

Ordinary Meeting Agenda

To be held at McKinlay Shire Council, Boardroom
29 Burke Street, Julia Creek, Queensland 4823

Monday 25th February 2019, 9:00am

Notice is hereby given that an Ordinary Meeting will be held at the Council Chambers,
Civic Centre, Julia Creek on 25th February 2019 at 9:00am.

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1. OPENING BUSINESS

All Councillors having signed the Attendance Book, the Mayor declared the meeting open.

2. ATTENDANCE

Mayor: Cr. B Murphy

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

Staff:

Chief Executive Officer, Mr. Des Niesler

Director of Corporate and Community Services, Ms. Tenneil Cody

Director Engineering, Environment and Regulatory Services, Mr. David McKinley

Executive Assistant, Ms. Maggie Rudolph

Other people in attendance:

Apologies:

3. CONFIRMATION OF MINUTES

That the Minutes of the January Ordinary Meeting on 15th January 2019 be confirmed.



MCKINLAY SHIRE COUNCIL

UNCONFIRMED MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD AT THE

BOARDROOM, CIVIC CENTRE
JULIA CREEK

15TH January 2019

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

- 8.1 Corporate Services Monthly Report
- 8.2 Investigation Policy
- 8.3 Local Government Remuneration and Discipline Tribunal Report 2018
- 8.4 Audit Committee Meeting Minutes
- 8.5 Sale of Land for Overdue Rates Ass106
- 8.6 Sale of Land for Overdue Rates Ass153

9. CHIEF EXECUTIVE OFFICER

- 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 11th December 2018.

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 11th 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 11th 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 1st 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 14th January and closed on 8th 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 31st 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 31st December 2018.

Resolution No. 123/1819

Council receives the monthly Corporate Services Report for the period ending 31st 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 30th 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 12th 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 12th December 2018 inclusive of the Internal Audit Plan.

Resolution No. 126/1819

Council receives the report and notes the Audit Committee Meeting Minutes of 12th 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.

4. BUSINESS ARISING OUT OF MINUTES FROM PREVIOUS MEETING



5.0 ENGINEERING SERVICES



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5.1 Subject: Engineering Services Monthly Report January 2019
Attachments: Nil
Author: Director Engineering and Regulatory Services
Date: 8th February 2019

Executive Summary:

This report outlines the general activities for the Engineering Department for January 2019.

Recommendation:

That Council receives the Engineering Services monthly report for January 2019.

Background:

This report outlines the general activities of the department for the month of January 2019 and also provides an update on the current activities of the department.

R2R / TIDS / TTC Roadworks

RMPC

Crew has been repairing/replacing signs along RMPC controlled Roads.

Outside Works

Outside works have done heavy shoulder grading for RMPC contract as well as carting gravel from Linfield to Julia Creek sale yards, ready to mix for heavy shoulder grade work.

Maintenance

Crew has been repairing/replacing signs around town, as well as on the Tibarri and Orrindi Roads. Guide posts on the Punchbowl Rd have been replaced.

NDRRA Funding

2016 Shire Road Flood Damage

The acquittal for the 2016 event has been finalized.

Final Position:

Total Expenditure	Total Reimbursement	Difference
\$5,818,218.17	\$5,811,328.90	\$6,889.27
Note: Actual ineligible \$3,195.18 (balance is eligible under 2018) and consists mainly of Council overheads being deemed "ineligible". Total Reimbursement is 99.95% of expenditure.		



2018 Shire Road Flood Damage

Unsealed road restoration work commenced on damage sustained during the 2018 event.

Two Contract crews commenced work on the Program in November with additional Contract crews engaged to increase productivity in early January.

The Contract for works on the Gidgery Creek Floodway was substantially completed prior to Christmas.

Financial Position		
Current Approval	\$ 7,975,053	2 of 4 Submissions approved
Expenditure to Date (Actual)	\$ 712,793	
Operational Position		
Overall	9% Completion	

Current works include:

27.18	30.18	31.18	
Gidgery Creek	Wyaldra Road	Gilliat – McKinlay Road	
	Nelia – Punchbowl Road	Oorindi Road	
	Punchbowl Road		

2018 Events Highlights

Restoration works commenced

Gidgery Creek Causeway completed



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2 outstanding submissions have been forwarded to QRA for final assessment. These were held up due to GIS data inconsistency. Locations have now been verified with different software and conform to QRA requirements. Latest advice from QRA is the submissions have now been registered. The value of these submissions is \$ 7,375,816. Total indicative value of works is \$ 15,350,869.

Works are currently `on hold` until 2019 Emergent works are completed and ground conditions allow restoration to commence – estimated time 2 to 3 weeks.

Current 2019 Event

Activation has been requested for the 2019 flood event, initial damage value of \$10,000,000 (indicative only). This value is based on additional damage over what has been currently approved under 2018.

QRA has been contacted in relation to 2018 works. Discussion held and agreed the best course of action is to continue with the current 2018 approvals and provide additional submissions for extra damage. The local benefit is that Contractors can recommence works as soon as ground conditions allow and will not have to wait for new Submissions to be processed and approved.

Emergent work pickups have commenced to ensure all initial works are identified and documented.

Julia Creek Airport Non-conformance

BE Collective have removed themselves from the position as Superintendent of the runway pavement upgrade project, Mr. Geoff Hatwell has been acting in this capacity until Council is able to appoint a new Superintendent.

Council's staff has engaged with the Contractor directly over the non-conformances and the Contractor has performed a maintenance roll on the pavement, the next step will be to resurvey and reconfirm the levels of works required to obtain a costing and timeline for the rectification work for the pavement.

McKinlay Airport Improvements

The grid on the access road into and parking area (helipad) at the McKinlay airport has been damaged and will require leveling and sealing after the corrective works.

Sewerage Treatment Plant – Stage 1

The replacement Biokube units that were installed in October 2018 have been operating uniformly and the loadings across the plant has been consistent the final product has been suitable for the release to land under the Council's EA license.



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Sewerage Treatment Plant – Stage 2

The Contractor has completed the 30% design component of the STP extension, the HAZOP's meeting for the project is scheduled for mid February, the sites soil test for the civil works has been book for the end of the month.

Julia Creek Water Tower – Structural Assessment

Cardo has completed the first stage of the works required for the reconstruction of the Julia Creek Water Towers balance tank, Cardo has been instructed to move forward with stage two of the process, Cardo has expressed concerns on their ability to obtain a true cost without going to a market expert council requested a proposal for the industry expert from Cardo.

Council Housing Project

The four houses/units have not reached Practical Completion (PC) and a number of defects have been noted and forwarded to the Contractor.

The liquated Damages period is in affect, the Contractor has been informed that this can be applied at the Principal's request the Contractor has also been informed of the Superintendents, Superintendents Representatives and the Principals concerns with the Contractors lack of QA control of the workmanship, the materials supplied and installed.

The Superintendent is currently waiting a response from the Contractor over these issues.

A separate report to Council will be supplied to Council once a full response has been received by the Contractor.

Kynuna Park Upgrade:

A compacted gravel hardstand area has been constructed adjacent the children's play area in preparation of the concrete floor, shelter, seats and BBQ installation for this location. The options for the toilet and BBQ facilities to be added to this site as part of the upgrade nearing completion based on the information from the public consultation.

Inclusions at Julia Creek Cemetery

Following a community member request, Council has approved the following works will occur shortly at the cemetery:

- Pouring of two concrete slabs in memory of infants/stillborn babies and aboriginal people that are buried in the cemetery without recognition. This area will be delineated with post and chain fencing; and
- Sculpturing of three concrete headstones for the placement of plaques for the three soldiers whose current tin inscriptions are in poor condition.

Peter Dawes Park

On the commencement of replacing the concrete floor to the main shelter in the park, it was discovered that the removal of the floor necessitated substantial removal of the adjacent tree root system which was cause significant damage to this and other park structures. In addition



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to the roof damaged caused by the tree, the shelter's concrete footings were found to be crumbling and the columns were corroded.

Further to this, to ensure proper drainage was available to the new concrete slab, the floor level needed to be raised whereby the already low clearance under the shelter would become a significant hazard to users. For these reasons Council has dismantled the shelter and will replace this structure as part of the installation of the new concrete floor. The design of the shelter will follow as closely as possible the previous structure and a plaque will be made using materials salvaged to recognise the former structure.

Associated with these works will be new seating, fencing of the play area and upgrades to landscaping and irrigation. All work to scheduled to be completed prior to the Christmas carols event at the park in December.

Julia Creek Early Learning Center - Eastern Yard Upgrade

During the course of the centers closure the eastern yard upgrade was complete. This consisted of adding a drainage system to capture water from the neighboring property (which had previously caused significant damage to existing softfall). The installation of a dry river bed complete with a pump out pit designed to be either manually set or auto set for wet weather events. To service the river bed a tank was installed with a channel for the water to run and fill the river bed. A stage/deck was installed around the main tree in the yard at 5 meters x 3 meters in diameter. The softfall was installed with an addition of 3 large softfall rocks a balance beam and frog. To finish the yard a large shade sail spanning the length and width of the yard was installed.

CSA Playground

The replacement of the softfall at the CSA Playground was completed.

Consultation: (internal/External)

Finance Manager, Works Staff

Legal Implications:

Nil

Policy Implications:

Nil.

Financial and Resource Implications:

As provided in the report.

InfoXpert Document ID:

98213



5.2 Subject: Workshop Activities Report
Attachments: Nil
Author: Chris Hewlett
Date: January 2019

Executive Summary:

<u>Plant No.</u>	<u>Plant Description</u>	<u>Hours Kms</u>	<u>Repairs / Maintenance</u>
27	Vermeer VX250 Vac trailer	46hrs	Rear door/hatch had been over tightened, repairs made to centre thread bar and crank handle.
20	Cat 140M Grader	4900 hrs	RHS tandem removed to reseal and sleeve isolation trunnion due to oil leak. Complete service to machine and annual in tank Fuel screen cleaned.
36	Cat 950 H Loader	9073 hrs	Carry out service and change all filters and oils, grease drive line.
38	Cat 226 B Skid Steer	2550 hrs	Replace 4 in 1 coupling due to constant leak, complete a 500 hr service and replace alternator belt.
68	Bartel Mower Trailer		Replace wheel bearings, repair lights and install a new jockey wheel.
76	Toyota Hilux	51100 kms	50 K service completed, all under body checks, slight signs of inside tyre wear, will organise a wheel alignment for RDO.
100	Small Engines/Sundry Plant.		Continue with repairs/servicing of all small plant, have ordered a new blower for Swimming pool and new carby for the blower at the EL Centre, now thinking this may be better being Battery operated, thus not having petrol on site.
140	Moore Drop Deck Semi Trailer.		Cracking found in the top radius of the chassis prior to the TMR inspection, TJ Burke Contracting was organised for the repairs while w/shop completed repairs to suspension components thus unit was cleared of all defects on the 17/01/2019.
250	Cat 140 M Grader.	6789 hrs	Oil leak from left tandem at isolation point, repairs made with the replacing of the lip seal and isolation fibre bearing. service to the engine as well at this time along with repairs to machine lighting.
251	Cat 140M Grader	2399 hrs	Prior to Christmas close down this machine got hot suddenly, test showed that poor coolant flow due to thermostats not opening correctly, these were replaced on site, this fixed the coolant circulation issue, but there was a electrical fault with a temperature sensor. With a new sensor ordered an installed .
254	Dynapac CP274 Multi Tyre Roller.	3347 hrs	Replace 3 electric A/C condenser fans along with the change out of the condenser unit, air conditioner unit now working.
258	Cat 432 E	4173 hrs	A/C had stopped working, check refridgerant level to find that the system had not lost gas. Start test on the electrical circuits. Make repairs and replace hi/lo switch, now operational.



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274	Kubota F2890 front deck mower Mckinlay Depot.	762 hrs	Replace alternator belt change engine oil and filters, grease drive shafts and spindles,replace start micro switch.
275	Kubota Z326 Zero Turn McIntrye Park	541 hrs	Pick up unit, replace battery and check electrical circuits all good. Service engine and lube and free up all pedals and levers.
291	Isuzu 300 D/Cab	88,190 km	Replace front tyres,strip dash to clean evaporator unit as air flow is poor,clean both evaporator and condenser,adjust hand brake.
300 & 301	Toro Timecutter ZD 5000 zero turn	1175 hrs 423 hrs	Repairs to cutting decks, replace spindles and and idler pulley, Service engines and replace oil filters, install new ignition.
302 & 303	Ferris S 400 Zero Turn Mower's	1.1 hrs 1.3 hrs	This are the new replacement mowers for the Toro's units above for Parks & Gardens and J/C caravan park.
361	Toyota Hilux D/Cab	111,820 k	Complete service to engine along with under body checks remove fuel tank due to leaking when fuel, make repairs at fuel sender base reseal and fit to vehicle.
370	Toyota Hilux	62271 km	Carry out 60 K service and checks, instal new 65 DIN battery as vehicle some times sluggish to start.
406	Isuzu Giga Tipper	222,800 k	Annual service to rear diff's, transmission and engine. 2 x new engine mounts and replaced the front wheel bearings and new shockabsorbers.
407	Rydweld Quad Dog Tipper		Make repairs to air supply lines and replace hydraulic supply line through a/frame as hydraulic coupling was not released when trailer was disconnected from the truck.
410	Scarab Minor sweeper	4121 hrs	Fit new compact style starting battery and service engine. Strip and clean water spray pump unit.

Please find listed below repairs and maintenance undertaken on Council Plant and Equipment for the past month.

Recommendation

- **Toyota Motor Company has a Customer Service Exercise Notification for the Toyota Hilux on the Diesel Particulate Filter [DPF] regeneration control the Engine Control Module [ECM] is to have a Engine Control Module upgrade free of charge with a time frame of 1 to 2.5 hours, along with a inspection of the [DPF] system. There may be a delay in the turn around at this point, if further works to the exhaust system is required, parts and further time may be required.**
- **Charters Towers Toyota is happy to complete this service, Bell and Moir Mt Isa have advised that they will be available to start after the 26/02/2019, I would like to find out if we can bring a Technician in as we have 11 Vehicles service, will update information as I progress.**

InfoXpert ID:

98214



6.0 ENVIRONMENTAL & REGULATORY SERVICES



6.1 Subject: Environmental and Regulatory Services Report – January 2019
Attachments: None
Author: Director of Engineering and Regulatory Services
Date: 6th February 2019

Executive Summary:

This report outlines the general activities, revenue and expenditure for the department for the period January 2019.

Recommendation:

That Council receives the January 2019 Environmental and Regulatory Services Report.

Background:

This report outlines the general activities of the department for the month of January 2019.

Detailed below are the general matters of interest that relate to the day to day activities of the department throughout the month.

Budget Legend:

Revenue	Actual exceeds Budget YTD	
	Actual below Budget YTD	
Expenditure	Actual below Budget YTD	
	Actual exceeds Budget YTD	
Any	Note provided	

Consultation: (internal/External)

Environmental & Regulatory Services Team Leader, Local Laws Officer, Ranger and Finance Officer.

Legal Implications:

Nil

Policy Implications:

Nil

Financial and Resource Implications:

As provided in the report.

InfoXpert Document ID:

98175



1 – Refuse Collection and Disposal

1.1 - Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
Refuse Collection	\$41,020	\$44,280	\$75,908
Refuse Disposal	\$20,427	\$21,098	\$36,167

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Kerbside Rubbish Collection	\$16,745	\$32,083	\$55,000	\$38,255
Refuse Disposal Operation Costs	\$25,269	\$52,500	\$90,000	\$64,731

1.2 - Report

Julia Creek Waste Facility

The Waste Facility was pushed and covered during the month.

Zebra Metals have been out and picked up all scrap steel (approximately 200 Ton).



2 – Environmental Health Services

2.1 - Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
Environmental License Fees	\$1,673	\$467	\$800

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Environmental Health Services	\$142,183	\$154,584	\$265,000	\$122,817

2.2 - Report

Water and Sewage monitoring

Water sampling is carried out in accordance with our Drinking Water Quality Management Plan (DWQMP) across our four (4) water supplies. Key matters of concern under the DWQMP are the



presence of *Escherichia coli* or e-coli in the water. The presence of e-coli has potential health impacts.

Sampling undertaken in January showed no E.coli contamination in samples taken at all four townships.

Sewerage sampling continues to be carried out on the Julia Creek Sewerage Treatment Plant in accordance with the requirements of the licences issued by the Department of Environment and Heritage.

Vector Control

No fogging was undertaken during the month.

Food Recalls

One (1) Food Recall was received during the month.

Workplace Health and Safety

No safety issues were identified during the month. Hazard Inspections are currently up to date for the department.

Council staff is progressing with the new E3 Learning System.

3 – Local Law Administration

3.1 – Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
Animal Registration Fees	\$14,495	\$2,917	\$5,000
Fines & Penalties – Animal Control	-\$7,607	\$584	\$1,000
Animal Boarding	\$2,507	\$1,167	\$2,000

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Local Law Administration	\$66,427	\$47,834	\$82,000	\$15,573

3.2 - Report

General information of activities for Local Law/Animal Control matters is outlined the table below.

Table 1 - Local Law & Animal Control Summary

Activity	Number/Details
Impoundings and notices	One
Euthanized/Destroyed	Two x Dogs both old and dying
Verbal/Written/Official warning	Two written warnings
Complaints	Nil
Dog Boarding	Four (4)
Removal of Dead Animals	Sixteen (16)
Trapping Locations & Results	Nil



4 – Noxious Weeds and Pest Control

4.1 - Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
Pest Plant & Animal Control Funding	\$20,000	\$0	\$0
Truck Washdown Bay	\$11,335	\$11,667	\$20,000
Dingo Baits	\$784	\$583	\$1,000
Feral Pig Baits	\$0	\$58	\$100

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Pest Plant Control Program	\$70,090	\$153,417	\$263,000	\$192,910
Pest Animal Control Program	\$37,289	\$36,167	\$62,000	\$24,711

4.2 – Report

Feral Animal Control

60 Factory baits were issued in January.

No Dingo Scalps were presented in January.

Washdown Bay

New hoses brought for hosing down wash down bay.

5 – Livestock Operations

5.1 – Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
Livestock Weighing	\$50,157	\$26,250	\$45,000
Livestock Cattle Loading	\$26,780	\$14,584	\$25,000

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Livestock Operational Costs	\$41,133	\$56,000	\$96,000	\$54,867

5.2 - Report

Julia Creek Livestock Facility

No cattle were weighed or scanned in January 2019.



Table 2 - Livestock Weighing Month and Year Totals

MONTH	2013	2014	2015	2016	2017	2018	2019
JANUARY	0	359	0	0	0	183	0
FEBRUARY	1740	1322	1872	525	467	3241	
MARCH	676	617	3446	1497	1333	388	
APRIL	1584	406	5315	951	2487	2217	
MAY	3829	1891	8107	615	2062	3065	
JUNE	3976	2,109	3,442	1456	1522	742	
JULY	1,774	0	2,170	2809	2003	1143	
AUGUST	0	374	1183	2582	2311	6291	
SEPTEMBER	338	3274	488	2665	1478	765	
OCTOBER	1153	790	1252	4613	1127	4708	
NOVEMBER	357	508	36	1011	2673	4788	
DECEMBER	0	240	0	234	340		
TOTAL FOR YEAR	15,427	11,890	27,311	18,958	17,803	27,531	

Livestock Operations (Cattle Loading)

The Cattle Loading Season has not commenced yet.

Table 3 – Livestock Loading Month and Year Totals

MONTH	2013	2014	2015	2016	2017	2018	2019
JANUARY	0	0	0	0	0	0	0
FEBRUARY	1764	680	0	0	132	0	
MARCH	5310	851	0	572	920	0	
APRIL	5813	1811	7653	1737	580	0	
MAY	8670	7414	7204	2933	6126	603	
JUNE	8451	5912	6605	3486	2658	674	
JULY	7645	5246	6998	3565	3654	2084	
AUGUST	4215	6843	3936	4963	2898	674	
SEPTEMBER	1904	4508	315	2233	1804	2454	
OCTOBER	1800	3122	0	1070	0	3424	
NOVEMBER	0	3439	0	1641	0	1458	
DECEMBER	0	0	0	144	0	0	
TOTAL FOR YEAR	45572	38826	32711	22344	18772	11371	



6 – Stock Routes and Reserves

6.1 - Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
Stock Route – Permit/Water Fees	\$9,001	\$5,017	\$8,600
Stock Route Recoverable Works	\$0	\$0	\$0
Trustee Lease Fees	\$91,205	\$70,000	\$120,000
Reserve Agistment Fees	\$8,459	\$12,484	\$21,400

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Precept Expenses	\$0	\$11,667	\$20,000	\$0
Stock Route Maintenance	\$46,682	\$64,167	\$110,000	\$63,318
Reserve Expenses	\$17,588	\$8,750	\$15,000	-\$2,588
Cemeteries	\$4,101	\$11,667	\$20,000	\$15,899

6.2 - Report

Stock Routes and Reserves

No Agistment/Tailing Permits were issued during the month.

There currently are Twenty Eight (28) Stock Route Water Agreements.

The following works have been conducted on Stock Route Water Facilities during the month;

- Temporary patched headwork at Thurgoom Bore.
- DNRM are yet to approve the bore upgrade at Na Vista Water Facility.
- All flowing bores have been logged.

Cemeteries

Two headstones were erected during the month. Two enquiries were made during the month in relation to old graves, one located in McKinlay and one in Julia Creek.

7 – Work Program (Workcamp)

7.1 - Budget

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Work Program	\$8,788	\$17,500	\$30,000	\$21,212



7.2 - Report

The Work Camp program has been busy with a number of community based programs as detailed in the table below.

Table 4 - Work Program Activities

Activity	Details
Mowing of various NFP yards in Julia Creek	Mowing conducted frequently
Mowing of all local churches	Mowing conducted frequently
Mowing/Whipper snipping around Airport Area	Mowing conducted when required
Whipper snipping of McIntyre Park Area	Mowing conducted when required
Mowing/Whipper Snipping around Sale Yards	Mowing conducted when required
Mowing of hill at Dirt and Dust Central	Mowing conducted when required
Julia Creek Waste Management and Recycling Facility – Picking up Rubbish	Ongoing, however Local Laws Officer is undertaking this more regularly now.
Kynuna, McKinlay and Nelia Waste Facilities – Cleaning of Facility	Ongoing
Various works at all Cemeteries	Ongoing
Lawn and Gardening Maintenance at the Julia Creek State School	Ongoing
Assistance with various works around the Livestock Facility	Ongoing
Upgrade works at RSL including Irrigation	Ongoing
Picking up rubbish around entry to Julia Creek	Ongoing
Assistance with erecting horse shelters in Common Paddocks	All shelters have now been erected
Assistance with cementing at Julia Creek Cemetery	Ongoing

8 – Housing, FRB and Community Centre



8.1 - Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
Council Property/Staff Housing Program	\$43,462	\$58,333	\$100,000
FRB Centre Rent	\$17,686	\$15,167	\$26,000
Community Centre Hire Fees	\$4,213	\$875	\$1,500

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Council Property/Staff Housing Program	\$80,897	\$107,917	\$185,000	\$104,103
FRB Units & Community Centre Operations Costs	\$34,120	\$30,917	\$53,000	\$18,880

8.2 - Report

Council Property / Staff Housing

Council Property / Staff Housing activities for the month are detailed in Table 6 below.

Table 6 - Council Property / Staff Housing Activities

Activity	Number
Properties Available for use	5 Coyne Street 25 Byrne Street Unit 2/9 Shaw Street 4 Amberley Drive
New Tenancies	One – 10 Shaw Street (New Director of Engineering & Regulatory Services)
Finalised Tenancies	One – Unit 2/9 Shaw Street (Interim WHS Advisor)
Remedy Breach	Nil
Notice to Leave	Nil
Notes	General Maintenance performed when required.

Old Senior/Aged Care Housing

Old Senior/Aged Care Housing activities for the month are detailed in Table 7 Below:

Table 7 – Old Senior / Aged Care Housing Activities

Activity	Number
Properties Available	3
New Tenancies	Nil
Finalised Tenancies	Nil



Remedy Breach	Nil
Notice to Leave	Nil
Notes	General Maintenance performed when required. New Split System installed in Unit 4/50 Old Normanton Road.

Seniors Living Units

Seniors Living Unit activities for the month are detailed in Table 8 Below:

Table 8 – Seniors Living Units Activities

Activity	Number
Properties Available	Three (3) - Unit 1, Unit 5, Unit 7
New Tenancies	Nil
Finalised Tenancies	Nil
Remedy Breach	Nil
Notice to Leave	Nil
Notes	General Maintenance performed when required.

9 – Land and Building Development

9.1 - Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
Land and Building Development	\$2,155	\$28,000	\$48,000

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Town Planning Program	\$3,745	\$40,834	\$70,000	\$66,255

9.2 - Report

Regulatory Services, Land and Building Development

No development approvals have been made during the month.

10 – Local Disaster Management

10.1 – Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
SES Grants	\$0	\$12,979	\$22,250

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Disaster Management Operational Costs	\$16,897	\$15,750	\$27,000	\$10,103



Ordinary Meeting of Council Monday 25th February 2019

10.2 - Report

Disaster Management

No incidents occurred that required the activation of the LDMG.



7.0 COMMUNITY SERVICES



7.1 Subject: Community Services Monthly Report
Attachments: Nil
Author: Director Corporate and Community Services
Date: 19 February 2019

Executive Summary:

Council is presented with the monthly Community Services report, which provides an overview of the operations for the month of January 2019.

Recommendation:

That Council receives the Community Services monthly report for January 2019.

Caravan Park

The Caravan Park recorded 117 guests during the month of January 2019 compared with 170 in January 2018 – a decrease of 31.18%.

Library Services

As always a busy start to the new year with the school holiday program, we had up to 20 kids and heaps of fun. We had a scavenger hunt, a games day..... its hard to believe but 19 kids can hide in the library and not be seen. Also a movie making day. Im not sure who had the most fun , the kids or Kathleen and myself.

The library was well used by kids during the holidays, old faces came to say goodbye before heading off to school and new faces came to say hello. Also mums who come into town and need a cool place to rest before heading off to the pool or home again took refuge in the aircon relaxing and catching up with friends and neighbours.

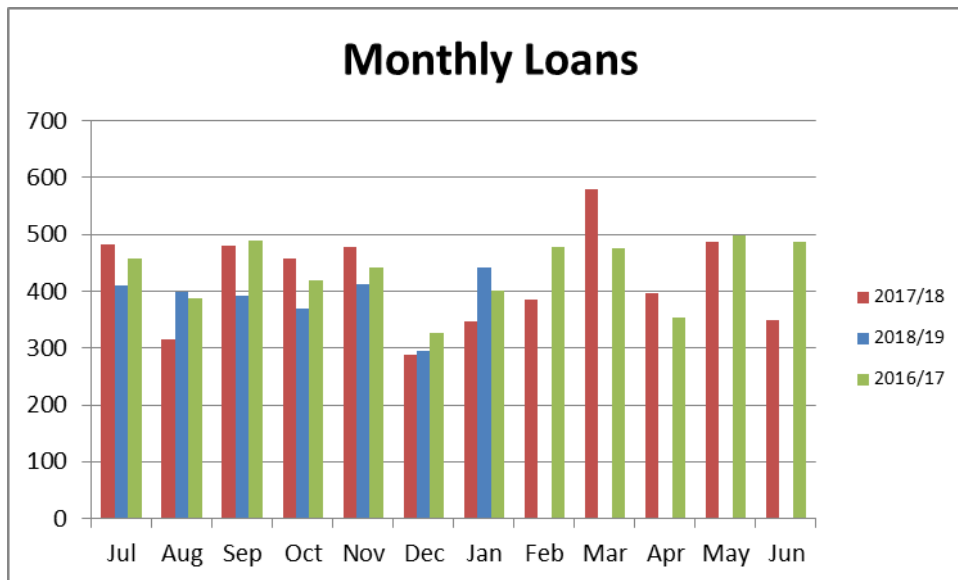
Started the new year with an exchange so nice to see fresh titles on the shelves. Looking forward to a new selection of Audio books that should be arriving soon. I think every Audio book has been read. The nurses from the hospital play them for the patients.





practicing our dance before the video

New members:	
Adults	2
Junior	3
Tourist	
Deleted	9
Total membership:	
Adults	280
Junior	90
Institutions	2
Tourists	
Services:	
Reservations satisfied	41
Requests for books	52
Internet/computer usage	202
Ipad usage	262
WiFi usage	270



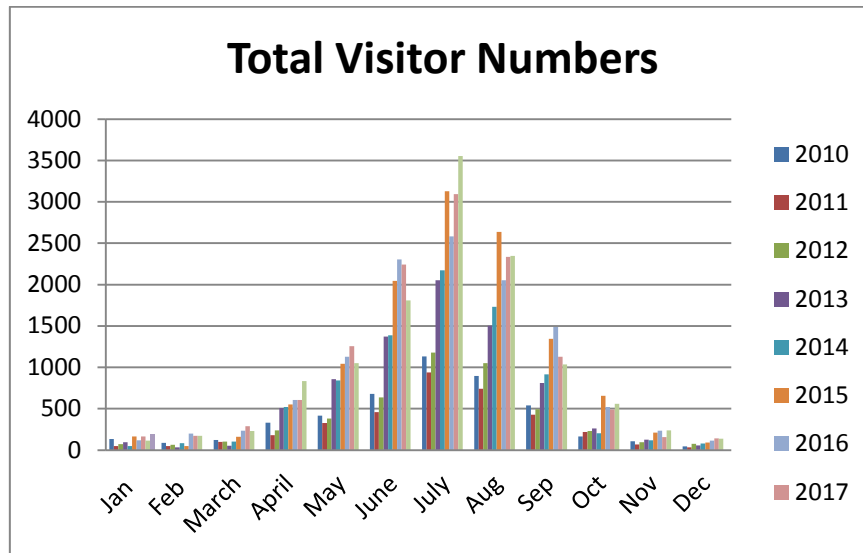
Tourism

Total Visitor Numbers for January 2019 – 191



Ordinary Meeting of Council Monday 25th February 2019

There were 191 visitors to the Julia Creek Visitor Information Centre in January 2019 compared with 116 visitors in January 2018 – an increase of 64.65% between 2018 and 2019 figures.

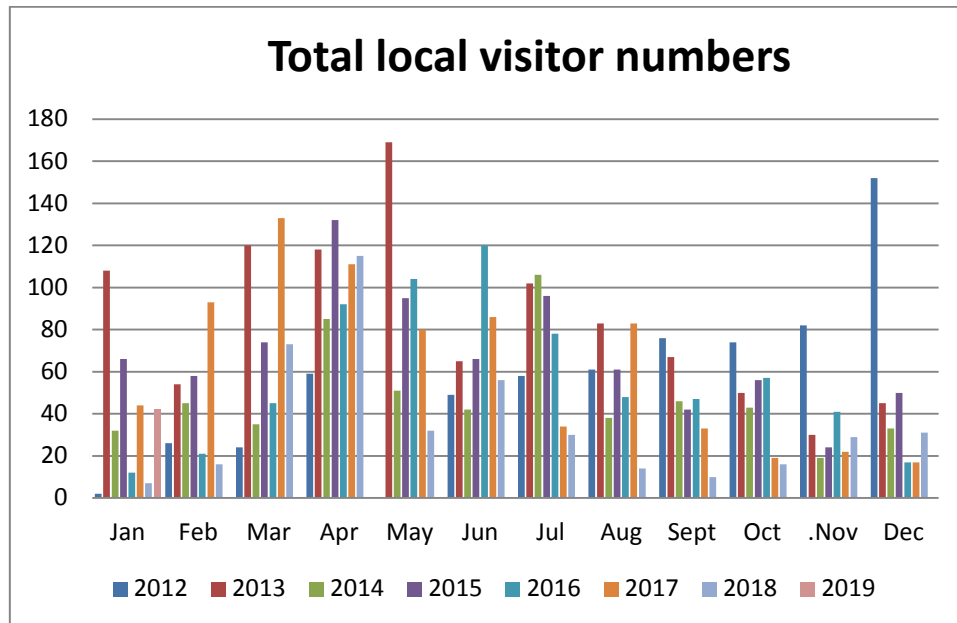


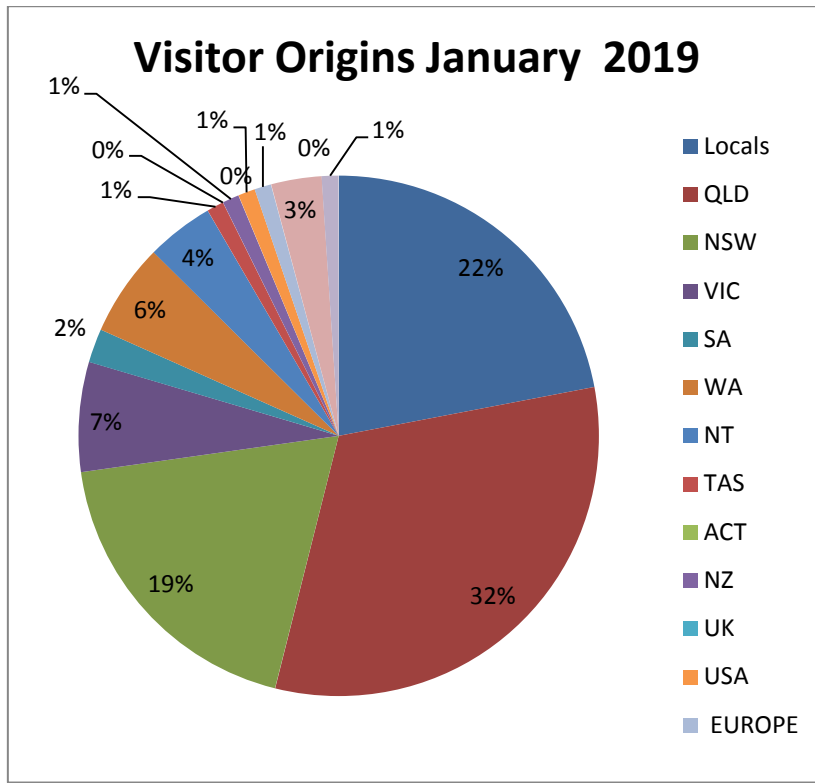
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Jan	135	48	71	94	50	164	119	166	116	191
Feb	89	51	66	35	85	50	200	172	175	
March	124	101	105	55	105	160	236	290	230	
April	331	182	240	509	523	553	605	608	836	
May	417	328	381	857	844	1044	1127	1257	1050	
June	680	459	638	1371	1388	2047	2304	2241	1810	
July	1134	939	1177	2054	2172	3129	2583	3094	3553	
Aug	897	743	1050	1503	1731	2638	2053	2336	2348	
Sep	540	427	496	813	915	1347	1487	1128	1036	
Oct	167	220	231	262	203	655	521	490	558	
Nov	106	69	94	125	120	211	235	157	240	
Dec	47	34	78	58	81	90	115	141	139	
TOTAL	4667	3601	4627	7736	8217	12088	11585	12080	12091	191

Total Locals for January 2019 – 42

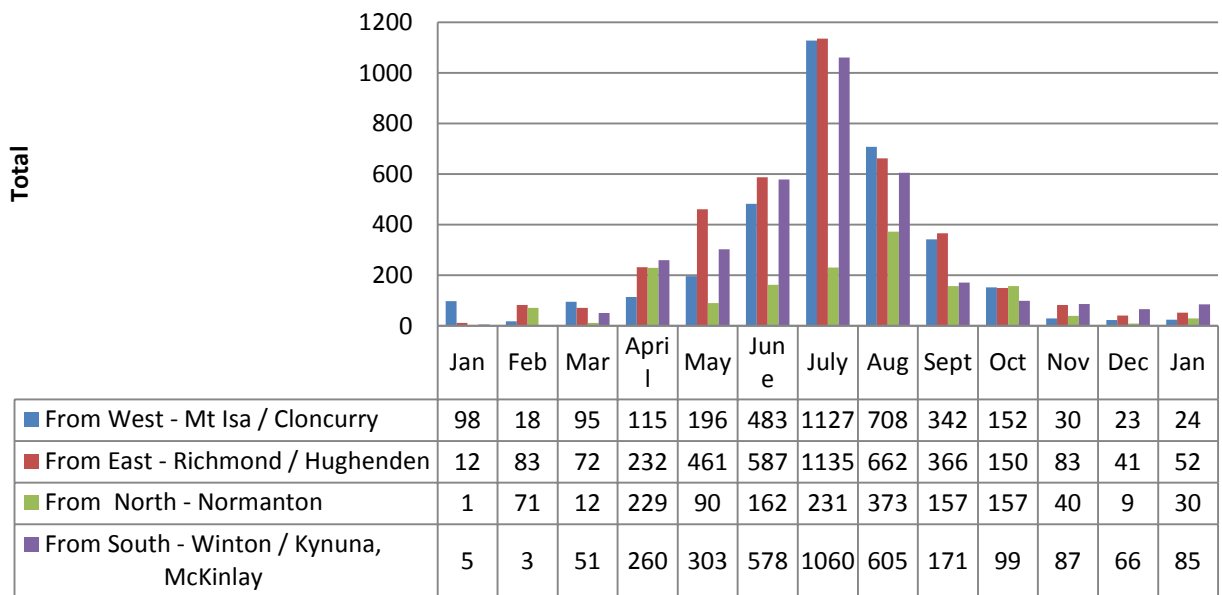


There was a total of 42 local visitors to the Julia Creek Visitor Information Centre in January 2019 compared with 7 in January 2018 – an increase of 500% in figures between 2018 and 2019.





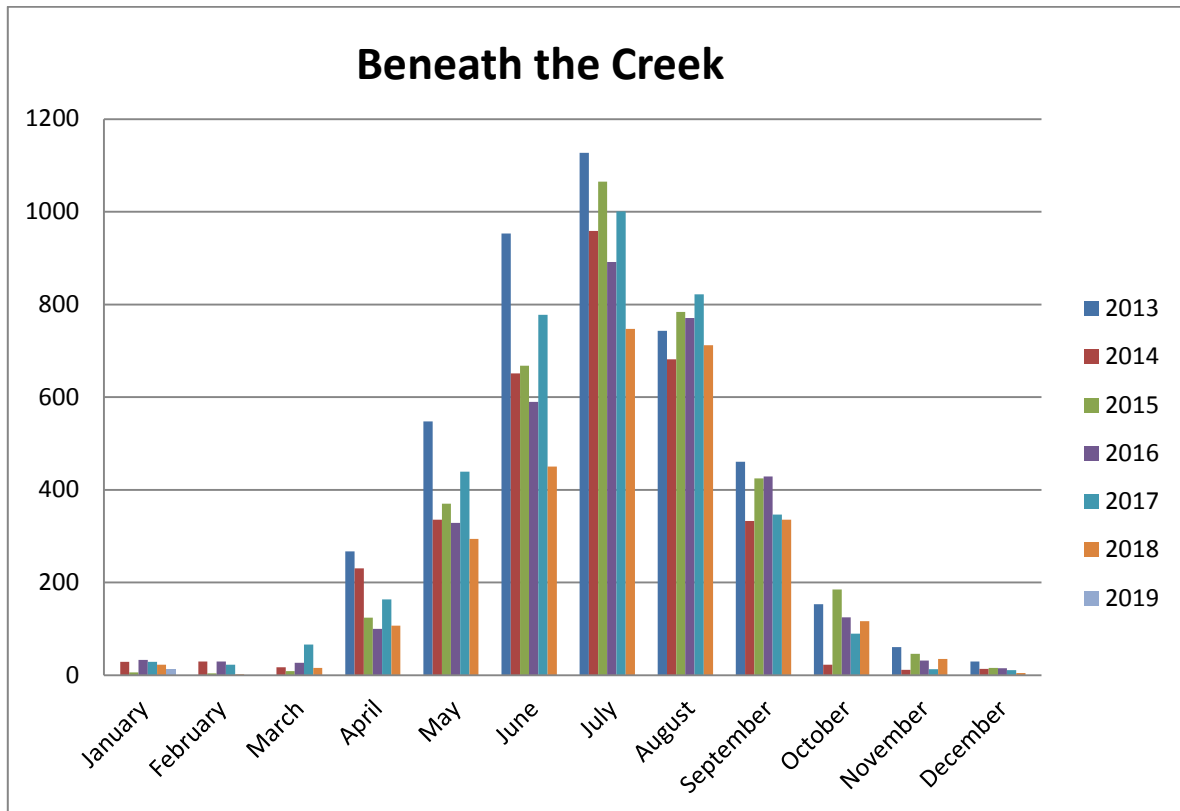
North West Regional Statistics January 2018 - January 2019





Beneath the Creek

There were 13 entries to ‘Beneath the Creek’ in January 2019 compared with 23 in January 2018 - a 43.47% decrease.



RV Site Permits and Expenditure – 0 in January 2019

There were no RV Site Permits issued in January 2019 compared with 2 in January 2018.

Julia Creek Early Learning Centre

There are 35 Children enrolled at the Service (4 down from last year which is the kinder kids that have left)

- 8 attend casually
- 1 child on the waitlist for a full time spot-at this stage can offer them 4 out of 5 days

One family have withdrawn routine sessions for 2 children and gone to casual as mum is not working.

New enrolment, one child- 5 days-kinder half days



- 2 separate enquiries for spots for 2, 2 year olds- forms were given, tour was given for one just waiting to hear back about what days are needed

There were 136 attendances over the 12 days of care offered during January. This equated to an average of 11.3 children per day.

Significant events:

- Centre re-opened on Tuesday 15th January
- Eastern Yard Re-vamp almost complete, shade sail went up Monday 21/1/19. The yard is in use just awaiting the final touches including a water wheel, plants, garden bed fixed and new grass
- Tunnel was installed in the Western yard
- Eliza began working at the Kinder as the new kinder teacher
- The toddler room has been separated from the kinder room using fixed dividers and a baby gate to allow children to have their own space
- Department visit on Wednesday 23rd January went well, no issues arose from this
- The centre is at 78.10% capacity (with the potential to increase)
- Story in the North West star about the Kindy and the increased utilisation
- Property families unable to attend due to rain
- We have been having discussions with the children about swift water, staying away from the floods, staying away from storm drains and the dangers of running water, the danger of electricity and water, snakes and wildlife in the flood waters and general safety around water and being aware
- Currently advertising for casual staff to cover planning, RDOs, annual leave, sick leave etc

Swimming Pool

ENTRIES	SWIMMERS
Adult Entry	193
Child Entry	331
Season Passes / Family Pass	
Adult	45
Child	67
Breakfast Club/ No Charge	
After School Care/ No Charge	41
J/C Swimming Club/ No Charge	
Aged Care/ No Charge	
Triathlon Training/ No Charge	
Adult	17
Child	2
J/C State School/ No Charge	
Caravan Park Tokens	



Adult	61
Child	61
Free Sunday	
Adult	11
Child	20
Total Swimmers	481

Sport & Recreation

Daren Ginns Centre Funding:

Council has been fortunate enough to receive approval for both funding submissions to complete an upgrade to the Daren Ginns Centre to provide additional floor space and a children's area. This is an exciting time as it will encourage more parents to become physically active and provide Council an opportunity to provide specialised fitness classes. The Federal Government has allotted \$137,900 for the project while the Queensland Government has approved \$150,000 with Council required to match 20% of the amount. Council can only chose to accept one of the funding allocations with a decision to be made once quotes are provided.

School Holiday Program:

Over the January school holidays children were presented with several different activities to help combat boredom and the extreme heat. They were able to participate in library fun, summer swimming, movie marathons, a picnic, board games, Aussie arts & crafts and an Aussie Day dress-up party.

Sporting Schools:

Julia Creek State School received approval from Sporting Schools to conduct after school care throughout Term 1. \$2,200 will be supplied to help cover costs of Council conducting the program which will include Triathlon training and swimming at the Pool.

Health Promotion – 10% Challenge

Council has been working in conjunction with Nicole (Community Nurse) and North West Remote Health to plan a health promotion evening and fitness challenge in the lead up to the Dirt n Dust. The health promotion evening will allow health professionals to present information to the community about health and wellbeing, types of exercise, exercise programs, diet and exercise demonstrations. Additionally, there will be lucky door prizes and special offers on the night. A date has been pencilled in for February 12 however this could change with the extreme weather conditions. It is planned that the fitness challenge will continue and the mantra it is centred around is people improving an aspect of their health by 10%. This will be up to the individuals to decide but could include losing 10% body fat, 10% off their waist or improving their 5km run by 10% just to



name a few. It is hoped that by allowing people to make small changes to their lifestyle (i.e. 10%) they can see the benefits in the long run. Council will be providing fitness classes during the challenge and prizes will be awarded to those who achieve their goals.

Daren Ginns Centre:

The membership database of the Daren Ginns Centre was updated to allow Council to monitor membership numbers more easily. The facility currently has 65 financial members with this number regularly fluctuating to the nature of transient workers in the town.

Community Health

CHSP OCCASIONS OF SERVICE (OoS)		
	OoS	Hours
Nursing Care	60	43.45
Personal Care	7	1.75
Assessment	0	0
Total	67	45.2

LOCATION OF OCCASIONS of SERVICE	
Home Visits	45
Clinic Visits	0
Hospital Visits	1 (plus 7 lots of bloods collected)
Telehealth	2
Transport to Medical Appointments	19

NON-CHSP COMMUNITY NURSING OCCASIONS of SERVICE		
	OoS	Hours
Home Visits	3	
Hospital Visits	0	1.5
Phone Consults	0	0
Clinic Consults	0	0



Meetings	9	7.5
Health Promotion Sessions	Planning work only this month	2.0

REFERRALS

Ongoing referrals being done for regular CHSP clients as they become due.

EQUIPMENT ON LOAN

Nil new

HEALTH PROMOTION

Considering opportunities for Health Promotion event in conjunction with MSC Sport & Rec officer and NWRH Allied Health in February, 2019. Concept: improve your health in some way by 10% and be in the running for prizes and an improved lifestyle! Save the Date and Flyers done by Kalan Lococo. Exercise Physiologist and Dietitian from NWRH happy to make a guest appearance.

Commonwealth Home Support Programme (CHSP)

Events and Activities

The clients have a rest in January from our day to day activities, but can still be a very busy month for myself and the community nurse keeping a check on our clients.

Statistics

CHSP currently have a total of 33 clients

Service Offered	Number of Clients
Transport	10 Two way trips
Social Support	18 Visits
Personal Care	15 Visits 2 Clients (Community Nurse)
Shopping	1Trips (1 ` attendees, 1 pickup)
GAMES	No sessions during the month
Luncheon	No sessions during the month
Meals on Wheels	16 Meals delivered
Home Maintenance	50 lawns mowed 25 clients
Domestic Assistance	9 clients, visits
Clients Transported for Doctors Appointments	6 CHSP clients
Clients admitted to Hospital	4 CHSP CLIENT



Social Media

Digital Figures

	Facebook Page Likes		Instagram Likes	
	MSC	JC VIC	MSC	JC VIC
1 January	4369	3210	472	1100
31 January	4424	3230	479	1119
% Increase	1.26%	0.62%	1.48%	0.82%

Consultation:

Legal Implications:

Nil

Policy Implications:

Nil

Financial and Resource Implications:

InfoXpert Document ID:

98224



8.0 CORPORATE SERVICES



8.1 Subject: Corporate Services Report
Attachments: Nil
Author: Corporate Services Team Leader
Date: 05 February 2019

Executive Summary:

The Corporate Services Report as of 31st January 2019 which summarises the financial performance and position is presented to Council.

Recommendation:

That Council receives the monthly Corporate Services Report for the period ending 31st January 2019.

Report:

The Corporate Services Report compares actual performance to date with the Council's adopted 2018-2019 Budget and provides information, budget variances or any financial risks/concerns.

Financial information provided in this report is:

1. Summary of the Statement of Comprehensive Income (Profit & Loss Sheet) provides the total revenue versus expenditure which gives the operating result.
2. Statement of Financial Position (the Balance Sheet) "bottom line" discloses the Net Community Equity of Council, which represents it's wealth as measured by a dollar value of its asset less liabilities.
3. Statement of Cash Flows indicates where Council's cash came from and where it was spent.
4. Summary by function provides the total year to date revenue and expenditure for each Department of Council.
5. Summary of year to date expenditure for the Capital Works program.
6. Outstanding balances for rates and debtors.

Income Statement Variances/Comments:

This month we received capital revenue from the Drought Communities Program. Flood damage contracts continued.



Ordinary Meeting of Council Monday 25th February 2019

INCOME STATEMENT SUMMARY

	Actuals	Variance	YTD Budget	Full Year Budget
Total Income	10,774,357	85%	12,689,818	21,753,973
Total Expenses	9,090,030	103%	8,814,296	15,110,222
Surplus	1,684,327	43%	3,875,521	6,643,751
Less Capital Revenue	5,144,713	93%	5,525,757	9,472,727
Plus Depreciation	1,857,385	75%	2,468,783	4,232,200
Net Operating Surplus	\$ (1,603,001)	-196%	\$ 818,547	\$ 1,403,224

STATEMENT OF FINANCIAL POSITION

	2019 Actuals	2018 Actuals
Current Assets	15,778,968	15,379,450
Total Non-Current Assets	191,671,178	190,871,685
Total Assets	207,450,146	206,251,136
Total Current Liabilities	887,872	1,353,363
Total Non-Current Liabilities	96,659	96,659
Total Liabilities	984,531	1,450,022
<i>Community Equity</i>		
Asset Revaluation Surplus	67,975,432	67,975,432
Retained Surplus	138,110,009	136,425,681
Reserves	400,000	400,000
Total Community Equity	\$ 206,485,441	\$ 204,801,113

STATEMENT OF CASH FLOWS

	2019 Actuals	2018 Actuals
Cash Flows from Operating Activities	(57,143)	552,708
Receipts, Payments & Interest Received		
Borrowing Costs		
Cash Flows From Investing Activities	(6,407,896)	(4,669,152)
Payments and Proceeds for PPE		
Capital Income		
Cash Flows from Financing Activities	-	-
Loan Payments		
Net increase (decrease) in cash held	(6,465,039)	(4,116,444)
Cash at beginning of the financial year	12,862,241	15,665,531
Cash at the end of the period	15,064,467	12,862,241



Ordinary Meeting of Council Monday 25th February 2019

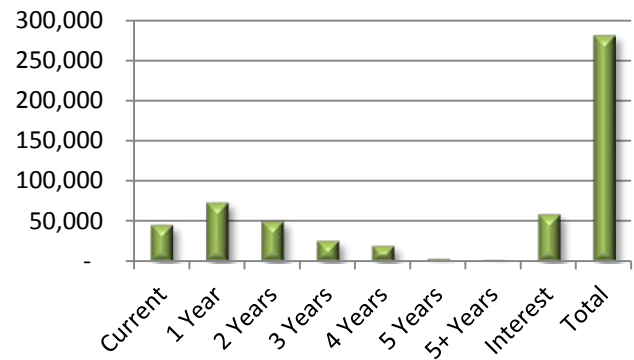
Summary By Departments						
Department	Revenue			Expenditure		
	Actuals	%	Budget	Actuals	%	Budget
Infrastructure & Works	6,470,967	57%	11,318,512	4,717,804	37%	12,699,860
Governance & Partnerships	-	0%	68,190	506,571	53%	960,500
Corporate Services	2,995,579	37%	7,992,467	984,123	58%	1,704,501
Economic Development	143,680	73%	196,918	509,830	49%	1,039,700
Community Services	920,899	52%	1,779,234	1,750,840	50%	3,474,068
Health Safety & Development	19,325	24%	79,050	347,074	52%	669,000
Environment Management	223,907	70%	319,602	213,663	35%	615,000
	10,774,357	50%	21,753,973	9,029,904	43%	21,162,629

Capital Works Program			
	Actual	%	Budget
Infrastructure & Works			
Roads, Grids and Bridges (Including R2R & TIDS)	874,135	36%	2,402,947
Wastewater	7,317	1%	885,000
Water	38,291	45%	85,000
Transport - Julia Creek Airport	23,504	43%	55,000
Other incl Plant Replacement	91,456		1,135,000
	1,034,703	23%	4,562,947
Environmental Management			
Reserves Asset Management	28,617	17%	170,000
	28,617	17%	170,000
Community Services & Facilities			
Buildings & Other Structures	1,352,869	43%	3,177,095
Parks & Gardens	19,388	6%	338,800
Council Housing	54,333	42%	127,945
	1,426,590	39%	3,643,840
Corporate Services			
Buildings & Other Structures	-	0%	-
Office Equipment	810	2%	35,000
	810	2%	35,000
Economic Development			
Julia Creek Livestock Facility	-	0%	-
Economic Development	-	0%	-
	-	0%	-
TOTAL	2,490,720	30%	8,411,787



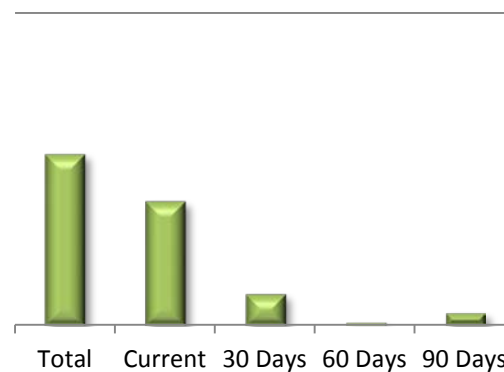
Outstanding Rates

	Jan-19	Dec-18
Current	46,122	49,766
1 Year	74,186	74,186
2 Years	50,577	50,577
3 Years	26,393	26,393
4 Years	19,939	19,939
5 Years	3,400	3,400
5+ Years	1,846	1,846
Interest	59,415	56,844
Total	281,878	282,950



Outstanding Debtors

Total	164,461.89
Current	119,231.41
30 Days	30,303.36
60 Days	2,915.46
90 Days	12,011.66



Consultation:

- Chief Executive Officer
- Director of Corporate and Community Services

Legal Implications:

Policy Implications:

Financial and Resource Implications:

InfoXpert Document ID:

98197



8.2 Subject: Report – Change Rates Discount Period and Due Date
Attachments: Nil
Author: Rates & Debtors Officer

Executive Summary:

In accordance with *Section 130 (7) of the Local Government Regulation 2012* Council has the authority to change the discount period to end on a later day (the **new discount day**). However, in accordance with *Section 130 (8) of the Local Government Regulation 2012* Council must also change the due date for payment to a later day that is no earlier than the new discount day.

Recommendation:

That Council resolve to:

- (a) *Change the discount period to 31 days pursuant to section 130(7) of the Local Government Regulation 2012 by issuing rate notices stating the new discount day 29/04/2019.*
 - (b) *Change the due date for payment to the new discount day pursuant to section 130(8) of the Local Government Regulation 2012 by issuing rate notices stating the new due date 29/04/2019.*
-

Background:

- Issue date of rates has been set to 29/03/2019.

The above resolution will produce a due date to fall on a weekday.

Consultation: (internal/External)

- Director Corporate and Community Services
- Corporate Services Team Leader

Legal Implications:

- Local Government Regulation 2012

Policy Implications:

Nil

Financial and Resource Implications:

Nil

InfoXpert Document ID:

98210



8.3 Subject: Request to Write Off General Debtor Account
Attachments: N/A
Author: Aimie Athorn
Date: 23 January 2019

Executive Summary:

Request to Council to write off the outstanding general debtor account of \$2,970.00, as per requirement of debtor policy.

Recommendation:

That Council resolve to write off the outstanding general debt of \$2,970.00 for invoice numbers 21006, 21008 and 21656.

Background:

The below table displays the details of the outstanding invoices.

Invoice Date	Invoice Number	Description	Amount
08/06/2016	21006	C/Park Accom 18/5/16 - 25/5/16	\$780.00
08/06/2016	21008	C/Park Accom 25/5/16 - 6/6/16	\$1,560.00
19/10/2016	21656	C/Park Accom 27/9/16 - 2/10/16	\$630.00

The debtor was invoiced for Julia Creek Caravan Park accommodation. The Debtors liquidator contacted Council informing us that the Debtor had gone into receivership and was unable to pay the outstanding invoices. Council did receive a settlement amount from the Debtor for contract termination.

Council attempted recovery action as per the Debtor Policy as by a way of issuing statements, reminder letters and referral to our Debt Collector. All were proven to be unsuccessful and Council's Debt Collector advised that they were bankrupt and therefore the debt could not be recovered and they closed the file.

Consultation: (Internal/External)

- Director of Community and Corporate Services
- Corporate Services Team Leader

Legal Implications:

N/A

Policy Implications:

Debtor Policy Version 1.2 recovery actions were attempted

Financial and Resource Implications:

Outstanding amount to be written off is \$2,970.00, as Council will not receive payment.



9.0 CHIEF EXECUTIVE OFFICER



9.1 Subject: Sale or Acquisition of Land for Overdue Rates – The Julia Creek Town & Country Club Inc – 77 Goldring Street, Julia Creek

Attachments: 8.2 Report from 19 Dec 2017 Council Agenda (pages 64-66) *InfoXpert ID: 98216*
19 Dec 2017 Confirmed Council Meeting Minutes (page 9) *InfoXpert ID: 98217*
Letter to CEO from King & Company Solicitors (31 January 2019) *InfoXpert ID: 98218*

Author: Chief Executive Officer

Executive Summary:

In accordance with *Section 140(1) (c) (i) of the Local Government Regulation 2012* Council has the authority to sell the land at 77 Goldring Street, Julia Creek, more particularly described as Lot 8 on JC55710 for overdue rates or charges as some or all of the overdue rates and charges have been overdue for at least three (3) years.

King & Company seeks Council's instructions as to whether it wants to prepare a supplementary rates notice, and whether it would like King & Company Solicitors to write to Fair Trading to determine whether it will accept service.

Recommendation:

That Council resolve to:

- (a) *serve all future notices on the entity responsible for receiving notices on behalf of the Julia Creek Town & Country Club Inc, located at 77 Goldring Street Julia Creek, more particularly described as Lot 8 on JC55710 ("the Land")*
- (b) *decide to either; sell the Land or acquire the Land for the overdue rates and charges*

Background:

This Report was brought up as *8.2 Report – Sale of Land for Overdue Rates Charges – Assessment Number 50- 77 Goldring Street, Julia Creek, Lot 8 on JC55710* in the Ordinary Council Meeting of 19 December 2017. Resolution No. 133/1718 of the Confirmed Minutes shows that Council resolved to sell Lot 8 on JC55710.

After seeking legal advice from King & Company Solicitors, on the Service of Rates Notices to Julia Creek Town & Country Club Inc. – 77 Goldring Street, Julia Creek "The Land", council must properly serve the rates and decide whether it wants to sell the Land or acquire the Land for the overdue rates and charges.

Next Steps from King & Company Solicitors:

1. We seek Council's instructions as to whether it wants to prepare a supplementary rate notice, and whether it would like us to write to Fair Trading to determine whether it will accept service.

2. In the event Council prepares a supplementary rate notice, it should show the balance brought forward by the supplementary notice and subsequently itemise and list all of the overdue



Ordinary Meeting of Council Monday 25th February 2019

rates or charges as per the rate notices which have been issued in the time since (but should not include any interest charges levied on or after 18 October 2016). The due date for the supplementary rate notice must be the standard due date for rate notices of at least 30 days after the date it was issued.

3. Please advise whether you would like us to review the draft supplementary rate notice once prepared.

4. Subsequent to the issuance of a supplementary rate notice, we recommend that Council speak with a real estate agent and obtain a market valuation of the Land as suggested, before making a decision about whether to sell or acquire the Land. We will await Council's further instructions concerning how it wishes to proceed.

5. Council should not pass a resolution to acquire or sell the land until it determines whether Fair Trading will accept service and considers what action to take following that response. Doing so will likely result in a resolution going stale before appropriate action can be taken.

Comments:

Nil

Consultation:

- Chief Executive Officer
- Director of Corporate and Community Services

Legal Implications:

- Local Government Regulation 2012

Policy Implications:

Nil

Financial and Resource Implications:

Nil

InfoXpert Document ID:

98221



Meeting of Council Tuesday 19th December 2017

8.2 Subject: Report – Sale of Land for Overdue Rates Charges – Assessment Number 50 – 77 Goldring Street, Julia Creek, Lot 8 on JC55710

Attachments: Nil

Author: Rates Officer

Executive Summary:

In accordance with *Section 140 (1) (c) (i) of the Local Government Regulation 2012* Council has the authority to sell the land at 77 Goldring Street, Julia Creek, more particularly described as Lot 8 on JC55710 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 77 Goldring Street, Julia Creek, more particularly described as Lot 8 on JC55710 (“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.”*
-

Background:

- The last payment by the land owner was received on the 16th December 2012 which made the 01/01/12–30/06/12 rates levy issued 8th February 2012 paid in full
- 01/07/12-31/12/12 rates levy issued 8th August 2012 became unpaid on the 8th September 2012
- 01/07/12-31/12/15 rates supplementary levy issued 29th January 2016 became overdue on the 1st March 2016
- Ten more levies for dates 01/01/13 – 31/12/17 have been issued from 8th March 2013 to 19th July 2017 and remain unpaid
- Four more levies for dates 01/01/16 – 31/12/17 have been issued from 11th February 2016 to 19th July 2017 and remain overdue since 1st March 2016
- As stated in *Section 140 of the Local Government Regulation 2012*, if some or all of the rates and utility charges have been overdue for at least generally – three years Council may by resolution decide to sell the land
- If Council does decide to sell the land, Council must as soon as practicable give all interested parties a notice of intention to sell the land.

All correspondence issued to the land owner to date have been marked “return to sender” however have been successfully sent to other interested parties from 29th January 2016. All attempts to recover arrears, as per Council’s debtor policy, have been unsuccessful.

Consultation: (internal/External)

- Director Corporate and Community Services
- Corporate Services Team Leader/Rates Officer

Legal Implications:

- Local Government Regulation 2012

Policy Implications: Nil

Financial and Resource Implications:

Details of the rates outstanding are as follows:

Levies	\$ 7,637.46
Interest charged	\$ 2,231.60
Interest written off	-\$ 631.57
Interest remaining	\$ 1,600.03
TOTAL Outstanding Balance	\$ 9,237.49

As per the *Local Government Regulation 2012*, Council can recover any costs incurred in attempting to sell the land.

InfoXpert Document ID: 88702

8. CORPORATE SERVICES REPORT

8.1 Corporate Services Report

The Corporate Services Report as of 30th November 2017 which summarises the financial performance and position is presented to Council.

RECOMMENDATION

That Council receives the monthly Corporate Services Report for the period ending 30th November 2017.

Resolution No. 132/1718

Council receives the monthly Corporate Services Report for the period ending 30th November 2017.

Moved Cr.P Curr

Seconded Cr. S Royes

CARRIED 4/0

8.2 Report – Sale of Land for Overdue Rates Charges – Assessment Number 50 – 77 Goldring Street, Julia Creek, Lot 8 on JC55710

In accordance with *Section 140 (1) (c) (i) of the Local Government Regulation 2012* Council has the authority to sell the land at 77 Goldring Street, Julia Creek, more particularly described as Lot 8 on JC55710 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 77 Goldring Street, Julia Creek, more particularly described as Lot 8 on JC55710 (“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. 133/1718

Council resolve to:

(a) sell the land located at 77 Goldring Street, Julia Creek, more particularly described as Lot 8 on JC55710 (“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.”

Moved Cr. P Curr

Seconded Cr. S Royes

CARRIED 4/0

Our ref: TFC:MJC:AA21081

Your ref:

Date: 31 January 2019

Level 7, Quay Central
95 North Quay, Brisbane.
GPO Box 758,
Brisbane, Qld, 4001.
Phone: (07) 3243 0000.
Fax: (07) 3236 1885.

Chief Executive Officer
McKinlay Shire Council
E-mail: rates@mckinlay.qld.gov.au

Attention: Aimie Athorn

SALE OR ACQUISITION OF LAND FOR OVERDUE RATES – THE JULIA CREEK TOWN & COUNTRY CLUB INC – 77 GOLDRING STREET JULIA CREEK

We refer to your email of 8 January 2019 requesting our advice in this matter and to subsequent discussions and correspondence.

Service of rate notices

1. An ASIC search of The Julia Creek Town & Country Club Inc (**the Club**) reveals that the Club was deregistered on 18 October 2016.
2. Council previously sought our assistance in preparing and serving a supplementary rate notice dated 29 January 2016 for rates levied from 2013 to 2016 (i.e. before the Club's deregistration) and which will become more than three years overdue on 1 March 2019. However, as Council was unaware of the deregistration, any rate notices issued to the Club after the date of deregistration have not been properly served on the Club.
3. Despite this, at least *some* of the rates and charges for the land have remained outstanding for a period of more than three years (i.e. those rates or charges for which notice was given prior to deregistration).
4. Given that at least some of the overdue rates were levied by the supplementary rate notice dated 29 January 2016 which was properly served upon the Club prior to deregistration, it will still be possible for Council to consider taking action after the expiry of the three year overdue period (i.e. 1 March 2019) to sell or acquire the land for overdue rates or charges.

Where to serve the notices

5. Given that the Club is now deregistered, Council must ensure that it serves all future notices on the entity responsible for receiving notices on behalf of the Club.
6. We have contacted The Office of Fair Trading (**Fair Trading**) and were advised that if the Club's liquidators have ceased acting in that role, we should write to Fair Trading to deal with any matters concerning the land owned by the Club.
7. We contacted the Club's liquidators, Vincents Chartered Accountants, to ascertain the status of the liquidation. We were advised by Steven Staatz that the liquidation was finalised and that Fair Trading subsequently deregistered the Club.

8. We consider that by failing to liquidate the land owned by the Club before applying for deregistration there is a prospect that the liquidator has not fully discharged its duties. We suggest that you instruct us to write to Fair Trading to ask whether it will accept service of any notices on behalf of the Club. However, we note that correspondence with Fair Trading may result in a prolonged period of activity by the liquidator before we can take any further steps in this matter. Accordingly, Council should give careful consideration to whether it wishes for us to write to Fair Trading, noting that doing so could open up a "Pandora's box" situation.
9. Should Council be minded to embark upon either selling or acquiring the land for overdue rates or charges, we recommend that Council prepare and issue a supplementary rate notice for the period for which rate notices have not been properly served (i.e. the period since deregistration). In doing so, Fair Trading should also be asked whether it will accept service of the supplementary rate notice and any subsequent notices Council issues under the *Local Government Regulation 2012* seeking to sell or acquire the land for overdue rates or charges.
10. Council will be unable to recover any interest on the rates which remained outstanding from the period of deregistration (18 October 2016) to date as the Club has not been properly served with a notice during that time. Interest can begin accruing from 31 days after Fair Trading accepts service of the supplementary rate notice (assuming that Fair Trading will accept service).

Acquisition or sale of land for overdue rates or charges

11. Council should ultimately form a view as to whether it wants to sell the land or acquire the land for the overdue rates and charges.

Sale of land

12. The sale of land process for overdue rates or charges is governed by sections 138-147 of the *Local Government Regulation 2012*. The process requires that Council issue a notice of intention to sell the land and wait three months before carrying out further procedures to sell the land (i.e. issuing an auction notice and auctioning the land). This is a shorter period of notice than is required for acquiring land for overdue rates or charges.
13. Before deciding whether to sell the land, Council should obtain the advice of a real estate agent to determine whether any interest in a purchase of the land can be expected.
14. If Council determines that it is unlikely that the land will be sold at auction, it should carefully consider whether to proceed with the sale of land process.
15. There is a real risk that if an auction proceeds, and Council is unable to sell the land to the highest bidder at the auction, Council will be taken to have acquired the land for the reserve price. This means that Council will become the registered owner of the land and the overdue rates and charges will be discharged. If this occurs, Council will not recover any of the rates or its expenses of sale.

Acquisition of land

16. Given Council instructions that it owns the land upon which the Clubhouse is situated, Council may wish to consider acquiring the land for overdue rates or charges.
17. The process for acquiring land for overdue rates or charges is governed by sections 148-151 of the LGR. Those provisions are as follows:-

148 Application of sdiv 3

This subdivision applies if –

- (a) there are overdue rates or charges on land in a local government area; and
- (b) the liability to pay the overdue rates or charges is not the subject of court proceedings; and
- (c) some of the overdue rates or charges have been overdue for at least 3 years; and
- (d) the person who is liable to pay the overdue rates or charges has an interest in the land that a corporation is not prohibited from holding (for example, a life interest in land); and
- (e) either of the following applies –
 - (i) the total amount of the overdue rates or charges is more than the value of the land and the land is considered to be –
 - (A) valueless; or
 - (B) of so little value that, if it were sold, the proceeds of the sale would be less than the amount of the overdue rates or charges;
 - (ii) the total amount of the overdue rates or charges is more than the market value of the land.

149 Requirements for notice of intention to acquire land

- (1) The local government may, by resolution, decide to acquire the land.
- (2) If the local government does so, the local government must, as soon as practicable, give all interested parties a notice of intention to acquire the land.
- (3) A notice of intention to acquire is a document, signed by the chief executive officer, stating –
 - (a) that the local government has, by resolution, decided to acquire land for overdue rates or charges, under this section; and
 - (b) the day on which the resolution was made; and
 - (c) the terms of the resolution; and
 - (d) a description of the location and size of the land, as shown in the local government's land record; and
 - (e) details of the overdue rates or charges for the land, as at the date of the notice, including details of the period for which the rates or charges are unpaid; and
 - (f) details of the interest that is owing on the overdue rates or charges, as at the date of the notice, including –
 - (i) details of the rate at which interest is accruing; and
 - (ii) a description of the way the interest is calculated; and
 - (g) the total amount of the overdue rates or charges and the interest, as at the date of the notice; and
 - (h) a copy, or general outline, of this section and sections 150 and 151.

150 Time to start procedures to acquire

- (1) This section applies if –
 - (a) a local government gives, under section 149, a notice of intention to acquire land for overdue rates or charges; and

(b) the overdue rates or charges are not paid in full within 6 months after the local government gives the notice of intention to acquire the land.

(2) The local government may start the procedures for acquiring the land.

(3) However, the local government must end the procedures for acquiring the land if the local government is paid –

(a) the amount of the overdue rates or charges; and

(b) all expenses that the local government incurs in attempting to acquire the land.

151 Acquisition procedures

(1) This section sets out the procedures that a local government must follow when acquiring land for overdue rates or charges.

(2) The local government must –

(a) discharge the overdue rates or charges payable for the land; and

(b) give the registrar of titles a request, in the appropriate form, to record the local government as the registered owner of the land.

(3) After receiving the request, the registrar of titles must record the local government as the registered owner of the land free of all encumbrances other than any State encumbrances.

(4) The registrar of titles –

(a) may record the local government as the registered owner of the land even if the request is not accompanied by the instrument of title for the land; and

(b) need not inquire whether the local government has complied with this subdivision; and

(c) is not affected by actual or constructive notice of any failure by the local government to comply with this subdivision.

(5) When the registrar of titles has recorded the local government as the registered owner of the land, the local government must remove the reference to the land from the land record.

(6) In this section –

appropriate form see the Land Title Act, schedule 2.

(our underlining)

18. Subsections 148(a)(i) and (ii) (set out above) establish thresholds for proceeding to acquire land. Specifically, one of the following must apply:
- (a) the total amount of the overdue rates or charges must be more than the value of the land and the land is considered to be valueless; or of so little value that, if it were sold, the proceeds of the sale would be less than the amount of the overdue rates or charges; or
 - (b) the total amount of the overdue rates or charges must be more than the market value of the land.
19. Council may be able to proceed on the basis of the first option outlined in paragraph 14(a) as the latest unimproved valuation of the land issued by the Valuer-General was \$8,400.00 which will be exceeded by the total of the rates and charges for the land which will become overdue following the due date of the supplementary rate notice proposed to be issued. Council would also need to reasonably conclude (e.g. on the basis of advice received from a real estate agent) that the land is valueless or of so little value that if sold the proceeds would be less than the amount of the overdue rates or charges.

20. However, satisfying the latter of the two threshold tests may be the most prudent option for Council particularly given that Fair Trading may ask for evidence to support a conclusion that the land satisfies the criteria for acquisition. As such, the safest course would be for Council to obtain a market valuation of the property.
21. The market value of the land includes a reference to the market value of the land and any improvements on the land.¹ To evidence the market value of the land, Council should obtain a written report about the market value of the land from a registered valuer.²
22. Based on Council's instructions and the relatively small size of the land, it appears unlikely that the market value of the land will exceed the overdue rates or charges.
23. Unlike the three month period applying to the sale of land, the process for acquiring the land requires that Council issue a notice of intention to acquire and wait six months before taking any further action.

Next steps

24. We seek Council's instructions as to whether it wants to prepare a supplementary rate notice, and whether it would like us to write to Fair Trading to determine whether it will accept service.
25. In the event Council prepares a supplementary rate notice, it should show the balance brought forward by the supplementary notice and subsequently itemise and list all of the overdue rates or charges as per the rate notices which have been issued in the time since (but should not include any interest charges levied on or after 18 October 2016). The due date for the supplementary rate notice must be the standard due date for rate notices of at least 30 days after the date it was issued.
26. Please advise whether you would like us to review the draft supplementary rate notice once prepared.
27. Subsequent to the issuance of a supplementary rate notice, we recommend that Council speak with a real estate agent and obtain a market valuation of the land as suggested, before making a decision about whether to sell or acquire the land. We will await Council's further instructions concerning how it wishes to proceed.
28. Council should not pass a resolution to acquire or sell the land until it determines whether Fair Trading will accept service and considers what action to take following that response. Doing so will likely result in a resolution going stale before appropriate action can be taken.

Should you have any queries in relation to the above please do not hesitate to contact our office.

Yours faithfully

KING & COMPANY



Contact: Michael Cerruto

Contact's e mail: Michael.Cerruto@kingandcompany.com.au

Partner responsible: Tim Fynes-Clinton

¹ Local Government Regulation 2012, s 137(1).

² Local Government Regulation 2012, s 137(2).



9.2 Subject: Advice Regarding Pre-Qualified Supplier Register

Attachments: Letter of Advice from Preston Law *InfoXpert ID: 98219*

Author: Chief Executive Officer

Executive Summary:

Council has, pursuant to *Section 232 of the Local Government Regulation 2012*, prepared a register of pre-qualified suppliers for plant hire. The Register is valid for the period commencing 1 January 2019 and ending 31 December 2019.

Legal Advice from Preston Law, concerning this Pre-Qualified Supplier Register gives the following:

1. Council should continue using the Selection Criteria to select suppliers on the Register until the Register expires. Council's use of the Selection Criteria to date has likely generated a legitimate expectation that the Selection Criteria will continue to be used.
There is some risk that by discontinuing use of the Selection Criteria, the supplier that would have otherwise been awarded the work could bring an action against Council.
While that risk might not be particularly high, we understand the larger supplier is likely to raise a dispute in those circumstances.
2. Given the way in which the Request for Tender was drafted, there is no risk of an action being successfully brought against Council by a supplier who is not receiving work because of the way in which Council is applying the Selection Criteria.
3. For future tenders:
 - a. Council does not need to use Selection Criteria, or otherwise restrict itself to selecting particular suppliers who are appointed to the Register;
 - b. Council may wish to develop a general policy that provides a broad ability for Council to select suppliers as appropriate, but which generally provides that Council will select suppliers in accordance with a "cab rank rule" (ie, one by one for each job.)

Recommendation:

That Council determines how to proceed, in the future, with the Pre-Qualified Supplier Register based on the legal advice provided by Preston Law.

Background:

Nil

Comments:

Nil

Consultation:

- Chief Executive Officer
- Preston Law

Legal Implications:

- Local Government Regulation 2012

Policy Implications:

Nil



Ordinary Meeting of Council Monday 25th February 2019

Financial and Resource Implications:

Nil

InfoXpert Document ID:

98222

Our Ref: Julian Bodenmann:182185
Direct line: 07 4052 0717
Direct email: jbodenmann@prestonlaw.com.au
Partner Responsible: Eleanor Scott



7 February 2019

Chief Executive Officer
McKinlay Shire Council
PO Box 177
JULIA CREEK QLD 4823

By Email: ceo@mckinlay.qld.gov.au

Dear Sir

Advice regarding Pre-Qualified Supplier Register

We refer to your discussions with Eleanor Scott and Julian Bodenmann in relation to the above matter.

Background and Instructions

Council has, pursuant to section 232 of the *Local Government Regulation 2012* ("LGR"), prepared a register of pre-qualified suppliers for plant hire ("**the Register**"). The Register is valid for the period commencing 1 January 2019 and ending 31 December 2019.

Council complied with the tendering requirements under section 232 of the LGR when appointing suppliers to the Register.

In addition to complying with the requirements under section 232 of the LGR, Council has also developed a list of criteria against which suppliers on the Register will be assessed, to determine which supplier on the Register will be awarded a particular job ("**Selection Criteria**"). The Selection Criteria is aimed at increasing transparency about how the Register is used.

Two issues have arisen as a result of Council's application of the Selection Criteria:

- one supplier, which is larger and therefore able to reduce prices to a more significant extent, almost always achieves the best result when the Selection Criteria is applied. However, that supplier is not a "Local Supplier", as that term is defined in Council's Request for Tender documents;
- the other suppliers, which are smaller Local Suppliers, have taken issue with the fact that they have not received, and seem to be unable to receive, any work.

Council has sought our advice regarding how to effectively manage these issues.

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Executive Summary

1. Council should continue using the Selection Criteria to select suppliers on the Register until the Register expires. Council's use of the Selection Criteria to date has likely generated a legitimate expectation that the Selection Criteria will continue to be used.

There is some risk that by discontinuing use of the Selection Criteria, the supplier that would have otherwise been awarded the work could bring an action against Council.

While that risk might not be particularly high, we understand the larger supplier is likely to raise a dispute in those circumstances.

2. Given the way in which the Request for Tender was drafted, there is no risk of an action being successfully brought against Council by a supplier who is not receiving work because of the way in which Council is applying the Selection Criteria.

3. For future tenders:

- (a) Council does not need to use Selection Criteria, or otherwise restrict itself to selecting particular suppliers who are appointed to the Register;
- (b) Council may wish to develop a general policy that provides a broad ability for Council to select suppliers as appropriate, but which generally provides that Council will select suppliers in accordance with a "cab rank rule" (ie, one by one for each job).

The Legal Position

Below is a summary of Council's legal position:

- in relation to the Register generally;
- in relation to the continued use of the Selection Criteria;
- with respect to those smaller suppliers who are complaining about the fact that they are not receiving work;

Register Generally

By appointing suppliers to the Register, Council has discharged its obligation under the contracting and procurement provisions of the LGR.

If a supplier is on the Register, Council can retain the services of that supplier without first inviting written quotes or tenders pursuant to section 232(2) of the LGR.

Council does not need to implement any separate process, such as the Selection Criteria, to select which supplier is used for what job.

We confirm that even though suppliers are appointed to the Register, it is still prudent for Council to continue to have regard to the sound contracting principles ("SCPs") when engaging suppliers

While value for money is one of the SCPs, it is not necessarily the case that Council must select the cheapest panellist for any given job provided Council's decision, on balance, is consistent with the SCPs generally.

We appreciate that one of the reasons for developing the Selection Criteria was so that the SCPs could be applied consistently to all panellists. However, unless there is some very significant outlier case where a panellist is substantially more expensive than another is likely to be, we do not consider the rigid application of the Selection Criteria (or any other separate assessment tool) to be necessary in this case.

Continuing to use the Selection Criteria

We understand that Council has been using the Selection Criteria for some time, and that the Selection Criteria may have formed part of the Request for Tender process when suppliers were invited to submit tenders to be on the Register.

If the Selection Criteria formed part of the Request for Tender, then Council is legally bound to continue to apply the Selection Criteria.

However, even if the Selection Criteria did not form part of the Request for Tender, by implementing the document, Council may have generated a legitimate expectation on the part of the suppliers on the Register that any assessment will be carried out by reference to the Selection Criteria.

The risk to Council by discontinuing use of the Selection Criteria is that the supplier that would have won the job had the Selection Criteria been correctly applied could dispute Council's decision to award the job to another supplier.

We understand that Council considers it relatively likely that the large supplier that is often favourably identified by the Selection Criteria is likely to raise an issue with any decision by Council to discontinue using the Selection Criteria.

While case law confirms that it is relatively hard for a contractor to successfully sue a local government because they were not given work under an arrangement of this nature, Council may consider the risk of action to be relatively high here, given the large supplier's previous representations to Council.

In view of that, we recommend that Council continues to use the Selection Criteria, until the Register comes up for renewal.

Smaller suppliers not receiving work

We have been provided with a document, called "Terms and Conditions", and which names Council and Auzscot Constructions Australia as parties.

We understand these terms and conditions formed part of Council's Request for Tender for appointment to the Register.

Clause 4.1 of those Terms and Conditions provides:

The inclusion of the Supplier on a Pre-qualified Supplier Register entitles the Principal to enter into contracts with the Supplier for the hire of Plant without first seeking quotes or tenders but does not give rise to any obligation on the Principal to the Supplier, other than as expressly provided in this Deed.

Clause 13.1(a)(A) – (C) further provides that Council is not liable for any claim by a supplier because of its failure to hire Plant from the supplier at a particular value or frequency.

In view of the above, and assuming the Terms and Conditions are in fact the terms on which Council invited tenders for appointment to the Register, Council is not liable to the smaller suppliers merely because it has not given them work.

Future Registers

As outlined above, in future Council can engage any supplier on its Register without using Selection Criteria, by virtue of section 232(2) of the LGR.

In order to act fairly to all suppliers, some Councils select suppliers in accordance with the "cab rank rule". In other words, if five suppliers are listed on a Register, Council may list the suppliers alphabetically, and give Supplier 1 the first available job, Supplier 2 the second available job, etc. Council may set out exception to this process in particular circumstances, for example if a job involves a certain skill-set or expertise that one supplier on the Register is particularly experienced in.

For future tenders for the Register, we recommend that instead of applying Selection Criteria, Council develops a general policy that confirms:

- suppliers will generally be selected from the Register in accordance with the "cab rank rule", but Council retains a general discretion to select any or no supplier (for example, in the event that Council, acting reasonably, considers that applying the cab rank rule might risk breaching the SCPs);
- where a job requires a particular area of expertise or skill-set, the officer involved can select the supplier they consider to be most qualified for the work.

The rationale for a policy of this nature is that:

- it gives Council enough flexibility to choose one supplier over another if there is merit in doing so; but
- each supplier on the panel has maximum opportunity to be selected, and there is some transparency to how Council selects suppliers.

We trust this assists. If you wish to discuss any aspect in further detail, please contact Julian Bodenmann on 07 4052 0717 or Eleanor Scott on 07 4052 0736.

Yours faithfully



Julian Bodenmann
Associate
for **PRESTON LAW**



Ordinary Meeting of Council Monday 25th February 2019

9.3 Subject: Purchasing and Procurement including Plant Hire Arrangements – Internal Audit Report

Attachments: Letter of Internal Audit Report from O’Regan & Partners *InfoXpert ID: 98220*

Author: Chief Executive Officer

Executive Summary:

O’Regan & Partners have presented an Internal Audit Report for Purchasing and Procurement including Plant Hire Arrangements; the objective being to assess the adequacy of Council policies, controls and procedures in relation to the procurement of goods and services and compliance with these policies.

Recommendation:

That Council receives the Internal Audit Report, provided by O’Regan & Partners, and consider the contents therein.

Background:

Nil

Comments:

Nil

Consultation:

- Chief Executive Officer
- O’Regan & Partners

Legal Implications:

Nil

Policy Implications:

Nil

Financial and Resource Implications:

Nil

InfoXpert Document ID:

98223

Partners

Peter O'Regan
Peter Gogsch
Andy Freeman

Principal

Russell Laird

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Craig Dreher



O'Regan & Partners

Chartered Accountants • Business Advisors

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CHARTERED ACCOUNTANTS
AUSTRALIA • NEW ZEALAND

8 February 2019

CEO
McKinlay Shire Council
PO Box 177
JULIA CREEK QLD 4823

Dear Des,

RE: Purchasing and Procurement including Plant Hire Arrangements – Internal Audit Report

Attached is the report on the above matters.

The report covers all aspects of the Procurement process with an emphasis on the Plant Hire Arrangements.

The Plant Hire Arrangements have been an area of controversy over a number of years for Council and it was at your predecessors request and following concerns expressed by some senior council officers that this area was subjected to an internal audit review.

Given the substantial level of flood damage sustained by the McKinlay Shire from the recent and ongoing event and the large monetary implications, it will be important that Council gets a solid and defensible Plant Hire process in place so that the shire and its local contractors benefit to the maximum extent.

Our recommendations contained in the report are based on our observations and work at other Western Queensland Councils. We have endeavoured to borrow what works and ignore what doesn't. This particularly applies to the recommendations around both the definition of a local business and the incentives to encourage local business.

Of course, we recognise Council is within its rights to ignore any or all of the recommendations raised in the report.

Our recent experience with the Queensland Reconstruction Authority (QRA) indicates they are not overly concerned about contractor costs provided they fit within their benchmarking standards which for a realistic contractor is not that difficult. On this basis the Council should be more concerned about contractor conformity and compliance with the matters indicated in the criteria including the regulatory environment and less with pricing. Our observation is that the emphasis on pricing within the local benefit framework has led to aggressive pricing by a few larger "local" operators at the expense of smaller local operators. This is hardly encouraging the growth and development of the shire's communities.

In addition, as a separate issue unrelated to this report, given the large monetary amount in flood damage monies coming the shire's way it would seem logical that Council should "cherry pick" some of the flood damage work and allocate to the Council workforce.

As part of the process QRA will undertake in determining the monetary value for particular flood damage work they will examine Council's plant hire rates used in the cost estimates.

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We have been through this process at Barcoo and Winton Shires and dealt with QRA on these matters.

After consultation and negotiation, an agreement was reached in relation to the variables allowed in setting a plant hire rate for QRA work for Graders, Loaders, Rollers and Heavy Trucks.

The variables included are noted as follows:

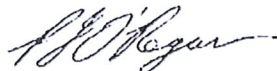
- **Operating Costs** – fuel, repairs, registration, insurance etc – all within the council plant module
- **Depreciation** – calculated by deducting the residual value from the purchase price and dividing by the useful life. This method means that a council should look to reducing the residual value to the QRA benchmark e.g. 20% for a grader as against 40% for a 6- 8 year life grader normally used and reduce estimated useful lives in a similar manner so as to increase the depreciation expense allowable in the formula. The shires we have been involved with in some instances have revalued their large plant to fit within QRA parameters and thus maximise depreciation costs in the hourly rate calculation.
- **Garaging** – a recognition of costs of garaging plant in a secure manner. The methodology accepted will result in different hourly rates between similar councils as the calculation is largely dependent on the book value of the council depot and associated selected running costs. QRA have indicated that the calculations must be auditable i.e. based on real council data in the general ledger and job costing.
- **Finance Costs** – an imputed finance charge of 7.5% has been accepted by QRA. However, QRA will not accept the finance charge calculated on the basis of the actual plant cost and only allow the finance cost to be calculated on the difference between the purchase cost and residual value i.e. on only part of the plant cost.
- **Administration Costs** – this is something akin to the old creditors and administration on cost calculation and varies considerably between councils. This is an area still subject to QRA contention as they have been unable or unwilling to adopt a clear set of principles. However, they are presently accepting around the \$4/hour inclusion in the calculation of hourly plant rates.

I would very much welcome the opportunity to discuss the report with the Audit Committee or Council in general as I am sure there will be many questions and explanations required.

Should council need assistance in the calculation of an hourly rates that are auditable by QRA then we certainly can be of some assistance.

Should you have any queries concerning the attached or require any additional information please do not hesitate to contact myself

Kind Regards



Peter O'Regan
O'REGAN & PARTNERS
Encl.

McKinlay Shire Council

Internal Audit – Purchasing & Procurement including Plant Hire Arrangements

Audit Objective

Assess the adequacy of Council policies, controls and procedures in relation to the procurement of goods and services and compliance with these policies and effectiveness of controls. In addition, assess the adequacy of Council's delegated authorities and compliance with these authorities.

Audit Scope

Council's Procurement Policy was reviewed for suitability considering the nature of the McKinlay Shire Council's operations with particular emphasis on plant hire arrangements and local business incentives.

Audit testing involved selecting a variety of payments to suppliers of goods and services covering all monetary levels prescribed in the policy.

These payments were then examined for compliance with Council's Procurement Policy and involved examination of all documents required in the process from purchase requisitions, purchase orders, supplier's invoices, approval process and job cost allocations and postings.

Audit Findings

Procurement Policy

Audit's initial work was undertaken utilising the Procurement Policy and associated Procurement Procedure document adopted in June 2017. The revised Procurement Policy adopted by Council in June 2018 was unchanged from the original 2017 version.

The policy document includes confirmation of the adoption of sound contracting principles as required under The Local Government Act including Value for Money, Open & Effective Competition, Development of Competitive Local Business and Industry, Environmental Protection and Ethical Behaviour and Fair Dealing.

The Procurement Procedure document sets out the 5 monetary levels with the associated procedures required to be adhered to when making purchasing decisions within the prescribed monetary bands.

These are summarised as follows:

- \$5000 and under – At least 1 quote which may be verbal is required. Authorised purchase order must be placed with supplier
- > \$5000 but less than \$15,000. At least 2 quotes to be obtained except in the case of a sole supplier. Authorised purchase order must be placed with supplier.
- > \$15,000 but less than \$200,000 (medium contract). Minimum of 3 written quotes required. Authorised purchase order must be placed with successful supplier.
- > \$200,000 (large sized contract). Written tenders or expressions of interest under section 228 of the regulation are required.

Under the Policy and Procedure, a number of exceptions from the requirement to obtain written quotations and tenders for the awarding of medium and large sized contracts are stipulated as follows:

1. Contract awarded to a contractor who is on an approved contractor list established by Council in accordance with the requirements of section 231 of the regulation
2. Contract awarded to a contractor who is on a register of pre-qualified suppliers established by Council in accordance with section 232 of the regulation.
3. Contract awarded to a contractor under a preferred supplier arrangement made by Council in accordance with section 233 of the regulation.
4. Contract awarded under an LGA arrangement i.e. Local Buy etc
5. Contract awarded in accordance with section 235 of the regulation where Council resolves that there is only one supplier reasonably available, specialised or confidential nature makes it impractical or disadvantageous to invite quotes or tenders, a genuine emergency exists, purchase by auction, purchase of second-hand goods or contract with a government body.

Procurement Delegations Register

Council has a lengthy list of officers authorised to purchase on behalf of Council and to approve requisitions. The listing of such delegations included in the Procurement Procedure document describes 34 positions as having to \$500 in authority, 17 with to \$1000 in authority, 8 as having to \$2500 in authority, 7 to \$5000, 3 to \$15,000, 3 to \$30,000, 2 to \$50,000 and only the CEO at \$200,000.

Development of Competitive Local Business and Industry

Clause 4.4 of the Procurement Policy provides guidelines and standards to be used in procurement decisions to support local business and industry.

Of significance are the following criteria:

- Where price, performance, quality, suitability and other evaluation criteria are deemed comparable Council may consider in evaluating offers such matters as creation of local employment opportunities, readily available service support, convenience of communications, economic growth in the local area and direct benefit to Council associated with undertaking a local commercial transaction.
- The policy states that "Council may accept a tender, quote from a local supplier in preference to that of a non-local supplier even if the non-local supplier has been assessed as being more favourable in terms of the assessment criteria including price so long as the overall differences are not substantial..."

The policy defines a local supplier as one which is:

1. Beneficially owned by persons who are ratepayers or residents of the McKinlay Shire Council or
2. Have their principal place of business within the McKinlay Shire or
3. Has a place of business within the McKinlay Shire which solely employs persons who are residents or ratepayers of the shire.

Prequalified Suppliers of Plant Hire

Council, at various times throughout the past 2 years has attempted to establish and adopt evaluation criteria and a scoring methodology in assessing pre-qualified plant hire tenders.

At a special meeting on 7 November 2017, Council repealed resolutions made in previous years and months and adopted a new set of evaluation criteria and scoring methodology.

The criteria and associated weighting so adopted are as follows:

1. Price – 60%
2. Development of Local Industry – 10%
3. Ability of Operators – 10%
4. Suitability of Plant – 10%
5. Operator Managerial & Financial capability – 10%

A number of Council templates used by intending suppliers in completing their expression of interest/quotation were examined by audit.

These forms included details on insurance, ABN numbers, plant details including machine hours, horse power of machine, registration details, load capacity among other details i.e. basic items of information on the plant item.

There does not appear to be documented requirements included in the evaluation criteria and template covering the following matters:

- Requirement for the contractor to have accurate scales (or even just scales) fitted to all relevant equipment e.g. excavators and loaders.
- Requirement for the contractor to provide evidence of compliance with the same set of workplace health and safety standards applicable to Council
- Absence of any contractor declaration form as regards to compliance with Council's Drug and Alcohol and Testing Procedures.

- Whilst the quotation/tender information indicates a requirement that the contractor must have a public liability insurance policy with a limit of indemnity of not less than \$10,000,000 there is no place on the council template requiring the contractor to certify this fact and quote the insurance policy number.
- Absence of any reference of existence of a quality assurance system by the contractor.
- Absence of any requirement by the contractor to include details of operators to be used on the equipment e.g. copies of certificates, licenses etc.

Specific Observations Relating to definition of a local supplier – Plant Hire Arrangements.

The following concerns have been noted as part of the audit process and are applicable to the Plant Hire arrangements:

Audit is aware that at least one plant hire supplier deemed local in McKinlay Shire is also claiming local status in a neighboring shire by virtue of ownership of a vacant unimproved block of land in an industrial estate.

Given that some of the plant hire suppliers are primary producers there exists an opportunity for these suppliers to maximise their fuel tax credit claims and minimise registration charges for heavy vehicles through the stand down concessions. These opportunities are not available to non-primary producers thus potentially creating an uneven playing field among contractors.

Audit Testing

Audit testing involved selecting a range of payments to suppliers of goods and services covering all monetary categories prescribed in the policy document. These payments were then examined for compliance with the Procurement Policy and involved the examination of all documents required to be completed in the process including purchase requisitions, purchase orders, running sheets (if applicable), supplier's invoices, approvals and job cost allocation and posting.

The testing indicated a variety of results with full compliance in some cases and non or only partial compliance in other cases.

Whilst details of individual vouchers examined are available for review, for reporting purposes the findings have been summarised below:

Given that audit was only reviewing a sample of payments to suppliers the amount of noncompliance across all monetary thresholds is considered to be significant. The more significant areas of noncompliance are listed below:

- Purchase Orders not raised across a range of monetary levels
- Purchase Orders raised after supplier's tax invoice issued
- Purchase Requisitions not raised or on file for a variety of suppliers
- Instances where Purchase Orders indicated quotes had been obtained and formed the basis of pricing, however no evidence of quotes in documentation.
- Instances where Purchase Orders indicated an estimate by council staff preparing the order, however no evidence of methodology or process in obtaining or calculating the estimate.
- Lack of evidence in checking unit rates used in suppliers' invoices with tender documentation – a widespread issue in regard to plant hire supply
- Approvals of Purchase Orders by Council officers for values significantly above their designated individual delegation level.
- In relation to plant hire no evidence of checking suppliers load weights on running sheet and on invoices raised, e.g. wide range of weights noted on same plant item over a few days, not queried.
- Evidence of raising Purchase Requisitions and Purchase Orders after plant hire contractor has commenced work on the job – evidenced by running sheet dates etc. In one instance this was 23 days after work commenced.

Audit Recommendations

Procurement Policy

Local Business Support

It is apparent to Audit that Council's stated intention in the Procurement Policy of supporting local business and assisting in the development of industry in the shire is not achieving its aim in relation to the plant hire arrangements.

The application of the present policy is resulting in a significant level of work being allocated to a small number of businesses who are also primary producers and do not maintain any presence in any of the communities in the shire.

Furthermore, the heavy weighting of price (60%) in the contract allocation decision making is reducing the ability of the small operators with one or two plant items to win work.

In addition, Council staff making the decisions on allocation appear to be taking the easy decision and awarding whole contracts to larger operators without breaking up the contract to enable smaller operators to partially participate in the work.

It should also be noted that a large percentage of work allocated under these plant hire arrangements is for flood damage work under Queensland Reconstruction Authority (QRA) fund allocation and not from Council funds.

The QRA does undertake benchmarking of contractors to ensure pricing is calculated on a reasonable basis. Audit has had significant involvement in QRA pricing matters including undertaking internal plant hire rates calculations for some Western Queensland Councils which maintain larger plant fleets than McKinlay Shire and which undertake significant QRA work when it is available. We have participated in negotiations with senior QRA staff in Brisbane over Council plant rates and it is apparent that Council's use of a heavy weighting to price is resulting in contract allocation for rates below that acceptable to QRA and is thus actually counterproductive to shire development.

There is also the potential that the "aggressive pricing" engaged in by some contractors will result in adverse consequences for other Councils if QRA views some of these rates as a benchmark and thus forces lower plant rates on other councils' plant fleets engaged in flood damage work.

Finally, with the present flood event it would seem logical that council would wish to undertake some QRA work with its own plant and team. Given the methodology now accepted by QRA in determining allowable plant rates for a council fleet to be used in a flood damage claim Council may need contractor rates to be increased in order that Council's rates are deemed competitive from a QRA perspective and thus enable Council to recover a reasonable return from the flood damage work.

Audit recommends that Council reviews its policy regarding local business support and makes amendments to ensure that the stated intention of development of local business within the shire boundary is achieved and is achieved in an equitable manner.

The following suggestions are provided for Council's consideration and would in effect bring Council's policy more into line with that adopted by many other Western Queensland Councils.

Definition of a Local Supplier – The present definition, whilst used by some councils represents merely a base line definition aimed at satisfying legislation and nothing more. It is recommended that the definition of a local supplier be strengthened to ensure that preference is clearly given to genuine local suppliers. Suggestions are made as follows:

- Supplier to be required to produce an ABN indicating that the principal place of business is in the McKinlay Shire
- Supplier owns a premises or depot and operates from a registered and compliant business premises within the town of Julia Creek or one of the smaller communities within the Shire e.g. Kynuna, McKinlay etc.
- Supplier provides proof of employment of residents of the McKinlay Shire area.

Should Council not wish to move to such a restrictive definition of a local supplier then the following options are put for Council consideration:

Local Businesses could be categorised using the following criteria or something similar:

Category 1

The business owns or leases a compliant registered business premises or depot located in the town of Julia Creek or one of the smaller communities within the shire, employs people residing in the shire and owners permanently reside in the shire and the business or owners are ratepayers.

Category 2

The business owns or leases a compliant registered business premises or depot located in the shire area, employs people residing in the shire and are ratepayers or permanent residents of the shire.

Category 3

Non-local business.

After strengthening the definition of a local supplier, it is recommended that Council consider setting a range of margin percentages allowable for suitably qualified local suppliers in the tendering/quotation for the supply of goods and services.

As a suggestion the following are presented for consideration:

- <\$5,000 – Category 1 - 10% margin; Category 2 – 5% margin
- \$5,001 to < \$15,000 – Category 1 - 10% margin; Category 2 – 5% margin
- \$15,001 to < \$200,000 – Category 1 – 10% margin; Category 2 - 4% margin
- \$200,000 to < \$1,000,000 - Category 1 - 6% margin; Category 2 – 4% margin
- > \$1,000,000 – no local weighting

In conjunction with the above it is also recommended that Council consider amendments to its criteria and weightings detailed above as follows:

At present Pricing is set at 60% and Local Business at 10%.

For Council consideration it is recommended that the two categories be combined and described as "Adjusted Price". The adjusted price would be calculated as the contractor quoted price less the applicable local discount percentage. In view of comments made above regarding excessive weighting to pricing and its unintended adverse implications for small local business it is recommended that the "Adjusted Price" be weighted at 50%.

In addition, again for council consideration the following weighting schedule/decision matrix is provided:

Conformance – i.e. quote completed in full & meets all requirements – YES/NO

Availability – start when required and available for full period of job – YES/NO

Adjusted Price – 50%

Quality Control & Statutory Compliance – 10% i.e. WH&S, Insurance, Drug and Alcohol, QA System, Individual Operator Competency

Plant Suitability – 10%

Operator Experience – 10%

Documented Work History – 10%

Financial & Management Capability – 10%

Julia Creek Hardware Purchases

Audit testing indicated that Council has adopted a special procedure and process for purchases through this supplier.

Purchase Orders are not used for goods purchased with orders being made in accordance with delegation levels up to a maximum of \$1,000 per order.

A Sales Order is completed by the supplier and this is returned to the Council office and signed off by the officer doing the original order.

The Finance Officer authorises the purchase and matches the Sales Order to the supplier invoice.

Payment is made on invoice for the first fortnight of the month and then on the reconciled statement at month end i.e. the second fortnight.

At present there are 13 internal council departments set up as having accounts with this supplier. Audit testing indicated that approximately 100 orders per month were being made with each allowed to have up to 8 items providing the \$1,000 cap is not breached per order.

Whilst testing did not indicate any non-compliance in this whole process it is recommended that Council undertake a review of items purchased by this method with the view to bringing some of the high-volume item back into the stores control.

Returning some items back to stores control will assist in ensuring accountability as the present process lacks any senior council officer oversight. The finance officer who is/was approving the purchase was doing so after the goods had been collected and cannot be charged with the responsibility of determining the need or otherwise of the purchase.

Pre-Qualified Suppliers of Plant Hire

On the basis of audit observation in relation to Council obtaining adequate information from intending suppliers above it is recommended that the following requirements be inserted into the expression of interest/quotation template:

1. Requirement to have accurate scales fitted to relevant plant items including loaders and excavators with preference for "Loadrite" X2350 scales for excavators and L2180 for loaders
2. Inclusion of a brief WH&S questionnaire to be completed by the intending contractor. This questionnaire would cover such matters as the existence of a WH&S management system with associated documentation, acknowledgment of requirement to follow Council system if none in place, existence of written safe work procedures and instructions and certification by contractor regarding any prior conviction of a WH&S offence.
3. Contractors should be required to sign a declaration on Drug and Alcohol Policy & Testing Procedures - Contractor as adopted by Council. This declaration would be prepared by Council and provided to the intending contractor along with the other standard documentation.
4. A specific section in the template be allocated to capturing insurance coverage details – including public liability, work cover and equipment insurance
5. The template should require the intending contractor to indicate whether they have a documented quality assurance system and attach such if they have one. Where a contractor does not have a documented system, a declaration should be made that they will follow Council's processes.
6. The template should require an intending contractor to include an Operator Detail Form for each employee operator and include copies of certificates, licences and any relevant memberships held.

By way of assistance it should be noted that there are a number of industrial checklists available for potential incorporation into the contractor template covering such matters as Minimum Compulsory Sign Requirements & Minimum Plant Equipment Requirements (plant safety items etc.). In addition, there are a number of useful Operator Competency Requirement checklists for Council to have contractors complete with regards to their plant operator employees.

Procurement Delegations Register

Audit recommends that Council review its delegations register with the view to reducing the number and category of council officers included as having purchasing authority. In view of the audit findings from testing of purchase vouchers etc. it is considered prudent to consider restricting approval authority. This would not involve removing authority to raise purchase requisitions but would apply to approvals.

At present the monetary delegations for \$15,000 and \$30,000 apply to the CEO, All Directors and the Works Manager. It is considered that in the interests of simplicity the two above bands be done away with and a single level of \$20,000 be used for these officers for a 12-month period. In addition, it is recommended that the officers' positions be clearly documented instead of using the generic term "Directors". Appropriate descriptions would include Director of Engineering Services, Director of Corporate and Community Services.

The \$5,000 level of delegation could be applied to Team Leaders – Environment and Regulatory, Community Services, Corporate Services, Economic Development, Stores Officer, Asset Maintenance Officer and Workshop Supervisor.

Audit further recommends that Council, after a review significantly reduce the delegated officers presently included in the \$500 and \$1000 level to a more manageable level, thus increasing accountability.

General Recommendations

The significant level of non-compliance highlights the need for Council to undertake some intense training for all Council officers in the procurement process when changes are adopted.

The Procurement area is a very difficult part of Council operations to have continuously functioning in an optimum compliant manner, especially when staff turnover at a senior level is high and Council has experienced problems retaining quality works supervisors, engineers etc.

As is always the case, unless the senior officers are able and willing to enforce compliance and act in a professional and ethical manner and are supported by Council then it is almost impossible to retain a high standard required for effective operations in this area.

Whilst Audit has made recommendations for changes in a number of areas of Council's procurement function, these changes, even if adopted will amount to very little if the procedures and controls are not adhered to by council officers.

Even if Council decides against any of the recommended changes contained herein and retains the existing policy and procedures than at the very least Audit's view is that Council must take steps to ensure compliance. This may be done through a combination of education and an effective use of disciplinary options available to Council in its HR policies.



9.4 Subject: LATE - Procurement Obligations for Leasing and Trustee Permits

Attachments: Letter of Advice from Preston Law *InfoXpert ID: 98281*

Author: Chief Executive Officer

Executive Summary:

Following on from the recent flooding event, a couple of issues have arisen:

1. As the leased areas have been inundated by flood waters, fencing damaged or destroyed and stock losses incurred, does Council wish to place a moratorium on the payment of lease/permit fees until the trustee permits expire on 28 February 2019?
2. Does Council wish to continue with calling of tenders for the land in question?
3. As the land in question has suffered from severe flooding, it would seem inappropriate to do so until the land has recovered and fencing restored or repaired.
4. It would also seem appropriate that Council could offer the current tenants a Trustee Permit over the land until such time as the land and infrastructure has recovered. Tenders are not required for Trustee Permits.
5. Should Council consider that 4. above might be appropriate, Council could consider a period of 12 months for a Trustee Permit over the land, should the current tenants re-apply.
6. Other leased areas may also be impacted so it may be appropriate to waiver any fees due as a result. Each could be assessed on merit.

Preston Law has sent a letter of advice, in response to these issues. See following attachment.

Recommendation:

That Council determines how to proceed with seeking tenders on flood affected land and how to proceed with currently leased areas, based on the legal advice provided by Preston Law.

Background:

Nil

Comments:

Nil

Consultation:

- Chief Executive Officer
- Preston Law

Legal Implications:

- Land Act 1994
- Local Government Regulation 2012

Policy Implications:

Nil

Financial and Resource Implications:

Nil

InfoXpert Document ID:

98282

CEO

From: Julian Bodenmann <jbodenmann@prestonlaw.com.au>
Sent: Thursday, 7 February 2019 3:13 PM
To: CEO
Cc: Eleanor Scott
Subject: FW: Procurement Obligations for Leasing and Trustee Permits [PL190044]
Attachments: Letter to Council.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Des,

I refer to your email of 31 January, and I have revisited our advice following your email.

The advice was a little unclear in how it described a "Trustee Permit" and a "permit to occupy".

Council can grant a permit to occupy over its freehold land. Under the *Land Act 1994*, Council, as the trustee of a reserve, can grant a Trustee Permit. Permits to occupy and trustee permits give similar, non-exclusive use rights over the land on which the permit is granted. We agree that those permits – whether a permit to occupy or trustee permit – can be granted without the need to seek tenders.

I have read the extract of the Commentary you provided to me and agree with the conclusions drawn there.

To clarify that aspect of our advice, I have amended the advice and **attach** the amended version.

The issue remains that some interim arrangement needs to take place to cover the period between when the current occupants' lease ends, and when a new lease can be granted. A form of tenure that does not require Council to first call tenders – whether it is a permit to occupy, a trustee permit or an agreement – will serve that purpose.

Des, I trust this assists and apologies for the confusion here. If you wish to discuss further, please don't hesitate to contact me or Eleanor.

Regards,



Julian Bodenmann | Associate | **Preston Law**
jbodenmann@prestonlaw.com.au | T +61 7 4052 0717 | F +61 7 4052 0777
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Preston Law is a Local Buy pre-approved supplier and platinum partners of LGMA Queensland.

Our Ref: Julian Bodenmann:190044
Direct line: 07 4052 0717
Direct email: jbodenmann@prestonlaw.com.au
Partner Responsible: Eleanor Scott



7 February 2019

Chief Executive Officer
McKinlay Shire Council
PO Box 177
JULIA CREEK QLD 4823

By Email: ceo@mckinlay.qld.gov.au

Dear Sir

Contracting and Procurement Requirements

We refer to your emails to Eleanor Scott in relation to the above matter.

Background and Instructions

Council is the freehold owner and trustee of various parcels of land in its local government area that are subject to leases, licences, permits to occupy and other forms of tenure, some of which are expiring in 2019.

Council has sought our advice regarding what procurement requirements apply to any new tenure arrangements for those lots.

Executive Summary

1. The general rule is that Council must seek tenders before selling land, entering into leases or otherwise disposing of an interest in land, including trust land.
2. There are some exceptions to the general rule, but these exceptions apply only in very limited circumstances, and strictly in accordance with the provisions *Local Government Regulation 2012* ("LGR"). The exceptions are summarised in this advice.
3. One exception is that Council can enter into a new lease with an existing tenant without inviting tenders, provided the lease terms are the same as the original lease.
4. There are also some circumstances in which a lesser form of land tenure than a lease – for example, a permit to occupy or a non-exclusive licence – may not require tenders. However, Council should carefully consider each arrangement on a case-by-case basis.
5. Unless Council is satisfied that one of the exceptions will apply, we recommend that Council invites tenders where selling or leasing land, so that it can be sure that the disposal is made in accordance with Council's obligations under the LGR to ensure transparency, accountability and value for money.

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Summary of Legal Position

Under the *Local Government Regulation 2012* ("LGR"), Council may only dispose of a valuable non-current asset by tender or auction.

A "valuable non-current asset" includes land (whether held in freehold or as a reserve) and plant and equipment.

"Disposal" of the asset will generally include a sale or lease of the asset which would give a right of exclusive possession against all others.

In the context of land, other less secure forms of tenure are generally not recognised as being "disposals" of land. For example, legal commentary suggests that a permit to occupy under the *Land Act 1994* or a non-exclusive licence agreement is not a disposal of land

However, this should be examined carefully on a case-by-case basis to ensure Council is not in fact granting an exclusive interest in the Land.

Exceptions

Section 236 of the LGR lists exceptions to the disposal of land other than by tender or auction. The exceptions can be used:

- where Council had previously called tenders or an auction, but the land was not leased or sold (eg no bids or offers received);
- where the lease or sale is to a government agency or a community (eg not for profit) organisation;
- for a lease of non-rateable land;
- for a lease for purposes consistent with Aboriginal tradition;
- for a lease to an existing tenant (which is explained further below);
- for a lease or sale to an adjoining landowner (eg where no other adjoining landowner exists);
- for a lease or sale other than for money (eg in a land exchange);
- for a lease for a telecommunications tower or for airport purposes;
- where the Minister exempts Council from complying.

Under section 236(2) of the LGR, Council must pass a resolution at a Council meeting to apply the exception before entering into the arrangement.

Renewing an existing lease

Council does not need to invite tenders if Council is renewing a lease with an existing tenant.

However, this exception can only be applied if Council enters into the new lease with the existing tenant on exactly the same terms as the prior lease.

If Council sought to enter into a new lease with an existing tenant, but on different terms (including, for example, a rent increase above the usual rent review mechanism as set out in the original lease),

Council cannot rely on this exception and will need to invite tenders in accordance with the contracting provision of the LGR for a new lease.

Trustee Leases

As you are aware, Council in many instances is a trustee of reserve land which has been set aside for a particular public purpose under the *Land Act 1994* ("**Land Act**").

For the disposal of interest in trust land, Council, as the Trustee, must comply with both the LGR and the Land Act.

Where the disposal is the grant of a trustee lease over trust land, the trustee lease must include the State's mandatory standard terms which are required by the State for a lease over trust land and which includes that:

- the trustee lease must be consistent with the purpose for which the trust land was dedicated;
- the maximum term of a trustee lease is 30 years, unless the lease is for a community or sporting organisation, in which case the maximum term is 20 years;
- the trustee lease cannot include a right of renewal although a new trustee lease can be entered into with an existing tenant if an exception applies;
- improvements generally become the property of the State unless the Minister agrees otherwise;
- the trustee lessee must take out and hold public liability insurance in the order of \$20 million against any claim for loss or damage for the term of the trustee lease.

Licences and permits to occupy

Council may also consider the issue of licences or permits to occupy to use freehold land which is owned or held by Council.

A licence or permit to occupy are issued for a non-exclusive use and are generally issued for a short-term purpose such as agistment or an event on Council freehold land.

If the tenure is reserve land, a Trustee Permit for the use of Reserve land under the *Land Act 1994* may be used for these purposes.

A licence, permit to occupy or trustee permit can be issued without the need to comply with the contracting provisions of the LGR, provided the licence or permit does not constitute a disposal of an interest in land (being a sale or lease, or another type of exclusive use of the land).

Term Leases

In some circumstances, Council may also be the holder of a term lease over State land which is granted under the Land Act and Council may decide to sublease the term lease to a third party.

The contracting and procurement provisions of the LGR will also apply with respect to a sublease of a State issued term lease.

A sublease of State land will be subject to the State's mandatory standard terms.

The State's mandatory standard terms are similar to those that apply with respect to trust land.

In all cases, the terms and conditions of a sublease must be consistent with the terms and conditions of the term lease.

Consequences of failing to comply

If Council intends to sell or lease land, including by way of a trustee lease or permit over trust land, Council will be required to comply with the contracting and procurement requirements of the LGR unless an exception applies.

If Council fails to comply with the contracting and procurement requirements as set out in the LGR, the potential consequences are:

- the lease or interest granted may be invalid and could be set aside by a Court. That could expose Council to a claim in damages by the party whose lease or interest is being set aside;
- Council could be sued by a third party on the basis that the third party may have won a tender had tenders been called, and the third party suffered loss because Council did not give them an opportunity to tender. Case law shows that an action on this basis has fairly poor prospects of success, but it is still a possibility and costly to defend;
- Council could be the subject of compliance action and/or another type of investigation by the State Government or third-party agencies such as the Crime and Corruption Commission if it fails to comply with its procurement requirements.

The LGR is drafted in such as way that local governments are required to obtain the best value for money by going to the market when making land held by the local government available to third parties unless an exception applies.

We trust this assists. If you wish to discuss, please contact Julian Bodenmann on 07 4052 0717 or Eleanor Scott on 07 4052 0736.

Yours faithfully



Julian Bodenmann
Associate
for **PRESTON LAW**



Ordinary Meeting of Council Monday 25th February 2019

9.5 Subject: LATE – Default Contracting Procedures

Attachments: Register of Delegations *InfoXpert ID: xxxxx*

Author: Chief Executive Officer

Executive Summary:

Section 235 Contracting-Other exceptions of the LGR 2012 states that a local government may enter into a contractual arrangement without first inviting written quotes or tenders if-

Among other things:

(c) a genuine emergency exists

As we are in the recovery stages of an emergency of some significance and emergent works are occurring, it would be prudent to resolve that as additional plant and equipment is required during this phase, Council resolve to delegate to the Chief Executive Officer the authority to engage suitable plant and equipment to carry out emergent works on a needs basis.

This recommendation is to cover the likelihood of suppliers already on our preferred supplier list being able to hire in additional plant not covered by the preferred supplier list to do emergent works on Councils behalf.

Recommendation:

That Council resolves to delegate, to the CEO, the authority to engage suitable plant and equipment to carry out emergent works on a needs basis.

Background:

Nil

Comments:

Nil

Consultation:

Nil

Legal Implications:

- Local Government Regulation 2012

Policy Implications:

Nil

Financial and Resource Implications:


Nil

InfoXpert Document ID:

N/A

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
			<i>Government Regulation 2012</i>		
	Chief Executive Officer	Power to enter into a contract for goods and services under an LGA arrangement.	Section 234(1) <i>Local Government Regulation 2012</i>		
	Chief Executive Officer	Power to enter into a medium-sized contractual arrangement or large-sized contractual arrangement in circumstances specified in section 235 <i>Local Government Regulation 2012</i> .	Section 235 <i>Local Government Regulation 2012</i>		



9.6 Subject: LATE – Report for Carcass Disposal Strategic Master Plan

Attachments: Carcass Disposal Strategic Master Plan

Author: Mayor

Executive Summary:

Councillors were presented the draft plan and took part in discussions surrounding the detail of the plan and process for the expenditure of the funds

Post these discussions on Thursday 22nd of February all five Local Government areas involved agreed to and signed the Strategic Master Plan giving full consistency across the region

A copy of the plan is now publically available and the process for the distribution of the funds through the Local Government direct to affected landholders is being implemented.

Recommendation:

That Council resolve to receive and accept the Carcass Disposal Strategic Master Plan and implement in its entirety including the dispersal of the funds allocated by the Federal Government as identified in the plan.

That Council will consider the dispersal of any funds that remain unallocated post the application closing date of the 31st May 2019

Background:

As a result of the recent rain and flooding event a taskforce was directed to develop a Strategic Master Plan around carcass disposal to ensure the health and wellbeing of the communities effected. The taskforce compiled information and collaborated with all levels of government Local, State and Federal to develop the plan.

Additionally Council was allocated \$1 million to assist the directly impacted parts of the community in this effort being the shire cattle producers.

Comments:

Nil

Consultation:

- Local Government
- State Government
- Federal Government

Legal Implications:

Nil

Policy Implications:

Nil

Financial and Resource Implications:

N/A

InfoXpert Document ID:

N/A



Greg Campbell
Mayor, Cloncurry Shire



Jane McNamara
Mayor, Flinders Shire



Belinda Murphy
Mayor, McKinlay Shire



John Wharton, AM
Mayor, Richmond Shire



Gavin Baskett
Mayor, Winton Shire

JOINT MEDIA RELEASE

Thursday 21 February 2019

North-west Queensland councils welcome Carcass Disposal Strategic Master Plan

The Mayors of Cloncurry, Flinders, McKinlay, Richmond and Winton today welcomed the direct financial assistance made available to the region’s primary producers through the Carcass Disposal Strategic Master Plan.

Councils have worked closely with state and federal agencies, as well as a team of Australian Defence Force specialists based in Julia Creek, to develop an immediate action plan that will help the region in its initial recovery from one of the nation’s worst natural disasters.

We acknowledge the endorsement of this plan from Assistant Minister for Home Affairs, Senator the Hon Linda Reynolds, on behalf of the Prime Minister, and thank the Australian Government for the close attention it has paid to our concerns since the disaster struck.

We also thank the Queensland Government, represented by Minister for Agricultural Industry Development and Fisheries, the Hon Mark Furner, for its support throughout this process.

Of particular note, we welcome the direct financial support made available to flood-affected producers through the Carcass Disposal Assistance Grant. This one-off \$5,000 direct payment will be easy to access and is a vital pillar of this plan as we get on with the job.

This plan means we have taken decisive action to mobilise the resources we have right here at home that will help safeguard the most important thing to our communities – the health and wellbeing of our constituents.

We could not have put this plan together without input and guidance from those whom this plan is designed to serve – our region’s primary producers.

Their resilience, and steadfast determination to help not only themselves but also their neighbours to get back on their feet, has been an inspiration to us all.

With the sign-off today of the Carcass Disposal Strategic Master Plan, the transition from an initial major disaster response under Joint Task Force 646 and the leadership of Brigadier

Stephen Jobson, CSC, to a Queensland State Disaster Recovery Coordination effort led by Major-General Stuart Smith (Retired) has begun.

This transition, which will be conducted in a coordinated and calculated manner that ensures we will continue to receive the support we need, has commenced after close consultation with – and endorsement from – our councils.

The scale of this disaster was unprecedented and our recovery will take time. However, we now have a robust plan that ensures we are firmly on a path to a steady and timely recovery, which will set us up for future success.



10. WORKPLACE HEALTH AND SAFETY

Workplace Health, Safety and Risk Report

DATE; 7 February 2019		<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Yearly	<input type="checkbox"/> Two Yearly
January 2019					
Objectives of WH&S Management System Plan 2019-2021					
<ol style="list-style-type: none"> 1. Comply with the intent of the Workplace Health and Safety Act 2011 in preventing a persons death, injury or illness being caused by a workplace, by a relevant workplace area, by work activities, or by plant or substances for use at a workplace 2. Contribute to a Management framework that allows all work areas to manage WH&S in a preventative way; 3. Ensure that WH&S is an integral part of effective business practice; and 4. Clearly state the principles for managing WH&S and how the organisation is expected to perform in accordance with legislative requirements <p><i>The primary objective is to provide a structured methodology to conduct all WH&S matters over an annual cycle.</i></p> <ol style="list-style-type: none"> 5. McKinlay Shire Council (MSC) Management team have identified the top 5 work health and safety risks to Council for 2019 and will be reviewed annually. These are:- <ul style="list-style-type: none"> • Verification of Competency (VOC) • Contractor Management • Risk Management • Fit for work • Plant Risk Management 					
Quarterly KPI's		Measurement / Score	Detail / Information		
80% of completed items indicated in MAP's		58%	See MAP's, Per month and accumulative tally		
20% of carry over items indicated in MAP's		42%			
Quarterly KPI's		Measurement / Score	Detail / Information		
Progressive Statistics as above		✓	See MAP's Table following on P3 of this Report, Per month and accumulative tally		
Progressive incidents, LTI's and days lost over the year;		✓	Incident and Event Statistical information collated on P4 of this Report, Per month and accumulative tally		
Progressive lost time frequency and duration rates compared to the scheme		✓			
Progressive costs of claims over the year;		✓	LGMS Dashboard Information, P6 of Report		
Hazard inspections completed as per the Hazard Inspection Matrix		✓	See Hazard Inspection Table on P7		
Yearly KPI's		Measurement / Score	Detail / Information		
Progressive monthly statistics as above		✓	See MAP's Table following on P3 of this Report, Per month and accumulative tally		
Progressive incidents, LTI's and days lost over the		✓	Incident and Event Statistical information		

year;		collated on P4 of this Report, Per month and accumulative tally
Progressive lost time frequency and duration rates compared to the scheme	✓	LGMS Dashboard Information, P6 of Report
Progressive costs of claims over the year;	✓	LGMS Dashboard Information, P6 of Report
Hazard inspections completed as per the Hazard Inspection Matrix	✓	See Hazard Inspection Table on P7
Results of Internal WH&S Management System Audit or the WHSA Annual Assessment Report	January 2019	To Schedule 2019 - Schedule for Handover with new Resource
Two (2) Yearly	Measurement / Score	Detail / Information
Progressive Monthly and 3 monthly statistics as above	✓	See the following tables for statistical outcomes.
Results of an external WHS Management Systems Audit or the WHSA's Annual Assessment Report	50%	External LGW Audit Scheduled for; 13 th November 2017
Completion of the two yearly MAP's	N/a	Scheduled for January 2019
Results of the overall, two yearly injury trend analysis	N/a	Scheduled to culminate January 2019 Ongoing statistical information following
Additional Objectives (WH&S Management System Plan 2017 / 2018)	Measurement / Score	Detail / Information
Sufficient resources trained to conduct SafePlan's Internal WHS Management Systems Auditing.	TBC	To be completed when a permanent resource is secured.
The audit report will be accompanied by a Rectification Action Plan (RAP) that will be forwarded to the CEO, Senior Management and then to the WHS Committee for discussion.	✓	Monthly Action Plan for September ready for sign off.
The RAP is to be included in the WHS Plan for the next two years.	✓	Ongoing, Complete to January 2019
Actions Register; number of actions outstanding	✓	See the Actions Register Table at P7
Training / Information completed as per 'Matrix for T5 Papers' / mapped training E3 LMS.	✓	In process of change over of systems, See Compliance training table at P8
Prestarts and Toolbox Meetings completed	✓	See Table at P10 for Consultation completions
Key Outcomes		
<ol style="list-style-type: none"> 1. Management and workers display commitment and involvement in achieving a safe and health workplace 2. Appropriate consultative mechanisms are implemented 3. Safe systems of work are implemented and maintained 4. Plant and equipment is maintained in a safe condition 5. All workers receive supervision, instruction, information & induction training in all matters pertaining to WHS 6. Reporting of all accidents / incidents & mishaps & / or systems that may be related to WHS risks at workplace 7. Effective rehabilitation programs with early intervention to assist injured workers back into the workplace 		

8. The provision & maintenance of workplaces and equipment where risk to people is eliminated or minimised;
9. Provision of personal protective clothing & equipment, where appropriate, for control of workplace hazards

Note all of the above KPI's are mandatory and MUST be reported on as directed

Reference;

SafePlan2 WHS Management System Plan 2017 / 2018, MSC Ver 1 02/2017

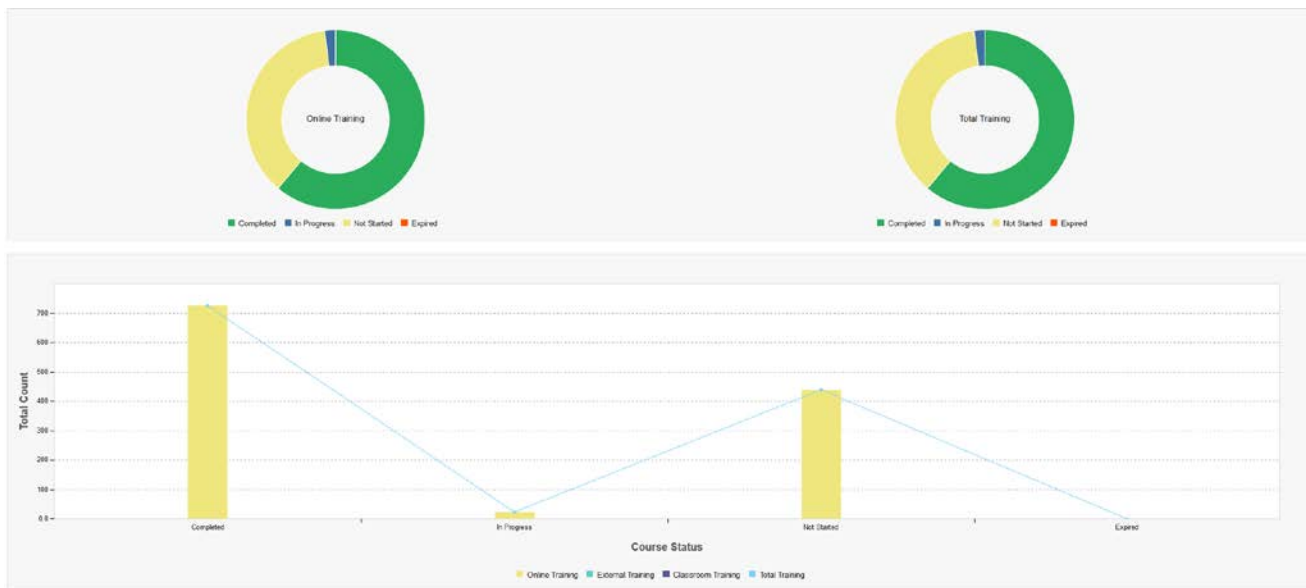
Procedure, Performance Measures, April 2015 and

Procedure, WH&S Incentives and Awards, March 2014

Compliance Training

As per WHS Management System Plan 2017 2018

E3 LMS (Online) Training initiated April 2018



Upcoming training for January;

- Nil, we will be catching up on already scheduled training.

Key Performance Indicators

As per 'Schedule, Hazard Management Inspection Register', and WHS Management System Plan 2017 2018

Including Monthly Action Plans (MAP's) as per WH&S Management System Plan 2017 2018

MONTH	Quarterly Action Plans (MAP's)						Audits / Hazard Inspections			Actions; Insp & Audits	WH&S Audits & Observ.	Consultation		Risk Management		Comments / Information
	#	Total	Close Out	Comp %	Target	Transferred to CAR	Sched	Complete	Not Comp			P/Start	T/box	JSEA's & SWMS's	Plant & Equip	
Jan-19	12	12	7	58%	80%	5	42%	0	0	0	0	57		4		
Feb-Mar 19	19				80%	10										
Apr-Jun 19	12				80%	11										
Jul-Sep 19	12				80%	12										
Oct-Dec 19	12				80%	0										
Jan-Mar 20	17				80%	0										
Apr-Jun 20	12				80%	0										
Jul-Sep 20	11				80%	0										
Oct-Dec 20	11				80%	0										
Jan-Feb 21	15				80%	0										
Total 2018	133		7	58%	80%	11	42%	0	0	0	0	57	0	4	0	

OUTSTANDING ACTIONS	Extreme Risk	High Risk	Moderate Risk	Low Risk	Details / Comments
Total 198	1	43	130	24	At 07/02/19

Extreme Risk; Identified issue with access to Kynuna Bore, EWP Access only – remove platform and ladder (dangerous)

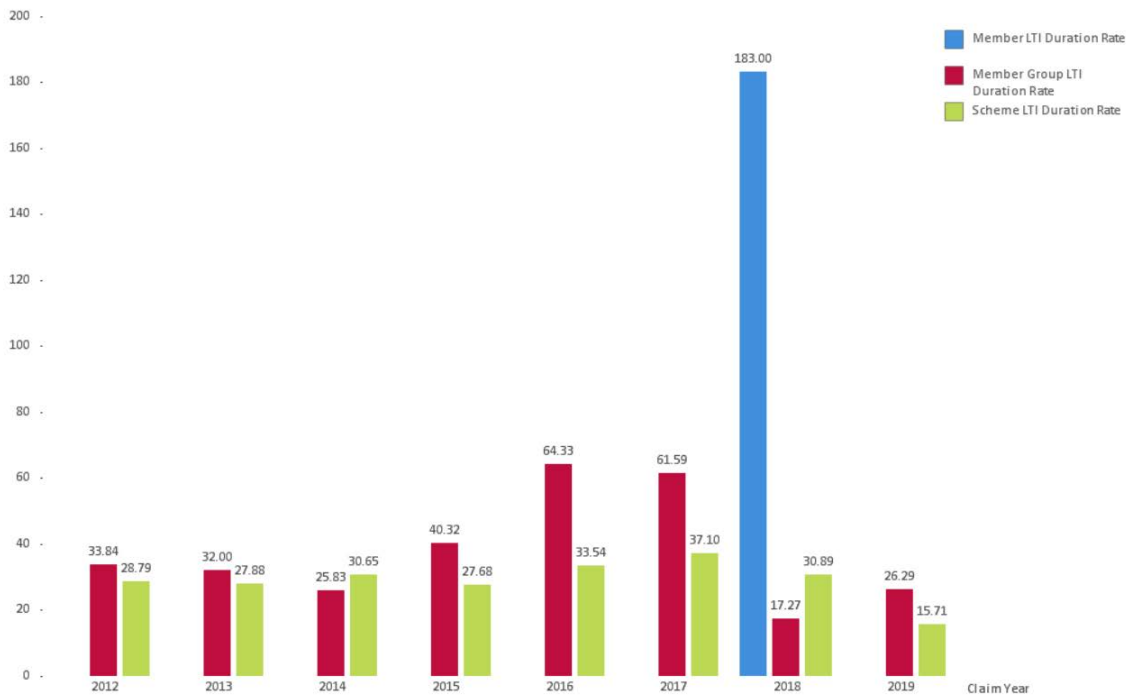
Actions are identified via Inspections, Audits, Incidents etc. and their risk assessed, with preventative or corrective actions identified to control the risk – this process improves the Health, Safety and compliance of the business

LGW

As at 7th February 2019;

LGW

1 x WorkCare Claim to date \$209k (2017 Incident), 2 x General Insurance Claims \$140k (1 is a 2017 Incident)



Comparison of MSC (blue)

To

Overall member group (red)



ABN 46 448 426394

Incidents and Events

MONTH	Total Reports	Injuries						Damage		Environ.	Breach	Near Miss
		FAI	LTI	LT & RRTW Days	MTI	Report Only	Not work Related	Plant, Equ & Property	Vandalism	Spills	Procedural	
Jan-18	1						1					
Feb-18	2	1						1				
Mar-18	0											
Apr-18	0											
May-18	1							1				
Jun-18	1							1				
Jul-18	2	1							1			
Aug-18	0											
Sep-18	1				1							
Oct-18	0											
Nov-18	0											
Dec-18	0											
Total 2018	8	2	0		1	0	1	3	0	1	0	0
TOTAL 17 / 18	47	7	3		4	2	5	18	1	1	1	5
Monday	6	13%				0600 to 1200	19	40%				
Tuesday	16	34%				1200 - 1600	7	15%				
Wednesday	5	11%				1600 - 0600	6	13%				
Thursday	10	21%				Unknown	15	32%				
Friday	7	15%										
Sat / Sun	3	6%										
	47	100%					47	100%				

Incidents for MSC

2018 YTD

Occurrence of incidents;



11. MEMBERS BUSINESS

12. CLOSE