



WUJAL WUJAL
Aboriginal Shire Council

SPECIAL
Council ~~Budget~~ Meeting

30 July 2020

Minutes

of the

**WUJAL WUJAL ABORIGINAL SHIRE COUNCIL AGENDA
SPECIAL COUNCIL MEETING
30 July 2020**

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1. WELCOME/MEETING OPENING

Mayor welcomed everyone and opened the meeting at 12.12pm.

2. ATTENDANCE/APOLOGIES

Members Present:	Cr Bradley Creek, Mayor (Chair) Cr Vincent Tayley, Deputy Mayor (via teleconference) (via teleconference) Cr Vanessa Tayley
Apologies:	Cr Robert Bloomfield Cr Regan Kulka
Officers/Staff:	Stephen Wilton - Chief Executive Officer Harish Nair – Director of Finance and Corporate Services Victor Mills – Director Works and Building Services Vanessa Kennedy - Executive Assistant (EA)
Observers:	

3. COUNCILLOR OBLIGATIONS

3.1. Declaration of Material Personal Interest (MPI) on any item of business

3.2. Declaration of Conflict of Interest on any item of business

3.3. Registers of Interest

4. OPEN BUSINESS

WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

SPECIAL COUNCIL MEETING

Thursday 30 July 2020

Conclusion of Budget Meeting commencing at 9.00am



4.1 Purpose of Meeting

- 4.1.1 Resolve a motion 'Belcarra' legislative reforms and the *Human Rights Act 2019* to submit to the 2020 LGAQ Annual Conference

4.1 LGAQ Annual Conference Motion - TCICA

4.1.1 Resolve a motion 'Belcarra' legislative reforms and the *Human Rights Act 2019* to submit to the 2020 LGAQ Annual Conference

At the TCICA meeting held at Weipa on 13 and 14 July 2020 the new Human Rights legislation was discussed and the possible conflict that has been created with the Belcarra reforms to the *Local Government Act 2009*. It was resolved to form a resolution for the LGAQ conference requesting the Queensland Government to review the legislation.

Motions to the LGAQ are required to be passed by a resolution from a member Council before they can be presented to the conference. WWWASC is the first TCICA Council with an opportunity to pass the resolution.

BACKGROUND OF MOTION

The one-size-fits-all approach to the 'Belcarra' local government legislative reform is challenging the decision-making abilities of Aboriginal and Torres Strait Islander local governments due to the unique culturally-sensitive environments they operate within and the range of roles that councillors may have in their communities. For example, as trustees, traditional owners and as PBC directors.

Too many decisions have to be deferred to non-elected chief executives, despite the expectations of community members that the people they have elected to represent them are the primary decision-makers. This is causing friction for councils.

While the *Local Government Act 2009* allows local governments to take account of Aboriginal tradition and Island custom (s9(3)), the first lens Aboriginal and Torres Strait Island councils must apply to their decisions is the cultural lens. It is not an option.

Sections 27 and 28 of the *Human Rights Act 2019* recognise the distinct cultural rights afforded to Aboriginal and Torres Strait Islander peoples and provides for undeniable rights associated with their enjoyment, use and practice of culture.

In its current form, the 'Belcarra' legislation has the effect of denying rights associated with culture.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Local Government Act 2009 and the *Local Government Regulations 2012*.
Human Rights Act 2019

POLICY IMPLICATIONS

N/A

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

N/A

RECOMMENDATION

That Council submits the following motion to be included in the agenda of the 2020 Annual LGAQ conference;

That the LGAQ lobby the Queensland Government for a review of the 'Belcarra' legislation to determine if there are inconsistencies with Queensland's *Human Rights Act 2019* and with the cultural rights afforded to Aboriginal and Torres Strait Islander peoples under sections 27 and 28 of the Act.

5. MEETING CLOSE

Resolution:	That Council submits the following motion to be included in the agenda of the 2020 Annual LGAQ conference; That the LGAQ lobby the Queensland Government for a review of the 'Belcarra' legislation to determine if there are inconsistencies with Queensland's <i>Human Rights Act 2019</i> and with the cultural rights afforded to Aboriginal and Torres Strait Islander peoples under sections 27 and 28 of the Act.	
Moved:	Cr Vanessa Tayley	CARRIED 3/3
Seconded:	Cr Vincent Tayley	
Decision No:	0830072020	

6. MEETING CLOSE

Mayor thanked everyone and closed the meeting at 12.18pm.