



# MCKINLAY SHIRE COUNCIL

## ***UNCONFIRMED MINUTES***

OF THE

### **ORDINARY MEETING OF COUNCIL**

HELD AT THE

BOARDROOM, CIVIC CENTRE  
JULIA CREEK

15<sup>TH</sup> January 2019

## ORDER OF BUSINESS

### ORDER OF BUSINESS

1. Opening
2. Attendance
3. Declaration of Conflict of Interest
4. Confirmation of Minutes
- 4.2 Business Arising out of minutes of previous Meeting

### **5. ENGINEERING SERVICES**

### **6. ENVIRONMENTAL & REGULATORY SERVICES**

- 6.1 Environmental & Regulatory Services Monthly Report
- 6.2 Approved Inspection Program – Pool Fencing
- 6.3 CONFIDENTIAL – LATE REPORT – Tender T1819004 – Sale and Removal of Old Bush Nurse House

### **7. COMMUNITY SERVICES**

- 7.1 Community Services Monthly Report
- 7.2 Caravan Park Proposed Fees
- 7.3 Local Government Grants and Subsidies Program

### **8. CORPORATE SERVICES**

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- 8.3 Local Government Remuneration and Discipline Tribunal Report 2018
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- 9.1 CONFIDENTIAL – Defamation Policy
- 9.2 LATE REPORT – Council Briefing Sessions Policy

### **10. WORKPLACE HEALTH AND SAFETY**

- 10.1 Workplace Health and Safety Monthly Report

### **11. MEMBERS BUSINESS**

### **12. CLOSE**

## 1. OPENING BUSINESS

All Councillors having signed the Attendance Book, Mayor Belinda Murphy declared the meeting open at 9:05am.

## 2. ATTENDANCE

**Mayor:** Cr. B. Murphy

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

**Staff:**

Chief Executive Officer, Mr. Des Niesler  
Director of Corporate and Community Services, Ms. Tenneil Cody  
Executive Assistant, Ms. Maggie Rudolph

**Other people in attendance:**

Nil

**Apologies:**

Nil

## 3. DECLARATION OF CONFLICT OF INTEREST

Nil

## 4. CONFIRMATION OF MINUTES

Confirmation of Minutes of the Ordinary Meeting of Council held on 11<sup>th</sup> December 2018.

**RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held on 11<sup>th</sup> December 2018 be confirmed.

**Attendance** – Cr. S. Royes left the meeting room at 9:08am.

**Attendance** – Cr. S. Royes re-entered the meeting room at 9:10am.

### Resolution No. 115/1819

The Minutes of Ordinary Meeting of Council held on 11<sup>th</sup> December 2018 are confirmed with the following changes:

- Amend Resolution No. 112/1819 to show the names of the opposing voters.

Moved Cr. J. Fegan

Seconded Cr. N. Walker

CARRIED 5/0

## 4.2 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

## 5. ENGINEERING SERVICES

### 5.1 Engineering Works Report

Nil Report due to Staff Absence.

## **6. ENVIRONMENTAL AND REGULATORY SERVICES**

### **6.1 Environmental and Regulatory Services Report**

Council is presented with the monthly Environmental and Regulatory Services Report, which outlines the general activities, revenue and expenditure for the department for the period of December 2018.

#### **RECOMMENDATION**

That Council receives the December 2018 Environmental and Regulatory Services Report.

#### **Resolution No. 116/1819**

Council receives the December 2018 Environmental and Regulatory Services Report.

Moved Cr. N. Walker

Seconded Cr. S. Royes

CARRIED 5/0

### **6.2 Approved Inspection Program – Pool Fencing**

Council are proposing to undertake an Inspection Program on swimming pool fencing on all regulated swimming pools within McKinlay Shire under Section 134 of the *Local Government Act 2009*. The purpose of this program is to monitor compliance with AS1926.1-2012 Swimming Pool Safety Barriers for Swimming Pools and the *Building Act 1975*.

#### **RECOMMENDATION**

That Council in accordance with Section 134 of the *Local Government Act 2009* Council resolve to approve an inspection program to monitor compliance in accordance with AS1926.1-2012 Swimming Pool Safety Barriers for Swimming Pools on all regulated swimming pools within the townships of Julia Creek, Kynuna, McKinlay and Nelia for a period of 30 days commencing 11 February 2019.

#### **Resolution No. 117/1819**

That Council in accordance with Section 134 of the *Local Government Act 2009* Council approves an inspection program to monitor compliance in accordance with AS1926.1-2012 Swimming Pool Safety Barriers for Swimming Pools on all regulated swimming pools within the townships of Julia Creek, Kynuna, McKinlay and Nelia for a period of 30 days commencing 11 February 2019.

Moved Cr. P. Curr

Seconded Cr. J. Fegan

CARRIED 5/0

#### **PROCEDURAL MOTION**

#### **Resolution No. 118/1819**

Council resolves to accept the 6.3 CONFIDENTIAL – LATE REPORT – Tender T1819004 – Sale and Removal of Old Bush Nurse House

Moved Cr. N. Walker

Seconded Cr. S. Royes

CARRIED 5/0

### **6.3 CONFIDENTIAL – LATE REPORT – Tender T1819004 – Sale and Removal of Old Bush Nurse House**

This report is CONFIDENTIAL IN ACCORDANCE WITH Section 275 1(e) 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 (e) contracts proposed to be made by it.

Council advertised a tender for the sale and removal of the Old Bush Nurse house located on Lot 309 on AL77 also know as 24 Wylde Street, McKinlay in November 2018. One (1) tender was received by the closing date.

**RECOMMENDATION**

That Council resolve to award the tender to Wayne Muller for the tendered price of \$3,100.00 incl GST.

**Resolution No. 119/1819**

Council resolves to award the tender to Wayne Muller for the tendered price of \$3,100.00 incl GST

Moved Cr. J. Fegan

Seconded Cr. S. Royes

CARRIED 5/0

**Attendance** – Executive Assistant, Maggie Rudolph, left the meeting room at 9:30am.

**Attendance** – Executive Assistant, Maggie Rudolph, re-entered the meeting room at 9:31am.

**Attendance** – Director of Corporate & Community Services, Tenneil Cody, entered the meeting room at 9:32am.

**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 December 2018.

**RECOMMENDATION**

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

**Resolution No. 120/1819**

Council receives the Community Services monthly report for December 2018.

Moved Cr. P. Curr

Seconded Cr. J. Fegan

CARRIED 5/0

**7.2 Caravan Park Proposed Fees**

Proposal to Council to amend the Julia Creek Caravan Park fees, effective 1<sup>st</sup> March 2019.

**RECOMMENDATION**

That Council adopts the amendments to the 2018/19 Fees and Charges Schedule to include the amended Julia Creek Caravan Park fees as presented.

**Resolution No. 121/1819**

Council adopts the amendments to the 2018/19 Fees and Charges Schedule to include the amended Julia Creek Caravan Park fees.

Moved Cr. N. Walker

Seconded Cr. S. Royes

CARRIED 5/0

### 7.3 Local Government Grants and Subsidies Program

The Department of Local Government, Racing and Multicultural Affairs has recently announced that latest round of the Local Government Grants and Subsidies Program (LGGSP), 2019-21. The program opens on 14<sup>th</sup> January and closed on 8<sup>th</sup> February 2019. Council is presented with this report to give consideration to nomination of projects for funding.

#### **RECOMMENDATION**

That Council commit to applying to the LGGSP2019-21 for funding towards the remedial works of the Julia Creek Water Tower, with a commitment from Council of 40% of project costs, maximum of \$140,000.

#### **Resolution No. 122/1819**

Council commits to applying to the LGGSP2019-21 for funding towards the remedial works of the Julia Creek Water Tower, with a commitment from Council of 40% of project costs, maximum of \$140,000.

Moved Cr. J. Fegan

Seconded Cr. N. Walker

CARRIED 5/0

## 8.1 CORPORATE SERVICES

### 8.1 Corporate Services Report

The Corporate Services Report as of 31<sup>st</sup> December 2018 which summarizes the financial performance and position is presented to Council.

#### **RECOMMENDATION**

That Council receives the monthly Corporate Services Report for the period ending 31<sup>st</sup> December 2018.

#### **Resolution No. 123/1819**

Council receives the monthly Corporate Services Report for the period ending 31<sup>st</sup> December 2018.

Moved Cr. P. Curr

Seconded Cr. J. Fegan

CARRIED 5/0

### 8.2 Investigation Policy

As part of the requirements of section 150AE of the *Local Government Act 2009*, a local government must adopt a policy about how it deals with the suspected inappropriate conduct of councilors referred, by the assessor, to the local government to be dealt with. Hence, the Investigation Policy has been drafted and is presented to Council for consideration and adoption.

#### **RECOMMENDATION:**

That Council adopts the Investigation Policy V1.0 as presented.

#### **Resolution No. 124/1819**

Council adopts the Investigation Policy V1.0 as presented.

Moved Cr. N. Walker

Seconded Cr. J. Fegan

CARRIED 5/0

### 8.3 Local Government Remuneration and Discipline Tribunal Report 2018

Each year the Local Government Remuneration and Discipline Tribunal is required to undertake a review of the categories of Councils, and the remuneration for mayors, deputy mayors and councillors as required by the *Local Government Regulation 2012*.

The Tribunal concluded its review on 30<sup>th</sup> November 2018, with the following determinations:

- Increase remuneration levels for mayors, deputy mayors and councillors by 2.1% from 1 July 2019

Section 247 of the Local Government Regulation 2012 provides that a council can decide to pay less than the determination, provided that a resolution is made before 1 July.

#### **RECOMMENDATION**

For Councils consideration.

#### **Resolution No. 125/1819**

Council notes the Local Government Remuneration and Discipline Tribunal Report.

Moved Cr. S. Royes

Seconded Cr. N. Walker

CARRIED 5/0

### 8.4 Audit Committee Meeting Minutes

An Audit Committee meeting was held on 12<sup>th</sup> December 2018, Council is presented with a copy of the minutes from the meeting for information purposes.

#### **RECOMMENDATION:**

That Council receive the report and note the Audit Committee Meeting Minutes of 12<sup>th</sup> December 2018 inclusive of the Internal Audit Plan.

#### **Resolution No. 126/1819**

Council receives the report and notes the Audit Committee Meeting Minutes of 12<sup>th</sup> December 2018, inclusive of the Internal Audit Plan.

Moved Cr. N. Walker

Seconded Cr. J. Fegan

CARRIED 5/0

### 8.5 Report – Sale of Land for Overdue Rates Charges – Assessment Number 106 – 74 Burke Street, Julia Creek, Lot 118 on JC5571

In accordance with *Section 140 (1) (c) (i) of the Local Government Regulation 2012* Council has the authority to sell the land at 74 Burke Street, Julia Creek, more particularly described as Lot 118 on JC5571 for overdue rates or charges as some or all of the overdue rates and charges have been overdue for at least three (3) years.

#### **RECOMMENDATION**

That Council resolve to:

- (a) sell the land located at 74 Burke Street, Julia Creek, more particularly described as Lot 118 on JC5571 ("the Land") by way of auction for overdue rates and charges pursuant to section 140(2) of the *Local Government Regulation 2012* by issuing a Notice of Intention to Sell, with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements.

- (b) delegate to the Chief Executive Officer, its power to:
  - (i) give a Notice of Intention to Sell to all interested parties; and
  - (ii) take all further steps required under sections 141, 142, 143, 144, 145 and 146 of the Local Government Regulation 2012 to effect the sale of the Land.

**Resolution No. 127/1819**

Council resolves to sell the land located at 74 Burke Street, Julia Creek (described as Lot 118 on JC5571), by way of auction for overdue rates and charges pursuant to section 140(2) of the *Local Government Regulation 2012*.

Council delegates to the CEO; its power to give a Notice of Intention to Sell to all interested parties, and power to take all further steps required under sections 141, 142, 143, 144, 145 and 146 of the *Local Government Regulation 2012* to the effect the sale of the Land.

Moved Cr. P. Curr

Seconded Cr. N. Walker

CARRIED 5/0

**8.6 Report – Sale of Land for Overdue Rates Charges – Assessment Number 153 – 40 Coyne Street, Julia Creek, Lot 611 on JC5571**

In accordance with *Section 140 (1) (c) (i) of the Local Government Regulation 2012* Council has the authority to sell the land at 40 Coyne Street, Julia Creek, more particularly described as Lot 611 on JC5571 for overdue rates or charges as some or all of the overdue rates and charges have been overdue for at least three (3) years.

**RECOMMENDATION**

That Council resolve to:

- (a) sell the land located at 40 Coyne Street, Julia Creek, more particularly described as Lot 611 on JC5571 ("the Land") by way of auction for overdue rates and charges pursuant to section 140(2) of the *Local Government Regulation 2012* by issuing a Notice of Intention to Sell, with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements.
- (b) delegate to the Chief Executive Officer, its power to:
  - (i) give a Notice of Intention to Sell to all interested parties; and
  - (ii) take all further steps required under sections 141, 142, 143, 144, 145 and 146 of the Local Government Regulation 2012 to effect the sale of the Land.

**Resolution No. 128/1819**

Council resolves to sell the land located at 40 Coyne Street, Julia Creek (described as Lot 611 on JC5571), by way of auction for overdue rates and charges pursuant to section 140(2) of the *Local Government Regulation 2012*.

Council delegates to the CEO; its power to give a Notice of Intention to Sell to all interested parties, and power to take all further steps required under sections 141, 142, 143, 144, 145 and 146 of the *Local Government Regulation 2012* to the effect the sale of the Land.

Moved Cr. J. Fegan

Seconded Cr. N. Walker

CARRIED 5/0

**Attendance** – Director of Corporate & Community Services, Tenneil Cody, left the meeting room at 10:25am.

**9. CHIEF EXECUTIVE OFFICER**



### **9.1 CONFIDENTIAL – Defamation Policy**

Report 9.1 is CONFIDENTIAL within the terms of Section 275 1(f) of the *Local Government Regulation 2012* which provides for a local government to resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss (f) *starting or defending legal proceedings involving the local government.*

LGAQ Legal Opinion wherein specific advice has been sought on:

1. What are the identifying elements to properly determine when such comments are unlawful as threats or defamation?
2. What are the relevant laws and precedents related to threats and defamation in Queensland?
3. Is there any action that can be taken especially to require retractions or removal of “posts”?
4. Has a Council any role to play in supporting an employee who has been threatened or defamed by a member of the public in any publication, especially some form of social media?
5. Are there different responses available where the threat or defamation is directed against an elected member?

Opinion: Read Pages 1 through to 6 for the full opinion provided by King & Co (9.1.2 LGAQ Legal Opinion 13.18) together with Page 1 through to 8 of the Guide on the Provision of Legal Assistance for Defamation Actions for Councillors and Employees.

#### **RECOMMENDATION**

That Council adopt a policy to be known as Legal Assistance (Defamation) Policy containing paras. 4. Roles and Responsibilities through to 11. Definitions including Schedule 1 of the Guide on the Provision of Legal Assistance for Defamation Actions for Councillors and Employees.

#### **Resolution No. 129/1819**

Council adopts a policy that is known as Legal Assistance (Defamation) Policy containing paras. 4. Roles and Responsibilities through to 11. Definitions including Schedule 1 of the Guide on the Provision of Legal Assistance for Defamation actions fro Councillors and Employees.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

#### **PROCEDURAL MOTION**

#### **Resolution No. 130/1819**

Council resolves to accept the 9.2 LATE REPORT – Council Briefing Sessions Policy.

Moved Cr. N. Walker

Seconded Cr. S. Royes

CARRIED 5/0

### **9.2 Council Briefing Sessions Policy – LATE REPORT**

CEO presents a new policy for Council Briefing Sessions.

#### **RECOMMENDATION**

That Council adopts the Council Briefing Sessions Policy

#### **Resolution No. 131/1819**

Council resolves to adopt the Council Briefing Sessions Policy.

Moved Cr. S. Royes

Seconded Cr. J. Fegan

CARRIED 5/0

## **10. WORKPLACE HEALTH AND SAFETY**

### **10.1 Workplace Health and Safety Monthly Report**

Council is presented with the monthly Workplace Health and Safety report, which provides an overview of the operations for the month of December 2018.

#### **RECOMMENDATION**

That Council receive the Workplace Health and Safety monthly report for December 2018.

#### **Resolution No. 132/1819**

Council receives the Workplace Health and Safety monthly report for December 2018.

Moved Cr. P Curr

Seconded Cr. S Royes

CARRIED 5/0

## **11. MEMBERS BUSINESS**

Nil

## **12. CLOSURE OF MEETING**

The Chair of the meeting, Mayor Belinda Murphy, declared the meeting closed at 10:45am.