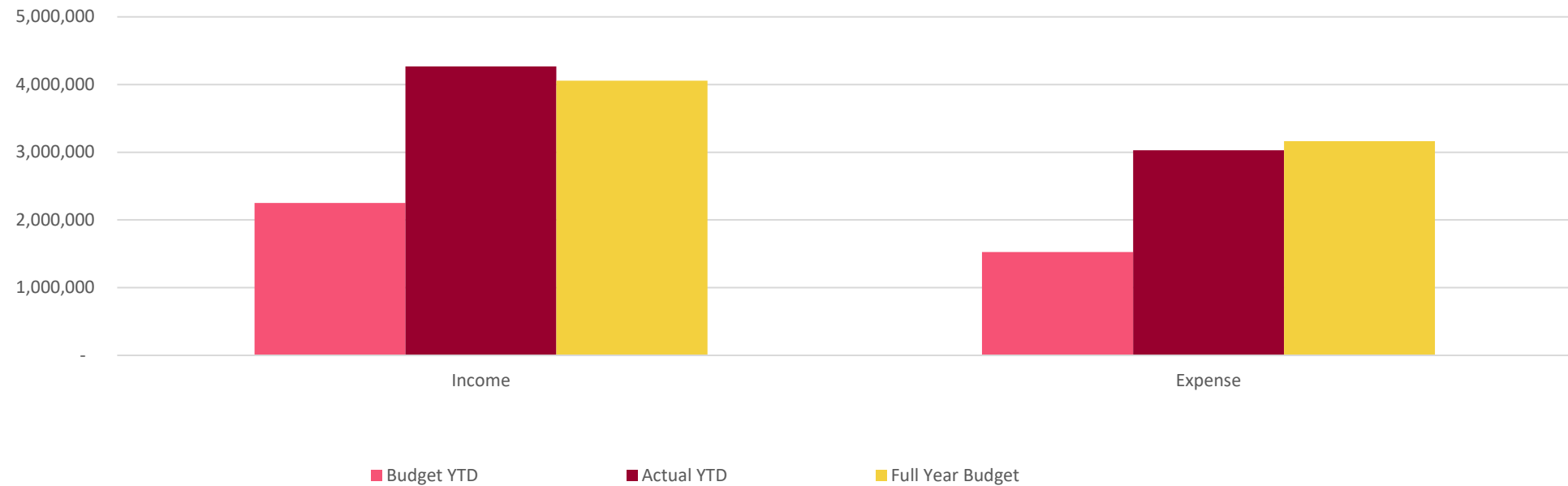
Type	YTD Budget	YTD Actual	Full Year Budget
Building W4Q	1,200,000	238,902	3,130,000
Other Infrastructure	2,893,081		3,584,408
Council Website and Intranet Update	127,252	132,060	127,252
Motor Vehicles	338,439	574,306	488,439
Plant & Equipment	637,444	761,531	1,193,000
Furniture and Fittings	50,000	15,745	50,000
Road Infrastructure QRA	1,205,317	1,290,577	1,505,317
Water Infrastructure ICIP	1,175,000	-	2,875,000
Sewerage Infrastructure ICIP	584,300	15,279	584,300

- The majority of projects, particularly Building W4Q, Other Infrastructure, Road Infrastructure QRA, and Water Infrastructure ICIP, are currently underspending relative to their YTD budgets. However, Plant & Equipment and Motor Vehicle has exceeded its YTD budget. The variance may indicate timing issues, deferred activities, or budget reallocations.
- Budget review will be undertaken in January to align capital expenditures in 2024-25



Monthly Financial Report February 2025

QRA Works (Disaster Works)



Particular	Budget YTD	Actual YTD	Full Year Budget
Income	2,251,790	4,270,000	4,057,000
Expense	1,525,000	3,031,257	3,165,000
Net	726,790	1,238,743	892,000



Monthly Financial Report 3rd March 2025

Cash Position

Explanation

- Overall cash is higher than budgeted by \$0.8M.
- Tied Cash is slightly higher than budget due to the delay in Council projects for Native Title and Cultural Heritage works, which the cash is tied to.
- Untied Cash is close to budget and therefore Council is currently on target to achieve its cash budget.
- Council has 6 months of untied cash available for operating expenses. Council has budgeted to have 5 months of cash available at the end of the financial Years.
- QLD Sustainability Framework requires 4 months

Cash Type	Budget YTD	Actual YTD	Full Year Budget
Tied Cash	6,274,416	6,963,246	4,158,073
Untied Cash	5,901,376	6,054,502	5,087,356
Cash Balance	12,175,792	13,017,748	9,245,429





Monthly Financial Report February 2025

Creditor & Debtors Days

Account Payable

Current	30 Days	60 Days	90 Days
\$79,750	0	0	\$12,482

Council is currently operating within the general practice of accounts payable owed.

Accounts Receivable

Current	30 Days	60 Days	90 Days
\$0	\$54,191	0	\$646,316

- Council has recently communicated with all businesses and State Government agencies that owe Council. A significant work has been done to chase up money owed to Council.
- As a result of these efforts, a significant amount of **\$2,142,504** has been successfully recovered from the total outstanding balance of **\$2,878,163**, demonstrating the effectiveness of the Council's collection initiatives



Monthly Financial Report February 2025

Feb- 25 Expenses through Credit Card

Nature of Expense	Amount (\$)	GST (\$)	Total Amount (\$)
Food and Meal	894	89	984
Licence renewal for fork Lift	318	-	318
Office Equipment	3,521	345	3,866
Printing and Stationery Expense	335	34	369
Subscriptions and Membership	531	43	574
Travelling Expense	2,190	219	2,409
Fuel Expense	984	98	1,082
Registration Expense	493	49	543
Grand Total	9,268	878	10,145



Monthly Financial Report February 2025

Financial Report

Statement of Comprehensive Income	YTD End of Month Reporting - Feb 2025			Comments
	Actual	Budget	Variance	
Revenue				
Recurrent Revenue				
Fees & Charges	786,364	774,712	11,652	Higher Water and Sewerage and Library venue hire
Sales Revenue - Building Construction	2,032,639	1,120,000	912,639	Reflects high BAS responsive revenue
Sales Revenue - Enterprise	97,257	237,244	(139,987)	Delay in opening of service station
Grants, Subsidies, Contributions & Donations	4,753,723	4,092,458	661,265	FA Grant revenue recognition
Total Recurrent Revenue	7,669,983	6,224,414	1,445,569	
Capital Revenue				
Capital, Grants, Subsidies, Contributions & Donations	4,850,742	6,198,825	(1,348,083)	Impact of QRA revenue recognition and Deferred Capita Projects
Capital Income	-	-	0	
Total Capital Revenue	4,850,742	6,198,825	(1,348,083)	
Rental income	329,083	414,104	(85,021)	Timing Difference
Interest received	188,538	100,000	88,538	Higher interest due to QTC additional investment
Joint Venture	25,500	197,600	(172,100)	Invoice raised for JV at the end of September
Other income	234,117	149,160	84,957	Higher due to JAGA Donation received of \$100,000
Total Revenue	13,297,964	13,284,103	13,861	
Expenses				
Recurrent Expenses				
Employee Benefits	2,408,718	2,882,413	473,696	Favourable due to absences and vacancies
Materials & Services	5,974,370	4,725,857	(1,248,513)	Impact of flood expenditure incurred during the quarter
Finance Costs	96,187	88,320	(7,867)	Higher interest charges
Depreciation	1,422,002	1,306,056	(115,946)	
Total Recurrent Expenses	9,901,277	9,002,647	(898,630)	
Capital expenses	11,302	-	(11,302)	
Total Expenses	9,912,579	9,002,647	(909,932)	
Net Operating Surplus/ (Deficit)	3,385,385	4,281,456	(896,072)	Net summation of above factors

Appendix | 14

Presentation by the Creative Recovery Group



KUKU BALKAL KAYKAYANDA

GIVING WORDS TO ALL THE CHILDREN



The Creative Recovery Network – Tropical North

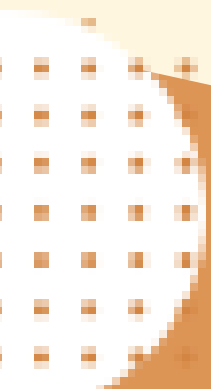
acknowledge the Kuku Yalanji and Guguu Yimithirr peoples as Traditional Custodians and pay respect to Elders past, present, and emerging. We recognize the continuation of cultural knowledge and creative expression as essential to healing and resilience.



Kuku Balkal Kaykayanda is a creative recovery initiative supporting children and young people in the wake of Cyclone Jasper.

It provides safe, culturally appropriate and creative spaces for expression, connection, and healing.

Programs include storytelling, music, dance, visual arts, and performance, working across multiple communities.




How It Came About

- **Cyclone Jasper disrupted communities, with children deeply affected by displacement and trauma.**
- **Recognising a gap in youth-focused recovery efforts, this project was developed to ensure children's voices and creative expression are prioritised in recovery.**
- **Built on evidence that creative recovery strengthens community resilience, particularly for young people.**



Intention: Giving Children a Voice

- Ensuring young people's creative recovery is embedded into local Disaster Recovery Plans.
 - Strengthening connections between children, Elders, and community through cultural and artistic practices.
 - Empowering youth to tell their stories and be active participants in rebuilding their communities.
- 

The Funding & Jabalbina's Role

- Jabalbina is auspicing the program, ensuring cultural integrity and governance.
- Funding sources include Creative Australia, Regional Arts Fund, Arts Queensland, Foundation for Rural and Regional Resilience (FRRR)
- Additional funding is needed to expand and embed long-term creative recovery efforts.
- The project has an additional application with the Queensland Mental Health Commission for \$150,000 to extend the program to the Douglas Shire community.

PARTNERS AND FUNDING BODIES



"This project was made possible by Creative Australia, the federal arts funding and advisory body and the Australian Government's Regional Arts Fund, provided through Regional Arts Australia, administered in Queensland by Flying Arts Alliance."

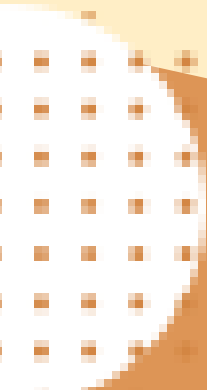


School Program – Circa

- Partnering with Circa to deliver performance-based workshops.
- 3 Artists employed and 285 students (4-16 years old) of children engaged across six schools.



School Holiday Program

- Engaging young people in creative recovery during Spring and Summer School holidays.
 - Activities included music, visual arts, mural painting, Indigenous Weaving, dance and song writing
- 



Mossman Showgrounds Mural

- LARGE-SCALE PUBLIC ART PROJECT LED BY LOCAL ARTISTS AND YOUNG PEOPLE.
- 1 artist employed and 55 children and young people (2-25 years old) 15 COMMUNITY ELDERS INVOLVED.
- STRENGTHENING PLACE-BASED IDENTITY AND STORYTELLING THROUGH VISUAL ART.



ROSSVILLE - MAKE PLAY NURTURE

- Partnering with Make, Play, Nurture to deliver visual arts based workshops.
- 2 artists employed and 20 children (1-14 years old) and 12 parents.



SACRED CREATIONS DANCE AND SONG WRITING WORKSHOPS WUJAL WUJAL, DAINTREE AND MOSSMAN

- Partnering with Wujal Wujal Elders Justice Group
- 3 artists employed and 95 participants (2-25 years old)





LAUNCH OF THE KUKU BALKAL KAYKAYANDA PROGRAM MOSSMAN SHOWGROUNDS

- 25th September 2024
- Attended by Elected Members from Cook & Douglas Shire Councils,
- Wujal Wujal and Douglas Elders, Community organisations and participants





MOSSMAN SUPPORT SERVICES

YOUTH SPACE - SUMMER SCHOOL HOLIDAY PROGRAM

- Partnering with Kija Creations and Ivy Minniecon to deliver visual arts workshops
- 2 Artists employed and 30 young people (8-17) and Elders delivered at Mossman Gorge Community and Mossman Showgrounds.

Creative Recovery Training in Cairns and Port Douglas

Supported by the Regional Arts Services Network, Regional Arts Development Fund (RADF), Cook Shire Council and Douglas Shire Council

Attended by 41 people from across Cassowary, Tablelands, Mareeba, Cairns, Douglas and Cook

Attended by 4 staff members from Cook Shire Council and 3 Douglas Shire Council members

- Training sessions for community leaders, service providers, public service educators and program developers in creative recovery practices
- Ensuring long-term capacity for arts-led recovery initiatives.






Blackbox Studios from Port Douglas were engaged to document the program and created several shorts and a 23 minute video of the program so far <https://youtu.be/GMUdyQhAOLQ>

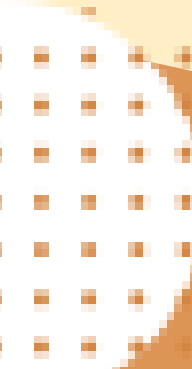



Ongoing Programs

- **Wujal and Cooktown - Jam Sessions – Continued opportunities for youth music expression.**
 - **Desert Pea Media at Wujal – Expanding cultural storytelling through music.**
 - **Wujal Wujal Dance Revival – Supporting the return of traditional dance practices.**
 - **MPN – Ongoing peer support and creative community engagement.**
 - **Deadly Youth Art @ Gungarde – Youth-led art initiatives fostering identity and healing.**
- 

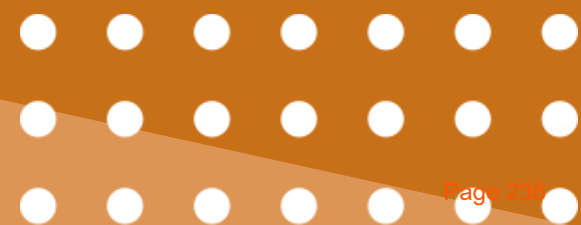


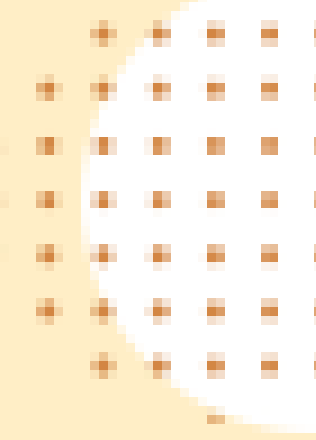
Request to Council

- To embed creative recovery initiatives focused on youth, into Council disaster recovery and strategic planning documents.
 - Support long-term funding for sustainable programs.
 - Advocate for creative recovery as a key pillar of community resilience in the human and social recovery space.
 - <https://creativerecovery.net.au/>
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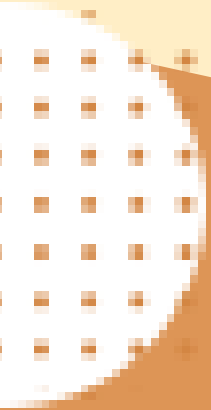


ANY QUESTIONS?





THANK YOU



Appendix | 15

CEQ recruitment drive for a community member



ABIS
ABORIGINAL BUSINESS
INDUSTRY AND SERVICE

Trading Hours

UPDATE!

HELP US FIND LOCAL COMMUNITY TEAM MEMBERS **ABIS Local Wujal Bayan Mayiji**

Due to employment regulations, we must scale back operations at this CEQ store until we secure additional local resources.

From Saturday 1st March 2025 this store will no longer trade on Saturdays.

We are deeply committed to the well-being and development of the local community. With this in mind, we are looking to hire a local community member to be trained in opening and closing of the store.

This initiative will not only provide meaningful employment to a community member but also enhance the sense of ownership and pride within the community.

We kindly request your support in this endeavour, by providing any available resources or guidance on how we can successfully recruit and train a local community member.

SCAN TO VIEW OUR
TRADING HOURS



Thank you for your attention to this matter

CEQ is confident that, with your support, we can make a positive impact on our community together.

ceqld.org.au/our-stores

