



# **BURKE SHIRE COUNCIL RECONVENED ORDINARY MEETING MINUTES 1 December 2008**

*Minutes of the reconvened Ordinary Meeting of the Burke Shire Council held in the Council Chambers, Burketown Monday 1 December 2008.*

**Present:-** Cr Ernie Camp (Acting Mayor), Cr Tonya Murray, Cr Bill Olive, Mr Barry Evans (Chief Executive Officer), Cheryl Portch (Minutes Clerk) Via teleconference -Mayor Annie Clarke & Cr Tracey Forshaw

*The meeting opened at 10:08am*

**ADMINISTRATION REPORT** *Cont from 25 November Meeting*

13.6a Native Title – Gangalidda and Garawa People – Teleconference with LGAQ, MacDonnells Law and Doomadgee Council. **NAT/30**

Chief Executive Officer Report

Advising he took part in a teleconference with Deanna Cartledge of LGAQ, Oliver Gilkerson and Richard Baumfield of MacDonnells Law as well as the Doomadgee Mayor and some Councillors. The solicitors provided an update on the Native Title and advised that a determination on the partial claim area will be brought down by the Federal Court early 2009.

Recommendation

*Noted by Council*

13.6b Native Title Claims – MacDonnells Law **NAT/25 NAT/30**

MacDonnells Law have filled notices of change of solicitor for all the matters which Council had previously been joined as a respondent party.

### **Gangalidda and Garawa Claim (QUD66/2005)**

We appeared on Councils behalf this morning in connection with a directions hearing for the Gangalidda and Garawa People claim (QUD66/2005). This claim is relatively advanced. In fact, the parties are finalising a consent determination. Justice Spender asked what Burke Shire Council's position was with respect to the proposed consent determination. We informed the Court that we only recently commenced our representation of Council and we would be seeking to have Councils interests recognised in the consent determination. We are waiting to speak to the Claimants solicitors to discuss the matter further. The hearing was adjourned to 16 December 2008. We will provide you with a further updated once we have spoken to the Claimants solicitors'.

### **14 October 2008**

A regional directions hearing has been schedule in Mount Isa on 14 October 2008. A number of claims to which Council is a party will be heard including the Waayni Peoples Claim (QUD6022/99). Like the Gangalidda and Garawa Peoples Claim, the Waayni claim is significantly advanced and the parties are trying to finalise a consent determination. We will seek to have Councils interest

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recognised in the proposed Consent Determination. We will provide you with an update after the 14 October hearing.

### Recommendation

#### **Noted by Council**

#### 13.7 Gulf Draft Resource Operations Plan

**SGD/04.05**

The Department of Natural Resources and Water have released the Gulf draft Resource Operations Plan (draft ROP) for public consultation. Section 100 of the *Water Act 2000* states that a copy of the public notice and draft ROP must be sent to each local government whose local government area included all or part of the proposed plan area. The local government receiving a copy of the draft ROP must make the copy available for inspection by the public.

#### Recommendation

**Moved: Cr Camp****Seconded: Cr Olive**

**That Council contact Agforce asking that they hold a workshop to assist interested parties in the development of submissions to the Gulf Resources Operation Plans.**

**CARRIED 01.081201**

#### 13.8 Warren Pitt Minister for Main Roads and Local Government

**LOC/01**

Advising that under the *Penalties and Sentences Act 1992* the correct value of a penalty unit is \$75 and from 1 January 2009 it will increase to \$100. They are asking if Council wishes to increase the penalty unit value in its jurisdiction from 1 March 2009.

Chief Executive Officer Report: As the number of conviction under Council's Local Laws is insignificant, the penalty value change would have not effect on this council but is more relevant in the cities where prosecutions are numerous.

**Council resolved that the penalty unit rate remain at \$75**

#### 13.9 Local Government Act Review Seminar

**LGA/01**

Registration Reminder for the Local Government Act Review Seminar on 12 December 2008 at Virginia Palms International Hotel, Boondall.

Chief Executive Officer Report: As the Mayor and myself will be returning from the Melbourne ALGA conference, it would be cost effective to attend the seminar and I seek Council's confirmation for the CEO and Mayor to attend.

#### Recommendation

**Moved: Cr Olive****Seconded: Cr Murray**

**That the CEO be authorized to attend seminar in Brisbane on 12 December 2008.**

**CARRIED 02.081201**

13.10 North West Queensland Regional Water Supply Strategy (NWQRWSS) – Invitation to join the Strategy Management Committee. **WAT/39**

The Department is forming a Strategy Management Committee (SMC) to provide strategic policy direction on the development and release of the North West Queensland Regional Water Supply Strategy and is therefore seeking nominations for members of this committee. Members of the Committee are expected to provide input on issues, proposed analyses, results of analyses and policy options associated with the development of the strategy. SMC meetings are proposed to be held quarterly. The first SMC meeting will be held in Mount Isa on Thursday 12 December 2008 from 9am to 3pm.

**Moved: Cr Murray**

**Seconded: Cr Olive**

**That Council advise the Department it will be represented on the Strategic Management Committee by Cr Camp.**

**CARRIED 03.081201**

See attachment

13.11 Burketown State School - John Francis McCalman Trust Bursary

**TRU/01**

Advising that Burketown State School have chosen Jayden Douglas to be the recipient of the Dux award for 2008. The principal would like to propose the sum of \$200 be made available to Jayden Douglas to assist with his transition to high school.

As background information, the Trust was created from a \$2000 bequeath from the will of John Francis McCalman (a distant relative of Robert O'Hara Burke). The Will prescribes *that the sum is provide to the Burke shire Council for it's use and benefit absolutely and the wish that the said sum be invested and the annual income thereof be awarded as an annual bursary to the Dux of the Burke State School.* The trust currently has a balance of \$2,148.89 and the last allocation made was at the end of 2006. Annual income from the investment is around \$200.00.

Recommendation

**Moved: Cr Camp**

**Seconded: Cr Olive**

**That Council approve the allocation of a \$200.00 bursary from the John Francis McCalman Trust to Jayden Douglas for the 2008 school year.**

**CARRIED 04.081201**

See attachment

*James Gauvin entered chambers 10:40am*

**14.0 FINANCIAL REPORT**

**ACC01**

14.2 Burke Shire Monthly Financial Report

Reporting Officer- James Gauvin – Consulting Accountant

Summary of Major Variances & Points to Note

***Noted by Council***14.3 WHK Accountants - Audit Report**AUD/17**

The Burke Shire Council audit for 2007-08 is complete. The general purpose financial statements for 2007-08 have been audited and certifies without qualification. Each of the matters raised in the audit have been assessed against a risk rating categorised as High, Moderate and Low to assist your understanding of the level of significance of issue. A copy of the audit report is attached.

***Noted by Council****See attachment*14.4 – Ausfuel – Fuel Tender**TEN/01.07.10**

Enquiring if Council is considering tendering the full contract as they consider it more cost effective if Council has its own fuel storage  
A Council decision is required.

Recommendation

**Moved: Cr Olive****Seconded: Cr Camp**

**That Council invite tenders for the supply of fuel services in early 2009  
. CARRIED 05.081201**

**15.0 CORRESPONDENCE REPORT**15.1 Inward Correspondence – October 2008

n/a

Reporting Officer: Chief Executive OfficerReport

No report provided

Recommendation**For Council's information.**15.2 Outward Correspondence – October 2008

n/a

Reporting Officer: Chief Executive OfficerReport*See attached***For Council's information.***11:30am Council moved into committee***Moved: Cr Olive****Seconded: Cr Murray**

**That Council move into a closed meeting to discuss staff matters.  
CARRIED 06.081201**

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**Moved: Cr Murray**

**Seconded: Cr Olive**

**That Council move out of a closed meeting**

**CARRIED 07.08.1201**

## 16.0

### 16.1 Staff matters

**STA/01**

Chief Executive Officer Report: Advising that on 30 October 2008 the Works Manager, John Reeves tendered his resignation to take effect 28 November 2008 however I thought it best the resignation take effect immediately. John will vacate the house by 7 December 2008. All entitlements and provision for the laptop computer (being a salary sacrifice) have been paid and accounted for.

#### Recommendation

That the WPC Don McEvoy be appointed Acting Works Manager from 31 October 2008 and Council endorse the CEO's action in advertising the position of Works Manager. Further that Council endorse the action of the CEO in engaging Graham Wills of George Bourne and Assoc. to review present situation in regard to grants and subsidies including RTR, TIDS, RMPC and quote on preparing TMP, AMP, DMP and WLMP.

*Minute Clerk re entered chamber 12:05pm*

**Resolved that the Chief Executive Officer inform councilors of progress in the recruitment of Manager of Corporate Services and Manager of Works and obtain charging rates for proposed engineering services from George Bourne & Associates.**

### 14.1 Schedule of Payments – September 2008

*Noted by Council*

## 17.0 LATE ITEMS REPORT

### 17.1 Sale of Three Tender Vehicles

**TEN/01.08/08**

Reporting Officer – CEO

Due to the long process involved in delivering these vehicles to the accepted tenderers, a recommendation that the original quoted price be amended to compensate for the extra kilometers and inconvenience, be approved.

**Moved: Cr Murray**

**Seconded: Cr Olive**

**That Council endorse the action taken by the CEO in regards to the sale of units #495 and #496 to J Cameron for \$80,200 and payment of the invoice for \$5000. Further that the withdrawing of the tender by P Poole for \$37,500 and the revised tender by P Poole of \$35,000 for vehicle # 490 be accepted.**

**CARRIED 08.08.1201**

See attachment

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MIN081201 Confirmed.doc

**18.0 GENERAL BUSINESS**

18.1 Debbie Rivers – D & R Community services (Deputation )  
Aged Care Facility

FAM/03

**Moved: Cr Murray**

**Seconded:Cr:Camp**

**That prior to considering the matter further, D & R Community Services be asked to advise of research and survey results to ascertain the need for the facility.**

**CARRIED 09.08.1201**

18.2  
Application for Material Change of Use - Brumby Pit from Forshaw Contracting

DAP/02.2007/17

18.3  
Bridge Opening – Plan for early in the new year (April) Formalise at next meeting. (Incl. history)

18.4  
Airport upgrading (incl.history)

18.5  
NQACC – Analysis for Energy needs

18.6  
Don Booth cattle in common. Council doesn't have pound for cattle. Barry to contact Don and how to proceed with legalities. of removing cattle.

18.7  
Signing of Bridge Contact. Awaiting contract document to be returned.

18.8  
Energy Audit for Gregory. Barry to follow up.

18.9  
DAP Application

18.10  
Late payments of creditors.

18.11  
Solar/ green power?

18.12  
Progress of fence along Floraville Rd between Burketown and Albert River Bridge.

18.13  
Fork lift hire enquiry.

18.14  
Pay rates – Operators  
Contact LGAQ – review across all employees.

18.15  
Trip sheet – boating

Boating awareness

18.16

Housing GGG forum

Organise workshop/meeting re housing issues after an ordinary meeting early in 2009.

18.17

Website upgrade. Login for Councillors & Staff

18.18

China Wall – guideposts on edge missing

18.19

Consultation with community re recreation area at bridge.

Decision required whether to dismantle old bridge. Put survey in newsletter re options.

Cr to email options

18.20

Century have Next G coverage.

18.21

Misuse of Council vehicles. Review vehicle policy.

**1:15pm closed**

**Next meeting:** 9:00am Thursday 18 December 2008