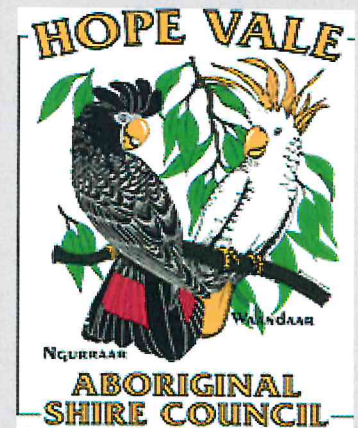


Minutes



General Meeting

Wednesday 17 August 2022

Council Chambers, Hope Vale

1 DECLARATION OF OPENING

The Mayor declared the meeting open at 9.15am.

Mayor Woibo then acknowledged the traditional owners of the land on which the meeting is being held and elders, past, present, and emerging.

Paster Mark Winter was welcomed to the opening of the meeting and led the meeting in a prayer followed by a minute silence to acknowledge those members of the Hope Vale region who have recently passed away as well as other members of the region who have recently suffered illness or injury.

2 MEMBERS PRESENT:

Cr Jason Woibo - Mayor

Cr Barry Bowen

Cr Keithan Bowen

Cr Allison Michael

Apology:

Cr Bruce Woibo - Deputy Mayor

Officers Present:

Chief Executive Officer – Steve Linnane

Social Services Director Deborah Burke (Item 6.3)

Operations Manager Gene Brookes (Items 6.5 and 10.1)

3 OBLIGATIONS OF COUNCILLORS

3.1 DECLARATION OF PRESCRIBED CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS

Pursuant to Sections 150EG-150EM of the Local Government Act 2009, Cr Barry Bowen declared a prescribed conflict of interest in relation to Item 6.3.

3.2 DECLARABLE CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS

Pursuant to Sections 150EN-150ET of the Local Government Act 2009, no declarable conflict of interests were made relating to this meeting

3.3 REGISTERS OF INTEREST

Councillors were reminded of their obligation to keep their Registers of Interests and Related Parties Disclosures updated.



4 Confirmation of Minutes of General Meeting held on Wednesday 20 July 2022 and the Special Meeting held on 27 July 2022

Moved by Mayor Jason Woibo

Seconded by Cr Barry Bowen

Resolution

That the Minutes of the General Meeting held on Wednesday 20 July 2022, be accepted as a true and correct record, subject to the header date being amended to read 20 July 2022

CARRIED

Cr Keithean Bowen left the meeting at this stage.

Moved by Cr Allison Michael

Seconded by Mayor Jason Woibo

Resolution

That the Minutes of the Special Meeting held on Wednesday 27 July 2022, be accepted as a true and correct record.

CARRIED

5 Business arising from Minutes of General Meeting held on Wednesday 20 July 2022 and the Special Meeting held on 27 July 2022

Nil

Items 7.1 was undertaken at this stage of the meeting.

Cr Keithean Bowen returned to the meeting.

6 OFFICER'S REPORTS

6.1 Chief Executive Officer's Report

The Chief Executive Officers Report dated 11 August 2022, was considered by Council

It was agreed that Council

- (a) receive the Chief Executive Officer's Report dated 11 August 2022, and
- (b) note the meetings attended by the Chief Executive Officer.

6.1.1 QAO Final Management Letter - Audited Financial Statements 2021-2022

The Queensland Audit Office has completed its 2022 financial audit for Hope Vale Aboriginal Shire Council and has advised by letter dated 2 August 2022 it did not identified significant issues since the presentation of the closing report and there were no outstanding issues at year-end.

Moved Mayor Jason Woibo

Seconded by Cr Barry Bowen

Resolution

That Council receive and note the Queensland Audit Office Final Management Letter in relation to the Audited Financial Statements 2021-2022 dated 2 August 2022.

CARRIED

6.1.2 Audit Committee Meeting Minutes

An Audit Committee Meeting was held in Cairns on 27 July 2022. A copy of the Minutes was attached for Council's information.

Moved Cr Keithan Bowen

Seconded by Cr Allison Michael

Resolution

That Council receive and note the Minutes of the Audit Committee held on 27 July 2022, as attached to the CEO's report dated 11 August 2022.

CARRIED

6.1.3 Annual Financial Statements 2021-2022

The Annual Financial Statements for the year ended 30 June 2022 have been signed off by the Mayor and the Chief Executive Officer, after approval from the Audit Committee on 27 July 2022.

A copy of the signed Annual Financial Statements for the year ended 30 June 2022 was attached for Council noting.

Moved by Mayor Jason Woibo

Seconded by Cr Barry Bowen

Resolution

That Council receive and note the signed Annual Financial Statements for the year ended 30 June 2022.

CARRIED

6.1.4 Guiding Principles for Delegations from Council to the CEO Policy

Council has a range of powers and functions to perform which are conferred under many different Acts of Parliament as well as subordinate legislation and local laws. Council can delegate its powers to the Chief Executive Officer to implement and enforce these responsibilities under section 257 of the Local Government Act 2009.

It is proposed that Council consider a framework and a set of clear principles under which the Chief Executive Officer may exercise delegations handed down from Council to the Chief Executive Officer.

A draft Guiding Principles for Delegations from Council to the CEO Policy was submitted for Council consideration.

Moved by Cr Keithan Bowen

Seconded by Mayor Jason Woibo

Resolution

That Council adopt the Guiding Principles for Delegations from Council to the CEO Policy, as attached to the CEO's report dated 11 August 2022.

CARRIED

6.1.5 Delegations to the Chief Executive Officer

Council has a range of powers and functions to perform which are conferred under many different Acts of Parliament as well as subordinate legislation and local laws. Council can delegate its powers to the Chief Executive Officer to implement and enforce these responsibilities under section 257 of the Local Government Act 2009.

Delegation 2022/1 - Delegation to the Chief Executive Officer – Various Legislation was submitted for Council consideration.

Section 257 (Delegation by the Local Government) of the Local Government Act 2009 allows, by resolution, a Local Government to delegate its powers under a Local Government Act to the Mayor, Chief Executive Officer, a standing committee or a joint standing committee. While delegations provide expediency for the Local Government, a delegation is revocable and does not prevent Council from acting on a matter (in which case the delegate must not act) and does not prevent the Council or Chief Executive Officer from exercising the power.

Section 257(5) of the Local Government Act 2009 requires the local government to review all delegations to the Chief Executive Officer annually.

Section 259 (Delegation by the Chief Executive Officer) of the Act allows the Chief Executive Officer of a local government to delegate the Chief Executive Officer's powers (including powers delegated to the Chief Executive Officer by the Local Government) to another employee of the Local Government.

In accordance with section 257(3) of the Local Government Act 2009, provisions not capable of delegation are included in Schedule 2 of the submitted Delegation to the Chief Executive Officer – attached to the report. A delegation is not permissible if the relevant legislation specifically provides that the power must be exercised 'by resolution'. This restriction applies where legislation uses the specific words 'by resolution'. Moreover, by virtue of the definition of 'adopt' the same applies to a number of provisions using this term which cannot be delegated and must be exercised by Council. Where legislation simply gives Council authority

to do an act or make a decision without using the words 'resolution' or 'adopt' or a word of the same derivation, and so long as the context does not clearly indicate otherwise, then the power may be delegated.

Moved by Cr Allison Michael

Seconded by Cr Barry Bowen

Resolution

That Council adopt Delegation 2022/1 - Delegation to the Chief Executive Officer – Various Legislation, as attached to the CEO's report dated 11 August 2022.

CARRIED

6.1.6 Christmas/New Year Annual Shut Down 2022/23

Council must give not less than 90 days' notice to its workforce of the annual shutdown for the Christmas/New Year period.

Section 19.4 of the Queensland Local Government Industry Award – State 2017 - Annual Close Down

(a) Where an employer closes down its operations or a section or sections thereof for the purposes of allowing annual leave to all or the bulk of the employees in the section or sections concerned, the following provisions shall apply:

(i) by the giving of not less than 90 days' notice the employer may direct all employees in the section or sections concerned to take leave for the duration of the closedown and allow those who are not then qualified for sufficient annual leave to cover the period of the close down to take paid leave on a proportionate basis and to take such accumulated time off/rostered days off as may be available to the employee to apply towards the close down period.

Public holidays for the Christmas and New Year period are observed on the days as follows:

- Christmas – Sunday 25 December 2022 with Tuesday 27 December 2022 specified public holiday for Christmas Day
- Boxing Day – Monday 26 December 2022 specified public holiday for Boxing Day
- New Year's Day – Sunday 1 January 2023 with Monday 2 January 2023 specified public holiday for New Year's Day.

As per previous years, Council's workforce usually closes for a period of 2 weeks during the Christmas/New Year period. Therefore, the proposed period of shut down will be from close of business on Tuesday 20 December 2022 and re-opening on Thursday 5 January 2023 (closure of 7 workdays and 3 public holidays)

Moved by Mayor Jason Woibo**Seconded by Cr Allison Michael****Resolution****That Council**

(a) endorse the 2022/2023 Christmas/New Year shutdown from the close of business on Tuesday 20 December 2022 and re-opening on Thursday 5 January 2023 (closure of 7 workdays and 3 public holidays), and

(b) endorse the following dates for forthcoming Council Meetings:

September Council Meeting - Tuesday 20 September 2022

October Council Meeting - Thursday 20 October 2022

November Council Meeting - Wednesday 16 November 2022

December Council Meeting - Wednesday 14 December 2022

CARRIED

6.2 Finance and Corporate Services Director's Report

The Finance and Corporate Services Director's Report dated 14 August 2022 was considered by Council.

Moved Mayor Jason Woibo**Seconded by Cr Allison Michael****Resolution****That Council**

(a) receive and note the Finance and Corporate Services Director's Report dated 14 August 2022,
(b) adopt the draft Community Financial Report 2021-2022, and the draft Annual Report 2021-2022 as attached to the Director of Finance and Corporate Services report dated 14 August 2022, and

(c) authorize the Chief Executive Officer to make minor amendments to the draft Community Financial Report 2021-2022 and the draft Annual Report 2021-2022, subject to Queensland Audit Office clearance.

CARRIED

6.3 Social Services Director's Report

The Social Services Director's Report dated 15 August 2022 was considered by Council.
The Social Services Director also tabled a letter from the Hope Vale Rodeo Association Inc. requesting the usage of the Sports Oval and additional operational support for the 2022 Hope Vale and Bull Ride to be held on 24 September 2022.

NOTIFICATION OF INTEREST

In accordance with s150 of the *Local Government Act 2009*, Cr Barry Bowen gave notice of a Prescribed Conflict of Interest in relation to that part of this Item dealing with the Hope Vale Rodeo Association Inc. as he is an office bearer of the Association.

Cr Barry Bowen informed the Meeting that he would not participate in the decision and left the place at which the meeting was being held, including any area set aside for the public and stayed away while the matter was considered and discussed.

Moved Cr Allison Michael

Seconded by Cr Keithean Bowen

Resolution

That Council

- (a) receive and note the Social Services Director's Report dated 15 August 2022, and
- (b) endorse the usage of the Sports Oval and additional operational support for the 2022 Hope Vale and Bull Ride to be held on 24 September 2022, subject to conditions nominated by the Council's Chief Executive Officer

CARRIED

This Item was dealt with after Item 6.5

6.4 Human Resource Manager's Report

Nil

6.5 Operations Manager's Report

The Operations Manager's Report dated 11 August 2022 was considered by Council

It was agreed that the Operations Manager's Report dated 14 July 2022 be received and noted



The Mayor adjourned the Meeting at 1.45pm until the completion of the Hope Vale Aboriginal Shire Council (As Trustee) Meeting.

At 3pm, the Mayor reopened the Meeting.

7 VISITORS AND PRESENTATIONS

7.1 Hope Vale Police

At 10.00am, Officer in Charge Hope Vale Police Station Sgt Karl Ford was admitted to the meeting and discussions were undertaken in relation to various policing and community issues in Hope Vale.

8 CORRESPONDENCE

Nil

9 GENERAL BUSINESS

Nil

10 CONFIDENTIAL SESSION

10.1 2022/23 Regional Bitumen Reseal Project.

Moved by Mayor Jason Woibo

Seconded by Cr Barry Bowen

Resolution

That the meeting be closed to the public pursuant to sections 254J (3)(g) of the Local Government Regulation 2012 to consider a Confidential reporting in relation to the 2022/23 Regional Bitumen Reseal Project.

CARRIED

Moved by Cr Keithean Bowen

Seconded by Cr Allison Michael

Resolution

That the meeting be re-opened to the public.

CARRIED

Moved by Cr Barry Bowen**Seconded by Mayor Jason Woibo****Resolution****That**

(a) Confidential Operations Manager's Report in relation to the 2022/23 Regional Bitumen Reseal Project dated 11 August 2022 be noted,

(b) Council awards the contract for the 2022/23 Regional Bitumen Reseal Program to RPQ Pty Ltd. Based on the indicative works program and pricing, the annual contract value is estimated to be in the vicinity of \$478,282.18 excluding GST, with the potential for the Scope to be varied to include resealing required during 2023/24 and 2024/25, and

(c) Council delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to enter into contracts, negotiate, finalise and execute any and all matters associated with or in relation to this contract subject to Council's procurement practices and policies.

CARRIED

This Item was dealt with after Item 6.5

Item 10.2 Aged Care Hostel Operations**Moved by Mayor Jason Woibo****Seconded by Cr Allison Michael****Resolution**

That the meeting be closed to the public pursuant to sections 254J (3)(f) of the Local Government Regulation 2012 to consider the Confidential reporting in relation to the Aged Care Centre operations.

CARRIED**Moved by Cr Barry Bowen****Seconded by Cr Keithean Bowen****Resolution**

That the meeting be re-opened to the public.

CARRIED

It was agreed that the Confidential Social Services Director's Report dated 15 August 2022 on data in relation to the Aged Care Hostel operations be noted.

11 NEXT MEETING


The next Council Meeting will be held on Tuesday 20 September 2022.

17 MEETING CLOSURE

There being no further business, the meeting closed at 3.10 pm.



.....
Mayor Cr Jason Woibo



.....
Steve Linnane
Chief Executive Officer