



MCKINLAY SHIRE COUNCIL

CONFIRMED MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD AT THE

BOARDROOM, CIVIC CENTRE
JULIA CREEK

Tuesday 18th September 2018

ORDER OF BUSINESS

ORDER OF BUSINESS

1. Opening
2. Attendance
3. Confirmation of Minutes
4. Business Arising out of minutes of previous Meetings

5. ENGINEERING REPORT

- 5.1 Engineering Works Monthly Report

6. ENVIRONMENTAL & REGULATORY SERVICES REPORT

- 6.1 Environmental & Regulatory Services Monthly Report
- 6.2 Convert Lease to Freehold described as Lot 205 on K3711
- 6.3 LATE REPORT Plant Hire SOA

7. COMMUNITY SERVICES REPORT

- 7.1 Community Services Monthly Report
- 7.2 Julia Creek Amateur Swim Club Sponsorship 2018
- 7.3 Drought Communities Programme 2018
- 7.4 Get Playing Places and Spaces Commitment
- 7.5 VR Pricing Spring Sale
- 7.6 Outback Tourism Infrastructure Fund
- 7.7 Julia Creek Challenge Fee Waiver Request
- 7.8 Dirt n Dust MOU 2018

8. CORPORATE SERVICES REPORT

- 8.1 Corporate Services Monthly Report

9. CHIEF EXECUTIVE OFFICERS REPORT

- 9.1 MITEZ proposal for "Invest North West" magazine
- 9.2 Internal Audit Reports to Council 18th September 2018
- 9.3 CONFIDENTIAL Internal Audit Report to Council – Conflict of Interest Matter
- 9.4 Appointment Panel – Director Engineering, Environmental & Regulatory Services

10. WORKPLACE HEALTH AND SAFETY

- 10.1 Work Place Health & Safety Report – August 2018

11. MEMBERS BUSINESS

12. CLOSE

OPENING BUSINESS

All Councillors having signed the Attendance Book, Mayor Belinda Murphy declared the meeting open at 9:03am.

1. ATTENDANCE

Mayor: Cr. B Murphy

Members: Cr. P Curr, Cr. S Royes, Cr. J Fegan, Cr. N Walker,

Staff:

Interim Chief Executive Officer Mr John Kelly
Director of Engineering, Environmental & Regulatory Services, Mr Geoff Hatwell
Executive Assistant, Mrs Amy Tinning
Director of Corporate & Community Services, Ms Tenneil Cody

Apologies:

Nil

Other people in attendance:

Nil

2. CONFIRMATION OF MINUTES

Confirmation of Minutes of the Ordinary Meeting of Council held on 21st August 2018.

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council on 21st August 2018 be confirmed.

Resolution No. 034/1819

The Minutes of Ordinary Meeting of Council on 21st August 2018 are confirmed.

Moved Cr. N Walker

Seconded Cr. P Curr

CARRIED 5/0

3. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

4. DECLARATION OF CONFLICT OF INTEREST

1. Cr. B Murphy

I declare that I have a conflict of interest in the matter Agenda item 7.2 as defined by section 175D of the *Local Government Act 2009* as follows:

- a) Conflict due to my business Flinders and Mitchell supplying a quote to do work for the ball. This quote has already been accepted and I have been engaged for the work therefore it is not dependant on Council's approval of this sponsorship application therefore not a material personal interest however I do believe this still constitutes a conflict
- b) The relationship is between my business and the Julia Creek Swimming Club committee for the event

I will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.

2.Cr. B Murphy

I declare that I have a Material Personal Interest in the matter Agenda item 6.3 as defined by section 175D of the Local Government Act 2009 as follows:

- a) My spouse Kevin Wayne Murphy is the sole director of KW Murphy Holdings which would stand to gain a benefit or suffer a loss depending on the outcome of Council's consideration of this matter
- b) The gain or loss is due to my husbands company previously and intending in the future to apply for a position on the SOA for Plant Hire
- c) My relationship with Kevin Wayne Murphy is he is my husband

I will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on.

5. ENGINEERING SERVICES

5.1 Engineering Works Report

This report outlines the general activities, revenue and expenditure for the department for the period of August 2018.

RECOMMENDATION

That Council receives the August 2018 Engineering Works Report.

Resolution No. 035/1819

Council receives the August 2018 Engineering Works Report.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

6. ENVIRONMENTAL AND REGULATORY SERVICE REPORT

6.1 Environmental and Regulatory Services Report – August 2018

This report outlines the general activities, revenue and expenditure for the department for the period of August 2018.

RECOMMENDATION

That Council receives the August 2018 Environment and Regulatory Services Report.

Resolution No. 036/1819

Council receives the August 2018 Environment and Regulatory Services Report.

Moved Cr. Walker

Seconded Cr. S Royes

CARRIED 5/0

6.2 Application for Renewal of Term Lease described as Lot 205 on K3711

Council received correspondence from Department of Natural Resources, Mines and Energy on the 7th June 2018 seeking Council's views and/or requirements on an application for renewal of Term Lease on land described as Lot 205 on K3711. Council resolved at its Ordinary Meeting held 24 July 2018 that it had no objections/and or requirements to the renewal of the term lease.

The Department is now investigating into the most appropriate tenure for this parcel and consideration will now be given to converting this term lease to freehold.

RECOMMENDATION

That Council resolves to advise the Department that it has no objections to the conversion of the lease to freehold on land described as Lot 205 on K3711.

Resolution No. 037/1819

Council resolves to advise the Department that it has no objections to the conversion of the lease to freehold on land described as Lot 205 on K3711.

Moved Cr. J Fegan

Seconded Cr. N Walker

CARRIED 5/0

Attendance – Having declared a material personal interest Mayor B. Murphy left the meeting room 9:42am.

6.3 2019 Pre-Qualified Suppliers Plant Hire

Council's current pre-qualified suppliers – plant hire Contract will conclude on 31 December 2018 and it is necessary to commence the tender process for the 2019 calendar year arrangement.

The tender process for 2019 will follow similar lines to 2018, with the following variations:

- The criteria weighting to be amended to reflect the resolution of Council at the April 2018 Ordinary Council Meeting for procurement criteria and weighting; and
- The tender process to be managed in-house rather than through an external consultancy.

The timing of the tender process is to allow for the adoption of Plant Supplier rankings at the Council's 20 November 2018 Ordinary Meeting.

RECOMMENDATION:

That Council resolves to:

1. Adopt the following criteria and weightings for the 2019 pre-qualified suppliers plant hire tender process:

Criteria	Weighting
Value For Money	40%
Development of Competitive Local Business and Industry	20%
Supplier Reliability	10%
Safety and Environmental Management	10%
Suitability of Plant	10%
Ability of Plant Operator	10%

2. Undertake the tender management, including evaluation, similar to the 2018 process without utilising an external consultancy.
3. Include Cr <> as a member of the Assessment Panel to carry out the evaluation.

Resolution No. 038/1819

Council resolves to:

1. Adopt the following criteria and weightings for the 2019 pre-qualified suppliers plant hire tender process:

Criteria	Weighting
Value For Money	40%
Development of Competitive Local Business and Industry	20%
Supplier Reliability	10%
Safety and Environmental Management	10%
Suitability of Plant	10%
Ability of Plant Operator	10%

2. Undertake the tender management, including evaluation, similar to the 2018 process without utilising an external consultancy.

3. The assessment panel to carry out the evaluation shall comprise of Director of Engineering Geoff Hatwell (chair), Works Manager Trent Marshall and Senior Supervisor Kelvin Patterson and Cr. P Curr.

Moved Cr. P Curr

Seconded Cr. J Fegan

CARRIED 4/0

Attendance – Ms Tenneil Cody, Director of Corporate and Community Services entered the meeting room at 10:17 am.

Attendance – Mayor Belinda Murphy re-entered the meeting room at 10:17 am.

7. COMMUNITY SERVICES

7.1 Community Services Monthly Report

Council is presented with the monthly Community Services report, which provides an overview of the operations for the month of August 2018.

RECOMMENDATION

That Council receives the Community Services monthly report for August 2018.

Resolution No. 039/1819

Council receives the Community Services monthly report for August 2018.

Moved Cr. S Royes

Seconded Cr. J Fegan

CARRIED 5/0

Attendance – Having declared a conflict of interest Mayor Belinda Murphy left the meeting room at 10:36 am.

7.2 Sponsorship Request – Julia Creek Amateur Swimming Club Inc

Council is presented with a Sponsorship Request from Julia Creek Amateur Swimming Club Inc for consideration, in accordance with requirements of Council policy.

RECOMMENDATION

That Council approve sponsorship of \$2,000.00 to the Julia Creek Amateur Swimming Club for the 2018 Mad Hatters Ball.

Resolution No. 040/1819

Council approve sponsorship of \$2,000.00 to the Julia Creek Amateur Swimming Club for the 2018 Mad Hatters Ball.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 4/0

Attendance – Mayor Belinda Murphy re-entered the meeting room at 10:39 am.

7.3 Drought Communities Programme

Minister for Regional Development, Territories and Local Government, The Hon Dr John McVeigh MP recently announced a \$75 million boost to the Drought Communities Programme to support communities in drought affected regions. McKinlay Shire being an eligible Council will receive up to \$1 million in funding to support projects that will support local business and local employment. Council is presented with a list of potential projects for consideration to be put forward for funding under this programme.

RECOMMENDATION

That Council approve the list of projects below to be put forward for funding under the Drought Communities Programme 2018-19.

Resolution No. 041/1819

Council approve the list of projects below to be put forward by the Chief Executive Officer for funding under the Drought Communities Programme 2018-19, dependant on the suitability of the projects with the guidelines yet to be released.

Dirt & Dust Venue Project	\$400,000
Dog Park	\$ 50,000
Bush Kitchen	\$150,000
Childcare Softfall & Eastern Yard	\$ 55,000
Kynuna Park	\$ 80,000
Swimming Pool Perimeter Fence	\$ 90,000
Kev Bannah Oval Switchboard Upgrade	\$ 35,000
Kev Bannah Oval Playground area	\$ 34,000
Fencing Peter Dawes Park	\$ 15,000
McIntyre Park Switchboard Upgrade	\$ 30,000
McKinlay Centenary Park	\$40,000
McKinlay Community Shed Fit Out	\$20,000
Contingency	\$1,000

Moved Cr. N Walker

Seconded Cr. J Fegan

CARRIED 5/0

Attendance – Mr Geoff Hatwell, Director of Engineering, Environmental & Regulatory Services left the meeting room at 10:59 am.

7.4 Get Playing Places and Spaces Grant

The purpose of this report is to seek Council’s support and financial commitment for the Get Playing Places and Spaces Funding Round Seven.

RECOMMENDATION

That Council commit 20% of the total project cost to a maximum of \$37,500 for the Get Playing Places and Spaces funding application for the extension of the Daren Ginns Gym.

Resolution No. 042/1819

Council commit 20% of the total project cost to a maximum of \$37,500 for the Get Playing Places and Spaces funding application for the extension of the Daren Ginns Gym.

Moved Cr.S Royes

Seconded Cr. J Fegan

CARRIED 5/0

7.5 Julia Creek Visitor Information Centre VR Experience Spring Special

The purpose of this report is to seek Council’s approval for a Spring Special for the Julia Creek Visitor Information Centre VR experience.

RECOMMENDATION

That Council agrees for the Julia Creek VIC to run a “Spring Special” on the Julia Creek VIC VR experience for \$5 per person.

Resolution No. 043/1819

Council agrees for the Julia Creek VIC to run a “Spring Special” on the Julia Creek VIC VR experience for \$5 per person. The “Spring Special” will be effective immediately and finish 31st December 2018. The Tourism Portfolio group will review the fees in preparation for the new tourist season and present to Council at the December 2018 Ordinary Meeting of Council.

Moved Cr. J Fegan

Seconded Cr. P Curr

CARRIED 5/0

7.6 Outback Tourism Infrastructure Fund

The purpose of this report is to seek Council’s support and financial commitment for the Outback Tourism Infrastructure Fund submission for the Caravan Park Artesian Bath Landscaping/Expansion project.

RECOMMENDATION

That Council commits \$81,642 representing 25% of the total project cost of the Caravan Park Artesian Bath Landscaping/Expansion project to be submitted for funding under the Outback Queensland Tourism Infrastructure Fund program.

Resolution No. 044/1819

Council commits \$81,642 representing 25% of the total project cost of the Caravan Park Artesian Bath Landscaping/Expansion project to be submitted for funding under the Outback Queensland Tourism Infrastructure Fund program.

Moved Cr. N Walker

Seconded Cr. S Royes

CARRIED 5/0

7.7 Fee Waiver Request – Julia Creek Challenge

Council has received a request for fee waiver of venue hire from the Julia Creek Challenge committee. Council is presented with this request for consideration.

RECOMMENDATION

That Council waive the venue hire fees for the Julia Creek Challenge event for the 5th -7th October 2018.

Resolution No. 045/1819

Council waive the venue hire fees for the Julia Creek Challenge event for the 5th -7th October 2018.

Moved Cr. P Curr

Seconded Cr. S Royes

CARRIED 5/0

7.8 Julia Creek Dirt n Dust Festival Memorandum of Understanding

Council and Julia Creek Dirt and Dust Festival Inc. have had a Memorandum of Understanding (MOU) for the period 2016-2018 which has now expired and both parties are seeking to renew the MOU with updated terms. This MOU commits to both financial and in-kind support from Council. Council is presented with a draft MOU for consideration.

RECOMMENDATION

That Council approve the Memorandum of Understanding as presented and authorise the Chief Executive Officer to execute the agreement.

Resolution No. 046/1819

Council approve the Memorandum of Understanding as presented and authorise the Chief Executive Officer to execute the agreement. Noting that the amount of \$25,000 is a one off special allocation in recognition of the 25th Anniversary allocated specifically for entertainment in consultation with Cr. S Royes and Director of Corporate and Community Services Ms Tenneil Cody.

Moved Cr. N Walker

Seconded Cr. P Curr

CARRIED 5/0

Attendance – Cr P. Curr left the meeting room at 11:28am.

8. CORPORATE SERVICES REPORT

Attendance – Cr P. Curr re-entered the meeting room at 11:30am.

8.1 Corporate Services Report

The Corporate Services Report as of August 2018 which summarises the financial performance and position is presented to Council.

RECOMMENDATION

That Council receives the monthly Corporate Services Report for the period ending August 31st 2018.

Resolution No. 047/1819

Council receives the monthly Corporate Services Report for the period ending August 31st 2018.

Moved Cr. J Fegan

Seconded Cr. N Walker

CARRIED 5/0

9. CHIEF EXECUTIVE OFFICER REPORT

9.1 Proposed Glossy “Invest North West” magazine and conference hand-out

On the 1st of August Council received correspondence from MITEZ Economic Development, initiating a proposed glossy “Invest North West” magazine and conference hand out. The publication will be launched in conjunction with the Townsville Bulletin and The Australian.

MITEZ has also indicated that they intend in using the publication hand-out at the North West Showcase event to be held in in Brisbane on 22-23 November 2018. They anticipate that the publication will go to print in mid-October.

The contribution requested is the value of \$2,500 from each Council that is part of MITEZ will be investing funds towards:

- 50% of the cost if a full-page advertisement for each of the MITEZ Councils – (contribution - \$2,500 each)
- Contribute one half page to promote North West Showcase event (negotiated to be free of charge) valued at \$3,190
- One half-page advert from MITEZ (valued at \$3,190)

MITEZ will provide resources to work with the Townsville Bulletin to ensure suitable material for editorial content is provided by MITEZ members. Once material has been gathered the Townsville Bulletin will begin the process of discussing what is required with Council's CEO's and Mayor's.

RECOMMENDATION

That Council agree to contribute \$2,500 to the proposed "Invest North West" advertising, magazine and conference hand out as attached in the MITEZ proposal of the 1st August 2018 and the cost be debted to Economic Development budget.

Resolution No. 048/1718

Council agree to contribute \$2,500 to the proposed "Invest North West" advertising, magazine and conference hand out as attached in the MITEZ proposal of the 1st August 2018 and the cost be debted to Economic Development budget.

Moved Cr. S Royes

Seconded Cr. N Walker

CARRIED 5/0

9.2 Internal Audit Reports

By letter dated 31 July 2018 Council's Internal Auditor Mr Peter O'Regan of O'Regan and Partners submitted four reports arising from internal audits which he had undertaken reviewing the following

- (a) Council Housing and Buildings
- (b) Grids Policy and Accounting Treatment
- (c) Council Housing Project Julia Creek
- (d) Conflict of Interest Matter

Copies of reports (a) (b) and (c) are attached.

The report relating to the Conflict of Interest matter is the subject of a separate Confidential report which is appears later in the Council meeting agenda.

Council's Internal Audit Committee considered the reports at a meeting held on 13th August 2018 and reports (a), (b) and (c) are now referred to Council together with the recommendations from the Internal Audit Committee.

RECOMMENDATION

Council note the recommendations from the Internal Audit Committee of 13th August 2018 relating to reports prepared by Council's Internal Auditor with respect to:

- (a) Council Housing and Buildings
- (b) Grids Policy and Accounting Treatment
- (c) Council Housing Project Julia Creek

and endorse the recommendations from the Internal Audit Committee.

Resolution No. 049/1819

Council note the recommendations from the Internal Audit Committee of 13th August 2018 relating to reports prepared by Council's Internal Auditor with respect to:

- (a) Council Housing and Buildings
- (b) Grids Policy and Accounting Treatment
- (c) Council Housing Project Julia Creek

and endorse the recommendations from the Internal Audit Committee.

Moved Cr. J Fegan

Seconded Cr. P Curr

CARRIED 5/0

Attendance – Ms Tenneil Cody, Director of Corporate & Community Services left the meeting room at 11:50am.

9.3 CONFIDENTIAL Internal Audit Report – Alleged Conflict of Interest Matter Not For Publication

Confidentiality:

This report is CONFIDENTIAL in accordance with *Section 275 1(h) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councillor's consider it necessary to discuss *(f) starting or defending legal proceedings involving the local government;*

PROCEDURAL MOTION

That Council closes the Ordinary Meeting of Council to the public.

Resolution No. 050/1819

Council close the Ordinary Meeting of Council at 11:53am.

Moved Cr. N Walker

Seconded Cr. S Royes

CARRIED 5/0

This report follows on from the previous reporting of three matters investigated by the Internal Auditor presented to the Audit Committee on 13th August 2018 and addresses an alleged Conflict of Interest Matter. It is reported separately on the basis that it should be treated CONFIDENTIALLY due to its legal implications.

Subsequent Action:

The Chief Executive Officer has:

- considered the Internal Audit report at length,
- discussed the alleged Conflict of Interest matter with the Mayor and Councillors separately,
- sought confirmation of the Director Corporate and Community Services on the proceedings of the Council meeting of 24th July 2018 in order to understand how the proceedings unfolded,
- sought advice from King and Coy on the legal responsibilities of the Chief Executive Officer in these circumstances and the correct course of action to respond to the Internal Auditor's report, and
- developed a summary to give context to the Internal Auditor's Report.

PROCEDURAL MOTION

That Council opens the Ordinary Meeting of Council to the public.

Resolution No. 051/1819

Council re-open the Ordinary Meeting of Council at 1:00pm

Moved Cr. J Fegan

Seconded Cr.S Royes

CARRIED 5/0

RECOMMENDATION

Council note the recommendations from the Internal Audit Committee of 13th August 2018 relating to reports prepared by Council's Internal Auditor with respect to an alleged Conflict of Interest Matter and note that the Chief Executive Officer will be referring the matter to the appropriate State Government Agency for advice.

Resolution No. 052/1819

Council note the recommendations from the Internal Audit Committee of 13th August 2018 relating to reports prepared by Council's Internal Auditor with respect to an alleged Conflict of Interest Matter and note that the Chief Executive Officer is seeking advice on the question of referral of the matter to the appropriate State Government agency.

Moved Cr. N Walker

Seconded Cr. J Fegan

CARRIED 5/0

9.4 Appointment Panel – Director Engineering, Environment and Regulatory Services

Council is presently advertising for the appointment of a replacement Director Engineering, Environment and Regulatory Services.

The Local Government Act 2009 requires a Council panel to make the appointment of a Senior Executive Officer.

RECOMMENDATION

Council authorise a panel comprising the Mayor, the Deputy Mayor and the Chief Executive Officer to interview and select the new Director Engineering, Environment and Regulatory Services following the close of application on 21st September 2018 or any extended advertising period.

Resolution No. 053/1819

Council authorise a panel comprising the Mayor who delegates her position on the panel to Cr Curr due to a Conflict of Interest, the Deputy Mayor and the Chief Executive Officer to interview and select the new Director Engineering, Environment and Regulatory Service following the close of applications on 21st September 2018 or any extended advertising period.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

10.WHS REPORT

Council noted the Workplace Health, Safety and Risk Report for the month of August as presented.

11. MEMBERS BUSINESS

Cr. N Walker: Stock Route Bill

Cr. N Walker: Bio Security Plan

Cr. J Fegan: McKinlay Bush Nurse residence

Cr. J Fegan: reported on her attendance at the Northern Alliance of Local Governments Conference in Ingham on 22nd to 23rd August 2018.

Cr. J Fegan: reported on the CAN meeting held on the 13th September 2018.

Cr. S Royes:

Drew attention to:

- Lighting at McIntyre Park which are faulty and need fixing before the Challenge
- Landscaping at the Seniors Living centre needs maintenance
- Is it possible for the Fire Brigade to gain access to the unused accommodation buildings at the old camp site for relocation to the Fire Brigade for emergency accommodation? The Chief Executive Officer will have relevant staff investigate these matters and report back.

Cr. N Walker: requested a follow up report on the use of the old Fire Brigade which appears to be used for SES purposes. The Julia Creek Historical Society has expressed some interest in expanding and also at a succession plan. The Chief Executive Officer will follow up.

Cr. B Murphy: reported that a Group of investors from Brazil will be inspecting a northern cattle station in conjunction with Department Agriculture and Fisheries of with the view to possible purchase for cotton growing with irrigation from the Flinders. Any Councillor is welcome to join in meeting them on Wednesday evening for dinner or for the inspection on Thursday from 7.00a.m. The delegation is also inspecting other properties in the Gulf.

12. CLOSURE OF MEETING

The Chair of the meeting Mayor Belinda Murphy declared the meeting closed at 1:10pm.



Mayor Belinda Murphy