



WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

ABN 57 237 799 120

Council Ordinary Meeting Minutes

28 June 2019

Council Chambers

10:32am – 16:43pm

(Lunch break: 11:55am – 12:53pm)

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1. WELCOME / MEETING OPENING

Mayor Tayley declared the meeting open at 10:32am.
Opening Pray

The Mayor ask the Council if there were any apologies for the meeting and reminded councillors of the need to declare any conflicts of interest as required for items in the meeting.

2. ATTENDANCE AND APOLOGIES

Members Present:	Cr Desmond Tayley, Mayor (Chair) Cr Robert Bloomfield, Deputy Mayor Cr Reagan Kulka Cr Vincent Tayley Cr Bradley Creek
Apologies:	NIL
Officers/Staff: Presenting Reports	Eileen Deemal-Hall, Chief Executive Officer (CEO) – Note Taker Victor Mills Director Works and Building Services – Note Taker Peter West – Orion Project Consulting – Closed Session
Observers:	NIL
Presenters/Visitors	NIL

3. CONDOLENCES / CONGRATULATIONS

Condolences

Council acknowledges those families in mourning from the Communities of Palm Island specifically Brother Georgie, Hope Vale, Yarrabah – William Walker Grandmother including Barlow, Mundraby and also Sister Jackson Families and most recently Families from Kowanyama.

Congratulations

Dominic Yougie and young Bowen– Arlie Beach AFL Selection
Wujal Wujal Yindilli Rugby League Team – Jordan Diamond and Lester Shipton selected - ry outs for the representative side for Queensland Cup. Potentially 4 may be picked.

4. COUNCILLOR OBLIGATIONS

4.1 – Declaration of material personal interest on any item of business

Pursuant to Section 172 of the *Local Government Act 2009*, {1} declarations of material personal interest were made during this meeting.

Details of declarations are as follows: 1

Name of Councillor – details of declaration – Cr Desmond Tayley Mayor. Resolution on Jabalbina Land Planning Project. Cr Desmond Tayley is both Chairperson of Jabalbina and Mayor of Wujal Wujal Aboriginal Shire Council.

4.2 – Declaration of conflict of interest on any item of business

Pursuant to Section 173 of the *Local Government Act 2009*, {4} declarations of conflict of interest were made during this meeting.

Details of declarations are as follows: Cultural Consideration for Housing

Name of Councillor: Cr Desmond Tayley – Mayor, Cr Vincent Tayley

Details of declaration: Family member on the cultural consideration for housing list

Details of declarations are as follows: Cultural Consideration for Jabalbina land planning project

Name of Councillor: Cr Bradley Creek and Cr Vincent Tayley

Details of declaration: Currently employed by Jabalbina

Details of declarations are as follows: Three River Football Club

Name of Councillor: Cr Bradley Creek

Details of declaration: Member of the Three Rivers Football Club

4.3 - Registers of interest

Councillors reviewed their Registers of Interests and Related Parties Disclosures. This will be updated prior to next Council meeting

5. CONFIRMATION OF MINUTES

- Council special meeting minutes 15 June 2019
- Ordinary Council meeting meeting minutes 23 May 2019

Resolution:	As per section of the local government regulation 2012 council move to adopt the minutes of 15 June 2019 to be true and correct. (Please amend format and change of date from 2017 to 2019)	
Moved:	Cr Desmond Tayley [Mayor]	Carried Unanimously
Seconded:	Cr Robert Bloomfield [Deputy Mayor]	
Decision No:		

Please Note that in the minutes of the 23 May 2019 – Business without Notice please more technically correct wording/advice to be used.

Resolution:	As per section of the local government regulation 2012 council move to adopt the Ordinary Council Meeting Minutes of 23 May 2019 to be true and correct	
Moved:	Cr Reagan Kulka	Carried Unanimously
Seconded:	Cr Vincent Tayley	
Decision No:		

- 11: 29am Cr Creek left chambers
- 11: 37am Cr Kulka left chambers
- 11: 42am Cr Kulka returned to chambers
- 11: 44am Cr Creek returned to chambers

Mayor requested CEO to present report

6. Chief Executive Officer Report – OPEN SESSION

Action 1

CEO to provide Copy of her report on the Start Up Catalyst US Trip to Director General Damien Walker and Duncan Kerslake

Please see attached Reports

Mayor declared meeting adjourned at 11:55am
Lunch
Meeting opened at 12:53pm

7. SPECIAL BUSINESS CLOSED SESSION 12:54pm

Resolution:	A In accordance with section 275 of the <i>Local Government Regulation 2012</i> , it was resolved to move into closed session at 12:54pm	
Moved:	Cr Desmond Tayley [Mayor]	Carried Unanimously
Seconded:	Cr Reagan Kulka	
Decision No:		

Presenters/Visitors	Mr Peter West – Orion Consulting
Water and Waste	
Water related	
Tenders	

8. Meeting Open at 14:40pm

Resolution:	As per section of the local government regulation 2012 council move out of closed session 14:40pm	
Moved:	Cr Bradley Creek	Carried Unanimously
Seconded:	Cr Vincent Tayley	
Decision No:		

Resolution:	<p style="text-align: center;">Resolution of Powers</p> <p>“In cases where the position of CEO is vacant or the CEO is unable to perform the role through illness, leave or other temporary unforeseen absence, Council delegates the power to appoint an acting CEO pursuant to S195 of the Local Government Act 2009 to the Mayor and Deputy Mayor, subject to the authority being limited to appointing either the person in the position of Deputy CEO or in a Senior executive employee position, (whatever position in Council structure is most senior and has the skill, experience and capability) to act as CEO for a period of no longer than one month or until the next available council meeting at which the appointment of Acting CEO will be decided by council resolution.”</p>	
Moved:	Cr Bradley Creek	Carried Unanimously
Seconded:	Cr Vincent Tayley	
Decision No:		

Council Note that Interim Deputy CEO – Mr Ross Higgins will be arriving Monday 1 July 2019 to assist Council for 6 weeks with recruitment of a number of senior executive positions. Need to ensure delegations and policy register is consistent.

Resolution:	That council endorse Director Works and Building Services Mr Victor Mills and CEO Eileen Deemal-Hall to work with Department of Housing to review Cultural recommendations pertaining to swelling 153 Little Douglas Street - Cultural consideration. Due to Conflict of Interest issue for all Councillors. Nominated officers to report back to Council of their findings	
Moved:	Cr Desmond Tayley [Mayor]	Carried Unanimously
Seconded:	Cr Robert Bloomfield [Deputy Mayor]	
Decision No:		

Details of declarations are as follows:

Name of Councillor: Cr Desmond Tayley Mayor, Cr Robert Bloomfield Deputy Mayor, Cr Vincent Tayley, Cr Bradley Creek, Cr Reagan Kulka

Details of declaration: Councillors are related either directly and or indirectly to current applicants on the cultural considerations list for dwelling 153 Little Douglas Street.

Action 2

- Department of Housing and Public Works to provide brief regarding underutilisation strategy back to council. Council officers to work with Department of Housing and Public Works with critical information to assist the department in compling the underutilisation strategy.
- Deputy Mayor house – fencing issue and also what is happening with upgrade of building?
- 21A Hartwig Street – council to approach Dept of Housing Public Works on this
- Drainage issues for Ayton social housing for example houses across from Ayton Store

Action 3 Community Residents Fee - reflected

- Fees and Charges for those residents who live outside of Wujal Wujal accessing Wujal Wujal programs such as Animal and Environmental Health funded program services such as treating dogs who have pig hunting injuries. Disclaimer etc?

Action 4 – Funeral Support for those who were serving Councillors

- Comparison and information for those serving councillors around funeral support

Action 5 - Review of Fees and Charges Schedule

- note full budget to be presented in July 2019 Special Meeting date to be confirmed during the next week.

Action 6 Community Residents

- Funeral fees for those residents who do not have death insurance what support is there for them?

Action 7 Docs on Tap

Fourier to work with Cr Vincent Tayley and Cr Reagan Kulka on their access

- Funeral fees for those residents who do not have death insurance what support is there for them?

Action 8 – Construction Update

- Feedback from Queensland Reconstruction Authority, Orion Consulting and FactorUTB

Action 9 – Polo Shirts for Councillors – sizes provided to CEO

Resolution:	<p>“That Council:</p> <ol style="list-style-type: none"> 1. Adopts the 2019/20 Fees and Charges Schedule, effective from 1 July 2019 by fixing the fees and charges contained in the 2019/20 Fees and Charges Schedule. 2. Delegates authority to the Chief Executive Officer to set or vary any fee or charge, other than those that are cost-recovery fees, in accordance with section 257(1)(b) of the <i>Local Government Act 2009</i>.’ 	
Moved:	Cr Bradley Creek	Carried Unanimously
Seconded:	Cr Robert Bloomfield [Deputy Mayor]	
Decision No:		

EXECUTIVE SUMMARY

As part of Council's annual budget process, the Fees and Charges Schedule has been reviewed. This schedule is submitted for adoption to enable customer groups to be made aware of the new schedule prior to 1 July 2019.

OFFICER'S RECOMMENDATION

“That Council:

3. Adopts the 2019/20 Fees and Charges Schedule, effective from 1 July 2019 by fixing the fees and charges contained in the 2019/20 Fees and Charges Schedule.
4. Delegates authority to the Chief Executive Officer to set or vary any fee or charge, other than those that are cost-recovery fees, in accordance with section 257(1)(b) of the *Local Government Act 2009*.’

BACKGROUND

As part of Council's annual budget process, the fees and charges schedule has been reviewed. Whilst Council's main revenue source is from external grants, utility and other fees and charges still significantly contribute to operational revenue (expected revenue 2018/19 approx. \$620K).

The Sewerage and Water service charges have for a number of years not recovered Council costs for providing these services. Due to substandard past records, Council officers cannot give exact figures, but in 2018/19 Council received approx. \$550K in

utilities charges revenue when depreciation alone was \$546K for the water and sewerage assets.

No standard increase to fees and charges is proposed. However, water & sewerage charges are proposed to increase by 5%, plant hire by an average of 3.6% and facilities hire by an average of 3.3%. Fees that have a direct link to wages costs are proposed to be increased by 2.4% which reflects the current Australian public-sector wage price index increase. Waste management fees have been adjusted 10% to reflect consequences of the new legislation around the State waste levy.

A number of statutory fees and charges have been included in the schedule for the first time, these include RTI (statutory) and publication fees (are cost-recovery).

It is also proposed to simplify the camping/recreational reserve fees and increase the fees for use of power at the facility. These are commercial fees in nature and Council is free to set these fees. Consideration has been given to the proposed tourism strategy and the fees that commercial operators in Council's neighbouring areas charge.

OPTIONS:

Option 1: (Recommended)

That Council:

1. Adopts the 2019/20 Fees and Charges Schedule, effective from 1 July 2019 by:
 - a. Fixing the cost-recovery fees as indicated in the 2019/20 Fees and Charges Schedule in accordance with section 97(1) of the Local Government Act 2009.
 - b. Adopting all other fees and charges contained in the 2019/20 Fees and Charges Schedule.
2. Delegates authority to the Chief Executive Officer to set or vary any fee or charge, other than those that are cost-recovery fees, in accordance with section 257(1)(b) of the *Local Government Act 2009*.

Option 2:

That Council:

1. Request management to consider changes in the 2019/20 Fees and Charges Schedule, and/or
2. Does not delegate authority to the Chief Executive Officer to set or vary fees and charges.

LINK TO CORPORATE PLAN

Our Future – Sustainability – Policy framework and ethical decision-making at all levels

CONSULTATION

Internal
CEO

Director Works & Building Services
/Director Economic Development & Community Strategy

External

Nil

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

- Section 97 of the Local Government Act 2009: This section provides Council with the power to fix cost-recovery fees. Generally, cost-recovery fees are regulatory fees which allows Council to recover costs incurred in administering certain regulatory regimes. Council cannot delegate this power.
- Section 262(3)(c) of the Local Government Act 2009: This section provides Council with the general power to set fees and charges for services and facilities, other than those that are cost-recovery fees. These are known as commercial fees and charges.
- Section 257 of the Local Government Act 2009: This section provides Council with the power to delegate certain powers it holds to other persons, including the Chief Executive Officer. This section is used to delegate the power to set or vary fees and charges, other than those that are cost-recovery fees, to the Chief Executive Officer.

POLICY IMPLICATIONS

The impact of the 2019/20 Fees and Charges Schedule has been taken into consideration in the annual budget process currently underway.

FINANCIAL & RESOURCE IMPLICATIONS

N/A

risk MANAGEMENT

It is important that delegation is given to the Chief Executive Officer, so that when minor variations or exceptional circumstances arise, these are able to be dealt with operationally in an efficient and effective manner.

IMPLEMENTATION/COMMUNICATION

Matters arising from this report that require further communication will be addressed through existing communication channels.

Change Management

The Fees and Charges Schedule will be communicated to the organisation and systems will be updated with the new rates.

ATTACHMENTS

2019/20 Fees and Charges Schedule

Date Prepared: 2 June 2019

9. Business without Notice

Members Present:	Cr Desmond Tayley, Mayor (Chair) Cr Robert Bloomfield, Deputy Mayor Cr Reagan Kulka Cr Vincent Tayley Cr Bradley Creek
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Councillor	Issues raised
Mayor Desmond Tayley	1. Meeting notice – cancellation of original meeting date - council passed a resolution to designate dates. 2. Movements and also need to have paper trail for decision making process. 3. Decision making – keeping communication open 4. Report back to Council on Canberra 5. Ross Higgins- Interim Deputy CEO – Duties/Roles and Responsibilities finances 6. Work around finances up to date 7. Reporting on teleconference to Jo Stephenson 8. Ross Higgins and Jo Stephenson to work together 9. Welcome back on board
Deputy Mayor Robert Bloomfield	NIL
Cr. Bradley Creek	NIL
Cr. Reagan Kulka	Already had left
Cr. Vincent Tayley	NIL

10. NEXT MEETING

The next Council Ordinary Meeting is to be held on 25 July 2019

11. MEETING CLOSE

The Mayor thanked Councillors and staff for their participation and attendance at the meeting.

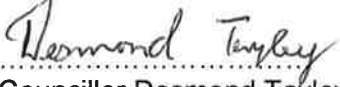
The meeting closed at. 16:43pm

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GENERAL MEETING #12

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DATE: 28 June 2019


Councillor Desmond Tayley
[Mayor]

25 / 07 / 2019