



AGENDA

Ordinary Council Meeting

Tuesday, 21 March 2023

I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Tuesday, 21 March 2023

Time: 9:00am

Location: Mapoon Aboriginal Shire Council Chambers

**Tom Smith
CEO**

MEETING NOTICE



Reminder

You are respectfully advised that the above Meeting is Scheduled as follows:

Date:	<i>Tuesday 21st March 2023</i>
Time:	<i>9.00am</i>
Location:	<i>Mapoon Aboriginal Shire Council Meeting Chamber</i>

The Meeting will be chaired by Trustee Aileen Addo, Mayor.

Meeting refreshments will be provided.

Tom Smith

Chief Executive Officer

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- 1 OPEN MEETING**
- 2 LEAVE OF ABSENCE**

3 CONFIRMATION OF MINUTES

3.1 MINUTES OF THE COUNCIL HELD ON 21 FEBRUARY 2023

Author: Tom Smith, CEO

Authoriser: Tom Smith, CEO

Attachments: Nil

HEADING

[Type text here](#)

RECOMMENDATION

1. That the Minutes of the Council held on 21 February 2023 be received and the recommendations therein be adopted.
2. [Type text here](#)



MINUTES

Ordinary Council Meeting

Tuesday, 21 February 2023

**MINUTES OF MAPOON ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE MAPOON ABORIGINAL SHIRE COUNCIL CHAMBERS
ON TUESDAY, 21 FEBRUARY 2023 AT 9:00AM**

PRESENT: Mayor Aileen Addo (Chair), Cr Dawn Braun, Cr Daphne de Jersey, Cr Cameron Hudson

IN ATTENDANCE: Tom Smith (CEO) Minute Taker

1 OPEN MEETING

9:25am meeting commenced

2 LEAVE OF ABSENCE

Nil

3 CONFIRMATION OF MINUTES

3.1 MINUTES OF THE COUNCIL HELD ON 17 JANUARY 2023

MOTION

Moved: Cr Cameron Hudson

Seconded: Cr Daphne de Jersey

1. That the Minutes of the Council held on 17 January 2023 be received and the recommendations therein be adopted.

4 MATTERS ARISING FROM THE MINUTES

5 CONFIDENTIAL REPORTS

Nil

6 MAYOR AND COUNCILLOR REPORTS**Mayor Aileen Addo**

Council Meeting	17/01/23
Weipa Symposium	19/01/23
Economic Development	04/02/23
Chris Coutts	06/02/23
Local Thriving Communities	07/02/23
Apunipima	09/02/23
Justice Group	10/02/23
ATSI Housing	14/02/23
QLD Police	15/02/23
Opening Ceremonies	15/02/23
Cynthia Lui	15/02/23
TWG	16/02/23

Deputy Mayor Daphne De Jersey

Council Meeting	17/01/23
Opening Ceremonies	15/02/23
Cynthia Lui	15/02/23
QLD Police	15/02/23
Director General	15/02/23

Councillor Dawn Braun

Council Meeting	17/01/23
Community Day	27/01/23
Economic Development	04/02/23
Opening Ceremonies	15/02/23
Cynthia Lui	15/02/23
QLD Police	15/02/23
Director General	15/02/23

Councillor Cameron Hudson

Opening Ceremonies	15/02/23
Cynthia Lui	15/02/23
QLD Police	15/02/23
Director General	15/02/23

RESOLUTION C012/23

Moved: Cr Dawn Braun

Seconded: Cr Daphne de Jersey

That Cr Cameron Hudson will represent Mapoon Aboriginal Shire Council at the Weipa Symposium March 23 and 24 2023.

CARRIED

7 OPERATIONAL REPORTS**7.1 CEO MEETINGS****PURPOSE OF REPORT**

To outline the CEO meetings on behalf of or as a representative of Council

RESOLUTION C013/23

Moved: Cr Dawn Braun

Seconded: Cr Daphne de Jersey

That Council receives and notes CEO Meetings Report

CARRIED

7.2 EXECUTIVE MANAGER OF COMUNITY SERVICES & ECONOMIC DEVELOPMENT**PURPOSE OF REPORT**

Present Council with a report of program performance and operational activity for the previous month of January 2023.

RESOLUTION C014/23

Moved: Cr Daphne de Jersey

Seconded: Cr Cameron Hudson

That the Report of the Executive Manager Community Development be received and noted.

CARRIED

10:45am Council break meeting

11:06am Council re-commence meeting

7.3 EXECUTIVE MANAGER OF INFRASTRUCTURE AND WORKS**PURPOSE OF REPORT**

Present to Council a report of program performance and operational actions for the previous month.

RESOLUTION C015/23

Moved: Cr Cameron Hudson

Seconded: Cr Dawn Braun

- Sheds have been tendered and only one quote received the quotes are within budget. RFQ sent to NQ Sheds, Total Span Sheds and Wipe Span sheds as per procurement policy.
- Quote are attached from Wide span sheds \$67,290.91 Ex GST for large shed and \$37,254.55 Ex GST for smaller shed.
- Combined the costs are outside the CEO delegation Council instruction required to purchase.

That That the Report of the Executive Manager of Infrastructure and Works be received and noted.

That the Council Instruct the CEO to Purchase Sheds for the Ranger base Project.

CARRIED

7.4 DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE FOR NEW CEMETERY & RECONFIGURATION LOT 802 CULLEN POINT ROAD**PURPOSE OF REPORT**

To present information on a Material Change of Use & subsequent re-configuration of Lot 802 Cullen Point Road.

RESOLUTION C016/23

Moved: Cr Cameron Hudson

Seconded: Cr Dawn Braun

The Council is the Local Government Authority for the Mapoon Aboriginal Shire area and the Trustee of the Mapoon Deed of Grant in Trust (DOGIT). As the Local Government Authority, Council as duly elected representatives of the community, through local decision making has

the responsibility of deciding what is in the best interest of the community, advancing a thriving community.

It is considered that approving (with conditions) the Material Change of Use for Cemetery and associated Reconfiguring a Lot (1 into 2) and Operational Works (clearing vegetation) at Cullen Point Road to create a new cemetery is of benefit to and representative of the aspirations of the Mapoon community.

Council as the Local Government Authority and Trustee of the DOGIT resolves to approve (subject to conditions):

- a. The Development Application lodged with Council for:
 - i. Material Change of Use for a new Cemetery Lot 802 SP333339 part of Lot 4 SP333331 Cullen Point Road, Mapoon
 - ii. Reconfiguring a Lot 4 SP333331 (1 into 2 Lots) to create Lot 802 SP333339 and balance Lot 4 SP333339 at Cullen Point Road, Mapoon
 - iii. Operational Works (Clearing of Vegetation) Lot 802 SP333339 part Lot 4 SP333331 at Cullen Point Road, Mapoon

CARRIED

7.5 DEVELOPMENT APPLICATION - PUBLIC ROADS A-RAE & CHAKARRA STREETS

PURPOSE OF REPORT

Additional information for adoption to support Council Resolution C206/22. This will support the Survey Plan registration for relevant developments.

RESOLUTION C017/23

Moved: Cr Cameron Hudson

Seconded: Cr Daphne de Jersey

The Council is the Local Government Authority for the Mapoon Aboriginal Shire area and the Trustee of the Mapoon Deed of Grant in Trust (DOGIT). As the Local Government Authority, Council as duly elected representatives of the community, through local decision making has the responsibility of deciding what is in the best interest of the community, advancing a thriving community.

It is considered that the approving of the dedicating and surrender of the public road to enable residential development is of benefit to, and representative of the aspirations of the Mapoon community.

1. Council as the Local Government Authority and Trustee of the DOGIT resolves to
 - a. note Council Resolution C206/22 dated 26 October 2022
 - b. surrender and dedicating A-Rae & Chakararra Streets as depicted on plan PR151629-7 A as public roads in terms of section 94 of the Land Act 1994.
 - c. applies to the Minister responsible for administering the Land Act 1994 for the surrender of part of the DOGIT in terms of Section 55 of the Land Act 1994 for public road purposes.
 - d. acknowledge the land administration actions incidental to, and necessary, to facilitate lodgement and registration of the survey plan.

CARRIED

7.6 DEVELOPMENT APPLICATION - CUMBINA STREET**PURPOSE OF REPORT**

Additional information for adoption to support Council Resolution C108/22. This will support the Survey Plan registration for relevant developments.

RESOLUTION C018/23

Moved: Cr Cameron Hudson

Seconded: Cr Dawn Braun

The Council is the Local Government Authority for the Mapoon Aboriginal Shire area and the Trustee of the Mapoon Deed of Grant in Trust (DOGIT). As the Local Government Authority, Council as duly elected representatives of the community, through local decision making has the responsibility of deciding what is in the best interest of the community, advancing a thriving community.

It is considered that the approving of the dedicating and surrender of the public road to enable residential development is of benefit to, and representative of the aspirations of the Mapoon community.

1. Council as the Local Government Authority and Trustee of the DOGIT resolves to
 - a. note Council Resolution C108/22 dated 21 June 2022
 - b. surrender and dedicating Cumbina Street as depicted on plan PR151629-2 as public road in terms of section 94 of the Land Act 1994.
 - c. applies to the Minister responsible for administering the Land Act 1994 for the surrender of part of the DOGIT in terms of Section 55 of the Land Act 1994 for public road purposes.
 - d. acknowledge the land administration actions incidental to, and necessary, to facilitate lodgement and registration of the survey plan.

CARRIED

At 12:24pm pm, Cr Daphne de Jersey left the meeting.

At 12:26 pm, Cr Daphne de Jersey returned to the meeting.

At 12:26pm Council break meeting

At 12:52pm Council re-commence meeting

7.7 DEVELOPMENT APPLICATION - NOUIGA STREET**PURPOSE OF REPORT**

Additional information for adoption to support Council Resolution C113/21. This will support the Survey Plan registration for relevant developments.

RESOLUTION C019/23

Moved: Cr Dawn Braun

Seconded: Cr Cameron Hudson

The Council is the Local Government Authority for the Mapoon Aboriginal Shire area and the Trustee of the Mapoon Deed of Grant in Trust (DOGIT). As the Local Government Authority, Council as duly elected representatives of the community, through local decision making has the responsibility of deciding what is in the best interest of the community, advancing a thriving community.

It is considered that the approving of the dedicating and surrender of the public road to enable residential development is of benefit to, and representative of the aspirations of the Mapoon community.

1. Council as the Local Government Authority and Trustee of the DOGIT resolves to
 - a. note Council Resolution C113/21 dated 20 July 2021
 - b. surrender and dedicating Nouiga Street as depicted on plan PR149174-1 as public road in terms of section 94 of the Land Act 1994.
 - c. applies to the Minister responsible for administering the Land Act 1994 for the surrender of part of the DOGIT in terms of Section 55 of the Land Act 1994 for public road purposes.
 - d. acknowledge the land administration actions incidental to, and necessary, to facilitate lodgement and registration of the survey plan.

CARRIED

7.8 MAPOON SPRING WATER PROJECT

PURPOSE OF REPORT

The Purpose of this report is to authorise the appointment of Ms Kalair McArthur from Rural and Remote Development to complete the proposal for Feasibility of the Mapoon Spring Water proposal which has been proposed for over a year.

RECOMMENDATION

- a) That Council resolves to appoint Ms Kalair McArthur of Rural and Remote Development to complete the Business Plan and Project Plan for the Mapoon Shire Council Spring Water proposal under section 235(a) and (b) of the Local Government regulation because of the specialised nature of the services required.
- b) That council have the Mayor, CEO and SEC and departmental representatives and a member of OMAC to be part of the Specialist Working Group to assist the consultant complete the feasibility study.
- c) That council set aside \$5,000 dollars to complete the feasibility from the 2022/23 budget

This report will be reviewed in meeting March 21 2023.

7.9 EXECUTIVE MANAGER OF FINANCE

PURPOSE OF REPORT

Present to the council a report outlining program performance and operational actions for the previous month. This report contains listed activities and points for decisions in Council meeting.

RESOLUTION C020/23

Moved: Cr Cameron Hudson

Seconded: Cr Daphne de Jersey

That Council endorses the following Financial Reports for the financial period January 2023.

CARRIED

RESOLUTION C021/23

Moved: Cr Cameron Hudson

Seconded: Cr Dawn Braun

That council endorses the Procurement Policy Review.

CARRIED

7.10 EXECUTIVE MANAGER OF ENVIRONMENTAL SERVICES, LAND AND SEA, PARKS AND GARDENS**PURPOSE OF REPORT**

To present to Council a report of Program Performance and Operational action for the previous month

RESOLUTION C022/23

Moved: Cr Dawn Braun

Seconded: Cr Daphne de Jersey

That the report of Executive Manager of Environmental Services, Land and Sea and Parks and Gardens be received and noted.

CARRIED**7.11 LOCAL THRIVING COMMUNITIES****PURPOSE OF REPORT**

Mapoon Interim Local Thriving Communities.

RESOLUTION C023/23

Moved: Cr Cameron Hudson

Seconded: Cr Dawn Braun

That Council:

1. Notes the Interim Local Thriving Communities Meeting Report held 7th February 2023.
2. Notes Social Reinvestment Program planning for April underway.
3. Notes extension to CSP & Service Enhancement Funding to 31st December 2023.
4. Notes Mapoon Interim LTC Committee will undertake a review of Mapoon CSP March 2023 with recommendations to be presented to Council at the April or May Council Meeting.
5. Notes Mapoon Stakeholders Working Group Forum meetings to commence March 2023.

CARRIED

7.1 MAPOON ECOLOGICAL ASSESSMENT**PURPOSE OF REPORT**

Present Council with the study report of the Mapoon Ecological Assessment for adoption.

RESOLUTION C024/23

Moved: Cr Cameron Hudson

Seconded: Cr Dawn Braun

1. That Council Adopt it as Policy Documents
2. Publish the reports on the Council website with the Planning Scheme section

CARRIED**7.2 RFQ RECOMMENDATION FOR MAPOON SEWERAGE AND WATER RECOVERY FACILITY DETAILED DESIGN****PURPOSE OF REPORT**

To give Council recommendation for the delivery of the Mapoon sewerage and water recovery facility detailed design.

RESOLUTION C025/23

Moved: Cr Daphne de Jersey

Seconded: Cr Dawn Braun

That Council award the contract to AECOM for the lump sum Amount of \$484,341.00 EX GST

- That Council as Trustee commit \$195,000.00 from the trusts funds to contribute to the project cost.

CARRIED

7.3 DELEGATIONS - WASTE REDUCTION AND RECYCLING ACT 2011

PURPOSE OF REPORT

Mapoon Aboriginal Shire Council ("**Council**") is required to accept the Delegations from the Department of Environment and Science pursuant to the Waste Reduction and Recycling (Local Government) Delegation (No 1) 2019 ("**the WRRRA Delegation**") for the enforcement of illegal dumping offences under the *Waste Reduction and Recycling Act 2011* ("**WRRRA**").

Acceptance of the WRRRA Delegation for this purpose will enable Council's funding application for the Local Government Illegal Dumping Partnership Program to progress.

RESOLUTION C026/23

Moved: Cr Cameron Hudson

Seconded: Cr Dawn Braun

That Council resolves:

To accept the Delegation from the Department of Environment and Science pursuant to section 263(1)(b) of the Waste Reduction and Recycling Act 2011 and in accordance with the Waste Reduction and Recycling (Local Government) Delegation (No 1) 2019; and

That all powers referred to in the Instrument of Delegation attached to this Report are hereby delegated to the Chief Executive Officer of Mapoon Aboriginal Shire Council, pursuant to section 257 of the Local Government Act 2009.

CARRIED

7.4 HUMAN RESOURCES & WORK HEALTH SAFETY

PURPOSE OF REPORT

To present the Human Resources Consultants' Report for January 2023 to Council.

RESOLUTION C027/23

Moved: Cr Dawn Braun

Seconded: Cr Daphne de Jersey

That this report is noted and accepted by Council.

CARRIED

8 ANY OTHER BUSINESS**RESOLUTION C028/23**

Moved: Cr Cameron Hudson

Seconded: Cr Dawn Braun

That Deputy Mayor Kiri Tabuai has resigned from her post both as Deputy Mayor and Councillor.

CARRIED

RESOLUTION C029/23

Moved: Cr Dawn Braun

Seconded: Cr Cameron Hudson

That Council must appoint a Deputy Mayor in reference to the *Local Government Act 2009 Div 3 Sec 175 2*.

Council hereby appoints Cr Daphne De Jersey to the office of Deputy Mayor effective February 21 2023.**CARRIED**

9 CORRESPONDENCE IN**9.1 CORRESPONDENCE IN****PURPOSE OF REPORT**

To provide Council with copies of incoming information from outside sources regarding Council business

10 CORRESPONDENCE OUT

Nil

11 NEXT MEETING DATE

Proposed date for next meeting: 21 March 2023

12 CLOSE MEETING

The Meeting closed at 2:36pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 March 2023.

.....
CHAIRPERSON

4 MATTERS ARISING FROM THE MINUTES

5 CONFIDENTIAL REPORTS

Nil

6 MAYOR AND COUNCILLOR REPORTS

Nil

7 OPERATIONAL REPORTS

7.1 CEO MEETINGS

Author: Tom Smith, CEO

Authoriser: Tom Smith, CEO

Attachments: Nil

PURPOSE OF REPORT

To outline the CEO meetings on behalf of or as a representative of Council.

DISCUSSION

- The Mayor, Councillors and Chief Executive Officer attended a Council Meeting on Tuesday the 21st of February 2023
- The CEO and exec Elzebie Groenwald dial into a Teams meeting with Andrew Specht to discuss the IT audit for 22nd February 2023.
- The CEO had a Team's meeting With Executive Manager Kelli Leatham with Chloe Swiney around fire mitigation plans for the upcoming fire season on 23rd February 2023.
- The CEO had a welcome meeting with Alex Ung and Jenni Dillon from Unganco around the weeks training for staff on the MentorAPM app for Council assets on 27th February 2023.
- The CEO had a meeting with Sahan Kulathunge from Altius about the internal Audit taking that week on the 28th of February 2023.
- The CEO and Kelli Leatham had a team's meeting with Jenni McHugh and the other members of the WCSG around the upcoming symposium at the end of March on 2 March 2023.
- The Ceo had a Team's meeting with Burt Myburgh from Local Buy Vendor Panel on 3rd March 2023.
- The CEO And Councillor Braun attended the TCICA meeting in Cairns on 8th of March 2023.
- The CEO and Councillor Braun attended the Police Forum in Cairns on the 9th of March 2023.
- The CEO Attended Indigenous LG CEO Meeting in Cairns on the 10th of March 2023.
- The Coe Had a meeting with Kay Butcher from DESBT to discuss opportunities for skilling Queenslanders for work here in Mapoon on the 10th of March 2023.
- The Mayor, Deputy Mayor, CEO attended the stakeholder meeting for LTC on the 13th of March 2023.
- The Mayor and CEO attended the LTC meeting on the 14th of March 2023.
- The CEO had a team's meeting with CHDE around the changes to the Public Records Act on 16th of March 2023.
- The COE and Executive Manager Kiri Tabuai had a Teams catch up meeting with Kalum Jayabandu from dsdsatsip around the LTC programs and upcoming school holiday programs on the 16th of March 2023.

RECOMMENDATION

That That Council receives and notes CEO Meetings Report

7.2 EXECUTIVE MANAGER COMMUNITY DEVELOPMENT REPORT MARCH 2023

Author: Tom Smith, CEO

Authoriser: Tom Smith, CEO

Attachments: Nil

PURPOSE OF REPORT

Present Council with a report of program performance and operational actions for the previous month of February.

BACKGROUND

Council provides a range of community-based services for the benefit of Mapoon residents and visitors.

DISCUSSION**Programs****Status Report**

<p><u>Community Development</u></p>	<p>Gym and Youth Activities</p> <ul style="list-style-type: none"> • Gym Slade has been opening the Gym from 4:30 – 7:30pm Mon – Friday Only 3 members registered. Goals - Promote the Gym hours <p>Youth Activities School Holiday program is nearly finalise with the Events/ LTC committee. We are still looking for assistance for afterschool activities.</p>
<p><u>Community Services</u></p>	<p>Mapoon Aged Care client services.</p> <ul style="list-style-type: none"> • Aged Care Services We service 8 HCP Clients & 16 CHSP Clients. We are providing majority of services although a lack in Domestic Assistance due to a staffing issue. Working with HR with re advertising or looking for other ways to assist such as using the cleaners. Mandatory training – working with Executive Manager and HR to upskill staff.

<ul style="list-style-type: none"> • Playgroup 	<p>Greg has been busy catching up on reporting due to Coordinator leaving.</p> <p>Nil Complaints</p> <p>Nil incidents</p> <ul style="list-style-type: none"> • The Playgroup program. <p>Playgroup have been operating well. Sheree and Polly have increased attendance. They have meetings/chats with the Parents/Caregivers regularly to see how they can improve.</p> <p>Statistics each week for Feb. The total overall</p> <p>Week 1 – 2 children</p> <p>Week 2 – 11 children</p> <p>Week 3 – 29 children</p> <p>Week 4 – 34 children</p> <p>Week 5 – 20 children</p> <p>Playgroup deliver 15 different activities which include sensory and gross motor skills, eye, hand coordination etc.</p> <p>Challenges</p> <ol style="list-style-type: none"> 1. Families that don't have transport have been using the bus trip in the morning to go to the shop for lunch supplies. 2. Parents/Caregivers that have more then one child and participate in different age activities may miss out. 3. Issue regarding children having disabilities and need extra supervision. <p>Goals</p> <p>Once the weather clears – outdoor activities</p> <p>More interaction with IKC and cultural centre</p> <p>Gardening</p> <p>Playground at the centre upgraded.</p>
<p><u>Community Engagement</u></p>	<p>Regular communication through social media and face to face with community.</p> <p>Events Committee had their first meeting and discussed the events for the year.</p> <p>Events</p> <p>School Holidays</p> <p>ANZAC Day</p> <p>Dart Comp</p> <p>Reconciliation Week</p> <p>NAIDOC</p> <p>Paanja Touch Comp</p> <p>Fishing comp</p> <p>60th Anniversary of removal</p>

<p><u>Business Units</u></p>	<p>Accommodation services; Paanja Lodge, Cabins, and Cullen Point campground.</p> <ul style="list-style-type: none"> • Holiday and Contractor Accommodation <p>Accommodation have had a low occupancy due to the weather and road conditions.</p> <p>Centrelink</p> <ul style="list-style-type: none"> • Centrelink client's access <p>Centrelink has been busy. Andrea will be start at the end of March due to the training.</p> <p>Stats for the month:</p> <p>Mapoon Indigenous Knowledge Centre.</p> <ul style="list-style-type: none"> • Indigenous Knowledge Centre (IKC) <ul style="list-style-type: none"> - Richard has ordered some tablets and cases for the IKC. - The NBN will be completed by the end of March for community to use. - IKC have changed the hours of operation to cater for the kids after school <p>Cultural Centre</p> <ul style="list-style-type: none"> • Preparations for the official opening of the Cultural Centre. • Opening of Cultural Centre. • Final set-up of Art Gallery. • Meeting with Nathan Williams of State Library QLD regarding IKC matters. • Creation of sales system and inventory for artwork sales and merchandise in Gallery. • Discussions with local artists regarding future art workshops. • Discussions with State Library QLD regarding local languages program and workshop. • Local Studies Group (State Library QLD) Zoom meeting. • Researching different merchandising ideas for the art gallery.
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	<ul style="list-style-type: none"> Promotional planning for the Cultural Centre (ways to promote the use of the centre). Researching material and resources for our local history collections in the IKC. Created a local history collection inventory for the IKC. <p>Café Recruited two F&B Staff, Braydon Guivarra and Allena Tabuai. Staff have been assisting with Aged Care meals but also doing catering for meetings. Josie has been organising to get the café menu's etc. Once the NBN is has been finalised, the programing will be completed.</p> <p>Good News</p> <ul style="list-style-type: none"> Community have complimented their food service. <p>Challenges</p> <ul style="list-style-type: none"> Staffing Aged Care meals <p>Goals:</p> <ul style="list-style-type: none"> Finalising the requirements and training Opening the café. <p>Art Studio Local artists have been utilising the studio which has been great.</p>
<u>Disaster Recovery Operation</u> The Disaster Recovery Plans review is ongoing.	No major recovery actions were required during February.
<u>Economic Development</u>	Working with the LTC is how to improve economic development in the community. Many Rivers are planning to come to the community and deliver business workshops.
<u>Executive Manager's report</u>	Have had regular meetings with all programs and funding agencies in regards to the following: <ul style="list-style-type: none"> Goals What is working and what isn't What needs improving Professional Development How I can support the staff and program

RECOMMENDATION

That the Report of the Executive Manager Community Development be received and noted.

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7.3 EXECUTIVE FINANCE MANAGER FEBRUARY 2023 REPORT

Author: Elzebie Groenewald, Executive Manager Financial Services

Authoriser: Tom Smith, CEO

Attachments: 1. February 2023 Finance Report

PURPOSE OF REPORT

Present to the Council a report outlining program performance and operational actions for the previous month. This report contains listed activities and points for decisions in Council meeting.

DISCUSSION**Finance**

Finance department is working well together with no issues to report. Altius Advisors did a site visit for a week, interviewing various staff and we are waiting for their report to present to Council.

Profit & Loss

As at 28th February 2023 the Council made a net profit of \$503,642. This includes depreciation of \$1,336,063 which makes the operating profit less depreciation \$1,839,705.

Revenue

As at 28th February 2023 the Council received revenue totalling \$9.717M, 16% below the budget of \$11.661M.

General Expenses & Cost of Goods Sold

As at 28th February 2023 Council total expenditure was \$9.214M, 25% below the budget of \$12.328M.

Accommodation:

The Accumulated Loss for accommodation and camping at 28th February 2023 is \$9,842, this includes profit of \$616 for Cullen Point Camping after paying royalties to Mapoon Land Trust of \$3,105. The average occupancy rate for July to February was 40% in the cabins and dongas and 17% at Cullen Point Camp for online bookings. The internal auditors are reviewing the accommodation processes and await their report to present to Council.

Untied Funds

The Council currently holds \$3.507M in untied funds.

RECOMMENDATION

That Council endorses the Financial Reports for the financial period February 2023.

PO Box 213
Weipa Qld 4874

Profit & Loss [Budget Analysis]

July 2022 through June 2023

	Selected Period	Budgeted	S Difference	% Difference
Income				
Agency Fees				
Income - Centrelink Agency Fee	\$19,217.65	\$19,563.33	-\$345.68	-2%
Income - Postal Agency Commis	\$3,481.14	\$6,978.00	-\$3,496.86	-50%
Landing Fees	\$0.00	\$640.00	-\$640.00	-100%
Revenue - Hire - Plant & Equip	\$359.09	\$233,333.33	-\$232,974.24	-100%
Revenue - Hire of Vehicle	\$39,475.00	\$156,484.67	-\$117,009.67	-75%
Income - Fishing Licence	\$4,800.00	\$5,881.33	-\$1,081.33	-18%
Membership Fee	\$7,709.05	\$3,333.33	\$4,375.72	131%
Ranger Contract Services	\$86,499.67	\$8,017.33	\$78,482.34	979%
L&S Miscellaneous Income	\$2,455.00	\$10,184.00	-\$7,729.00	-76%
Rental Receipts Social Housing	\$10,122.00	\$11,885.33	-\$1,763.33	-15%
Staff Housing	\$29,562.00	\$13,333.33	\$16,228.67	122%
Rates	\$22,424.25	\$17,065.33	\$5,358.92	31%
Lease payments Housing	\$270,840.97	\$153,442.67	\$117,398.30	77%
Accommodation	\$163,622.68	\$354,682.67	-\$191,059.99	-54%
Rental - Misc properties	\$145,602.77	\$103,062.00	\$42,540.77	41%
Income - Administration Fees	\$122,393.56	\$403,216.67	-\$280,823.11	-70%
Income - Bank Interest	\$34,654.82	\$8,964.67	\$25,690.15	287%
Works Sales - Houses	\$1,275,618.90	\$3,419,662.67	-\$2,144,043.77	-63%
Works sales - not houses	\$102.09	\$0.00	\$102.09	
Workshop Sales - Mech External	\$3,335.67	\$3,333.33	\$2.34	0%
Workshop sales Internal	\$67,960.54	\$93,333.33	-\$25,372.79	-27%
Workshop sales Fuel Internal	\$60,704.75	\$56,000.00	\$4,704.75	8%
Workshop sales fuel External	\$350.99	\$0.00	\$350.99	
Camping Fees- Town , Cullen Pt	\$25,076.27	\$11,897.33	\$13,178.94	111%
Store sales - Fuel	\$311,469.75	\$347,194.00	-\$35,724.25	-10%
ATM - Rebates	\$364.10	\$4,666.67	-\$4,302.57	-92%
Aged Care Meals	\$2,726.01	\$0.00	\$2,726.01	
Sales - Gas Bottles	\$10,363.73	\$10,090.00	\$273.73	3%
Washing Machine, Coin operated	\$31.82	\$1,200.00	-\$1,168.18	-97%
Mapoon Shirts - CommunitySalea	\$8,627.25	\$152.67	\$8,474.58	5551%
Sales - Cultural Centre	\$0.00	\$56,666.67	-\$56,666.67	
Reimbursements	\$41,293.05	\$60,485.33	-\$19,192.28	-32%
Refunds/Claims	\$22,330.46	\$0.00	\$22,330.46	
Grants - General Purpose	\$18,181.82	\$0.00	\$18,181.82	
Grants - Operating - State	\$3,581,698.69	\$2,872,616.67	\$709,082.02	25%
Grants - Operating - C'wlth	\$851,300.34	\$1,038,752.00	-\$187,451.66	-18%
Grants - Operating - Other	\$34,500.00	\$83,416.00	-\$48,916.00	-59%
Grants - Capital - State	\$1,620,210.12	\$434,666.67	\$1,185,543.45	273%
Grants - Capital - C'Wlth	\$702,392.00	\$1,603,879.33	-\$901,487.33	-56%
Grants - Capital - Other	\$82,039.60	\$0.00	\$82,039.60	

Donations	\$10,000.00	\$16,666.67	-\$6,666.67	-40%
Disposal of assets	\$23,750.00	\$36,666.67	-\$12,916.67	-35%
Total Income	\$9,717,647.60	\$11,661,414.00	-\$1,943,766.40	-17%
Cost of Sales				
Store CoS Fuel	\$299,090.91	\$284,914.00	\$14,176.91	5%
Store Camp Fee Royalties	\$43,158.23	\$5,217.33	\$37,940.90	727%
Purchases - Cafe	\$5,942.84	\$0.00	\$5,942.84	
Purchases - Workshop Stock	\$12,586.71	\$30,648.00	-\$18,061.29	-59%
Purchases - Workshop Fuel	\$57,218.86	\$44,711.33	\$12,507.53	28%
Freight- Workshop	\$5,736.18	\$11,444.00	-\$5,707.82	-50%
Works Materials - Houses	\$185,879.86	\$4,210.67	\$181,669.19	4314%
Works Materials -not-Houses	\$179,510.44	\$1,878,259.33	-\$1,698,748.89	-90%
Freight - Works - houses	\$22,270.25	\$756.67	\$21,513.58	2843%
Freight General	\$0.00	\$13,606.00	-\$13,606.00	
Works - Contractors - Houses	\$184,633.69	\$1,656,046.00	-\$1,471,412.31	-89%
Works Contractors - not houses	\$2,062,218.76	\$140,924.00	\$1,921,294.76	1363%
Works - Small tools	\$354.09	\$228.00	\$126.09	55%
Purchases - Gas Bottles	\$10,978.02	\$11,568.67	-\$590.65	-5%
Freight - gas bottles	\$0.00	\$214.67	-\$214.67	
Test Inspection Costs	\$852.00	\$689.33	\$162.67	24%
Water Supply expenses	\$32,181.09	\$16,123.33	\$16,057.76	100%
Waste disposal costs	\$2,950.00	\$36,434.67	-\$33,484.67	-92%
RW - Materials & Supplies	\$0.00	\$16,933.33	-\$16,933.33	
Total Cost of Sales	\$3,130,443.07	\$4,168,585.33	-\$1,038,142.26	-25%
Gross Profit	\$6,587,204.53	\$7,492,828.67	-\$905,624.14	-12%
Expenses				
Employment Expenses				
Wages and Salaries				
Wages & Salaries	\$1,679,512.92	\$2,706,078.00	-\$1,026,565.08	-38%
Annual Leave	\$209,927.29	\$280,466.00	-\$70,538.71	-25%
Sick leave	\$75,362.59	\$134,942.67	-\$59,580.08	-44%
Superannuation	\$260,766.99	\$387,892.00	-\$127,125.01	-33%
Staff Amenities	\$40.50	\$0.00	\$40.50	
Staff Recruitment & Relocation	\$20,941.24	\$18,888.67	\$2,052.57	11%
Training Costs	\$17,064.11	\$49,656.00	-\$32,591.89	-66%
Training Wages	\$205.41	\$0.00	\$205.41	
Employee Allowances	\$32,084.60	\$39,748.67	-\$7,664.07	-19%
Uniforms	\$8,777.56	\$7,596.67	\$1,180.89	16%
Workers' Compensation	\$34,734.63	\$35,602.00	-\$867.37	-2%
Flight entitlements	\$8,448.34	\$7,548.00	\$900.34	12%
Other Employer Expenses	\$0.00	\$39.33	-\$39.33	
Workplace Health & Safety	\$49,529.29	\$73,666.67	-\$24,137.38	-33%
Administration / Overheads	\$121,129.23	\$430,036.00	-\$308,906.77	-72%
Advertising (not employment)	\$1,687.98	\$2,690.67	-\$1,002.69	-37%

Theft & Loss	\$0.00	\$536.67	-\$536.67	
Freight	\$85,706.02	\$12,584.00	\$73,122.02	581%
Hire of Equipment - non works	\$53,894.39	\$30,812.00	\$23,082.39	75%
Insurance	\$176,734.48	\$187,366.67	-\$10,632.19	-6%
Tools & Minor Equipment	\$18,696.99	\$15,630.67	\$3,066.32	20%
Tools & Equipment >\$500	\$25,761.51	\$21,108.67	\$4,652.84	22%
Catering	\$7,620.89	\$17,710.67	-\$10,089.78	-57%
Cleaning Expenses	\$3,945.92	\$33,732.67	-\$29,786.75	-88%
Fees/Charges/Licences	\$60,263.47	\$66,718.00	-\$6,454.53	-10%
Legal Fees	\$33,360.96	\$34,606.67	-\$1,245.71	-4%
First Aid Supplies	\$666.02	\$418.67	\$247.35	59%
Admin Freight Paid	\$90.91	\$468.00	-\$377.09	-81%
Sundry Expenses	\$0.00	\$10,156.00	-\$10,156.00	
Service Fees	\$0.00	\$115.33	-\$115.33	
Computer Equipment	\$9,445.19	\$8,969.33	\$475.86	5%
Office Supplies	\$6,675.70	\$9,294.67	-\$2,618.97	-28%
Printing & Stationery	\$14,378.56	\$13,348.67	\$1,029.89	8%
Security Expenses	\$220.00	\$127.33	\$92.67	73%
Grounds Maintenance	\$10,654.73	\$12,988.67	-\$2,333.94	-18%
Audit Fees	-\$18,297.62	\$84,161.33	-\$102,458.95	-122%
IT - Data Control	\$17,154.89	\$16,824.67	\$330.22	2%
IT - Internet & Email Fee	\$55,951.68	\$47,776.67	\$8,175.01	17%
IT - Support (Helpdesk)	\$0.00	\$9,097.33	-\$9,097.33	
IT - Server & Data Storage	\$20,565.12	\$17,707.33	\$2,857.79	16%
IT - Website	\$0.00	\$22,100.00	-\$22,100.00	
Telephone & Fax	\$78,721.46	\$89,974.67	-\$11,253.21	-13%
Postage	\$240.39	\$204.67	\$35.72	17%
Consultancy Fees	\$281,383.53	\$275,566.00	\$5,817.53	2%
Contractors	\$64,828.74	\$52,778.67	\$12,050.07	23%
Council Donation	\$0.00	\$4,000.00	-\$4,000.00	
Electricity	\$51,726.13	\$56,204.00	-\$4,477.87	-8%
Gas Bottles - Council Use	\$0.00	\$229.33	-\$229.33	
R&M: Council Buildings	\$59,003.63	\$29,242.67	\$29,760.96	102%
R&M: Equipment	\$9,803.77	\$8,996.00	\$807.77	9%
R&M: Infrastructure	\$33,176.47	\$0.00	\$33,176.47	
R&M: Plant & Equipment	\$46,166.97	\$55,304.00	-\$9,137.03	-17%
R&M Water Supply	\$2,003.65	\$14,967.33	-\$12,963.68	-87%
Office Rental	\$6,250.00	\$20,833.33	-\$14,583.33	-70%
Subscriptions & Fees	\$52,563.31	\$49,496.67	\$3,066.64	6%
MV Fuel	\$85,004.28	\$100,622.67	-\$15,618.39	-16%
MV Hire	\$39,627.17	\$66,420.67	-\$26,793.50	-40%
MV Registration	\$34,969.03	\$20,282.67	\$14,686.36	72%
MV Repairs & Maintenance	\$100,420.75	\$101,531.33	-\$1,110.58	-1%
Accommodation	\$62,032.84	\$38,179.33	\$23,853.51	62%
Airfares	\$44,808.06	\$22,696.67	\$22,111.39	97%
Taxi Fares (inc Cab Charge)	\$1,144.34	\$1,506.67	-\$362.33	-24%
Travel Allowance	\$14,497.32	\$21,442.67	-\$6,945.35	-32%
Travel Other	\$693.21	\$6,133.33	-\$5,440.12	-89%
Artist Costs	\$5,865.45	\$17,045.33	-\$11,179.88	-66%

Rangers - Camping Equipment	\$2,677.67	\$4,079.33	-\$1,401.66	-34%
Rangers - Field Consumables	\$6,215.14	\$4,188.67	\$2,026.47	48%
Food	\$21,973.01	\$18,553.33	\$3,419.68	18%
Materials & Supplies	\$114,932.78	\$34,649.33	\$80,283.45	232%
Meeting & Seminar Costs	\$10,765.91	\$8,085.33	\$2,680.58	33%
Pest Control	\$6,848.35	\$9,296.67	-\$2,448.32	-26%
Sports & Recreation Expenses	\$0.00	\$13,333.33	-\$13,333.33	
Turtle Camp Costs	\$127.74	\$0.00	\$127.74	
Bank Fees & Charges	\$3,511.20	\$4,384.67	-\$873.47	-20%
Impairment of Debts	\$3,334.69	\$0.00	\$3,334.69	
Depreciation	\$0.00	\$0.00	\$0.00	
Depn - Houses	\$101,825.40	\$90,204.67	\$11,620.73	13%
Depreciation, Buildings	\$404,785.64	\$482,576.67	-\$77,791.03	-16%
Depn - Major Plant	\$17,177.63	\$12,120.00	\$5,057.63	42%
Depreciation, Office Equipment	\$13,036.05	\$11,040.00	\$1,996.05	18%
Depreciation, Plant & Equipm't	\$152,452.09	\$144,272.00	\$8,180.09	6%
Depreciation, Store Equip't	\$15,267.70	\$7,350.00	\$7,917.70	108%
Depn - Roads	\$457,217.17	\$663,592.00	-\$206,374.83	-31%
Depn - Water	\$89,121.89	\$121,344.00	-\$32,222.11	-27%
Depreciation Landfill	\$6,971.62	\$13,372.00	-\$6,400.38	-48%
Depreciation, Airstrip	\$66,550.14	\$168,315.33	-\$101,765.19	-60%
Depn - Boat ramp	\$10,093.79	\$4,076.67	\$6,017.12	148%
Depn- Fibre Optic Cable	\$1,563.60	\$4,123.33	-\$2,559.73	-62%
Capital Expenditure	\$38,172.73	\$438,264.00	-\$400,091.27	-91%
Total Expenses	\$6,083,562.50	\$8,160,092.00	-\$2,076,529.50	-25%
Operating Profit/(Loss)	\$503,642.03	-\$667,263.33	\$1,170,905.36	
Operating profit less depreciation	\$1,839,704.75	\$1,055,123.33		

Mapoon Aboriginal Shire Council
Balance Sheet
As of February 28, 2023

Assets

Current Assets

11110-QCB - General Account	1,604,548.95
11112-QCB Shares	10.00
11117-QCB - Remote Housing 2	705,903.20
11118-QCB - Online Save A/C No9	2,740,644.71
11119-QCB - Online Banking - Remote Capital Program	170,261.38
11120-CBA Main account	148,108.14
Account Receivable	1,060,751.80
Inventories	66,696.51
Other Current Assets	368,415.23

Total Current Assets	6,865,339.92
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Property, Plant and Equipment	34,352,041.75
Accumulated Depreciation	(11,566,124.23)
Intangible Assets	65,000.00

Total Assets	29,716,257.44
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Liabilities

Current Liabilities

Accounts Payable	696,751.60
Taxes Payable	(50,959.60)
Other Current liabilities	122,789.74

Total Current Liabilities	768,581.74
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Total Liabilities	768,581.74
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Shareholders' Equity

Net Income / (Loss)	264,817,013.09
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Total Shareholders' Equity	264,817,013.09
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Total Liabilities & Shareholders' Equity	265,585,594.83
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Mapoon Aboriginal Shire Council					
Budget Analysis by Department					
Feb-23					
Accommodation	Actual	BudgetYTD	Variance to budget	Variance %	Comments
Income	188,731	367,780	-179,049	-49%	
Expense	198,573	344,787	-146,214	-42%	
Profit / (Loss)	-9,842	22,993	-32,835	-143%	
Administration & Corporate Services	Actual	BudgetYTD	Variance to budget	Variance %	
Income	2,563,428	3,201,297	-637,869	-20%	
Expense	3,421,307	4,173,085	-751,778	-18%	Includes Depreciation of \$1,336,063
Profit / (Loss)	-857,879	-971,788	113,909	-12%	
Store	Actual	BudgetYTD	Variance to budget	Variance %	
Income	345,019	388,839	-43,820	-11%	
Expense	331,137	318,851	12,286	4%	
Profit / (Loss)	13,882	69,987	-56,106	-80%	
Parks & Gardens	Actual	BudgetYTD	Variance to budget	Variance %	
Income	2,564	9,771	-7,207	0%	Includes fees charged to Aged Care clients
Expense	55,106	94,513	-39,407	100%	
Profit / (Loss)	-52,542	-84,743	32,201	100%	
Land & Sea	Actual	BudgetYTD	Variance to budget	Variance %	
Income	970,209	1,022,889	-52,680	-5%	NIAA grant due March
Expense	1,043,797	1,015,087	28,711	3%	
Profit / (Loss)	-73,588	7,802	-81,390	-1043%	
Aged Care Services	Actual	BudgetYTD	Variance to budget	Variance %	
Income	326,039	392,810	-66,771	-17%	
Expense	275,652	508,571	-232,918	-46%	
Profit / (Loss)	50,387	-115,761	166,148		
Water & Sanitation	Actual	BudgetYTD	Variance to budget	Variance %	
Income	0	0	0		
Expense	198,251	311,727	-113,476	-36%	
Profit / (Loss)	-198,251	-311,727	113,476	-36%	
Works Contract & Housing Maintenance	Actual	BudgetYTD	Variance to budget	Variance %	
Income	1,277,662	1,799,164	-521,502	-29%	
Expense	1,185,304	1,182,074	3,230	0%	
Profit / (Loss)	92,359	617,090	-524,731	-85%	
Works Other	Actual	BudgetYTD	Variance to budget	Variance %	
Income	3,911,675	4,326,199	-414,524	-10%	
Expense	2,329,880	4,138,028	-1,808,149	-44%	
Profit / (Loss)	1,581,796	188,171	1,393,625	741%	
Workshop	Actual	BudgetYTD	Variance to budget	Variance %	
Income	132,320	152,667	-20,347	-13%	
Expense	174,999	226,299	-51,300	-23%	
Profit / (Loss)	-42,679	-73,633	30,953	-42%	
Total Works	Actual	BudgetYTD	Variance to budget	Variance %	
Income	5,321,657	6,278,029	-956,371	-15%	
Expense	3,888,433	5,858,127	9,746,560	166%	
Profit / (Loss)	1,433,224	419,901	1,013,323	241%	
Total Divisions	Actual	BudgetYTD	Variance to budget	Variance %	
Income	9,717,648	11,661,414	-1,943,766	-17%	
Expense	9,214,006	12,313,021	-3,099,016	-25%	
Profit / (Loss)	503,642	-651,607	1,155,249	-177%	Includes Depreciation of \$1,336,063

Mapoon Aboriginal Shire Council
Statement of untied funds as at February-2023

Cash & Money in bank	5,369,476	
Debtors	1,060,752	
Total Cash & Debtors		6,430,228
Less		
Tied Grants	3,691,761	
Liabilities	-768,582	
Total Tied Grants & Liabilities		2,923,179
Untied Funds		3,507,049
Total cash less liabilities		2,446,297
Debtors		1,060,752
Total untied cash & Debtors		3,507,049

Mapoon Aboriginal Shire Council
Financial Sustainability Ratios February-2023

The Financial Sustainability of Councils continue to be the cornerstone of Local Government Act and a core responsibility of Mapoon Aboriginal Shire Council

Asset sustainability ratio (aim for > 90%)

Capital expenditure on replacement of assets (renewals)
 Depreciation expense

Ratios

22%

292,161

1,336,063

Operating surplus ratio (aim for 0 - 10%)

-22%

Operating result or Net result (excluding capital items)
 Total Operating revenue (excluding capital items)

(1,632,588)

7,289,256

Net Financial liabilities ratio (aim for < 60%)

-84%

Total liabilities less current assets
 Total Operating revenue (excluding capital items)

(6,096,758)

7,289,256

(a)

Capital expenditure currently not captured until year end

(b)

Net result includes capital additions until year end therefore ratio will look worse than actually is throughout t

(c)

Capital grants and any other capital income to be removed

7.4 EXECUTIVE MANAGER OF ENVIRONMENTAL SERVICES, PARKS AND GARDENS

Author: Kelli Leatham, Executive of Environmental Services, Parks & Gardens

Authoriser: Tom Smith, CEO

Attachments: Nil

PURPOSE OF REPORT

To present to Council a report of Program Performance and Operational action for the previous month

BACKGROUND

This report details the Program and Operational action from Mapoon Land and Sea Rangers and Parks and Gardens

DISCUSSION

- Cultural Heritage
 - Weekly data input on to Mapoon Database.
 - Monitoring and maintenance of unmarked graves and old cemeteries (as conducted by the Land and Sea Rangers).
- Funding Bodies
 - This email is to provide feedback to you and the rangers on your performance from the perspective of the QILSR program. We provide this feedback to ensure that QILSR ranger groups understand the expectations the department has, and so that groups are continually improving and achieving the outcomes Traditional Owners prioritise in their work plan.
 - Report submitted before due date with the level of detail provided in the mid-year report being excellent. The more detail provided in the report gives the QILSR program a good understanding of the amount of hard work the rangers are putting in each day.
 - Highlights - It was great to hear about the amount of Junior Ranger activities in the reporting period, and it looks like some great outcomes are being delivered for the students. It sounds like Sarah and Jocelyn also enjoyed these activities. It is also good to hear about the marine debris clean-up activities as well as the sea turtle nesting work.
 - Training - The level of detail provided about the training of the rangers is great, and this information is valuable for us to see who has completed which training and the currency. By providing the training plan we can see the level of expertise the rangers are achieving.
- Visitor Management
 - Rangers continue with cleaning of amenities and emptying bins placed at Cullen Point every Monday and Friday.
 - Day Use area, cleaning of coconuts and leaves along with a mow and whipper snip of the area.
- Cultural Maintenance

- New Cemetery mow and whipper snipped, old flowers removed from around fence line and weed spraying around graves to eliminate disturbing these sites with the equipment.
- Rangers spend several days at Old Peoples resting place, whipper snipping around the fence line and beneath the clusters of trees, cutting of dead trees around site and removal.
- Weed Management
 - Rangers continued their efforts to eliminates weed species present at Cullen Point Campground and foreshore.
 - Started the fight against grader grass which has been a continual problem in past years around the Cullen Point area. Spraying prior to burning greatly reduces the spread as the seed pods explodes when fire goes through the patches.
 - Garden Beds sprayed around community, Workshop, Water treatment plant, Jobs requested by QLD Housing.
- Biosecurity
 - Rangers were joined by two Biosecurity representatives to undertake Plant Host Mapping. Visiting places around community that have Fruit and Citrus trees, obtaining GPS coordinates, photos and observation of any pest and or diseases present on the plants. All information entered onto the Top Watch App.
 - Coastal Surveillance trip took place in Namaleta Creek and the river mouths of Ducie and Wenlock Rivers. The trip is tracked on a device and any observation of dead Marine life and foreign objects imputed on the Top Watch App and submitted.
 - On a patrol along Back Beach a canoe had washed up, Rangers took photos and noted location. Biosecurity protocol for this is to wrapped and left for a minimum of 72 hours prior to bringing off the beach. This is so as any unwanted hitch hikers die before bringing back into community. Wood borers would be the main concern as this could be detrimental to trees around community.
- Community
 - Rangers helped with the construction of the garden beds, planting out with plants from our nursery and mulching at the Cultural Centre.
 - Spreading of mulch on the Clermont Street and Splash Parks gardens
 - Teams meetings with organisers of the WCFS and preparation of presentation and speech.
- Parks and Gardens
 - Busy month with rain continuing to fall and grass growing like wildfire. Mowing and whipper snipping of every Aged Care client, Community Centre, Aged Care, Paanja Lodge, Water Treatment plant, Pound, Cultural Centre, Council Yard, Anzac Park, Qld housing, Airport and Nature Strips.

- Roadside rubbish run from start of bitumen to Cullen Point prior to the opening of Cultural Centre.

RECOMMENDATION

That the report of Executive Manager of Environmental Services, Land and Sea and Parks and Gardens be received and noted.

7.5 GRANTS MANAGER REPORT FOR MARCH

Author: Tom Smith, CEO

Authoriser: Tom Smith, CEO

Attachments: Nil

PURPOSE OF REPORT

Present to Council a report of program performance and operational actions for the previous month

DISCUSSION**GRANTS**

Weekly update Tuesday 14 March 2023

Priority	Grants open	Closing Date	Status
	Indigenous Languages and Arts - Open Competitive Grant Opportunity 2023 The ILA Program supports Aboriginal and Torres Strait Islander Australians to express, preserve and maintain their cultures through Indigenous languages and arts activities. 3 categories Minor Up to \$30,000 From 3 to 6 months Intermediate Up to \$100,000 From 6 to 12 months Major Up to \$200,000 From 12 to 24 months	22-Mar-2023 11:30 pm (ACT Local Time)	Open
	Telstra Connected Communities- \$10,000 Council is not eligible, however Fire Brigade could put in for communications equipment or enhancement...	30/3/23	Open
	Applications in progress		
	SQW Skilling Queenslanders for Work 2023-24 Funding Round One is currently open for applications closing 5pm, Thursday 30 March 2023.	30/3/23	Commenced
	Highways and Byways 'Healing and Growing Together'. We aim to support communities as they attempt to heal and grow in the aftermath of the environmental and social challenges of the past few years. \$4000 For Mapoon Day -60 years on	15/2/23	In discussion
	Positive Family Relationships Grants of up to \$20,000 that enable activities that showcase work ATSI communities are doing to eliminate domestic and family violence. Focus on prevention or community education to identify, respond, and build capacity to respond to DV Paanja Touch comp considering it's raising awareness for Family DV. We could put stalls up of information etc.	30/3/23	In discussion

	Applications submitted / cancelled		
	S&R Minor infrastructure Grant for sports oval surface upgrade	2/3/23	Submitted
	NAIDOC Grant for Elders Day and Community days	17/2/23	Submitted
	DAFF Indigenous Rangers Coastal Clean-up Program/ Top Watch Ghost Net Program	16/2/23	Submitted
	ATSI TIDS project nomination form -rock groyne to protect boat ramp and foreshore	15/2/23	Submitted
	QDEP Destination Event funding to \$15,000. Project is strategic planning for fishing competition to develop into a 'significant event' and align with MASC tourism goals	31/1/23	Submitted
	Celebrating Reconciliation Grants Program for 2023. Applied for cultural day at new cultural centre 1 May 2023	23/12/22	Submitted
	Indigenous Ranger Biosecurity Program-Ranger Capability Building Grants-Round 2 Application for: tractor	24/1/23	Submitted
	Applications successful/unsuccessful		
	MASC BoR R6 Pla 0015 - Mapoon Sewerage Works and Water Recovery Facility Detailed Design		Contract negotiation
	Reports and acquittals		
	LRCI quarterly reports awaiting feedback from annual report.		On hold
	Projects looking for grants	Project value	Status
	Clermont St-Cullen Point Road shoulder and reseal-possible QRA for shoulder and RTR for reseal	\$1.2m	
	Cemetery/ Cemetery Planning	\$?	
	Paanja Festival 2024	\$150,000	
	Car and waste shredder-business opportunity \$239,000 for excavator; \$980,112 shredder \$? operator	\$1.3m	
	Tourism marketing strategy and signage	\$?	
	Triplex staff accommodation		
	Can crusher	?	
	Childcare childproof fence and gate	?	
	Childcare astroturf for play area	?	
	Waste transfer station- de-gas equipment	?	
	Aquaponic farm	?	
	Solar street lights		

RECOMMENDATION

That the Report of the Executive Manager of Infrastructure and Works be received and noted.

7.6 GOVERNANCE UPDATE

Author: Tom Smith, CEO

Authoriser: Tom Smith, CEO

Attachments:

1. Council to CEO Instrument of Delegation including a Register of Delegations
2. Guiding principles for Delegations from Council to the CEO Policy

PURPOSE OF REPORT**COUNCIL TO CEO DELEGATION**

To exercise its statutory functions, local governments have a range of powers under a significant number of legislative frameworks.

Under section 257(1)(b) of the *Local Government Act 2009* ("**LGA**"), a local government may delegate its powers to the CEO. The local government cannot delegate its powers to Council officers other than the CEO.

Council has identified legislative instruments, including Local Laws and Acts and Regulations of the State and Commonwealth, that contain powers that are able to be exercised under the various statutory frameworks that Council is subject to. Those legislative instruments have been listed in a Register of Delegations.

In order to effectively delegate the powers contained in those legislative instruments to the CEO under section 257(1)(b) of the LGA, Council has prepared an Instrument of Delegation from Council to the CEO. A copy of the Instrument, including the Register and Guiding Principles for Delegations from Council to the CEO is enclosed with this Report.

RECOMMENDATION

Council resolves that all powers referred to in the Instrument of Delegation attached to this Report are hereby delegated by Council to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009*.



Mapoon Aboriginal Shire Council

Instrument of Delegation

Delegation of Powers from Council to the Chief Executive Officer

DOCUMENT VERSION CONTROL			
VERSION	DATE	RESOLUTION N°.	DETAILS
1.0	21/3/2023		Delegation of Powers Council to CEO Source of Authority <i>Local Government Act 2009 (QLD)</i> Refer Schedule 1 Annexure 1 Part A - Exercising the Delegated Power Part B - Acts, Subordinate Legislation and Local Laws containing Delegated Powers Part C – Powers that may not be delegated.

INSTRUMENT OF DELEGATION

Mapoon Aboriginal Shire Council Delegation of Powers from Council to the Chief Executive Officer

Under section 257 of the *Local Government Act 2009*, **MAPOON ABORIGINAL SHIRE COUNCIL** resolves to delegate to the Chief Executive Officer the power to exercise of all powers contained in:

- a) The Acts and Subordinate Legislation listed in the Delegations Register in Annexure 1 of this Instrument of Delegation;
- b) Council Local Laws listed in the Delegations Register in Annexure 1 of this Instrument of Delegation;

These powers must be exercised subject to the limitations contained in Schedule 1.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Mayor
MAPOON ABORIGINAL SHIRE COUNCIL

Schedule 1

Limitations to the Exercise of Power

1. The Chief Executive Officer may sub-delegate the powers contained in Schedule 1.
2. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated subject to the provisions of Council's Procurement Policy.
3. The delegation must be exercised consistently with any financial delegation provided to the delegate, under this or any other instrument.
4. The delegation must be exercised consistently with the Delegations Register in Annexure 1, and any policies or procedures adopted by Council about the exercise of a delegation.

Annexure 1 Delegations Register

PART A: EXERCISING THE DELEGATED POWER

Interpretation:

1. The delegate may exercise all powers contained in the Acts, Subordinate Legislation and Local Laws listed in Part B of this Delegations Register.
2. To the extent that this delegation confers a power to take any action, including making a decision, the power extends to doing anything which is necessary or convenient to perform that action, make that decision or give effect to a decision made by the local government or the local government's delegate such as:
 - a) considering factual and legal matters and issues in order to:
 - i) form any belief which is required; and
 - ii) be satisfied about any matter or thing;
 - b) consulting with any person who is required to be consulted with;
 - c) issuing any notices including publishing any notice in the gazette, newspaper or on the local government's website;
 - d) approving any forms;
 - e) filing any document;
 - f) extending any period;
 - g) providing reasons; and
 - h) making or refunding any payment.
3. Under this delegation, the words used are to take their meaning from the Queensland legislation conferring the authority or to the extent that no meaning is prescribed, the words will take their ordinary meaning unless otherwise specified in this delegation.
4. Under this delegation, the words used have the meanings set out below:
 - a) 'Act' has the meaning given to that term under the *Acts Interpretation Act 1954* (Qld);
 - b) 'Queensland legislation' has the meaning given to that term under the *Acts Interpretation Act 1954* (Qld);
 - c) 'powers of the local government' means all powers conferred on the local government under Queensland legislation which is the subject of this delegation including any Subordinate Legislation and Statutory Instrument made under that legislation or which has taken effect under that legislation even if not expressly mentioned in this delegation;
 - d) 'Subordinate Legislation' has the meaning given to that term under the *Statutory Instruments Act 1992* (Qld);
 - e) 'Statutory Instrument' has the meaning given to that term under the *Statutory Instruments Act 1992* (Qld);
 - f) 'Local Law' has the meaning given to that term under the *Local Government Act 2009* (Qld) and a reference to a local law in this delegation includes a reference to:
 - i) an 'interim local law' as defined by the *Local Government Act 2009* (Qld);
 - ii) a 'subordinate local law' as defined by the *Local Government Act 2009* (Qld); and
 - iii) a local law that incorporates a 'model local law' as defined by the *Local Government Act 2009* (Qld).
5. To the extent of any inconsistency between the conferral of this delegation of powers and any earlier delegation of powers to the Chief Executive Officer, this delegation prevails.

Delegation Conditions

6. The powers conferred by this delegation must be exercised in accordance with the Queensland legislation conferring the authority, including any obligations which are imposed in exercising the power.
7. The powers conferred by this delegation must not be exercised in circumstances where the power is not capable of delegation (refer to Part C of this Delegations Register).
8. The delegated officer must make and keep a register of all instances of where this delegation has been exercised.
9. Unless compliance would be contrary to any law, the policies of the local government and codes of conduct must be complied with in exercising the powers conferred by this delegation.

Delegation Criteria - *Planning Act 2016*

1. The delegated officer may exercise the powers of the local government under the *Planning Act 2016* for an application other than the following:
 - 1) under the transitional provisions set out in Chapter 8 of the *Planning Act 2016*- an application for the approval of a master plan for a master planned area;
 - 2) an application for a proposed development where a substantial number of submissions have been received during the notification period objecting to the proposed development.

Delegation Administration Procedure – *Planning Act 2016*:

2. The following procedure is to be undertaken for any powers exercised under the *Planning Act 2016* and *Planning Regulation 2017* unless compliance would be contrary to any law:
 - 1) The policies of the local government must be complied with and in particular any policy related to entering into an infrastructure agreement.
 - 2) The policies and codes of conduct of the local government must be complied with and in particular:
 1. a development application is to be referred to the Chief Executive Officer for determination where a councillor has a material personal interest in the development application;
 2. a development application is to be referred to the Chief Executive Officer for determination where a council officer has a material personal interest in the development application.

PART B: ACTS, SUBORDINATE LEGISLATION AND LOCAL LAWS CONTAINING DELEGATED POWERS

ACTS AND SUBORDINATE LEGISLATION CONTAINING POWERS DELEGATED BY COUNCIL TO CEO	
No.	Name of Act
1	<i>Aboriginal Cultural Heritage Act 2003 (Qld)</i>
2	<i>Acquisition of Land Act 1967 (Qld)</i>
3	<i>Acquisition of Land Regulation (2014) (Qld)</i>
4	<i>Aged Care Act 1997 (Cth)</i>
5	<i>Animal Care and Protection Act 2001 (Qld)</i>
6	<i>Animal Care and Protection Regulation 2012 (Qld)</i>
7	<i>Animal Management (Cats and Dogs) Act 2008 (Qld)</i>
8	<i>Animal Management (Cats and Dogs) Regulation 2009 (Qld)</i>
9	<i>Anti-Discrimination Act 1991 (Qld)</i>
10	<i>Auditor-General Act 2009 (Qld)</i>
11	<i>Australia's Foreign Relations (State and Territory Arrangements) Act 2020 (Cth)</i>
12	<i>Biosecurity Act 2014 (Qld)</i>
13	<i>Biosecurity Regulation 2016 (Qld)</i>
14	<i>Body Corporate and Community Management (Accommodation Module) Regulation 2020 (Qld)</i>
15	<i>Body Corporate and Community Management (Commercial Module) Regulation 2020 (Qld)</i>
16	<i>Body Corporate and Community Management (Small Schemes Module) Regulation 2020 (Qld)</i>
17	<i>Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011 (Qld)</i>
18	<i>Body Corporate and Community Management (Standard Module) Regulation 2020 (Qld)</i>
19	<i>Body Corporate and Community Management Act 1997 (Qld)</i>
20	<i>Building Act 1975 (Qld)</i>
21	<i>Building Fire Safety Regulation 2008 (Qld)</i>
22	<i>Building Regulation 2006 (Qld)</i>
23	<i>Building Regulation 2021 (Qld)</i>
24	<i>Coastal Protection and Management Act 1995 (Qld)</i>
25	<i>Crime and Corruption Act 2001 (Qld)</i>
26	<i>Development Assessment Rules (Qld)</i>
27	<i>Disaster Management Act 2003 (Qld)</i>
28	<i>Disaster Management Regulation 2014 (Qld)</i>
29	<i>Economic Development Act 2012 (Qld)</i>
30	<i>Electricity Act 1994 (Qld)</i>

ACTS AND SUBORDINATE LEGISLATION CONTAINING POWERS DELEGATED BY COUNCIL TO CEO	
No.	Name of Act
31	<i>Electricity Regulation 2006 (Qld)</i>
32	<i>Electrical Safety Act 2002 (Qld)</i>
33	<i>Electrical Safety Regulation 2013 (Qld)</i>
34	<i>Environmental Offsets Act 2014 (Qld)</i>
35	<i>Environmental Offsets Regulation 2014 (Qld)</i>
36	<i>Environmental Protection (Water and Wetland Biodiversity) Policy 2019 (Qld)</i>
37	<i>Environmental Protection Act 1994 (Qld)</i>
38	<i>Environmental Protection Regulation 2019 (Qld)</i>
39	<i>Evidence Act 1977 (Qld)</i>
40	<i>Fire and Emergency Service Act 1990 (Qld)</i>
41	<i>Fisheries Act 1994 (Qld)</i>
42	<i>Food Act 2006 (Qld)</i>
43	<i>Food Production (Safety) Act 2000 (Qld)</i>
44	<i>Forestry Act 1959 (Qld)</i>
45	<i>Fossicking Act 1994 (Qld)</i>
46	<i>Gaming Machine Act 1991 (Qld)</i>
47	<i>Geothermal Energy Act 2010 (Qld)</i>
48	<i>Greenhouse Gas Storage Act 2009 (Qld)</i>
49	<i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation (Qld)</i>
50	<i>Heavy Vehicle National Law Act 2012 (Qld)</i>
51	<i>Heavy Vehicle National Law (Queensland)</i>
52	<i>Heavy Vehicle National Law Regulation 2014 (Qld)</i>
53	<i>Housing Act 2003 (Qld)</i>
54	<i>Housing Regulation 2015 (Qld)</i>
55	<i>Human Rights Act 2019 (Qld)</i>
56	<i>Industrial Relations Act 2016 (Qld)</i>
57	<i>Industrial Relations Regulation 2018 (Qld)</i>
58	<i>Information Privacy Act 2009 (Qld)</i>
59	<i>Instrument of Delegation and Direction – Economic Development Act 2012 (Minister for Economic Development Queensland) 17 October 2019</i>
60	<i>Integrity Act 2009 (Qld)</i>
61	<i>Integrated Planning Act 1997 (Qld)</i>
62	<i>Integrated Resort Development Act 1987 (Qld)</i>
63	<i>Judicial Review Act 1991 (Qld)</i>

ACTS AND SUBORDINATE LEGISLATION CONTAINING POWERS DELEGATED BY COUNCIL TO CEO	
No.	Name of Act
64	<i>Labour Hire Licensing Act 2017 (Qld)</i>
65	<i>Land Access Ombudsman Act 2017 (Qld)</i>
66	<i>Land Act 1994 (Qld)</i>
67	<i>Land Title Act 1994 (Qld)</i>
68	<i>Land Valuation Act 2010 (Qld)</i>
69	<i>Libraries Act 1988 (Qld)</i>
70	<i>Liquor Act 1992 (Qld)</i>
71	<i>Local Government Act 2009 (Qld)</i>
72	<i>Local Government Electoral Act 2011 (Qld)</i>
73	<i>Local Government Regulation 2012 (Qld)</i>
74	<i>Manufactured Homes (Residential Parks) Act 2003 (Qld)</i>
75	<i>Marine Parks Act 2004 (Qld)</i>
76	<i>Medicines and Poisons (Pest Management Activities) Regulation 2021 (Qld)</i>
77	<i>Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021 (Qld)</i>
78	<i>Medicines and Poisons Act 2019 (Qld)</i>
79	<i>Mineral & Energy Resources (Common Provisions) Act 2014 (Qld)</i>
80	<i>Mineral Resources Act 1989 (Qld)</i>
81	<i>Mining and Quarrying Safety and Health Act 2017 (Qld)</i>
82	<i>Mining and Quarrying Safety and Health Regulation 2017 (Qld)</i>
83	<i>Minister's Guidelines and Rules</i>
84	<i>Mixed Use Development Act 1993 (Qld)</i>
85	<i>Nature Conservation (Administration) Regulation 2017 (Qld)</i>
86	<i>Nature Conservation (Animals) Regulation 2020 (Qld)</i>
87	<i>Nature Conservation (Plants) Regulation 2020 (Qld)</i>
88	<i>Nature Conservation (Protected Areas Management) Regulation 2017 (Qld)</i>
89	<i>Nature Conservation (Wildlife Management) Regulation 2006 (Qld)</i>
90	<i>Nature Conservation Act 1992 (Qld)</i>
91	<i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (Qld)</i>
92	<i>Peaceful Assembly Act 1992 (Qld)</i>
93	<i>Planning Act 2016 (Qld)</i>
94	<i>Planning Regulation 2017 (Qld)</i>
95	<i>Planning and Environment Court Act 2016 (Qld)</i>
96	<i>Planning and Environment Court Rules 2018 (Qld)</i>

ACTS AND SUBORDINATE LEGISLATION CONTAINING POWERS DELEGATED BY COUNCIL TO CEO	
No.	Name of Act
97	<i>Plumbing and Drainage Act 2002 (Qld)</i>
98	<i>Plumbing and Drainage Regulation 2003 (Qld)</i>
99	<i>Plumbing and Drainage Act 2018 (Qld)</i>
100	<i>Plumbing and Drainage Regulation 2019 (Qld)</i>
101	<i>Property Law Act 1974 (Qld)</i>
102	<i>Prostitution Act 1999 (Qld)</i>
103	<i>Public Health (Infection Control for Personal Appearance Services) Act 2003 (Qld)</i>
104	<i>Public Health Act 2005 (Qld)</i>
105	<i>Public Health Regulation 2018 (Qld)</i>
106	<i>Public Interest Disclosure Act 2010 (Qld)</i>
107	<i>Public Records Act 2002 (Qld)</i>
108	<i>Public Sector Ethics Act 1994 (Qld)</i>
109	<i>Queensland Building and Construction Commission Act 1991 (Qld)</i>
110	<i>Queensland Heritage Act 1992 (Qld)</i>
111	<i>Queensland Reconstruction Authority Act 2011 (Qld)</i>
112	<i>Rail Safety National Law</i>
113	<i>Regional Planning Interests Act 2014 (Qld)</i>
1	<i>Residential Services (Accreditation) Act 2002 (Qld)</i>
2	<i>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</i>
3	<i>Residential Tenancies and Rooming Accommodation (COVID Emergency Response) Regulation 2020 (Qld)</i>
4	<i>Retail Shop Leases Act 1994 (Qld)</i>
5	<i>Retail Shop Leases and Other Commercial Leases (COVID-19 Emergency Response) Regulation 2020 (Qld)</i>
6	<i>Right to Information Act 2009 (Qld)</i>
7	<i>River Improvement Trust Act 1940 (Qld)</i>
8	<i>Safety in Recreational Water Activities Act 2011 (Qld)</i>
9	<i>Soil Conservation Act 1986 (Qld)</i>
10	<i>Standard Plumbing and Drainage Regulation 2003 (Qld)</i>
11	<i>State Development and Public Works Organisation Act 1971 (Qld)</i>
12	<i>State Penalties Enforcement Act 1999 (Qld)</i>
13	<i>State Penalties Enforcement Regulation 2014 (Qld)</i>
14	<i>Statutory Bodies Financial Arrangements Act 1982 (Qld)</i>
15	<i>Stock Act 1915 (Qld)</i>

ACTS AND SUBORDINATE LEGISLATION CONTAINING POWERS DELEGATED BY COUNCIL TO CEO	
No.	Name of Act
16	<i>Stock Route Management Act 2002 (Qld)</i>
17	<i>Stock Route Management Regulation 2003 (Qld)</i>
18	<i>Strong and Sustainable Resource Communities Act 2017 (Qld)</i>
19	<i>Summary Offences Act 2005 (Qld)</i>
20	<i>Summary Offences Regulation 2006 (Qld)</i>
21	<i>Survey and Mapping Infrastructure Act 2003 (Qld)</i>
22	<i>Sustainable Planning Act 2009 (Qld)</i>
23	<i>Sustainable Planning Regulation 2009 (Qld)</i>
24	<i>Telecommunications (Interception and Access) Act 1979 (Cth)</i>
25	<i>Tobacco and Other Smoking Products Act 1998 (Qld)</i>
26	<i>Torres Strait Islander Cultural Heritage Act 2003 (Qld)</i>
27	<i>Transport Infrastructure (Busway) Regulation 2002 (Qld)</i>
28	<i>Transport Infrastructure (Public Marine Facilities) Regulation 2011 (Qld)</i>
29	<i>Transport Infrastructure (Rail) Regulation 2006 (Qld)</i>
30	<i>Transport Infrastructure (State Controlled Roads) Regulation 2017 (Qld)</i>
31	<i>Transport Infrastructure Act 1994 (Qld)</i>
32	<i>Transport Operations (Marine Pollution) Act 1995 (Qld)</i>
33	<i>Transport Operations (Marine Safety) Act 1994 (Qld)</i>
34	<i>Transport Operations (Marine Safety) Regulation 2016 (Qld)</i>
35	<i>Transport Operations (Passenger Transport) Act 1994 (Qld)</i>
36	<i>Transport Operations (Road Use Management) Act 1995 (Qld)</i>
37	<i>Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015 (Qld)</i>
38	<i>Transport Operations (Road Use Management—Road Rules) Regulation 2009 (Qld)</i>
39	<i>Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021 (Qld)</i>
40	<i>Transport Planning and Coordination Act 1994 (Qld)</i>
41	<i>Trusts Act 1973 (Qld)</i>
42	<i>Waste Reduction and Recycling Act 2011 (Qld)</i>
43	<i>Waste Reduction and Recycling Regulation 2011 (Qld)</i>
44	<i>The Waste Reduction and Recycling (Local Government) Delegation (No. 1) 2015</i>
45	<i>Water Act 2000 (Qld)</i>
46	<i>Water Regulation 2016 (Qld)</i>
47	<i>Water Supply (Safety and Reliability) Act 2008 (Qld)</i>
48	<i>Work Health and Safety Act 2011 (Qld)</i>

ACTS AND SUBORDINATE LEGISLATION CONTAINING POWERS DELEGATED BY COUNCIL TO CEO	
No.	Name of Act
49	<i>Work Health and Safety Regulation 2011 (Qld)</i>
50	<i>Workers Compensation and Rehabilitation Act 2003 (Qld)</i>
51	<i>Workers Compensation and Rehabilitation Regulation 2014 (Qld)</i>
52	<i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>

LOCAL LAWS CONTAINING POWERS DELEGATED BY COUNCIL TO CEO	
No.	Name of Local Law
1	<i>Local Law No. 1 (Administration) 2014</i>
2	<i>Subordinate Local Law No. 1 (Administration) 2014</i>
3	<i>Local Law No. 2 (Animal Management) 2014</i>
4	<i>Subordinate Local Law No. 2 (Animal Management) 2014</i>
5	<i>Local Law No. 3 (Community and Environmental Management) 2014</i>
6	<i>Subordinate Local Law No. 3 (Community and Environmental Management) 2014</i>
7	<i>Local Law No. 7 (Indigenous Community Land Management) 2014</i>
8	<i>Subordinate Local Law No. 7 (Indigenous Community Land Management) 2014</i>

PART C: POWERS THAT MAY NOT BE DELEGATED

1. The power of the Mapoon Aboriginal Shire Council which are not able to be delegated are set out in the tables below.

Animal Management (Cats and Dogs) Act 2008 (Qld) (AMCDA)	
Section	Power not subject to delegation
12 – Identification devices under Act	Council may, by resolution, nominate a device to assist in identifying a dog.
50 – Duration of registration	Council may, by resolution, fix the period for registration of a dog.
113 – Approval of inspection program authorising entry	Council may, by resolution, approve a program (an approved inspection program) under which an authorised person may enter a place to monitor compliance with the AMCDA or an aspect of the AMCDA.

Biosecurity Act 2014	
Section	Power not subject to delegation
235 - Authorising and carrying out biosecurity program	A program authorisation must be authorised by a resolution of the local government.

Building Act 1975 (Qld)	
Section	Power not subject to delegation
32 - Local laws, local planning instruments and local government resolutions that may form part of the building assessment provisions	Council may make resolutions about an aspect of, or matter related or incidental to, building work prescribed under a regulation.

Building Regulation 2006 (Qld)	
Section	Power not subject to delegation
7 – Additional water saving targets	Council may, by resolution, impose a requirement (an additional requirement) for relevant work about the matters provided for under performance criteria 1 and 2 under the Queensland Development Code part 4.2.
13 – Land liable to flooding	Council may, by resolution: <ul style="list-style-type: none"> (a) designate part of its area as a flood hazard area; and (b) declare the following for all or part of a flood hazard area: <ul style="list-style-type: none"> (i) the defined flood level; (ii) the maximum flow velocity of water;

Building Regulation 2006 (Qld)	
Section	Power not subject to delegation
	<ul style="list-style-type: none"> (iii) an inactive flow or backwater area; (iv) a freeboard that is more than 300mm; (v) the finished floor level of class 1 buildings built in all or part of the flood hazard area.
25 – Local government's power to exempt particular assessable building work from particular stages of inspection	<p>Council may, by resolution, declare localities and forms of buildings or structures in its area exempt from inspection at a stage of assessable building work if the work:</p> <ul style="list-style-type: none"> (a) is, or is an alteration to, a single detached class 1a building or a class 10 building or structure; and (b) is not for a swimming pool or fencing around it.

Economic Development Act 2012 (Qld)	
Section	Power not subject to delegation
169 – Delegations	Council may not subdelegate a function or power of the Minister for Economic Development Queensland (MEDQ) delegated to it where MEDQ has, when delegating the function or power to Council, directed that the function or power cannot be subdelegated.

Environmental Protection Act 1994 (Qld) (EPA)	
Section	Power not subject to delegation
514 – Devolution of powers	<p>Council may make a resolution about the fees payable to it for the administration and enforcement of a matter devolved to it by the Governor in Council, which may include:</p> <ul style="list-style-type: none"> (a) the whole or part of an environmental protection policy; or (b) the issue of environmental authorities; (c) another matter under the EPA (other than Chapter 2 or Chapter 7, Part 8); or (d) a matter relating to an area below the high or low water mark forming the boundary of a local government's area.
518 – Delegation by administering authority	Where Council is an administering authority, it may, by resolution, delegate its powers under the Environmental Protection Act to an appropriately qualified entity.

Food Act 2006 (Qld) (Food Act)	
Section	Power not subject to delegation
31 – Fees payable to local governments	Council may make a resolution about the fees payable to it for providing a service or taking action under the Food Act.

Land Act 1994 (Qld)	
Section	Power not subject to delegation
56 – Model by-laws	Decide where the local government is trustee of trust land to adopt a model by-law.

Libraries Act 1988 (Qld)	
Section	Power not subject to delegation
55 – Library committees	Council may direct, by resolution, the functions, powers and duties to be fulfilled by a library committee.

Liquor Act 1992 (Qld)	
Section	Power not subject to delegation
173N – Suspension of designation	Council may, by resolution, suspend the designation of a public place as a public place where permitted liquor may be consumed for a period of not more than 10 days if it reasonably believes it is in the best interests of the residents of the area to do so.

Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
25C – Establishment of joint local governments	A joint local government is established for an area if 2 or more local governments approve, by resolution, the constitution for the joint local government.
25H – Chairperson and deputy chairperson	A joint local government must appoint a chairperson and deputy chairperson from its members, by resolution.
25I - Disbursement from operating fund of joint local government for purposes other than exclusive jurisdiction	A joint local government may only make a disbursement from its operating fund if the joint local government has, by resolution, decided the amount of the disbursement is not required for exercising its exclusive jurisdiction.
25J – Winding up joint local governments	A joint local government may, by resolution, decide to wind up the joint local government.
29 – Local law making process	A local law must be made by resolution of Council.
32 – Consolidated versions of local laws	Council may prepare and adopt, by resolution, a consolidated version of a local law.
46 – Assessing the public benefit	<p>A local government must conduct a public benefit assessment of any new significant business activity that is identified in the annual report of the local government.</p> <p>The local government must prepare a report on the public benefit assessment that contains its recommendations about the application of the competitive neutrality principle in relation to the significant business activity.</p> <p>At a meeting of the local government, the local government must consider the report and decide, by resolution, whether or not to apply the</p>

Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
	competitive neutrality principle in relation to the significant business activity.
47 – Code of competitive conduct	Council must decide each financial year, by resolution, whether to apply the code of competitive conduct to a business activity prescribed under regulation.
48 – Competitive neutrality complaints	Council must adopt, by resolution, a process for resolving competitive neutrality complaints. A competitive neutrality complaint is a complaint: <ul style="list-style-type: none"> (a) relating to a failure of Council to conduct a business activity in accordance with the competitive neutrality principle; and (b) is made by an affected person as defined in section 48(3) of the Local Government Act.
74 – Road register fees	Council may, by resolution or local law, fix a fee for a copy of a map or register of roads within the local government area.
80A – Malls	Council may decide by resolution to pay compensation to a person on account of injurious affection to any right or interest of a business, commercial or industrial nature because of the establishment, modification or closing of a mall by a local government.
93 – Land on which rates are levied	Land may be exempted from rating by resolution of Council.
94 – Power to levy rates and charges	The rates and charges to be levied in a financial year must be decided by resolution at Council's budget meeting for that financial year.
97 – Cost-recovery fees	Council may, under a local law or a resolution, fix a cost-recovery fee. An application for the issue or renewal of a licence, permit, registration or other approval under a local government Act may also include a tax if Council decides, by resolution, that the purpose of the tax benefits its local government area.
99 – Fees on occupiers of land below the high-water mark	Council may, by resolution, levy a fee on the occupier of land below the high-water mark for the use of Council's roads and other infrastructure.
107A – Approval of budget	Council must consider the budget presented by the mayor and, by resolution, adopt the budget with or without amendment. The budget must be adopted before 1 August in the financial year to which the budget relates.
110 – Councillors liable for improper disbursements	Councillors will be liable in accordance with section 110 for any disbursement of Council funds which is: <ul style="list-style-type: none"> (a) not provided for in Council's budget; and (b) made without the approval, by resolution, of Council.
134 – Approving an inspection program	Council may, by resolution, approve a systematic or a selective inspection program allowing an authorised person to enter and inspect certain properties within Council's local government area.
150 Conduct of Councillors	Adoption of the model procedures or other procedures for the conduct of the local government's meetings and meetings of its committees;

Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
	<p>Adoption of an investigation policy about dealing with suspected inappropriate conduct of councillors referred by the assessor to the local government;</p> <p>Decision to investigate a councillor's conduct in another way than as provided above;</p> <p>Decision, where a councillor has a declarable conflict of interest, to allow the Councillor to participate in a decision about the matter or to leave the place where the meeting is being held;</p> <p>Decision, where there is no quorum for deciding matter because of the prescribed conflicts of interest or declarable conflicts of interest, to deter the matter to a later meeting;</p> <p>Decision, where there is no quorum for deciding matter because of the prescribed conflicts of interest or declarable conflicts of interest, not to decide the matter and take no further action in relation to the matter.</p>
164 - Filling vacancy in office of mayor	Decision to appoint a councillor to the office of mayor if the office becomes vacant during the final part of the local government's term
165 – Acting mayor	<p>Council may, by resolution, appoint an acting mayor from its councillors in certain circumstances.</p> <p>Council may also, by resolution, declare that the office of deputy mayor is vacant, in which case it must immediately appoint another deputy mayor from its councillors.</p>
166 – Filling a vacancy in the office of another councillor (other than the Mayor)	<p>If the office of a councillor who is not the mayor becomes vacant during the beginning of Council's term, Council must, by resolution, fill the vacant office by either:</p> <ul style="list-style-type: none"> (a) a by-election; or (b) appointing the runner-up in the last election. <p>If the former councillor's office becomes vacant during the final part of Council's term, the vacant office must be filled by Council appointing, by resolution, a person who is:</p> <ul style="list-style-type: none"> (a) qualified to be a councillor; and (b) if the former councillor was elected or appointed to office as a political party's nominee—the political party's nominee.
170A – Requests for assistance or information	<p>'Acceptable requests guidelines' are guidelines of Council regarding:</p> <ul style="list-style-type: none"> (a) the way in which a councillor may ask a local government employee for advice to help the councillor carry out his or her responsibilities under the Local Government Act; and (b) reasonable limits on requests that a councillor may make. <p>Acceptable requests guidelines must be adopted by resolution by Council.</p>
175 – Post-election meetings	<p>Council must, by resolution, appoint a deputy mayor from its councillors (other than the mayor) at:</p> <ul style="list-style-type: none"> (a) a meeting held within 14 days after the conclusion of each quadrennial election and the conclusion of a fresh election of its councillors; and

Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
	(b) at the first meeting after the office of the councillor who is the deputy mayor becomes vacant.
196 – Appointing other local government employees	Council must, by resolution, adopt an organisational structure that is appropriate to the performance of Council's responsibilities.
197 – Councillor advisor	Allowing a councillor to appoint one or more appropriately qualified persons (each a councillor advisor) to assist the councillor in performing responsibilities under the Act.
202 – Appointing authorised persons	A person is qualified to be an authorised person of Council if: (a) the person is an authorised person for another local government; and (b) Council has, by resolution, decided that authorised persons of the other local government may be appointed as authorised persons of Council.
257 – Delegation of local government powers	Council may only delegate certain powers under the Local Government Act or another Act by resolution. Council must not delegate a power that an Act states must be exercised by resolution.
257A – Delegation of joint local government's powers	A joint local government may, by resolution, delegate its powers to certain persons or bodies. However, it must not delegate a power that an Act states must be exercised by resolution.
259 – Delegation of chief executive officer powers	Council's CEO must not delegate the following powers: (a) a power delegated by the local government, if the local government has directed the chief executive officer not to further delegate the power; and (b) a power to keep a register of interests.
268 – Process for administrative action complaints	Council must adopt, by resolution, a process for resolving complaints about an administrative action of Council by a person who is apparently directly affected by the administrative action.
276 – Local law continuation	Council may proceed in adopting or making a local law in accordance with the relevant process.
324 Investigating inappropriate conduct	Decision about the procedure for investigating a councillor's inappropriate conduct if an investigation policy has not been adopted under section 150AE; Decision to deal with a councillors inappropriate conduct in another way than as recommended by the assessor under Section 150AC(3)

Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
29 – Converting a business unit to a commercial business unit	Council must make the decision to convert a business unit to a commercial business unit by resolution.

Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
30 – Creating a commercial business unit	Council must make the decision to create a commercial business unit by resolution.
55 – Local government response to QCA's report	Council must decide, by resolution, whether to implement the recommendations in a report on the results of an investigation by the Queensland Competition Authority of a competitive neutrality complaint.
74 – Rateable value of land	When calculating the rateable value of land, Council may use the value of the land averaged over a number of financial years only if it decides, by resolution, to do so.
81 – Categorisation of land for differential general rates	Council must decide the different categories of rateable land in its local government area by resolution at its budget meeting, before Council levies differential general rates.
94 – Levying special rates or charges	Council may, by resolution, decide to levy special rates and charges. Council may amend an overall plan or an annual implementation plan regarding the special rates or charges at any time by resolution.
97 – Surplus special rates or charges after plan is cancelled	Where: (a) Council decides to cancel an overall plan before it is carried out; and (b) Council has not spent all the special rates or charges; and (c) the overall plan identifies the beneficiaries of the plan, Council may decide, by resolution, the proportions that it must pay the current owners of the land on which the special rates or charges were levied.
102 – Reading meters for utility charges	Council may, by resolution, decide a meter is taken to have been read during the period that starts 2 weeks before, and ends 2 weeks after, the day on which the meter is actually read.
116 – Limitation of increase in rates or charges levied	Council may resolve to limit the increase in rates or charges when it resolves to levy rates or charges.
118 – When rates or charges must be paid	Council must decide, by resolution at its budget meeting, the date by which, or the period within which, rates or charges must be paid.
122 – Resolutions for granting concession	Council may only grant a ratepayer a concession for rates or charges for land by resolution.
129 – Paying rates or charges by instalments	Council may decide, by resolution at its budget meeting, to allow ratepayers to pay rates or charges by instalments.
130 – Discount for prompt payment of rates or charges	Council may decide, by resolution at its budget meeting, to allow a discount for payment of rates or charges before the due date for payment. Council may change the due date for payment and the discount period to end on a later day by resolution.
133 - Interest payable on overdue rates or charges	Decision about the rate of interest payable on overdue rates or charges under 133 (3)(b)

Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
140 – Notice of intention to sell land for overdue rates or charges	Council may, by resolution, decide to sell land on which there are overdue rates or charges in the circumstances set out in section 140 of the Local Government Regulation.
149 – Requirements for notice of intention to acquire land	Council may decide to acquire land by resolution for overdue rates or charges.
165 – Preparation of 5-year corporate plan	Council may amend its 5-year corporate plan at any time by resolution.
167 – Long term asset management plan	Council must prepare and adopt a long-term asset management plan.
170 – Adoption and amendment of budget	Council may amend the budget for a financial year by resolution any time before the end of the financial year.
173 – Unauthorised spending	Adopting an annual budget amended in compliance with Sect 173A. Council may spend money which is not authorised in its budget for genuine emergency or hardship if it makes a resolution about spending the money before, or as soon as practicable after, the money is spent.
174 – Preparation and adoption of annual operational plan	Council may, by resolution, amend its annual operational plan at any time before the end of the financial year.
182 – Annual report	Council must adopt its annual report within one month after the day the auditor-general gives their report about the local government's financial statement.
191- Investment policy	Council must adopt an investment policy.
192 – Debt policy	Council must adopt a debt policy for a financial year.
195 – Community grants policy	Council must adopt a policy about local government grants to community organisations (including eligibility criteria).
196 – Entertainment and hospitality policy	Council must adopt a policy about the local government's spending on entertainment or hospitality.
197 – Advertising spending policy	Council must adopt a policy about the local government's spending on advertising.
198 – Procurement policy	Council must adopt a policy about procurement.
201- Trust fund transfers	Council may, by resolution, transfer money from the trust fund if the purpose for which it was credited to the fund no longer exists.
206 – Valuation of non-current physical assets	Council must, by resolution, set an amount for each different type of non-current physical asset below which the value of an asset of the same type must be treated as an expense.
218 – Power to choose strategic approach	Council may decide to apply Chapter 6, Part 2 of the Local Government Regulation (Strategic contracting procedures) to its contracts by resolution. Council may also decide that Chapter 6, Part 2 no longer applies to its contracts by a later resolution.

Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
219 - Strategic Contracting	Decision that Chapter 6 Part 2 (strategic contracting procedures) no longer applies to local government contracts.
220 – Contracting plans	Council must make and adopt a contracting plan each financial year by resolution, but must not do so before it adopts an annual budget for a financial year. Council may, by resolution, amend a contracting plan at any time before the end of the financial year to which the plan relates.
221 – Significant contracting plans	Council may, by resolution, amend a significant contracting plan (as defined in section 221 of the Local Government Regulation) at any time before the end of the financial year to which the plan relates.
222 – Contracting manual	Council must make and adopt a contract manual.
228 – Tender process	Council may invite expressions of interest under section 228(5) only if it decides by resolution that it would be in the public interest to invite expressions of interest before inviting written tenders.
230 – Exception if quote or tender consideration plan prepared	Council may enter into a medium-sized or large-sized contractual arrangement without first inviting written quotes or tenders if it decides, by resolution, to prepare a quote or tender consideration plan and prepares and adopts the plan.
235 – Other exceptions	Council may enter into a medium-sized or large-sized contractual arrangement without first inviting written quotes or tenders if it decides, by resolution, that: (a) there is only one supplier who is reasonably available; or (b) because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.
236 – Exceptions for valuable non-current asset contracts	Before disposing of a valuable non-current asset other than by tender or auction in accordance with section 236, Council must decide by resolution that the exceptions allowing such disposal apply to Council.
247 – Remuneration payable to councillors	Council may decide, by resolution, that the maximum amount of remuneration payable to a councillor under the remuneration schedule is not payable to the councillor. If this occurs, Council must also decide, by resolution, the amount of remuneration payable to the councillor.
250 – Requirement to adopt expenses reimbursement policy or amendment	Council may amend its expenses reimbursement policy at any time by resolution.
254 - Exemption of minutes and close a meeting	Council may exempt a committee from the requirement to take minutes of its proceedings by resolution. Council or a committee may decide by resolution that a meeting be closed to the public if the councillors or members of the committee consider it necessary to close the meeting to discuss certain matters.
257 – Frequency and place of meetings	Council must meet at least once in each month either at one of its public offices or at another place fixed by Council by resolution for the meeting.

Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
306 – Complaints management process	Council must adopt a complaints management process and written policies and procedures supporting the process.

Minister's Guidelines and Rules	
Section	Power not subject to delegation
Chapter 2, Part 1, 3.1	For the purposes of section 20 of the Planning Act (amending planning schemes under Minister's rules), adoption of a proposed administrative amendment to a planning scheme.
Chapter 2, Part 2, 6.1	For the purposes of section 20 of the Planning Act (amending planning schemes under Minister's rules), adoption of a proposed minor amendment to a planning scheme.
Chapter 2, Part 3, 14.1	For the purposes of section 20 of the Planning Act (amending planning schemes under Minister's rules), adoption of a proposed qualified state interest amendment to a planning scheme approved and notified by the Minister under section 13.5.
Chapter 2, Part 4, 22.1	For the purposes of section 20 of the Planning Act (amending planning schemes under the Minister's rules), adoption of a proposed major amendment to a planning scheme approved and notified by the Minister under section 21.5.
Chapter 3, Part 1, 5.1	For the purposes of section 22 of the Planning Act (making or amending planning scheme policies), adoption of a proposed planning scheme policy or amendment.
Chapter 3, Part 2, 9.1	For the purposes of section 23 of the Planning Act (making or amending temporary local planning instruments), adoption of a proposed temporary local planning instrument or temporary local planning instrument amendment approved and notified by the Minister under section 8.5.
Chapter 5, Part 2, 10.1	For the purposes of section 25(3) and (4) of the Planning Act (reviewing a local government infrastructure plan) and making or amending an LGIP, or making an interim LGIP amendment, adoption of a proposed LGIP or amendment approved and notified by the Minister under section 9.7.

Planning Act 2016	
Section	Power not subject to delegation
9 – Temporary local planning instruments	Resolution that the local government give a temporary local planning instrument or amendment, and the request for an earlier effective day, to the Minister for approval.
24 – Repealing TLPIs or planning scheme policies	A local government may repeal a TLPI, or planning scheme policy, by resolution.
113 – Adopting Charges Resolution	A local government may by resolution (a charges resolution) adopt charges (each an adopted charge) for providing trunk infrastructure for development.
175 – Proceedings brought in a	A person may bring offence proceedings in a representative capacity if the person has the consent of the members of its controlling or governing

Planning Act 2016	
Section	Power not subject to delegation
9 – Temporary local planning instruments	Resolution that the local government give a temporary local planning instrument or amendment, and the request for an earlier effective day, to the Minister for approval.
representative capacity	body where the proceedings are being brought on behalf of a body of persons or a corporation (e.g. Council).
Schedule 2 – Required fee	Fixing of a fee for an application or referral to a local government.

Planning Regulation 2017	
Section	Power not subject to delegation
Part 1 - Division 3 – Superseded Planning Schemes – s 11(3)	A local government may by resolution set a fee for considering a superseded planning scheme request.
Schedule 6 Part 1 – Material change of use for particular buildings or structures – s 2(e)	For a class 1(a)(ii) building made up of not more than 2 attached dwellings – the local government for the local government area in which the premises are located may decide by resolution that this subsection will apply to that class of building.
Schedule 9 - Division 2 – Local Government as referral agency (Table 4)	Council may declare in its planning scheme or by resolution that building work for a building or structure is in a locality and of a form that may: <ul style="list-style-type: none"> (a) have an extremely adverse effect on the amenity or likely amenity of the locality; (b) or be in extreme conflict with the character of the locality.
68D - Provisions in relation to economic support instruments	Adopt an economic support instrument for its local government area
68G - Provisions in relation to economic support instruments	Revoke an economic support instrument for its local government area

Plumbing and Drainage Act 2002 (Qld)	
Section	Power not subject to delegation
83 – Compliance permit required for certain compliance assessable work	Council may decide, by resolution, that certain compliance assessable work does not require a compliance permit. This does not apply to compliance work that is on-site sewerage work.
86A – Process for assessing certain compliance assessable work in remote areas	Council may declare, by resolution, that it is satisfied that in the absence of assessment of compliance assessable work at the stages prescribed under a regulation by an inspector, the work will not adversely affect public health or safety.

Plumbing and Drainage Regulation 2019 (Qld)	
Section	Power not subject to delegation
39 – Fast-track work declaration for a local government area	Council may decide, by resolution, to declare permit work of a stated type to be fast-track permit work for its local government area (a fast-track work declaration).
40 - Fast-track opt-out declaration for local government area	Council may decide, by resolution, to declare that it will not deal with any applications relating to permits for work to be carried out in its local government area as fast-track applications (a fast-track opt-out declaration).
71 - Local government declarations about remote areas and eligible work	Council may decide, by resolution to declare part of its local government area to be a remote area because of the area's remoteness from the local government's public office (a remote area declaration).
71 - Local government declarations about remote areas and eligible work	Council may decide, by resolution, to declare particular permit work carried out in a remote area to be eligible work if the local government considers the work is of a type that, even if not inspected, will not be likely to adversely affect public health or safety, or the environment.

Public Health (Infection Control for Personal Appearance Services) Act 2003 (Qld) (PHICPASA)	
Section	Power not subject to delegation
9 – Local government to administer Act	Council may make a resolution about the fees payable to it for providing a service or taking action under the PHICPASA.

Queensland Heritage Act 1992 (Qld)	
Section	Power not subject to delegation
119 – Local government resolution to enter place in, or remove place from, local heritage register	Council may, by resolution, add or remove a place from its local heritage register in certain circumstances.

Residential Services (Accreditation) Act 2002 (Qld)	
Section	Power not subject to delegation
29 – Notice of compliance with prescribed building requirements	Council may, by resolution, prescribe a fixed fee for a written application to Council by a person conducting, or who proposes to conduct, a residential service for a notice stating whether the relevant premises comply with the prescribed building requirements.

South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 (Qld)	
Section	Power not subject to delegation
28 – Power to amend by agreement	If Council is a participant in a participation agreement for a distributor-retailer, Council may agree to an amendment of the agreement only if it has passed a resolution to that effect.

South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 (Qld)	
Section	Power not subject to delegation
34 – Councillor members	A councillor-member's appointment to the board of a distributor-retailer ends if Council (and all other participating local governments) have agreed as such by resolution.

Stock Route Management Act 2002	
Section	Power not subject to delegation
110 – Adopting a stock route network management plan	If the Minister is satisfied of the matters mentioned in section 109(2), the Minister must advise the local government that it may, by resolution, adopt the plan.
114 – Amending a stock route management plan	After considering the amended plan the Minister must advise the local government that the local government may by resolution amend the plan.

Sustainable Planning Act 2009	
Section	Power not subject to delegation
92 – Action local government may take after review	After reviewing its planning scheme, Council may, by resolution: <ul style="list-style-type: none"> (a) propose to prepare a new scheme; or (b) propose to amend the scheme; or (c) if Council is satisfied that the scheme is suitable to continue without amendment, decide to take no further action.
123 – Repealing temporary local planning instruments	Council may, by resolution, repeal a temporary local planning instrument.
124 – Repealing planning scheme policies	Council may, by resolution, repeal a planning scheme policy, other than a planning scheme policy that is replaced by another planning scheme policy.
399 – Who may carry out compliance assessment	Council may nominate, by resolution, a suitable qualified entity to carry out compliance assessment for Council.
590 – Giving enforcement notices	If Council is the assessing authority, it may not delegate its power to give an enforcement notice ordering the demolition of a building.
598 – Proceeding brought in a representative capacity	Where a proceeding is brought in the Magistrates Court to prosecute a person on behalf of Council, Council must first provide its consent by resolution to the commencement of proceedings on its behalf.
602 – Proceeding brought in a representative capacity	Where a proceeding is brought in the court in relation to an enforcement order or interim enforcement order on behalf of Council, Council must first provide its consent by resolution to the commencement of proceedings on its behalf.
630 – Power to adopt charges by resolution	Council may, by resolution, adopt charges for providing trunk infrastructure for development. This is defined as a 'charges resolution'.

Sustainable Planning Regulation 2009	
Section	Power not subject to delegation
Schedule 7 (Item 17) – Amenity and aesthetic impact of particular building work	<p>Council may declare in its planning scheme or by resolution that building work for a building or structure is in a locality and of a form that may:</p> <ul style="list-style-type: none"> (a) have an extremely adverse effect on the amenity, or likely amenity, of the locality; or (b) be in extreme conflict with the character of the locality.

Transport Operations (Road Use Management) Act 1995 (Qld)	
Section	Power not subject to delegation
103 – Examples of how parking may be regulated	<p>Council may, by local law or resolution, specify parking fees for a place or traffic area of the fee for:</p> <ul style="list-style-type: none"> (a) a disabled or other parking permit issued by Council; and (b) a commercial vehicle identification label allowing a vehicle to park in a loading zone.

Waste Reduction and Recycling Act 2011 (Qld)	
Section	Power not subject to delegation
125 – Adoption of plan following consultation	Council must adopt, by resolution, a waste reduction and recycling plan, or an amendment of a waste reduction and recycling plan, before the plan or amendment is implemented in its local government area.

Waste Reduction and Recycling Regulation 2011 (Qld)	
Section	Power not subject to delegation
7 – Designation of areas	Council may, by resolution, designate areas within its local government area in which Council may conduct general waste or green waste collection.

Water Supply (Safety and Reliability) Act 2008 (Qld) (Water Supply Act)	
Section	Power not subject to delegation
161 – Declaration of service area	<p>Council may declare by resolution:</p> <ul style="list-style-type: none"> (a) all or part of its local government area to be a service area for a retail water service or a sewerage service; and (b) the service provider for the service area. <p>Council may also amend the declaration, by resolution, to add an area to, or remove an area from, the service area (with the written agreement of the service provider).</p>
476 – Proceeding started in a representative capacity	Where a proceeding for an enforcement order is commenced by a person on behalf of Council, Council must first provide its consent by resolution to the commencement of proceedings on its behalf.
498 – Proceeding brought in a	Where a proceeding for an offence against the Water Supply Act is commenced by a person on behalf of Council, Council must first provide

Water Supply (Safety and Reliability) Act 2008 (Qld) (Water Supply Act)	
Section	Power not subject to delegation
representative capacity	its consent by resolution to the commencement of proceedings on its behalf.



Mapoon Aboriginal Shire Council

GUIDING PRINCIPLES FOR DELEGATIONS FROM COUNCIL TO THE CEO POLICY

DOCUMENT VERSION CONTROL			
VERSION	DATE	RESOLUTION N°.	DETAILS
1.0	21/3/2023		Responsible Officer: CEO Policy Type: Statutory Policy
			Expiry Date: 30 June 2025

Purpose

The purpose of this document is to provide a framework and clear principles under which the Chief Executive Officer may exercise delegations handed down from Council to the Chief Executive Officer.

Guiding principles

1. The powers conferred by delegation to the Chief Executive Officer must be exercised in a manner that is consistent with Local Government Act 2009, Local Government Regulation 2012 and in accordance with any other legislation that may specifically confer authority to exercise the delegated power.
2. When making a decision to exercise a delegated power, the Chief Executive Officer must have due regard to the strategic direction and priorities set by Council including the Corporate Plan, Operational Plan, Annual Budget and financial delegation.
3. In the performance of a delegated function or in the exercise of a delegated power, the Chief Executive Officer may do anything that is lawfully and reasonably incidental to the delegated function or power.
4. Delegations made by Council are made to the position of Chief Executive Officer and unless excluded in the terms of appointment extend to persons acting in that position from time to time.
5. The Chief Executive Officer is not obliged to exercise a delegation.
6. The Chief Executive Officer must avoid exercising any delegation where it can fairly be concluded that to do so would give rise to material claims of the delegate having an actual or perceived conflict of interest, whether financial or otherwise.
7. As a matter of practice, the Chief Executive Officer should consult with the Mayor and/or the relevant Portfolio Councillor prior to exercising a delegated power in instances where the exercise of the delegations may reasonably be expected to:
 - generate significant community concern; and/or
 - result in significant financial, resource or policy implications for Council.

7.7 CHANGES TO THE MAPOON ABORIGINAL SHIRE COUNCIL BOUNDARIES

Author: Tom Smith, CEO
Authoriser: Tom Smith, CEO
Attachments: 1. proposed Boundry changes

PURPOSE OF REPORT

The purpose of this report is to start the process of initiating boundary changes to more closely reflect the economic, social, and cultural sphere of influence that MASC has around its immediate surrounds. The process of changing boundaries is typically a very long process involving several key stakeholders. The purpose of this report is to ensure that the council formally agree that the attached map is approximately where they were they would like the boundary to be and allow for an initial consultation to take place with Cook Shire Council. For the process to have some chance of success the councils that are affected by the changes need to agree in-principle that this is the best way to move forward.

The next action that would need to take place is that a letter will be sent through to Cook Shire Council to ask for their preliminary views on the proposed changes.

DISCUSSION

The current boundaries are extremely unusual they are not joined and lot 6 on SP 140905 is not connected to the other land within the boundaries of the shire. Mapoon Council would like to extend its boundaries for the following reasons.

- Better say over the areas that surround Mapoon.
- Better boundary connections than those which exist currently
- Ability to have a stronger say over potential developments in the area.
- Ability to have a stronger say over mining activities in the area.
- Ability to have a stronger say over illegal building construction that has happened and will continue to happen in the area.
- Ability to have a stronger say over environmental protection activities in the seaways and waterways.
- Most importantly a better ability to have better and stronger conversations with the traditional owners and community members about what happens with lands around Mapoon that have the ability to affect the lifestyles of the Mapoon custodians and residents

LEGAL CONSIDERATIONS

This is only the start of the process the following will need to take place in order for the boundary changes to take place.

- Council will need to obtain an in-principal council resolution from Cook Shire Council

- Once the two in principal resolutions is in place the following is required to be prepared for submission to the DSDILGP
- When all the documents are available then a second formal resolution is required from both councils
- These resolutions with supportive documentation is then forwarded to DSDILGP with a request to the Minister to approve the application.
- On approval relevant formal LG boundary survey will have to be undertaken etc.

Please note:

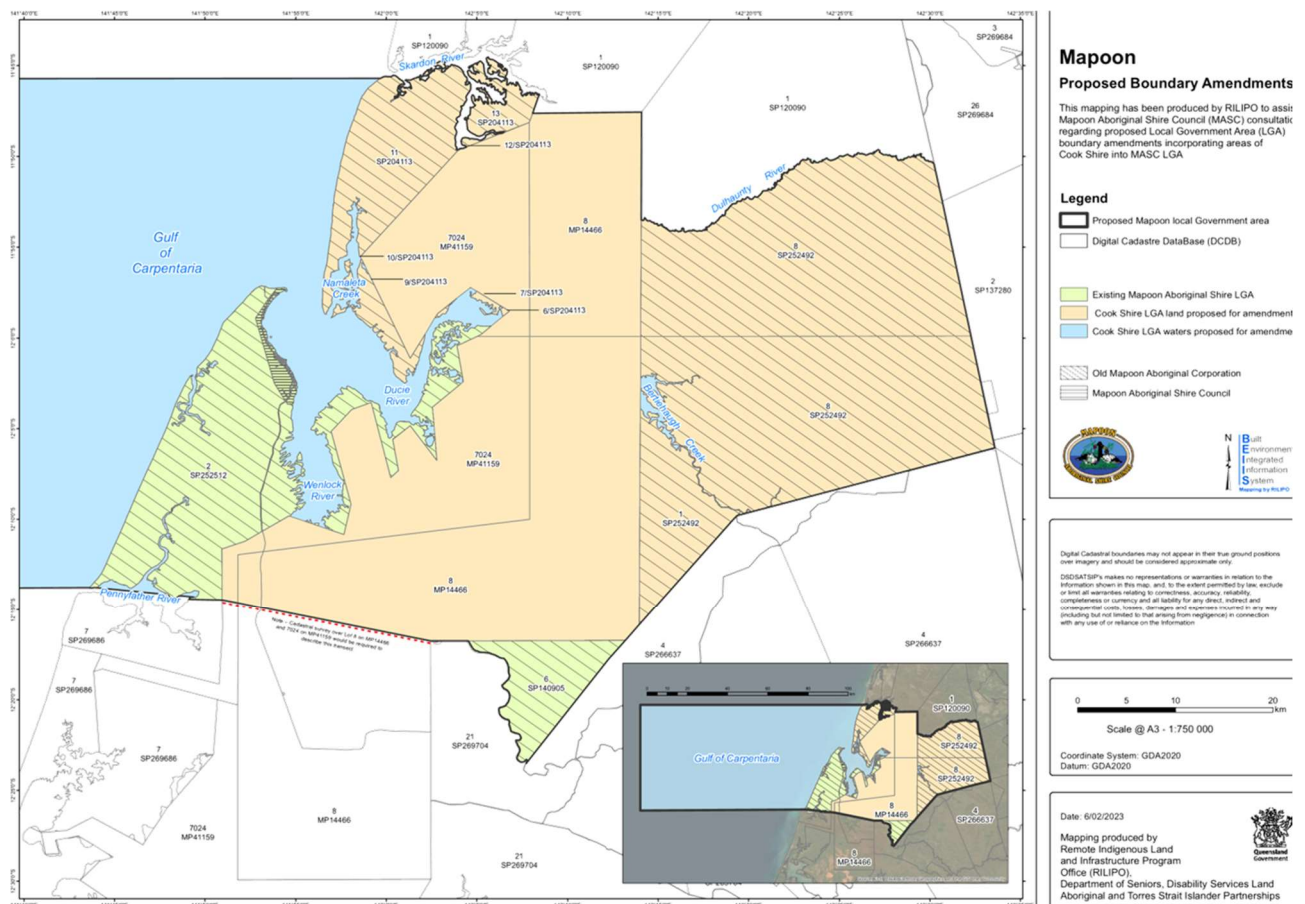
- The LG boundary adjustment when approved will not automatically adjust the Mapoon Planning Scheme or
- Any other statutory documents
- The MASC will manage the new area in terms of the Cook Shire Planning Scheme until such date that the MASC amend its Mapoon Planning Scheme to include the new area.
- This is an expensive exercise and take approximately 12-14 months.
- It does not have to be done immediately and council can keep on managing the areas under two planning instruments.

Other actions that will need to be undertaken.

- Workshop with Traditional owners and receive support from them including – resolutions.
- Discussions with leaseholders and in principal support from them
- Investigation to determine who lives on the land (if any) to provide the Electoral Commission with information of how many persons (landowners) will be affected in potential changes to voting districts.
- The following documentation and information in relation to finances. This is for the Minister to understand and be informed that MASC can afford the change and will not be negatively impacted. Also, any negative impact on the financial impact on Cook Shire.
 - The land parcels and areas that will come out of land tax assessable and go into an area with no land tax assessment.
 - The indicative management cost of the area on MASC
 - LG roads to be maintained.
 - Pest and invasive species management.
 - Illegal activity management.
 - The net benefit to MASC in potential to generate income from the area.
 - Services to be provided to the area by MASC.
 - Insurance cost impacts
 - Asset management and depreciation impacts
- Further thought around why the council want to amend the LG boundary. Social, economic, cultural, and technical.

RECOMMENDATION

- a) That Council adopt the current boundaries as defined in attachment (1) on a preliminary basis only and that the preliminary views of the Cook Shire Council be sought before any further actions be undertaken.
- b) The CEO be authorised to write a letter on behalf of council to Cook Shire Council outlining our reasons for seeking the changes as proposed and seeking their preliminary views.



7.8 WORK HEALTH AND SAFETY MONTHLY REPORT - FEBRUARY 2023

Author: Lachlan Hogan, Workplace Health and Safety Officer

Authoriser: Tom Smith, CEO

Attachments: Nil

PURPOSE OF REPORT

To provide information relating to the status of Work, Health and Safety at Mapoon Aboriginal Shire Council for the month of February 2023.

BACKGROUND**INCIDENTS**

There was a total of 3 incidents reported in February please see below.

- 10-02-23 – A complaint was raised against the Aged Care Manager by a client, who claims they were verbally abused by the council employee at the aged care accommodation area. This was left with management to deal with.
- 20-02-23 – A council employee was moving a camper trailer out of the SES shed as directed by their supervisor, whilst moving the trailer over a sloped area the employee has lost control of the trailer and while trying to stop it they have fallen over and the wheel of the trailer has run over their right wrist causing significant pain. They were taken to Weipa Hospital for x-rays and were cleared of a fracture. Findings out of this is not taking the time to risk assess and plan the job at hand, all too often employees take the easy option instead of spending a bit more time to get it right the first time.
- 23-03-23 – Problem stallion in the community “Fury” has charged a council employee in the Paanja Lodge, left the employee shaken and frightened by the encounter. This is the 2nd recorded incident with this animal.

TOOLBOX MEETING

A total of 2 toolbox meetings held in February please see below.

- 8th – Was held with Tony Walters, Talked about ensuring employees did their vehicle checks.
- 14th – Started @ 08:00
- 21- Talked about incident we had previous where employee was injured, also an update on the PPE order.
- 28th – Sick day.

HAZARD REPORTS

3 Hazard reports raised this month see below.

146	8-Feb	Tony Walters	Child Care	Wally Ziegelbauer	Grass height around playground	Wally Ziegelbauer
147	8-Feb	Tony Walters	Land & Sea	Kellie Leatham	Tree across road	Kellie Leatham
148	8-Feb	Tony Walters	Water Plant	Lachlan Hogan	Faded Hazchem sign	Lachlan Hogan

SITE INSPECTIONS

A total of 17 site inspections recorded this month.

- Airport
- Bores x 2
- Campground
- Boat Ramp
- Cultural Centre
- Illegal Dumping
- Landfill x 2
- Rec Hall
- Water Plant x 2 (Hazard Report 148)
- New Houses
- Cabinet Workshop
- Church
- New Shop Site
- Playgroup (Hazard Report 146)

OTHER WORKS

- Performed EHW works 08th – 14th while operator was sick.
- Ordered new uniforms and work boots for employees.
- Re-ordered wet weather gear that wasn't ordered which included gumboots and raincoats.

- Drafted letter to deal with the removal of the problem horse as mentioned in the incidents for the month.
- WHS Induction – Kiri Tabuai
- Installed evacuation signage at the Cultural Centre, Recreation Hall and the Church.
- Followed up outstanding Hazard Reports with Wally in regards to Playgroup.

DISCUSSION

[Type here](#)

8 ANY OTHER BUSINESS

Nil

9 CORRESPONDENCE IN

Nil

10 CORRESPONDENCE OUT

Nil

11 NEXT MEETING DATE

Proposed date for next meeting: 18 April 2023

12 CLOSE MEETING