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**MINUTES OF THE GENERAL MEETING OF MARANOA REGIONAL COUNCIL HELD AT ROMA ADMINISTRATION CENTRE ON 13 SEPTEMBER 2017 COMMENCING AT 9.03AM**

**ATTENDANCE**

Mayor Cr. T D Golder chaired the meeting with, Deputy Mayor Cr. J L Chambers, Cr. N H Chandler, Cr. P J Flynn, Cr. G B McMullen, Cr. W M Newman, Cr. C J O'Neil, Cr. D J Scheffe, Cr. J M Stanford, Chief Executive Officer – Julie Reitano, Communications Officer / Team Coordinator Communications – Jane Frith, and Minutes Officer – Kelly Rogers in attendance.

**AS REQUIRED**

Director Infrastructure Services – Cameron Castles, Director Development, Facilities & Environmental Services – Rob Hayward, Director Corporate, Community & Commercial Services – Sharon Frank, Manager Procurement & Commercial Services – Ryan Gittins, Manager Facilities (Land, Buildings & Structures) – Tanya Mansfield, Facility Lease Management & Housing Officer/Team Coordinator – Madonna Mole, Regional Grants & Council Events Development Coordinator – Susan Sands, Local Development Officer Surat – Johanne Hancock.

**WELCOME**

The Mayor welcomed all present and declared the meeting open at 9.03am.

**APOLOGIES**

There were no apologies for the meeting.

**CONFIRMATION OF MINUTES**

**Resolution No. GM/09.2017/01**

**Moved Cr Stanford**

**Seconded Cr Chandler**

**That the minutes of the General Meeting (17-23.08.17) held on 23 August 2017 be confirmed.**

**CARRIED**

**9/0**

**BUSINESS ARISING FROM MINUTES**

There was no business arising from the minutes.

**ON THE TABLE**

The following confidential item had been left on the table at the General Meeting held on 16 August 2017 as noted below:

- Item C.10 - Dedication of a Reserve for Recreation Grounds and Park Purposes – Lot 3 on Crown Plan DL366

**PRESENTATIONS/PETITIONS AND DEPUTATIONS**

There were no presentations/petitions or deputations at the meeting.

**CONSIDERATION OF NOTICES OF BUSINESS**

There were no notices of business for consideration.

**CONSIDERATION OF NOTICES OF MOTION**

There were no notices of motion for consideration.

## RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

No notices of motion were received for the next meeting.

## BUSINESS

### CORPORATE, COMMUNITY & COMMERCIAL SERVICES

**Item Number:** 11.1 **File Number:** D17/65577

**SUBJECT HEADING:** DRAFT ANNUAL FINANCIAL STATEMENTS 2016/17

**Officer's Title:** Financial Accountant / Team Coordinator

**Executive Summary:**

*Council's general purpose Financial Statements and current-year Financial Sustainability Statement for 2016/17 must be given to the Auditor-General for auditing.*

*A draft copy of the annual financial statements for 2016/17 (prepared 15 August 2017) was presented to the Audit Committee meeting on 28 August 2017, and was in turn presented to Council for endorsement.*

**Discussion:**

Cr O'Neil requested that an additional breakdown of financial detail be sent to Councillors with respect to Grants & Subsidies and Borrowings transactions. The Director Corporate, Community & Commercial Services in turn circulated the requested information to Councillors by email during the meeting.

Cr. Chambers spoke in favour of the motion, commending staff for preparing the statements in a timely manner, and congratulated them on their efforts.

**Resolution No. GM/09.2017/02**

**Moved Cr Chambers**

**Seconded Cr Newman**

**That:**

1. Council's draft Annual Financial Statements for 2016/17 (including general purpose financial statements and current year financial sustainability statement) be endorsed for presenting to the Auditor-General for auditing pursuant to section 212 of the *Local Government Regulation 2012*.
2. Council's draft Long Term Financial Sustainability Statement for 2016/17 be given to the Auditor-General for information.

CARRIED

9/0

**Responsible Officer**

**Financial Accountant / Team Coordinator**

**Item Number:**

11.2

**File Number:** D17/66779

**SUBJECT HEADING:**

CARRY OVER PROJECTS FROM 2016/17 TO 2017/18

**Officer's Title:**

Contractor - Strategic Finance

**Executive Summary:**

*Managers have identified that a total of \$42.1 million Council capital works & one off projects of \$658,925 will be carried over to 2017/18.*

Funding sources are as follows:

- \$22.7 million is funded by capital grants and contributions
- \$9.35 million from unspent capital grants, contributions & other constrained works reserves
- \$2.21 million from unspent loan
- \$5.0 million from specific reserves, e.g. plant, water & sewerages reserves, airport reserves
- \$3.48 million from general funded reserves

<b>Resolution No. GM/09.2017/03</b>	
<b>Moved Cr Flynn</b>	<b>Seconded Cr Scheffe</b>
<p><b>That Council approve the listed carry over capital works &amp; one off projects totalling \$42.76 million and the associated funding sources as identified in the officer's report.</b></p>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Contractor - Strategic Finance</b>
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**Item Number:** 11.3 **File Number:** D17/68756

**SUBJECT HEADING:** **ACCEPTANCE OF TACKLING REGIONAL ADVERSITY THROUGH INTEGRATED CARE GRANT (MARANOA MENTAL HEALTH STRATEGY)**

**Officer's Title:** **Specialist - Be Healthy & Safe Maranoa**

**Executive Summary:**

*Council received notification of successful grant application - Queensland Government Department of Health Tackling Regional Adversity through Integrated Care 2017 – 2018 Grant Program.*

*Approval for grant application was sought 17/2/17 (GM/02.2017/41).*

**Discussion:**

Cr. Stanford spoke in favour of the motion, indicating that there were some good projects under the program to help the Maranoa Mental Health Strategy provide assistance to the community.

<b>Resolution No. GM/09.2017/04</b>	
<b>Moved Cr Stanford</b>	<b>Seconded Cr Chandler</b>
<p><b>That Council authorise the Chief Executive Officer to sign the Tackling Regional Adversity through Integrated Care 2017 – 2018 Grant service agreement.</b></p>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Specialist - Be Healthy &amp; Safe Maranoa</b>
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**Item Number:** 11.4 **File Number:** D17/71606

**SUBJECT HEADING:** CONSIDERATION OF ELECTED MEMBER ATTENDANCE AT UPCOMING CONFERENCES

**Officer's Title:** Councillors & Community Engagement Officer / Team Coordinator

**Executive Summary:**

*The report sought formalisation of elected member attendance at upcoming conferences as part of advocacy activities and/or enhancing strategy and policy development for Maranoa Regional Council.*

**Resolution No. GM/09.2017/05**

**Moved Cr Chambers**

**Seconded Cr Scheffe**

**That Council:**

1. Endorse the attendance of Mayor Golder and Councillors McMullen, O'Neil, Newman and Scheffe at the 2017 LGAQ Annual Conference on 16 – 18 October 2017 in Gladstone.
2. Endorse the attendance of Councillors O'Neil and Stanford at the South West Local Government Association Meeting (SWQLGA) on 26 & 27 September 2017 in Thargomindah – noting that the Mayor advised that he may also attend on 26 September 2017.
3. Endorse the attendance of Cr. Flynn at the Livestock Markets Association Board Meeting (ALMA) on 21 & 22 September 2017 in Sydney, as well as Cr Flynn's attendance at all future Australian (ALMA) board meetings held in Queensland, given his approved representation on the board at the General Meeting held on 26 July 2017.
4. Draw the required funds from attending individual Councillor Conference Registration Work Order numbers.

CARRIED

9/0

<b>Responsible Officer</b>	<b>Councillors &amp; Community Engagement Officer / Team Coordinator</b>
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**Item Number:** 11.5 **File Number:** D17/71843

**SUBJECT HEADING:** DELEGATES TO THE 2017 LGAQ ANNUAL CONFERENCE

**Officer's Title:** Councillors & Community Engagement Officer / Team Coordinator

**Executive Summary:**

*As part of Council's annual membership subscription with the Local Government Association of Queensland (LGAQ), Council pays a conference levy which entitles the attendance of two (2) delegates from Maranoa Regional Council at the LGAQ Annual Conference. This year the conference will be held in Gladstone on 16 – 18 October 2017.*

**Resolution No. GM/09.2017/06**

**Moved Cr Chambers**

**Seconded Cr Stanford**

**That Councillors O’Neil & Scheffe be the nominated delegates for attendance at the 2017 LGAQ Annual Conference on 16 – 18 October 2017 in Gladstone.**

CARRIED

8/1

**Responsible Officer**

**Councillors & Community Engagement  
Officer / Team Coordinator**

**INFRASTRUCTURE SERVICES**

**Item Number:**

**12.1**

**File Number: D17/68740**

**SUBJECT HEADING:**

**MEMORANDUM OF UNDERSTANDING - GIVIT AND  
MARANOA REGIONAL COUNCIL**

**Officer’s Title:**

**Associate to the Director - Infrastructure Services**

***Executive Summary:***

*Council through consultation at the Local Disaster Management Group has an opportunity to enter into a memorandum of understanding with GIVIT, an organisation that works in partnership with the Queensland Government for the management of all offers of goods and services during the response and recovery phase of all activated disasters.*

*GIVIT offers all Queensland Local Governments a free Disaster Recovery Service that supports charities, frontline services, agencies and governments by coordinating the large volume of donations that commonly occurs post-disaster and ensures offers of good quality goods and services are allocated to meet specific need.*

**Discussion:**

Mayor Golder spoke in favour of the motion, indicating that Council certainly had more work to do as far as disaster management recovery, saying that the more Council can do to support the community during the initial stages following a disaster the better. In closing, he indicated that Council needed to be more prepared to make the community feel comfortable and safe.

Cr. Flynn enquired as to whether Mayor Golder was indicating criticism of previous Councils with respect to disaster management response. The Mayor said that he was not.

Councillors Stanford and Newman enquired further about the service and the use of local representatives – which were confirmed as being integrated into arrangements at a local level.

**Resolution No. GM/09.2017/07**

**Moved Cr Golder**

**Seconded Cr McMullen**

**That Council authorise the Chief Executive Officer or delegate to enter into a memorandum of understanding with GIVIT for the purpose of assisting Council and the community during the recovery phase of a disaster within the region.**

CARRIED

9/0

**Responsible Officer**

**Associate to the Director - Infrastructure  
Services**

**Item Number:** 12.2 **File Number:** D17/71467

**SUBJECT HEADING:** LOCAL DISASTER MANAGEMENT PLAN - UPDATED

**Officer's Title:** Associate to the Director - Infrastructure Services  
 Associate to the Director - Development, Facilities & Environmental Services

**Executive Summary:**

*The Maranoa Regional Council Local Disaster Management Plan is prepared in accordance with the requirements of the Disaster Management Act 2003 to ensure safety of the community and effective coordination of available resources during a disaster.*

*The purpose of the Plan is to detail arrangements for the coordination and management of resources, to ensure and maintain safe communities within the Maranoa region prior to, during, and after a disaster.*

*The Plan is reviewed annually to ensure it meets the changing needs of the Maranoa region. The latest version of the plan (Version 7) has been reviewed and endorsed by the members of the Local Disaster Management Group as required under Section 59 of the Disaster Management Act 2003 at a meeting held on 24 August 2017.*

<b>Resolution No. GM/09.2017/08</b>	
<b>Moved Cr McMullen</b>	<b>Seconded Cr Newman</b>
<b>That Council:</b>	
<ol style="list-style-type: none"> <li>1. In accordance with Section 80(1) (b) of the <i>Disaster Management Act 2003</i>, Maranoa Regional Council approve the updated Local Disaster Management Plan (Version 7).</li> <li>2. Pursuant to Section 60 of the Act, make the plan available for inspection, free of charge to members of the public at the Maranoa Regional Council administration building and on the website – <a href="http://www.maranoa.qld.gov.au">www.maranoa.qld.gov.au</a>.</li> </ol>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Associate to the Director - Development, Facilities &amp; Environmental Services</b>
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**Item Number:** 12.3 **File Number:** D17/72069

**SUBJECT HEADING:** WASTEWATER ISSUE ASSESSMENT NO. 14,018,352, ROMA

**Officer's Title:** Manager - Water, Sewerage & Gas

**Executive Summary:**

*The owner of a property in Roma experienced a sewer overflow at the property and has made a claim against Council to reimburse the private plumber's invoice.*

**Discussion:**

Cr. Chandler spoke in favour of the motion, indicating that she was quite satisfied that the matter had been thoroughly investigated by the relevant Council department.

**Resolution No. GM/09.2017/09**

**Moved Cr Chandler**

**Seconded Cr Scheffe**

**That Council advise the applicant that after reviewing the claim the problem experienced was within the private property sewer drain and therefore the responsibility of the property owner.**

CARRIED

9/0

**Responsible Officer**

**Manager - Water, Sewerage & Gas**

**DEVELOPMENT, FACILITIES & ENVIRONMENTAL SERVICES**

**Item Number:**

**13.1**

**File Number: D17/70773**

**SUBJECT HEADING:**

**LIONS CLUB OF ROMA - APPROVAL TO CONSTRUCT ON COUNCIL LAND**

**Officer's Title:**

**Manager - Facilities (Land, Buildings & Structures)**

***Executive Summary:***

*The Lions Club of Roma was seeking approval to apply for funding to construct shelters on Council land in Bungil Street, Roma.*

**Discussion:**

Cr. Newman spoke in favour of the motion, congratulating the Lions Club of Roma on their hosting of the Mud Derby at Easter in the Country this year, and said that the recommended approach would improve hard working conditions at the site.

**Resolution No. GM/09.2017/10**

**Moved Cr Newman**

**Seconded Cr McMullen**

**That Council:**

- 1. Give its in-principle approval for the construction of two skillion roof carports (one double and one single) on Council land on Bungil Street Roma should the Lions Club of Roma be successful in gaining funding. This in-principle approval is subject to the group acquiring all building, planning and other approvals.**
- 2. Write a letter of support and approval for the Lions Club of Roma to include with their application.**
- 3. Foreshadows that this arrangement is subject to the group entering into a user agreement with Council.**

CARRIED

9/0

**Responsible Officer**

**Manager - Facilities (Land, Buildings & Structures)**

The Director of Development, Facilities & Environmental Services left the Chamber at 9.25am, prior to commencement of discussion on the below mentioned item, given his membership on the board of St John's Catholic School.

**Item Number:** 13.2 **File Number:** D17/60060

**SUBJECT HEADING:** BUNGIL STREET OVALS USER AGREEMENT - ST JOHNS CATHOLIC SCHOOL

**Officer's Title:** Facility Lease Management & Housing Officer/Team Coordinator

**Executive Summary:**

*Council was asked to consider entering into a formal agreement with St John's Catholic School in respect of their use of the Bungil Street Ovals.*

<b>Resolution No. GM/09.2017/11</b>	
<b>Moved Cr O'Neil</b>	<b>Seconded Cr Stanford</b>
<b>That Council enter into a non-exclusive User Agreement with St John's Catholic School for the use of the Bungil Street Ovals for a period of three (3) years.</b>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Facility Lease Management &amp; Housing Officer/Team Coordinator</b>
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**Item Number:** 13.3 **File Number:** D17/69828

**SUBJECT HEADING:** REGIONAL MONTHLY POOL MANAGEMENT REPORT

**Officer's Title:** Administration Officer - Council Buildings & Structures

**Executive Summary:**

*Across the region Council maintains five swimming pool complexes and The Great Artesian Spa complex.*

*The pools are operated by contractors under management agreements. Contractors provide monthly reports to Council identifying attendance, pool temperatures, chemical levels, maintenance issues and consumables.*

*Reports for the month of July for the Great Artesian Spa, Mitchell Memorial Swimming Pool, Injune Swimming Pool, Denise Spencer Roma Pool, Surat Swimming Pool and Wallumbilla Swimming Pool were presented.*

<b>Resolution No. GM/09.2017/12</b>	
<b>Moved Cr O'Neil</b>	<b>Seconded Cr Newman</b>
<b>That Council receive the Regional Swimming Pool reports for the month of July 2017.</b>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Administration Officer - Council Buildings &amp; Structures</b>
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The Director of Development, Facilities & Environmental Services entered the Chamber at 9.32am.



**Item Number:** 13.4 **File Number:** D17/70173

**SUBJECT HEADING:** WATER ZONE AREA ROMA

**Location:** Geoghegan Road, Roma QLD 4455 (Lot 2 on RP85275)

**Officer's Title:** Planning Officer

**Executive Summary:**

*Council has defined Water Service Zones for each of the water supply schemes. The Regional Zone Boundary demarcates the edge of the supply area for the scheme. Outside of this zone Council does not provide a reticulated water supply, and properties rely on tanks or provide bores.*

*Council has received and is currently assessing a development application for the subdivision of a Rural lot into four Rural Residential lots at Geoghegan Road, Roma. The development site is located outside, but directly adjacent to the Regional Water Service Zone.*

*An amendment to the Regional Water Zone, to include the subject property, is required in order for the development application to achieve compliance with the subdivision requirements of the relevant planning schemes.*

**Resolution No. GM/09.2017/13**

**Moved Cr Schefe**

**Seconded Cr Newman**

**That Council endorse amending the Regional Water Zone for Roma to include Lot 2 on RP85275, located at Geoghegan Road, Roma.**

CARRIED

9/0

**Responsible Officer**

**Planning Officer**

**Item Number:** 13.5 **File Number:** D17/71383

**SUBJECT HEADING:** LETTER OF AGREEMENT - COMMEMORATION OF THE BATTLE OF POLYGON WOOD

**Officer's Title:** Regional Libraries, Arts & Culture Development Coordinator

**Executive Summary:**

*Maranoa Regional Council will host a commemoration of the Battle of Polygon Wood. This will include a tree planting ceremony on 24 September and the Polygon Patchwork installation in the Roma Library from 25 September to 30 September 2017.*

**Resolution No. GM/09.2017/14**

**Moved Cr Newman**

**Seconded Cr Chandler**

**That Council authorise the Chief Executive Officer to sign the Letter of Agreement for the Battle of Polygon Wood Commemoration.**

CARRIED

9/0

**Responsible Officer**

**Regional Libraries, Arts & Culture Development Coordinator**

**Item Number:** 13.6 **File Number:** D17/70460

**SUBJECT HEADING:** JACKSON WAR MONUMENT

**Officer's Title:** Local Development Officer - Yuleba/Wallumbilla/Jackson

**Executive Summary:**

*The Jackson community requested Council apply for funding to install a war monument and flag pole in the town.*

*The Anzac Centenary Spirit of Service grant program provides up to \$20,000 for such projects; Round Four closes on 15 October 2017 and a 10% applicant contribution is required.*

*It was recommended that Council approve this request.*

**Discussion:**

Cr. Chandler advised of a grammatical correction required for the inscription of the monument.

Cr. O'Neil spoke in favour of the motion, requesting that thanks be passed onto the Local Development Officer, saying that this was a significant action to come out of the community meeting held on 18 August 2017, which had been acted on very quickly. In closing, he said that he fully supported the application given the passion demonstrated by those who attended the meeting in support of progressing this request.

**Resolution No. GM/09.2017/15**

**Moved Cr O'Neil**

**Seconded Cr McMullen**

**That Council:**

1. **Submit an application to the Spirit of Service funding program to install a war monument and flag pole in Jackson to a maximum project value of \$22,000.**
2. **Provide the required 10% co-contribution, up to a maximum of \$2,000 reallocated from WO 18869 if the project is successful.**

CARRIED

9/0

**Responsible Officer**

**Local Development Officer -  
Yuleba/Wallumbilla/Jackson**

**Item Number:** 13.7

**File Number:** D17/72214

**SUBJECT HEADING:** PROJECTS TO BE SUBMITTED UNDER LOCAL GOVERNMENT GRANTS & SUBSIDIES PROGRAM

**Officer's Title:** Regional Grants & Council Events Development Coordinator

**Executive Summary:**

*Maranoa Regional Council is eligible to submit projects for funding under the Queensland Government 2017-19 Local Government Grants & Subsidies Program. The following projects have been identified as eligible, and have been discussed at Council workshop on 5 September 2017.*

*It is recommended that Council submit the following projects, and make required contributions in the 2018/19 budget to ensure projects are delivered by 30 June 2019:*

- Roma Saleyards Improvement Plan – Stage 1
- Mitchell Bore
- Roma Sewer Relining

- *Big Rig Tourism Enhancement Project*
- *Regional Floodway Improvement Program*
- *Enhanced Access to Public Sporting Fields - Roma*

**Discussion:**

Cr. Flynn spoke in favour of the motion, indicating that he was happy to see the Improvement Plan for the Roma Saleyards being submitted given his role as Portfolio Chair Saleyards. He went on to say that each project in its own right had a great deal of merit and he hoped that Council would be successful in securing funding from this round.

**Resolution No. GM/09.2017/16**

**Moved Cr Flynn**

**Seconded Cr McMullen**

**That Council:**

1. **Submit the following projects for funding under the Local Government Grants & Subsidies Program:**
  - a. **Roma Saleyards Improvement Plan – Stage 1 – subject to final design (noting the intention for the application to be based on square meterage)**
  - b. **Mitchell Bore**
  - c. **Roma Sewer Relining**
  - d. **Big Rig Tourism Enhancement Project**
  - e. **Regional Floodway Improvement Program**
  - f. **Enhanced Access to Public Sporting Fields – Roma**
2. **Commit to providing required co-contributions for the successful projects in the 2017/18 and 2018/19 budgets to ensure projects are delivered and acquitted by 30 June 2019.**
3. **Authorise the Chief Executive Officer to sign the appropriate agreements (if required) with the Department of Infrastructure, Local Government and Planning for any successful projects.**

CARRIED

9/0

**Responsible Officer**

**Regional Grants & Council Events  
Development Coordinator**

**COUNCILLOR BUSINESS**

**Item Number:**

**22.1**

**File Number: D17/71587**

**SUBJECT HEADING:**

**2017 LGAQ ANNUAL CONFERENCE - PROPOSED MOTION**

**Author and Councillor's Title:**

**Cr. Jan Chambers**

***Executive Summary:***

*A draft motion for the upcoming LGAQ conference was tabled for Council's consideration. It proposed that LGAQ lobby State Government for removal of two sections of the Local Government Act 2009 in relation to preparation and presentation of a budget.*

*It was requested that Council endorse the draft motion's inclusion in debate at the conference in October. Further that Council explore other opportunities to advocate for the identified changes to the legislation, including but not limited to briefing the Minister for Local Government on the importance of the proposed changes.*

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**Discussion:**

Cr. Chambers spoke in favour of the motion, delivering the following statement:

“In 2012 some changes to the *Local Government Act 2009* were introduced to parliament by the then Minister for Local Government, within Premier Campbell Newman’s government, to better align the Local Government Act with the mayoral responsibilities under the City of Brisbane Act.

The amendments placed the responsibility for preparation and presentation of a Council budget on the Mayoral position. The majority of Mayors and Councils across the State have continued to take a collaborative approach to the drafting of the annual budget, given that the ultimate decision on its contents rests equally with each elected member.

However, when the sections are read in isolation and implemented in a literal sense, there can be some significant issues that arise for local governments – and potentially significant consequences for the community not foreseen by the original legislators.

**Issue 1 – Community Perception**

The inclusion of these sections created a perception for those new to, or unfamiliar with the system of local government, that the Mayor has a greater role in the budget *decision* than each of the other elected members/councillors. The Act provides that all councillors have the same responsibility to participate in council meetings, policy development, and decision-making, and the annual budget is no different.

**Issue 2 – Impact on Decision Making**

If the Act is taken in the literal sense, it means that one elected member can present a document that impacts all others’ ability to perform their role as an elected member for 3 reasons:

- New/additional initiatives can be raised by the Mayor and included in the draft budget for the first time two (2) weeks prior to budget adoption. This gives Councillors minimal time to consider them in the context of the many pre-existing projects and competing priorities. In some cases, major projects are planned, designed and constructed across multiple financial years, so a window of 2 weeks for capital investment decisions is inadequate.
- Councillors do not have the benefit of collectively receiving advice on the broader implications of the initiatives, as there is none of the rigour that ordinarily accompanies other decisions before Council.
- The legislation provides no opportunity for Councillors to review the final draft of a budget that represents the majority view of Councillors - only the draft presented by an individual.

**Issue 3 – Potential Waste of Public Resources**

If the Act is taken in a literal sense, it facilitates the use of public resources (e.g. time and cost of employees, contractors and consultants) for the priorities of an individual. The Act ordinarily provides some protection against the use of employee resources for an individual’s priorities, with employees’ legislative responsibilities firmly focussed on the policies and priorities of the local government.

Section 170A of the Act outlines the parameters in which individual Councillors can seek advice or information, but recognises that it is for the Council as a whole to set reasonable limits on requests that an individual Councillor may make. However this section is currently not applicable to the Mayor (a further change in 2012).

Given the size and complexity of the annual budget, the use of public resources for an individual’s priorities rather than the local government’s priorities can be significant.

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The effect is more pronounced when you consider that all of the staff/employee time in compiling the budget based on the Mayor's ideas could potentially have a 'shelf-life' of only two weeks. This is a very real possibility if the Mayoral position has not included Councillors in early discussions about the merits of the particular initiatives, in the context of the many other competing priorities already under consideration by the full Council.

#### **Issue 4 – Practical Implications for the Budget Preparation**

Section 12(4)(b) of the Act states that the Mayor prepares the budget. This is inconsistent with other sections of the Act which detail a clear separation of responsibilities - i.e. elected members together set policies and priorities, and employees deliver services. The budget is no longer simply a list of income and expenditure items like the earlier years of cash accounting. The legislation is now very prescriptive about the requirements for a local government budget, including but not limited to Section 169 of the *Local Government Regulation 2012*.

The practical reality is that an elected member will be providing the ideas, with staff then required to prepare documents for an individual, as well as documents that reflect the majority view of Councillors.

#### **Issue 5 – Inconsistency with other Financial Planning and Financial Accountability Documents**

The *Local Government Act 2009*, as detailed in s 104 (5) specifies the financial planning and financial accountability documents that must exist for all local governments – part of each local government's system of financial management.

The budget is the only document listed where the preparation has been made the responsibility of a single elected member, but the decision still rests with the full Council.

What had its origins in legislation relevant to Brisbane City Council, has proved impractical for other local governments for two reasons:

1. At a local government level, all Councillors are equally responsible for participating in council meetings, policy development, and decision making. To do this effectively, all elected members need access to the same information at the same time, to collectively prioritise the many competing wants and needs for a Council's limited funding.

Unlike the political parties of other tiers of government, and the minority of large Councils, at a local level each Councillor votes on the information before them, and what they individually believe is in the best interests of the current and future residents of the community. Put simply every decision is a conscience vote in local government.

2. Unlike the State Government Ministers or Brisbane City Lord Mayors, particularly in smaller Councils, there aren't departments of people separately assisting the Mayor and Councillors.

There is generally a very small number of finance/accounting staff who coordinate (prepare) the financial information for all elected members, and who ultimately translate the results of the elected member discussions into legislatively compliant financial documents.

As a result of these practical implications, despite the amendments during Premier Campbell Newman's time, almost all local Mayors across the State have continued to work together with their fellow Councillors to develop the draft budget, even though the Mayor formally presents the final draft to Councillors in accordance with Section 107A of the *Local Government Act 2009*.

The collaborative approach taken by Mayors across the State in the weeks and months leading up to the formal budget adoption, ensures that all Councillors (with equal legal responsibility for making the decision) have sufficient time, information and input to help make the year's most significant financial decision – the annual budget.

The removal of Sections 12 (4)(b) and 107A of the *Local Government Act 2009* will give effect to what is current custom and practice across the large majority of Councils across the state.”

The Mayor spoke against the motion, indicating that he believed the recommended approach showed a total lack of understanding as to what the general public expected of the Mayor. Further he said that the position of Mayor is elected separately to that of the role of a Councillor and acknowledged that both the role of Mayor and Councillor had equal voting rights for decisions made. Mayor Golder indicated that his impression was that the community believe that the position of Mayor has influence, and that this influence extended to budget preparation and presenting the Council budget. He did acknowledge that this did not mean that the budget presented by the Mayor would be approved by Council, and could be voted down and that he believed that two weeks notification of the Mayor’s budget was adequate, given the minor changes brought forward.

In closing Mayor Golder indicated that the community expectation was that the role of Mayor has influence, and that the proposed motion was not in line with the community expectation.

Cr. O’Neil spoke in favour of the motion, indicating that two (2) weeks ago Council had celebrated 150 years of local government in Roma, and it is important to note that the two (2) sections of the Act being discussed have only been in place for a small number of those 150 years.

Further, he said that history shows that the system for local government over the course of time, and in the many years that preceded the legislation amendments in 2012 has worked. The change proposed today, to remove those recent amendments, reflects that the community elected during this term nine (9) Councillors, in whom they put their faith for the responsibility of making effective decisions for the community.

Cr. O’Neil went on to say that all Councillors have the ability to influence the Corporate Plan and Council priorities, including working through key issues during the budget process, stressing that this could only be achieved by working through negotiations together in the same room, thrashing out the issues and matters raised by constituents, and projects that had personally driven each Councillor to become an elected member. He also said that the government of the time, who had made the addition to the Act in 2012 made the decision based on the Brisbane City Council operating as a pseudo parliament, however, that at a local regional Council level, government acts as a board, and that is reflected by equal voting rights. In closing he said that so much is achieved by working together in the months and weeks prior to bringing down the annual budget.

**Resolution No. GM/09.2017/17**

**Moved Cr Chambers**

**Seconded Cr O’Neil**

**That Council:**

- 1. Formally endorse the draft motion requesting that LGAQ lobby State Government for a change to the Local Government Act 2009 to remove the two sections first added in 2012 (s 12(4)(b) and s 107A of the Local Government Act 2009) that place responsibility for preparation and presentation of a budget solely on the position of Mayor.**
- 2. Advocate for changes to the legislation, including but not limited to briefing the Minister for Local Government on the importance of the proposed changes.**

CARRIED

7/2

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

<b>Those in Favour of the Motion</b>	<b>Those Against the Motion</b>
Cr. Chambers	Cr. Golder
Cr. Chandler	Cr. McMullen

Cr. Flynn	
Cr. Newman	
Cr. O'Neil	
Cr. Scheffe	
Cr. Stanford	

<b>Responsible Officer</b>	<b>Chief Executive Officer</b>
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### CONFIDENTIAL ITEMS

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, Council resolved to close the meeting to discuss items it has deemed to be of a confidential nature and specifically pertaining to the following sections:-

- (a) the appointment, dismissal or discipline of employees;
- (b) industrial matters affecting employees;
- (c) the local government budget;
- (d) rating concessions;
- (e) contracts proposed to be made by it;
- (f) starting or defending legal proceedings involving the local government;
- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage;

<b>Resolution No. GM/09.2017/18</b>	
<b>Moved Cr O'Neil</b>	<b>Seconded Cr Newman</b>
<b>That Council close the meeting to the public at 9.55am.</b>	
CARRIED	9/0

Cr. Stanford left the Chamber at 9.56am, and entered at 9.58am.

Cr. Flynn declared a potential perceived 'Conflict of Interest' in relation to Item C.1 – Request from Heart of Australia for Assistance with Costs, due to estimates being provided in consideration of the matter from a potential competitor with his personal business – Maranoa Travel Centre. Cr. Flynn left the Chamber at 9.57am, taking no further part in discussions on the matter.

At cessation of discussion on the abovementioned item, Cr. Flynn entered the Chamber at 10.07am.

Cr. O'Neil left the Chamber at 10.08am, and entered at 10.10am.

Cr. Stanford left the Chamber at 10.15am, and entered at 10.16am.

Cr. Stanford left the Chamber at 10.43am, and entered at 10.46am.

**SUBJECT HEADING:       SUSPENSION OF STANDING ORDERS**  
**COUNCIL ADJOURNED THE MEETING FOR MORNING TEA AT 11.04AM**

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**SUBJECT HEADING: RESUMPTION OF STANDING ORDERS**  
COUNCIL RESUMED THE MEETING IN CLOSED SESSION AT 11.35AM.

Mayor Golder left the Chamber at 11.49am, with Deputy Mayor – Cr. Jan Chambers taking the role of Acting Chair during his absence until Council adjourned the meeting for placement of a commemorative time capsule, followed by Lunch.

**SUBJECT HEADING: SUSPENSION OF STANDING ORDERS**  
COUNCIL ADJOURNED THE MEETING FOR PLACEMENT OF THE TIME CAPSULE COMMEMORATING 150 YEARS OF LOCAL GOVERNMENT IN ROMA FOLLOWED BY LUNCH AT 11.52AM

**SUBJECT HEADING: RESUMPTION OF STANDING ORDERS**  
COUNCIL RESUMED THE MEETING IN CLOSED SESSION AT 12.45PM.

**Resolution No. GM/09.2017/19**

**Moved Cr O'Neil**

**Seconded Cr Newman**

**That Council open the meeting to the public at 12.51pm.**

CARRIED

9/0

Cr. Flynn declared a potential 'Conflict of Interest' in the following item, due to estimates being provided in consideration of the matter from a potential competitor with his personal business – Maranoa Travel Centre. Cr. Flynn left the Chamber at 12.52pm, taking no further part in discussion or debate on the matter.

**Item Number: C.1 File Number: D17/72339**

**SUBJECT HEADING: REQUEST FROM HEART OF AUSTRALIA FOR ASSISTANCE WITH COSTS**

**Officer's Title: Regional Grants & Council Events Development Coordinator**

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***Executive Summary:***

*Heart of Australia visit Roma on a fortnightly basis to provide regular cardiac and respiratory specialist services. There are accommodation and air flights attached to this service. The group sought Council's ongoing assistance with these costs. It was subsequently investigated if there is any available Council housing in Roma in support of the request, however officers confirmed that none was available.*

**Discussion:**

Cr. O'Neil spoke in favour of the motion, indicating that this initiative has been in place for the last 2 or 3 years and was incredibly worthy for the immediate and broader South Western Queensland communities, giving access to A grade health care close to their own home. He further indicated he was pleased to see the Federal tier of government assisting in bringing this service to the community. In closing Cr. O'Neil said he believed the service should continue this financial year.

Cr. Newman spoke against the motion, indicating that while she agreed the service was extremely worthwhile, she did not believe that Council had the right to use ratepayer money for donations to a charitable organisation. She further indicated that Council was in a very financially tight budget and that the focus of using ratepayer funds needed to go to the local government needs and responsibilities.



Mayor Golder spoke in favour of the motion, indicating that he felt it was a black and white situation, and supported Council providing services for people in rural areas that do not have the ability to see a surgeon or specialist far away. Further, he said that by having the service in the community it would cut down travel time in accessing top level services thereby saving lives and reducing wait times. In closing, he said that Council should support this service continuing in the shorter term, and that hopefully into the future it will become a permanent service.

In summing up debate, Cr. O'Neil said that the number of towns serviced across regional Queensland by this service was significant, and saw this as an investment for the community. Along with other local government areas, Cr. O'Neil said that regional Councils should help the service remain as much as they can, and was pleased to recommend that Council contribute the same funding as had been committed in the previous financial year, and hopefully the service would eventually stand on its own feet with reduced support required.

<b>Resolution No. GM/09.2017/20</b>	
<b>Moved Cr O'Neil</b>	<b>Seconded Cr Golder</b>
<b>That Council:</b>	
<ol style="list-style-type: none"> <li><b>1. Contribute funds of \$5,775 in support of the Heart of Australia Service.</b></li> <li><b>2. Draw the funds from GL 2887.2249.2001 (Sponsorship Budget).</b></li> </ol>	
CARRIED	5/3

<b>Responsible Officer</b>	<b>Regional Grants &amp; Council Events Development Coordinator</b>
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At cessation of discussion and debate of the abovementioned item, Cr. Flynn entered the Chamber at 12.58pm.

**Item Number:** C.2 **File Number:** D17/57137

**SUBJECT HEADING:** SURAT GOLF COURSE

**Officer's Title:** Local Development Officer - Surat

**Executive Summary:**

*There has been a community request for Council's assistance to help the community access the Surat Golf Course to play social golf. It was recommended that Council support the request.*

**Discussion:**

Cr. Newman spoke in favour of the motion, indicating that there had been a long history of the club, and it was initially a very popular activity to the local town. Challenges over time were faced with residents moving in and out of the town of Surat and subsequently the challenge of a decrepit club house building – compounded with the wind down of the club and outstanding rates for the site. Cr. Newman said that the current community were keen to see the golf course up and running with very strong local interest forming a new club and a keen interest in maintaining the grounds, and that it would be very hard to get the club up and running with inherited costs. In closing she said it would be a wonderful and strong statement of support if Council gave the group the ability to keep the course going.

Cr. Chandler spoke against the motion, indicating that while she was supportive of the club starting up again, she felt that the group had been waiting for Council to clear the debt previously owed by the club to become active again, and her preference would be to give a hand up, not a hand out, wanting to see the club undertake some sort of fund raising rather than Council giving the group the group approximately \$13,000.

Mayor Golder spoke in favour of the motion, indicating that he felt this to be a 'no brainer' keeping local sporting clubs going, especially with golf being a major sport in Australia. He also said that the debt from the old club should not go to the new club, and that by supporting the group Council would just be cleaning up the situation and letting the new entity move ahead. In closing he said that the golf club would be good for the Surat community in supporting the local lifestyle and seeing the community go ahead and grow, and to that end he was fully supportive of the proposed approach.

In summing up debate, Cr. Newman indicated that before Council was a proactive group prepared to put in its own money and effort and they did not need to inherit the debt of a defunct club.

**Resolution No. GM/09.2017/21**

**Moved Cr Newman**

**Seconded Cr Chambers**

**That Council:**

1. **Apply to Department of Natural Resources and Mines to transfer the leases that are now held under the Surat Golf Club Inc. – Lot 1 PER4605 and Lot 94 EG284 to Maranoa Regional Council and request that any outstanding fees, transfer charges and future lease charges be waived.**
2. **Allocate any legal fees for the transfer to GL: 2506.2094.2001.**
3. **Write off \$13,672.78 and any additional accumulated interest for outstanding rates once the land has been surrendered back to the State Government.**
  - a) **Lot 1 PER4605 (assessment 15002058) - \$10,593.82; and**
  - b) **Lot 94 EG284 (assessment 15002074) - \$3,078.96.**
4. **Advise the Surat Golf Club that it is required to pay the outstanding rates of \$70.80 and any additional accumulated interest for outstanding rates on the freehold land, Lot 11 Crown Plan S2814.**
5. **Enter into an Agreement with the Surat Golf Club Inc. to incorporate service levels and in-kind assistance for slashing the course.**
6. **Offer initial support to the group if required to assist with set up of the governance structure for the club.**

CARRIED

8/1

<b>Responsible Officer</b>	<b>Manager Facilities (Land, Buildings &amp; Structures) Local Development Officer - Surat</b>
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**Item Number:**

**C.3**

**File Number: D17/70843**

**SUBJECT HEADING:**

**APPLICATION FOR SELLING PERMIT - ROMA  
SALEYARDS 2017/06**

**Officer's Title:**

**Manager – Saleyards**

***Executive Summary:***

*An application for a permit to sell (cattle) at the Roma Saleyards was lodged for Council's consideration.*

*An assessment has been made of the application and mandatory documents provided. The assessments were made in accordance with Subordinate Local Law 1.17 (Sale or Consignment of Stock at a Saleyard) 2011, Local Law No 6 (Operation of Saleyards) 2011 and Local Law No 1 (Administration) 2011.*

Based on these assessments, officers recommended that the application be approved.

**Resolution No. GM/09.2017/22**

**Moved Cr O'Neil**

**Seconded Cr Flynn**

That, in accordance with the provisions of *Local Law 1 (Administration) 2011*, *Local Law No 6 (Operation of Saleyards) 2011* and *Subordinate Local Law 1.17 (Sale or Consignment of Stock at a Saleyard) 2011*, Council grants a permit to sell to Landmark Operations Ltd with the following terms and conditions:

**AGENTS SELLING PERMIT - ROMA SALEYARDS**

Issued in accordance with Maranoa Regional Council Local Law No. 1 (Administration) 2011, Local Law No. 6 (Operation of Saleyards) 2011 and Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011

**1. DEFINITIONS AND INTERPRETATION**

**1.1 Definitions**

The following definitions apply in this document:

**Approval:**

- (a) has the meaning given in *Local Law No. 1 (Administration) 2011*, schedule 1; and
- (b) includes this Permit for the undertaking of the Prescribed Activity.

**Approval Holder** see Permit Holder.

**Authorised person** has the meaning given in *Local Law No. 1 (Administration) 2011*.

**Commencement Date** means the 13<sup>th</sup> day of September 2017.

**Commodity vendor declaration, for fodder—**

- (a) means a statement from the supplier of the fodder that specifies what chemicals have been used in the production of the fodder; and
- (b) includes a commodity vendor declaration form no. 980902 of the Queensland Government Department of Employment, Economic Development and Innovation.

**Council** means Maranoa Regional Council.

**Expiry Date** means 22<sup>nd</sup> day of August 2020.

**Fees** means fees charged for a service or facility made available for use by Council at the Saleyard under the *Local Government Act 2009*, section 262(3)(c).

**Further Term**, if the Permit Holder applies to Council to renew or extend the Permit and Council, under *Local Law No. 1 (Administration) 2011*, section 14, grants the application - means a period of 3 years.

**Permit** means this Permit to undertake the Prescribed Activity.

**Permit Holder** means the holder of this Permit, Landmark Operations Limited.

**Prescribed Activity** means the use of the Saleyard by a person if the person:

- (a) sells or offers to sell stock by auction or otherwise at the Saleyard; or
- (b) consigns stock from the Saleyard.

**Sale Day** means any day and time during the Term fixed by Council or the Saleyard Manager as a day on which the sale of cattle at or from the Saleyard may be conducted.

**Saleyard** means the Roma Saleyards, located on land described as Lot 285 on CRP WV1474, Title Reference 50926377.

**Saleyard Law** includes, collectively:

- (a) *Local Law No. 1 (Administration) 2011*; and
- (b) *Local Law No. 6 (Operation of Saleyards) 2011*; and
- (c) *Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011*.

**Saleyard Manager** means the person appointed by Council as the manager and/or operator of the Saleyard.

**Selling pen** means each pen allocated for the sale of stock or a specified type of stock at the Saleyard by Council from time to time.

**Stock** has the meaning given in *Local Law No. 6 (Operation of Saleyards) 2011*.

**Term** means the period commencing on the Commencement Date and expiring on the Expiry Date.

**Zoonosis** means infectious diseases which are naturally transmitted from vertebrate animals to human.

## **2. GRANT OF PERMIT**

Council grants the Permit Holder the Permit for the Prescribed Activity subject to the conditions specified in this Permit.

## **3. TERM OF PERMIT**

Unless sooner cancelled or suspended, the Permit remains in force for the Term. Under *Local Law No. 1 (Administration) 2011*, section 14, the Permit Holder may, before the end of the Term, apply to Council to renew or extend the Permit for the Further Term.

## **4. SALES**

### **4.1 Stock Sales**

- (a) Council may fix the days and times during which regular stock sales may be conducted at the Saleyard.
- (b) The Permit Holder is authorised to sell or offer to sell cattle by auction or otherwise at the Saleyard on all Sale Days but, subject to condition 4.1(c), not on any other day.
- (c) Council may grant an approval to the Permit Holder to conduct a sale of stock at the Saleyard on a day, or at a time, other than a Sale Day or time fixed under condition 4.1(a).
- (d) The Permit Holder must not conduct a sale at the Saleyard on a day, or at a time, other than a Sale Day unless the Permit Holder:
  - (1) has obtained Council's approval under condition 4.1(c); and
  - (2) complies with the conditions (if any) imposed on the approval under condition 4.1(c).
- (e) If Council grants an approval to the Permit Holder to conduct a sale at the Saleyard on a day, or at a time, other than a day and time fixed under condition 4.1(a) then the sale will, for the purposes of this Permit, be a Sale Day.

**4.2 Sale Charges**

Council may, from time to time, prescribe fees applicable for use of the Saleyard and associated facilities.

**4.3 Compliance with Council decisions and Saleyard Manager directions**

- (a) The Permit Holder must comply with each decision of Council about the operation of the Saleyard.
- (b) The Permit Holder must comply with each lawful direction of the Saleyard Manager.

**5. OBLIGATIONS OF THE PERMIT HOLDER**

**5.1 Conditions ordinarily imposed**

- (a) Stock must not be sold or offered for sale at any place at the Saleyard other than the pens designated as selling pens by the Saleyard Manager at the Saleyard.
- (b) Council may, from time to time, nominate a particular day of the week as a regular Sale Day for the sale of stock, for example, each of the following:
  - (1) bulls;
  - (2) store cattle;
  - (3) prime cattle.
- (c) Council may, from time to time, change a regular Sale Day for the sale of stock or a specified type of stock at the Saleyard.
- (d) The Permit Holder must -
  - (1) at all times during the currency of the Permit, have and maintain a place of business in the local government area of Council; and
  - (2) use the Saleyard for the operation of the Prescribed Activity on a bona fide commercial basis, for example, the Prescribed Activity must be undertaken at the Saleyard:
    - (A) regularly; and
    - (B) except where circumstances beyond the control of the Permit Holder do not permit - on each regular Sale Day for the sale of stock at the Saleyard.
- (e) The Permit Holder must provide all labour which is necessary to facilitate the reception, yarding, removal and delivery of stock in the custody, or under the control, of the Permit Holder which are brought into the Saleyard.
- (f) If stock are delivered to the Saleyard for sale by the Permit Holder, the Permit Holder must –
  - (1) count the stock delivered to the Saleyard, note any anomalies and put the stock into holding yards as directed by an authorised person or the Saleyard Manager; and
  - (2) *deleted intentionally*
  - (3) complete the reception/delivery docket in the prescribed form of Council for all stock entering and leaving the Saleyard; and
  - (4) if 1 or more of the stock escape from the Saleyard - bring the stock under control and procure the safe return of the stock to the Saleyard; and

- (5) not supply or make available for consumption by the stock any fodder unless the fodder is accompanied by, and the Permit Holder produces to an authorised person or the Saleyard Manager on demand –
- (A) a commodity vendor declaration which satisfies the prescribed criteria for fodder; and
  - (B) a certificate of analysis for chemical residues from a laboratory which holds a current accreditation from the National Association of Testing Authorities which satisfies the prescribed criteria for fodder; and
  - (C) a complete and continuous written record which -
    - tracks the production, harvesting, storage and transportation of the fodder at all times up to and including delivery of the fodder to the Saleyard; and
    - identifies the fodder fed to stock by reference to a specified period; and
    - identifies the stock to which the fodder was fed during the specified period; and
    - identifies the pens in which the stock were located during the specified period; and
- (6) not request that Council allocate, for the sale of stock by the Permit Holder on a Sale Day, a number of selling pens in excess of the number of selling pens reasonably required to accommodate the stock to be offered for sale by the Permit Holder on the Sale Day; and
- Example—**  
If 6,000 or less cattle are offered for sale at the Saleyard on a Sale Day, 18 cattle should be allocated to each selling pen.
- If more than 6,000 cattle are offered for sale at the Saleyard on a Sale Day—
- (a) firstly, 18 cattle (limited to steers and heifers) should be allocated to each selling pen; and
  - (b) secondly, 15 cattle (limited to cows) should be allocated to each selling pen.
- In any event, a permit holder should consult with the authorised person responsible for the allocation of selling pens if issues about the health, safety or wellbeing of cattle arise as a result of the allocation of selling pens.
- (g) ensure that all stock are provided with sufficient food and water; and
- (h) if 1 or more stock at the Saleyard contract, or is suspected of contracting, a disease—
- (1) isolate the stock from all other animals; and
  - (2) take immediate action to ensure prompt notification, treatment and removal of the stock; and
- (i) if 1 or more of the stock die at the Saleyard—promptly remove the dead stock from the Saleyard by a waste transporter to a waste disposal facility.
- (j) If the Permit Holder is offering cattle for sale at the Saleyard, the Permit Holder must -
- (1) have the cattle drafted and penned in selling pens as directed by an authorised person or the Saleyard Manager; and
  - (2) not draft or pen cattle in selling pens other than selling pens allocated to the Permit Holder by an authorised person or the Saleyard Manager; and

- (3) not swap or exchange selling pens to be used for the sale of cattle with a person other than the Permit Holder. However, on the morning of a Sale Day, the Saleyard Manager may allocate the selling pens of a Permit Holder (“First Permit Holder”) for use by another permit holder, but only in circumstances where the First Permit Holder has drafted and penned the cattle of the First Permit Holder in the selling pens allocated to the First Permit Holder and 1 or more selling pens allocated to the First Permit Holder remain empty; and
- (4) be present at the Saleyard to –
  - (A) facilitate the weighing of the cattle; and
  - (B) provide details to the weighbridge operator at the Saleyard to facilitate computerised weighing and printout of the weight and price of the cattle; and
  - (C) attest to the second count of the cattle following the counting out of the cattle from the selling pens.
- (k) The Permit Holder must perform National Livestock Identification Scheme identification procedures –
  - (1) as necessary to ensure the efficient operation of the Saleyard; and
  - (2) in the manner directed by an authorised person or the Saleyard Manager.
- (l) The Permit Holder must not bring or permit to be brought onto the Saleyard any animal which is infected with a contagious disease or zoonosis.

## 5.2 Compliance with Laws

The Permit Holder must comply with each of the following:

- (a) the Saleyard Law;
- (b) any local law or subordinate local law made about or in connection with the operation of the Saleyard, developed by Council; and
- (c) any other applicable laws including, but not limited to:
  - (1) the *Local Government Act 2009* (Qld);
  - (2) the *Motor Dealers and Chattel Auctioneers Act 2014*;
  - (3) the *Motor Dealers and Chattel Auctioneers Regulation 2014*;
  - (4) any law or regulation, whether Local, State or Commonwealth which relates to the welfare of livestock (including the Model Code of Practice for the Welfare of Animals: Cattle, Second Edition); and
  - (5) the EU Code of Practice for Agents.

## 6. INSURANCE

- (a) The Permit Holder must take out and maintain, at all times during the Term, the following insurance policies:
  - (1) insurance under the *Workers Compensation and Rehabilitation Act 2003* to cover workers, eligible persons, self-employed contractors, directors, trustees and partners; and
  - (2) public liability insurance in an amount not less than \$20,000,000 in respect of any 1 occurrence and for an unlimited number of claims; and
  - (3) a general business (liability) insurance policy in an amount not less than \$20,000,000 in respect of any 1 occurrence and for an unlimited number of claims.

- (b) The Permit Holder must, upon receipt of a written request at any time from Council, produce evidence that the insurances required by condition 6(a) have been effected and maintained.
- (c) The public liability insurance policy must insure the Permit Holder and Council (in its capacity as the owner of the Saleyard) severally, for their respective entitlements and interests, and for this purpose accept that the insured comprises at least the Permit Holder and Council as if a separate insurance policy were issued to each of them (but not so as thereby to increase the sum insured).
- (d) Each insurance policy must:
  - (1) limit the insurer's entitlement to avoid the policy to be available only against whichever of the insured has actually breached its obligation of disclosure or an obligation under the policy; and
  - (2) contain no exclusions, endorsements or alterations not approved in writing by Council (that approval not to be unreasonably withheld); and
  - (3) otherwise contain provisions acceptable to, or required by Council (but Council may not require unreasonably) the inclusion, retention, modification or exclusion of a provision; and
  - (4) remain current at all times during the Term.
- (e) Each insurance policy must be taken out and maintained with a reputable insurer.
- (f) This condition 6 shall survive suspension or cancellation of each of the Permit and the Term.

#### 7. RELEASE AND INDEMNITY

- (a) The Permit Holder will be liable for loss or damage (including personal injury whether or not resulting in death) suffered by Council or any officer, servant or agent of Council arising from the unlawful or negligent acts or omissions of the Permit Holder, its employees, subcontractors or agents, in the course of the undertaking of the Prescribed Activity under this Permit.
- (b) The Permit Holder releases and indemnifies Council and all officers, servants and agents of Council from and against all actions whatsoever and howsoever arising which may be brought or made against any of them by any person, including the Permit Holder, arising from:
  - (1) any wilful or negligent act or omission of the Permit Holder or any person for whose conduct the Permit Holder is liable; and
  - (2) any unlawful or negligent act or omission of the visitors, invitees or licensees of the Permit Holder; and
  - (3) death, injury, loss or damage suffered by the Permit Holder, its employees, subcontractors or agents, or any of its visitors, invitees or licensees except where the death, injury, loss or damage is caused by the negligence or other wrongful act or omission of Council or any officer, servant or agent of Council.
- (c) The release and indemnity in this condition 7(a) and (b) are given by the Permit Holder in consideration of the grant of the Permit by Council.

#### 8. PROCEDURE FOR AMENDING, SUSPENDING OR CANCELLING THE PERMIT

- (a) *Local Law No. 1 (Administration) 2011*, section 18 applies if Council considers there is a ground under section 17 of *Local Law No. 1 (Administration) 2011* to amend, suspend or cancel the Permit.
- (b) *Local Law No. 1 (Administration) 2011*, section 16 applies if the Permit Holder applies to Council to amend the conditions of the Permit.



**9. TRANSFER OF PERMIT**

- (a) Under *Local Law No. 1 (Administration) 2011*, section 15(2) the Permit cannot be transferred if it is of a category declared to be non-transferable under a subordinate local law.
- (b) *Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011*, section 6, and schedule 2 declare that a Permit for the Prescribed Activity (as defined in condition 1.1) is non-transferable.

**10. EXCLUSIVITY**

The Permit Holder acknowledges that:

- (a) the Permit Holder is not granted an exclusive right to undertake the Prescribed Activity at the Saleyard at any time; and
- (b) before or after the date of the Permit, Council may grant 1 or more Permits & Approvals to undertake the Prescribed Activity at the Saleyard to any of the following:
  - (1) a person other than the Permit Holder;
  - (2) a person who is the holder of a current Permit or Approval to undertake the Prescribed Activity at the Saleyard;
  - (3) a person who is not the holder of a current Permit or Approval to under the Prescribed Activity at the Saleyard;
- (c) No person who is the holder of a Permit or Approval to undertake the Prescribed Activity at the Saleyard is granted an exclusive right to undertake the Prescribed Activity at the Saleyard.

CARRIED

9/0

<b>Responsible Officer</b>	<b>Director Corporate, Community &amp; Commercial Services</b>
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**Item Number:** C.4 **File Number:** D17/69798

**SUBJECT HEADING:** NEXIUM DATA CONNECTION - MITCHELL OFFICE

**Officer's Title:** Manager - ICT Solutions

***Executive Summary:***

*As systems evolve and requirements for data grows so does Council's ICT connectivity requirements for all of the Maranoa Regional Council operations. The data connectivity requirements for Council are outpacing the current wide area network infrastructure.*

*To keep up with the demand it was recommended that Council review any new available solutions and adjust accordingly, ensuring maintenance of value for money, considering business continuity risks and operational sustainability.*

*To help keep track of all of the telecommunication services used by Council including mobile phones, desk phones, tablets, and telemetry equipment Council needs the right tools to ensure it tracks and manages cost and usage efficiently.*

*The opportunity to achieve both savings and productivity improvements was identified through updated contract arrangements.*

**Resolution No. GM/09.2017/23**

**Moved Cr Golder**

**Seconded Cr McMullen**

**That Council:**

1. Pursuant to section 234 of the *Local Government Regulation 2012*, proceed with the Nexium Module Order and the Telstra Local Buy Agreement under a Local Government Arrangement through Localbuy contract BUS 214-0611.
2. Delegate to the Chief Executive Officer the authority to sign the Local Buy - Telstra Service Agreement 2017.
3. Delegate to the Chief Executive Officer the authority to approve the Nexium Module Purchase Order.

CARRIED

9/0

**Responsible Officer**

**Manager - ICT Solutions**

**Item Number:**

**C.5**

**File Number: D17/64403**

**SUBJECT HEADING:**

**RENEWAL OF LEASE - LOT 8 ON SP107700**

**Officer's Title:**

**Administration Officer - Land Administration**

***Executive Summary:***

*The Department of Natural Resources and Mines sought Council's views on the renewal of Term Lease 0/211405 over Lot 8 on SP107700. This Term Lease is due to expire on 30 November 2018.*

**Resolution No. GM/09.2017/24**

**Moved Cr McMullen**

**Seconded Cr Newman**

**That Council advise the Department of Natural Resources and Mines that:**

1. Council offers no objection to the renewal of Term Lease 0/211405 over Lot 8 on SP107700.
2. All rates and charges are paid in full as at 30 June 2017.
3. The land is zoned 'Special Uses' under the present Roma Planning Scheme and zoned 'Community Purposes' under the proposed Maranoa Planning Scheme.

CARRIED

9/0

**Responsible Officer**

**Administration Officer - Land Administration**

**Item Number:** C.6 **File Number:** D17/65111  
**SUBJECT HEADING:** APPLICATION PERMIT TO OCCUPY - LOT 117 ON DL492  
**Officer's Title:** Administration Officer - Land Administration

**Executive Summary:**

*The Department of Natural Resources and Mines sought Council's views on an amended application it had received for a Permit to Occupy over part of Camping and Water Reserve being Lot 117 on DL492.*

<b>Resolution No. GM/09.2017/25</b>	
<b>Moved Cr Chambers</b>	<b>Seconded Cr Flynn</b>
<p>That Council advise the Department of Natural Resources and Mines that it offers no objection to a Permit to Occupy over part of Camping and Water Reserve being Lot 117 on DL492 for the purpose of grazing.</p>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Administration Officer - Land Administration</b>
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**Item Number:** C.7 **File Number:** D17/71955  
**SUBJECT HEADING:** NATIONAL DISABILITY INSURANCE AGENCY (NDIA)  
 SERVICED OFFICE AGREEMENT - OPTION TO RENEW  
**Officer's Title:** Facility Lease Management & Housing Officer/Team  
 Coordinator

**Executive Summary:**

*The National Disability Insurance Agency has advised it wishes to exercise the option to extend the Serviced Office Agreement for office 6 within the Roma Community Hub for a further twelve months as provided for in Clause 11 of the agreement between the agency and Council.*

<b>Resolution No. GM/09.2017/26</b>	
<b>Moved Cr Chandler</b>	<b>Seconded Cr O'Neil</b>
<p>That Council approve the extension of the Serviced Office Agreement for a further twelve month period until 7 September 2018, at the agreed rental amount of \$550 per month GST inclusive.</p>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Facility Lease Management &amp; Housing Officer/Team Coordinator</b>
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**Item Number:** C.8 **File Number:** D17/72070

**SUBJECT HEADING:** REQUEST TO TENANT LOCKABLE OFFICE - ROMA COMMUNITY HUB

**Officer's Title:** Facility Lease Management & Housing Officer/Team Coordinator

**Executive Summary:**

*An expression of interest was received from Drug ARM Australasia to tenant a lockable office within the Roma Community Hub.*

**Resolution No. GM/09.2017/27**

Moved Cr O'Neil

Seconded Cr Newman

**That Council:**

1. Enter into a serviced office agreement with Drug ARM Australasia for a single lockable office within the Roma Community Hub for a 12 month period.
2. Offer the Drug ARM Australasia the opportunity to enter into this arrangement at the agreed rental amount of \$550 per month (GST Inc.).

CARRIED

9/0

**Responsible Officer**

**Facility Lease Management & Housing Officer/Team Coordinator**

**Item Number:** C.9 **File Number:** D17/64676

**SUBJECT HEADING:** PROPOSED PURCHASE OF LOT 121 ON SP294860 - INJUNE SEWERAGE

**Officer's Title:** Manager - Facilities (Land, Buildings & Structures)

**Executive Summary:**

*Correspondence was received from the Department of Natural Resources and Mines in regard to the proposed purchase of Lot 121 on SP294860 being land adjoining the Injune Sewerage Treatment plant.*

**Resolution No. GM/09.2017/28**

Moved Cr Chandler

Seconded Cr Scheffe

**That Council:**

1. Proceed with the purchase of Lot 121 on SP294860 being land adjoining the Injune Sewerage Treatment Plant.
2. Authorise its Chief Executive Officer or delegate to sign the Agreement to Offer a Deed of Grant and the Statutory Declaration as attached to the Officer's report.
3. Pay the Department the purchase price of \$39,488.60 inclusive of GST to be financed from funds transferred to a new Work Order from WO18930 – Injune Rodeo Grounds Transpiration Beds \$31,950 and GL2490.2001 – Facilities Management and Support \$7,538.60.

4. Consider allocating funds in the 2018/19 year to construct transpiration beds at the Injune Rodeo Grounds at the estimated cost of \$118,000.

CARRIED

9/0

Responsible Officer

Manager - Facilities (Land, Buildings & Structures)

Item Number:

C.10

File Number: D17/68155

SUBJECT HEADING:

DEDICATION OF A RESERVE FOR RECREATION  
 GROUNDS AND PARK PURPOSES – LOT 3 ON CROWN  
 PLAN DL366

Officer's Title:

Manager - Facilities (Land, Buildings & Structures)

**Executive Summary:**

*Council is presented with options for dealing with native title as a pre-condition to the dedication by the State of land which is currently unallocated State land (USL) situated at River Road Mitchell as a Reserve for recreation grounds and park purposes and the appointment of Council as trustee.*

*This item had been previously laid on the table at the General Meeting on 16 August 2017, pending the outcome of further investigations.*

**Resolution No. GM/09.2017/29**

Moved Cr Chambers

Seconded Cr Newman

That Council:

1. Commence negotiation of an indigenous land use agreement with the Gunggari People #4 Applicants over the Gunggari People #4 Claim Area.
2. Through this indigenous land use agreement, facilitate the dedication of a Reserve for Recreation and Park Purposes over land described Lot 3 on Crown Plan DL366, County of Mitchell.
3. Serve a Notice of Intention to Resume and a Background Information Statement on Local Government Infrastructure Services Pty Ltd, the holder of Geothermal Exploration Permit EPG2004 (the Resource Interest) over the Land to commence the resumption process.
4. Delegate to the Chief Executive Officer the power to attend, on Council's behalf, any objection meeting to be held in relation to the proposed resumption of the "Resource Interest over the Land."

CARRIED

9/0

Responsible Officer

Manager - Facilities (Land, Buildings & Structures)

**Item Number:** C.11 **File Number:** D17/70405

**SUBJECT HEADING:** APPLICATION FOR SELLING PERMIT - ROMA SALEYARDS 2017/04

**Officer's Title:** Manager - Saleyards

**Executive Summary:**

*An application for a permit to sell (cattle) at the Roma Saleyards was lodged for Council's consideration.*

*An assessment has been made of the application and mandatory documents provided. The assessments were made in accordance with Subordinate Local Law 1.17 (Sale or Consignment of Stock at a Saleyard) 2011, Local Law No 6 (Operation of Saleyards) 2011 and Local Law No 1 (Administration) 2011.*

*Based on these assessments, officers recommended that the application be approved.*

**Resolution No. GM/09.2017/30**

**Moved Cr Stanford**

**Seconded Cr Newman**

**That, in accordance with the provisions of *Local Law 1 (Administration) 2011, Local Law No 6 (Operation of Saleyards) 2011 and Subordinate Local Law 1.17 (Sale or Consignment of Stock at a Saleyard) 2011*, Council grants a permit to sell to Grant, Daniel & Long Pty Ltd with the following terms and conditions:**

**AGENTS SELLING PERMIT - ROMA SALEYARDS**

**Issued in accordance with Maranoa Regional Council Local Law No. 1 (Administration) 2011, Local Law No. 6 (Operation of Saleyards) 2011 and Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011**

**1. DEFINITIONS AND INTERPRETATION**

**1.1 Definitions**

**The following definitions apply in this document:**

**Approval:**

- (a) has the meaning given in *Local Law No. 1 (Administration) 2011*, schedule 1; and**
- (b) includes this Permit for the undertaking of the Prescribed Activity.**

**Approval Holder see Permit Holder.**

**Authorised person has the meaning given in *Local Law No. 1 (Administration) 2011*.**

**Commencement Date means the 13<sup>th</sup> day of September 2017.**

**Commodity vendor declaration, for fodder—**

- (a) means a statement from the supplier of the fodder that specifies what chemicals have been used in the production of the fodder; and**
- (b) includes a commodity vendor declaration form no. 980902 of the Queensland Government Department of Employment, Economic Development and Innovation.**

**Council means Maranoa Regional Council.**

**Expiry Date means 22<sup>nd</sup> day of August 2020.**

**Fees means fees charged for a service or facility made available for use by Council at the Saleyard under the *Local Government Act 2009*, section 262(3)(c).**

Further Term, if the Permit Holder applies to Council to renew or extend the Permit and Council, under *Local Law No. 1 (Administration) 2011*, section 14, grants the application - means a period of 3 years.

Permit means this Permit to undertake the Prescribed Activity.

Permit Holder means the holder of this Permit, Grant, Daniel & Long Pty Ltd.

Prescribed Activity means the use of the Saleyard by a person if the person:

- (a) sells or offers to sell stock by auction or otherwise at the Saleyard; or
- (b) consigns stock from the Saleyard.

Sale Day means any day and time during the Term fixed by Council or the Saleyard Manager as a day on which the sale of cattle at or from the Saleyard may be conducted.

Saleyard means the Roma Saleyards, located on land described as Lot 285 on CRP WV1474, Title Reference 50926377.

Saleyard Law includes, collectively:

- (a) *Local Law No. 1 (Administration) 2011*; and
- (b) *Local Law No. 6 (Operation of Saleyards) 2011*; and
- (c) *Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011*.

Saleyard Manager means the person appointed by Council as the manager and/or operator of the Saleyard.

Selling pen means each pen allocated for the sale of stock or a specified type of stock at the Saleyard by Council from time to time.

Stock has the meaning given in *Local Law No. 6 (Operation of Saleyards) 2011*.

Term means the period commencing on the Commencement Date and expiring on the Expiry Date.

Zoonosis means infectious diseases which are naturally transmitted from vertebrate animals to human.

## **2. GRANT OF PERMIT**

Council grants the Permit Holder the Permit for the Prescribed Activity subject to the conditions specified in this Permit.

## **3. TERM OF PERMIT**

Unless sooner cancelled or suspended, the Permit remains in force for the Term. Under *Local Law No. 1 (Administration) 2011*, section 14, the Permit Holder may, before the end of the Term, apply to Council to renew or extend the Permit for the Further Term.

## **4. SALES**

### **4.1 Stock Sales**

- (a) Council may fix the days and times during which regular stock sales may be conducted at the Saleyard.
- (b) The Permit Holder is authorised to sell or offer to sell cattle by auction or otherwise at the Saleyard on all Sale Days but, subject to condition 4.1(c), not on any other day.
- (c) Council may grant an approval to the Permit Holder to conduct a sale of stock at the Saleyard on a day, or at a time, other than a Sale Day or time fixed under condition 4.1(a).

- (d) The Permit Holder must not conduct a sale at the Saleyard on a day, or at a time, other than a Sale Day unless the Permit Holder:
- (1) has obtained Council's approval under condition 4.1(c); and
  - (2) complies with the conditions (if any) imposed on the approval under condition 4.1(c).
- (e) If Council grants an approval to the Permit Holder to conduct a sale at the Saleyard on a day, or at a time, other than a day and time fixed under condition 4.1(a) then the sale will, for the purposes of this Permit, be a Sale Day.
- 4.2 Sale Charges**  
Council may, from time to time, prescribe fees applicable for use of the Saleyard and associated facilities.
- 4.3 Compliance with Council decisions and Saleyard Manager directions**
- (a) The Permit Holder must comply with each decision of Council about the operation of the Saleyard.
  - (b) The Permit Holder must comply with each lawful direction of the Saleyard Manager.
- 5. OBLIGATIONS OF THE PERMIT HOLDER**
- 5.1 Conditions ordinarily imposed**
- (a) Stock must not be sold or offered for sale at any place at the Saleyard other than the pens designated as selling pens by the Saleyard Manager at the Saleyard.
  - (b) Council may, from time to time, nominate a particular day of the week as a regular Sale Day for the sale of stock, for example, each of the following:
    - (1) bulls;
    - (2) store cattle;
    - (3) prime cattle.
  - (c) Council may, from time to time, change a regular Sale Day for the sale of stock or a specified type of stock at the Saleyard.
  - (d) The Permit Holder must -
    - (1) at all times during the currency of the Permit, have and maintain a place of business in the local government area of Council; and
    - (2) use the Saleyard for the operation of the Prescribed Activity on a bona fide commercial basis, for example, the Prescribed Activity must be undertaken at the Saleyard:
      - (A) regularly; and
      - (B) except where circumstances beyond the control of the Permit Holder do not permit - on each regular Sale Day for the sale of stock at the Saleyard.
  - (e) The Permit Holder must provide all labour which is necessary to facilitate the reception, yarding, removal and delivery of stock in the custody, or under the control, of the Permit Holder which are brought into the Saleyard.



- (f) If stock are delivered to the Saleyard for sale by the Permit Holder, the Permit Holder must –
- (1) count the stock delivered to the Saleyard, note any anomalies and put the stock into holding yards as directed by an authorised person or the Saleyard Manager; and
  - (2) *deleted intentionally*; and
  - (3) complete the reception/delivery docket in the prescribed form of Council for all stock entering and leaving the Saleyard; and
  - (4) if 1 or more of the stock escape from the Saleyard - bring the stock under control and procure the safe return of the stock to the Saleyard; and
  - (5) not supply or make available for consumption by the stock any fodder unless the fodder is accompanied by, and the Permit Holder produces to an authorised person or the Saleyard Manager on demand –
    - (A) a commodity vendor declaration which satisfies the prescribed criteria for fodder; and
    - (B) a certificate of analysis for chemical residues from a laboratory which holds a current accreditation from the National Association of Testing Authorities which satisfies the prescribed criteria for fodder; and
    - (C) a complete and continuous written record which -
      - tracks the production, harvesting, storage and transportation of the fodder at all times up to and including delivery of the fodder to the Saleyard; and
      - identifies the fodder fed to stock by reference to a specified period; and
      - identifies the stock to which the fodder was fed during the specified period; and
      - identifies the pens in which the stock were located during the specified period; and
  - (6) not request that Council allocate, for the sale of stock by the Permit Holder on a Sale Day, a number of selling pens in excess of the number of selling pens reasonably required to accommodate the stock to be offered for sale by the Permit Holder on the Sale Day; and
- Example—**  
If 6,000 or less cattle are offered for sale at the Saleyard on a Sale Day, 18 cattle should be allocated to each selling pen.
- If more than 6,000 cattle are offered for sale at the Saleyard on a Sale Day—
- (a) firstly, 18 cattle (limited to steers and heifers) should be allocated to each selling pen; and
  - (b) secondly, 15 cattle (limited to cows) should be allocated to each selling pen.
- In any event, a permit holder should consult with the authorised person responsible for the allocation of selling pens if issues about the health, safety or wellbeing of cattle arise as a result of the allocation of selling pens.
- (g) ensure that all stock are provided with sufficient food and water; and

- (h) if 1 or more stock at the Saleyard contract, or is suspected of contracting, a disease—
- (1) isolate the stock from all other animals; and
  - (2) take immediate action to ensure prompt notification, treatment and removal of the stock; and
- (i) if 1 or more of the stock die at the Saleyard—promptly remove the dead stock from the Saleyard by a waste transporter to a waste disposal facility.
- (j) If the Permit Holder is offering cattle for sale at the Saleyard, the Permit Holder must -
- (1) have the cattle drafted and penned in selling pens as directed by an authorised person or the Saleyard Manager; and
  - (2) not draft or pen cattle in selling pens other than selling pens allocated to the Permit Holder by an authorised person or the Saleyard Manager; and
  - (3) not swap or exchange selling pens to be used for the sale of cattle with a person other than the Permit Holder. However, on the morning of a Sale Day, the Saleyard Manager may allocate the selling pens of a Permit Holder (“First Permit Holder”) for use by another permit holder, but only in circumstances where the First Permit Holder has drafted and penned the cattle of the First Permit Holder in the selling pens allocated to the First Permit Holder and 1 or more selling pens allocated to the First Permit Holder remain empty; and
  - (4) be present at the Saleyard to –
    - (A) facilitate the weighing of the cattle; and
    - (B) provide details to the weighbridge operator at the Saleyard to facilitate computerised weighing and printout of the weight and price of the cattle; and
    - (C) attest to the second count of the cattle following the counting out of the cattle from the selling pens.
- (k) The Permit Holder must perform National Livestock Identification Scheme identification procedures –
- (1) as necessary to ensure the efficient operation of the Saleyard; and
  - (2) in the manner directed by an authorised person or the Saleyard Manager.
- (l) The Permit Holder must not bring or permit to be brought onto the Saleyard any animal which is infected with a contagious disease or zoonosis.

## 5.2 Compliance with Laws

The Permit Holder must comply with each of the following:

- (a) the Saleyard Law;
- (b) any local law or subordinate local law made about or in connection with the operation of the Saleyard, developed by Council; and
- (c) any other applicable laws including, but not limited to:
  - (1) the *Local Government Act 2009* (Qld);
  - (2) the *Motor Dealers and Chattel Auctioneers Act 2014*;
  - (3) the *Motor Dealers and Chattel Auctioneers Regulation 2014*;
  - (4) any law or regulation, whether Local, State or Commonwealth which relates to the welfare of livestock (including the Model Code of Practice for the Welfare of Animals: Cattle, Second Edition); and
  - (5) the EU Code of Practice for Agents.

**6. INSURANCE**

- (a) The Permit Holder must take out and maintain, at all times during the Term, the following insurance policies:
- (1) insurance under the *Workers Compensation and Rehabilitation Act 2003* to cover workers, eligible persons, self-employed contractors, directors, trustees and partners; and
  - (2) public liability insurance in an amount not less than \$20,000,000 in respect of any 1 occurrence and for an unlimited number of claims; and
  - (3) a general business (liability) insurance policy in an amount not less than \$20,000,000 in respect of any 1 occurrence and for an unlimited number of claims.
- (b) The Permit Holder must, upon receipt of a written request at any time from Council, produce evidence that the insurances required by condition 6(a) have been effected and maintained.
- (c) The public liability insurance policy must insure the Permit Holder and Council (in its capacity as the owner of the Saleyard) severally, for their respective entitlements and interests, and for this purpose accept that the insured comprises at least the Permit Holder and Council as if a separate insurance policy were issued to each of them (but not so as thereby to increase the sum insured).
- (d) Each insurance policy must:
- (1) limit the insurer's entitlement to avoid the policy to be available only against whichever of the insured has actually breached its obligation of disclosure or an obligation under the policy; and
  - (2) contain no exclusions, endorsements or alterations not approved in writing by Council (that approval not to be unreasonably withheld); and
  - (3) otherwise contain provisions acceptable to, or required by Council (but Council may not require unreasonably) the inclusion, retention, modification or exclusion of a provision; and
  - (4) remain current at all times during the Term.
- (e) Each insurance policy must be taken out and maintained with a reputable insurer.
- (f) This condition 6 shall survive suspension or cancellation of each of the Permit and the Term.

**7. RELEASE AND INDEMNITY**

- (a) The Permit Holder will be liable for loss or damage (including personal injury whether or not resulting in death) suffered by Council or any officer, servant or agent of Council arising from the unlawful or negligent acts or omissions of the Permit Holder, its employees, subcontractors or agents, in the course of the undertaking of the Prescribed Activity under this Permit.
- (b) The Permit Holder releases and indemnifies Council and all officers, servants and agents of Council from and against all actions whatsoever and howsoever arising which may be brought or made against any of them by any person, including the Permit Holder, arising from:
- (1) any wilful or negligent act or omission of the Permit Holder or any person for whose conduct the Permit Holder is liable; and
  - (2) any unlawful or negligent act or omission of the visitors, invitees or licensees of the Permit Holder; and

<p>(3) death, injury, loss or damage suffered by the Permit Holder, its employees, subcontractors or agents, or any of its visitors, invitees or licensees except where the death, injury, loss or damage is caused by the negligence or other wrongful act or omission of Council or any officer, servant or agent of Council.</p> <p>(c) The release and indemnity in this condition 7(a) and (b) are given by the Permit Holder in consideration of the grant of the Permit by Council.</p> <p><b>8. PROCEDURE FOR AMENDING, SUSPENDING OR CANCELLING THE PERMIT</b></p> <p>(a) <i>Local Law No. 1 (Administration) 2011</i>, section 18 applies if Council considers there is a ground under section 17 of <i>Local Law No. 1 (Administration) 2011</i> to amend, suspend or cancel the Permit.</p> <p>(b) <i>Local Law No. 1 (Administration) 2011</i>, section 16 applies if the Permit Holder applies to Council to amend the conditions of the Permit.</p> <p><b>9. TRANSFER OF PERMIT</b></p> <p>(a) Under <i>Local Law No. 1 (Administration) 2011</i>, section 15(2) the Permit cannot be transferred if it is of a category declared to be non-transferable under a subordinate local law.</p> <p>(b) <i>Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011</i>, section 6, and schedule 2 declare that a Permit for the Prescribed Activity (as defined in condition 1.1) is non-transferable.</p> <p><b>10. EXCLUSIVITY</b></p> <p>The Permit Holder acknowledges that:</p> <p>(a) the Permit Holder is not granted an exclusive right to undertake the Prescribed Activity at the Saleyard at any time; and</p> <p>(b) before or after the date of the Permit, Council may grant 1 or more Permits or Approvals to undertake the Prescribed Activity at the Saleyard to any of the following:</p> <p style="margin-left: 40px;">(1) a person other than the Permit Holder;</p> <p style="margin-left: 40px;">(2) a person who is the holder of a current Permit or Approval to undertake the Prescribed Activity at the Saleyard;</p> <p style="margin-left: 40px;">(3) a person who is not the holder of a current Permit or Approval to under the Prescribed Activity at the Saleyard;</p> <p>(c) No person who is the holder of a Permit or Approval to undertake the Prescribed Activity at the Saleyard is granted an exclusive right to undertake the Prescribed Activity at the Saleyard.</p>	<p>CARRIED <span style="float: right;">9/0</span></p>
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<b>Responsible Officer</b>	<b>Director Corporate, Community &amp; Commercial Services</b>
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**Item Number:** C.12 **File Number:** D17/72335

**SUBJECT HEADING:** APPLICATION FOR SELLING PERMIT - ROMA SALEYARDS 2017/05

**Officer's Title:** Manager - Saleyards

**Executive Summary:**

*An application for a permit to sell (cattle) at the Roma Saleyards was lodged for Council's consideration.*

*An assessment has been made of the application and mandatory documents provided. The assessments were made in accordance with Subordinate Local Law 1.17 (Sale or Consignment of Stock at a Saleyard) 2011, Local Law No 6 (Operation of Saleyards) 2011 and Local Law No 1 (Administration) 2011.*

*Based on these assessments, officers recommended that the application be approved.*

**Resolution No. GM/09.2017/31**

**Moved Cr Newman**

**Seconded Cr Stanford**

**That, in accordance with the provisions of *Local Law 1 (Administration) 2011, Local Law No 6 (Operation of Saleyards) 2011 and Subordinate Local Law 1.17 (Sale or Consignment of Stock at a Saleyard) 2011*, Council grants a permit to sell to PJH Livestock & Property Pty Ltd with the following terms and conditions:**

**AGENTS SELLING PERMIT - ROMA SALEYARDS**

**Issued in accordance with Maranoa Regional Council Local Law No. 1 (Administration) 2011, Local Law No. 6 (Operation of Saleyards) 2011 and Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011**

**1. DEFINITIONS AND INTERPRETATION**

**1.1 Definitions**

**The following definitions apply in this document:**

**Approval:**

- (a) has the meaning given in *Local Law No. 1 (Administration) 2011*, schedule 1; and**
- (b) includes this Permit for the undertaking of the Prescribed Activity.**

**Approval Holder see Permit Holder.**

**Authorised person has the meaning given in *Local Law No. 1 (Administration) 2011*.**

**Commencement Date means the 13<sup>th</sup> day of September 2017.**

**Commodity vendor declaration, for fodder—**

- (a) means a statement from the supplier of the fodder that specifies what chemicals have been used in the production of the fodder; and**
- (b) includes a commodity vendor declaration form no. 980902 of the Queensland Government Department of Employment, Economic Development and Innovation.**

**Council means Maranoa Regional Council.**

**Expiry Date means 22<sup>nd</sup> day of August 2020.**

**Fees means fees charged for a service or facility made available for use by Council at the Saleyard under the *Local Government Act 2009*, section 262(3)(c).**

Further Term, if the Permit Holder applies to Council to renew or extend the Permit and Council, under *Local Law No. 1 (Administration) 2011*, section 14, grants the application - means a period of 3 years.

Permit means this Permit to undertake the Prescribed Activity.

Permit Holder means the holder of this Permit, PJH Livestock & Property Pty Ltd.

Prescribed Activity means the use of the Saleyard by a person if the person:

- (a) sells or offers to sell stock by auction or otherwise at the Saleyard; or
- (b) consigns stock from the Saleyard.

Sale Day means any day and time during the Term fixed by Council or the Saleyard Manager as a day on which the sale of cattle at or from the Saleyard may be conducted.

Saleyard means the Roma Saleyards, located on land described as Lot 285 on CRP WV1474, Title Reference 50926377.

Saleyard Law includes, collectively:

- (a) *Local Law No. 1 (Administration) 2011*; and
- (b) *Local Law No. 6 (Operation of Saleyards) 2011*; and
- (c) *Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011*.

Saleyard Manager means the person appointed by Council as the manager and/or operator of the Saleyard.

Selling pen means each pen allocated for the sale of stock or a specified type of stock at the Saleyard by Council from time to time.

Stock has the meaning given in *Local Law No. 6 (Operation of Saleyards) 2011*.

Term means the period commencing on the Commencement Date and expiring on the Expiry Date.

Zoonosis means infectious diseases which are naturally transmitted from vertebrate animals to human.

## **2. GRANT OF PERMIT**

Council grants the Permit Holder the Permit for the Prescribed Activity subject to the conditions specified in this Permit.

## **3. TERM OF PERMIT**

Unless sooner cancelled or suspended, the Permit remains in force for the Term. Under *Local Law No. 1 (Administration) 2011*, section 14, the Permit Holder may, before the end of the Term, apply to Council to renew or extend the Permit for the Further Term.

## **4. SALES**

### **4.1 Stock Sales**

- (a) Council may fix the days and times during which regular stock sales may be conducted at the Saleyard.
- (b) The Permit Holder is authorised to sell or offer to sell cattle by auction or otherwise at the Saleyard on all Sale Days but, subject to condition 4.1(c), not on any other day.
- (c) Council may grant an approval to the Permit Holder to conduct a sale of stock at the Saleyard on a day, or at a time, other than a Sale Day or time fixed under condition 4.1(a).

- (d) The Permit Holder must not conduct a sale at the Saleyard on a day, or at a time, other than a Sale Day unless the Permit Holder:
- (1) has obtained Council's approval under condition 4.1(c); and
  - (2) complies with the conditions (if any) imposed on the approval under condition 4.1(c) .
- (e) If Council grants an approval to the Permit Holder to conduct a sale at the Saleyard on a day, or at a time, other than a day and time fixed under condition 4.1(a) then the sale will, for the purposes of this Permit, be a Sale Day.
- 4.2 Sale Charges**  
Council may, from time to time, prescribe fees applicable for use of the Saleyard and associated facilities.
- 4.3 Compliance with Council decisions and Saleyard Manager directions**
- (a) The Permit Holder must comply with each decision of Council about the operation of the Saleyard.
  - (b) The Permit Holder must comply with each lawful direction of the Saleyard Manager.
- 5. OBLIGATIONS OF THE PERMIT HOLDER**
- 5.1 Conditions ordinarily imposed**
- (a) Stock must not be sold or offered for sale at any place at the Saleyard other than the pens designated as selling pens by the Saleyard Manager at the Saleyard.
  - (b) Council may, from time to time, nominate a particular day of the week as a regular Sale Day for the sale of stock, for example, each of the following:
    - (1) bulls;
    - (2) store cattle;
    - (3) prime cattle.
  - (c) Council may, from time to time, change a regular Sale Day for the sale of stock or a specified type of stock at the Saleyard.
  - (d) The Permit Holder must -
    - (1) at all times during the currency of the Permit, have and maintain a place of business in the local government area of Council; and
    - (2) use the Saleyard for the operation of the Prescribed Activity on a bona fide commercial basis, for example, the Prescribed Activity must be undertaken at the Saleyard:
      - (A) regularly; and
      - (B) except where circumstances beyond the control of the Permit Holder do not permit - on each regular Sale Day for the sale of stock at the Saleyard.
  - (e) The Permit Holder must provide all labour which is necessary to facilitate the reception, yarding, removal and delivery of stock in the custody, or under the control, of the Permit Holder which are brought into the Saleyard.

- (f) If stock are delivered to the Saleyard for sale by the Permit Holder, the Permit Holder must –
- (1) count the stock delivered to the Saleyard, note any anomalies and put the stock into holding yards as directed by an authorised person or the Saleyard Manager; and
  - (2) *deleted intentionally*; and
  - (3) complete the reception/delivery docket in the prescribed form of Council for all stock entering and leaving the Saleyard; and
  - (4) if 1 or more of the stock escape from the Saleyard - bring the stock under control and procure the safe return of the stock to the Saleyard; and
  - (5) not supply or make available for consumption by the stock any fodder unless the fodder is accompanied by, and the Permit Holder produces to an authorised person or the Saleyard Manager on demand –
    - (A) a commodity vendor declaration which satisfies the prescribed criteria for fodder; and
    - (B) a certificate of analysis for chemical residues from a laboratory which holds a current accreditation from the National Association of Testing Authorities which satisfies the prescribed criteria for fodder; and
    - (C) a complete and continuous written record which -
      - tracks the production, harvesting, storage and transportation of the fodder at all times up to and including delivery of the fodder to the Saleyard; and
      - identifies the fodder fed to stock by reference to a specified period; and
      - identifies the stock to which the fodder was fed during the specified period; and
      - identifies the pens in which the stock were located during the specified period; and
  - (6) not request that Council allocate, for the sale of stock by the Permit Holder on a Sale Day, a number of selling pens in excess of the number of selling pens reasonably required to accommodate the stock to be offered for sale by the Permit Holder on the Sale Day; and
- Example—**  
If 6,000 or less cattle are offered for sale at the Saleyard on a Sale Day, 18 cattle should be allocated to each selling pen.
- If more than 6,000 cattle are offered for sale at the Saleyard on a Sale Day—
- (a) firstly, 18 cattle (limited to steers and heifers) should be allocated to each selling pen; and
  - (b) secondly, 15 cattle (limited to cows) should be allocated to each selling pen.
- In any event, a permit holder should consult with the authorised person responsible for the allocation of selling pens if issues about the health, safety or wellbeing of cattle arise as a result of the allocation of selling pens.
- (g) ensure that all stock are provided with sufficient food and water; and
- (h) if 1 or more stock at the Saleyard contract, or is suspected of contracting, a disease—
- (1) isolate the stock from all other animals; and
  - (2) take immediate action to ensure prompt notification, treatment and removal of the stock; and



- (i) if 1 or more of the stock die at the Saleyard—promptly remove the dead stock from the Saleyard by a waste transporter to a waste disposal facility.
- (j) If the Permit Holder is offering cattle for sale at the Saleyard, the Permit Holder must -
  - (1) have the cattle drafted and penned in selling pens as directed by an authorised person or the Saleyard Manager; and
  - (2) not draft or pen cattle in selling pens other than selling pens allocated to the Permit Holder by an authorised person or the Saleyard Manager; and
  - (3) not swap or exchange selling pens to be used for the sale of cattle with a person other than the Permit Holder. However, on the morning of a Sale Day, the Saleyard Manager may allocate the selling pens of a Permit Holder (“First Permit Holder”) for use by another permit holder, but only in circumstances where the First Permit Holder has drafted and penned the cattle of the First Permit Holder in the selling pens allocated to the First Permit Holder and 1 or more selling pens allocated to the First Permit Holder remain empty; and
  - (4) be present at the Saleyard to –
    - (A) facilitate the weighing of the cattle; and
    - (B) provide details to the weighbridge operator at the Saleyard to facilitate computerised weighing and printout of the weight and price of the cattle; and
    - (C) attest to the second count of the cattle following the counting out of the cattle from the selling pens.
- (k) The Permit Holder must perform National Livestock Identification Scheme identification procedures –
  - (1) as necessary to ensure the efficient operation of the Saleyard; and
  - (2) in the manner directed by an authorised person or the Saleyard Manager.
- (l) The Permit Holder must not bring or permit to be brought onto the Saleyard any animal which is infected with a contagious disease or zoonosis.

## 5.2 Compliance with Laws

The Permit Holder must comply with each of the following:

- (a) the Saleyard Law;
- (b) any local law or subordinate local law made about or in connection with the operation of the Saleyard, developed by Council; and
- (c) any other applicable laws including, but not limited to:
  - (1) the *Local Government Act 2009 (Qld)*;
  - (2) the *Motor Dealers and Chattel Auctioneers Act 2014*;
  - (3) the *Motor Dealers and Chattel Auctioneers Regulation 2014*;
  - (4) any law or regulation, whether Local, State or Commonwealth which relates to the welfare of livestock (including the Model Code of Practice for the Welfare of Animals: Cattle, Second Edition); and
  - (5) the EU Code of Practice for Agents.

## 6. INSURANCE

- (a) The Permit Holder must take out and maintain, at all times during the Term, the following insurance policies:

- (1) insurance under the *Workers Compensation and Rehabilitation Act 2003* to cover workers, eligible persons, self-employed contractors, directors, trustees and partners; and
  - (2) public liability insurance in an amount not less than \$20,000,000 in respect of any 1 occurrence and for an unlimited number of claims; and
  - (3) a general business (liability) insurance policy in an amount not less than \$20,000,000 in respect of any 1 occurrence and for an unlimited number of claims.
- (b) The Permit Holder must, upon receipt of a written request at any time from Council, produce evidence that the insurances required by condition 6(a) have been effected and maintained.
- (c) The public liability insurance policy must insure the Permit Holder and Council (in its capacity as the owner of the Saleyard) severally, for their respective entitlements and interests, and for this purpose accept that the insured comprises at least the Permit Holder and Council as if a separate insurance policy were issued to each of them (but not so as thereby to increase the sum insured).
- (d) Each insurance policy must:
- (1) limit the insurer's entitlement to avoid the policy to be available only against whichever of the insured has actually breached its obligation of disclosure or an obligation under the policy; and
  - (2) contain no exclusions, endorsements or alterations not approved in writing by Council (that approval not to be unreasonably withheld); and
  - (3) otherwise contain provisions acceptable to, or required by Council (but Council may not require unreasonably) the inclusion, retention, modification or exclusion of a provision; and
  - (4) remain current at all times during the Term.
- (e) Each insurance policy must be taken out and maintained with a reputable insurer.
- (f) This condition 6 shall survive suspension or cancellation of each of the Permit and the Term.

## 7. RELEASE AND INDEMNITY

- (a) The Permit Holder will be liable for loss or damage (including personal injury whether or not resulting in death) suffered by Council or any officer, servant or agent of Council arising from the unlawful or negligent acts or omissions of the Permit Holder, its employees, subcontractors or agents, in the course of the undertaking of the Prescribed Activity under this Permit.
- (b) The Permit Holder releases and indemnifies Council and all officers, servants and agents of Council from and against all actions whatsoever and howsoever arising which may be brought or made against any of them by any person, including the Permit Holder, arising from:
- (1) any wilful or negligent act or omission of the Permit Holder or any person for whose conduct the Permit Holder is liable; and
  - (2) any unlawful or negligent act or omission of the visitors, invitees or licensees of the Permit Holder; and
  - (3) death, injury, loss or damage suffered by the Permit Holder, its employees, subcontractors or agents, or any of its visitors, invitees or licensees except where the death, injury, loss or damage is caused by the negligence or other wrongful act or omission of Council or any officer, servant or agent of Council.

- (c) The release and indemnity in this condition 7(a) and (b) are given by the Permit Holder in consideration of the grant of the Permit by Council.
8. PROCEDURE FOR AMENDING, SUSPENDING OR CANCELLING THE PERMIT
- (a) *Local Law No. 1 (Administration) 2011*, section 18 applies if Council considers there is a ground under section 17 of *Local Law No. 1 (Administration) 2011* to amend, suspend or cancel the Permit.

- (b) *Local Law No. 1 (Administration) 2011*, section 16 applies if the Permit Holder applies to Council to amend the conditions of the Permit.

9. TRANSFER OF PERMIT

- (a) Under *Local Law No. 1 (Administration) 2011*, section 15(2) the Permit cannot be transferred if it is of a category declared to be non-transferable under a subordinate local law.
- (b) *Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011*, section 6, and schedule 2 declare that a Permit for the Prescribed Activity (as defined in condition 1.1) is non-transferable.

10. EXCLUSIVITY

The Permit Holder acknowledges that:

- (a) the Permit Holder is not granted an exclusive right to undertake the Prescribed Activity at the Saleyard at any time; and
- (b) before or after the date of the Permit, Council may grant 1 or more Permits or Approvals to undertake the Prescribed Activity at the Saleyard to any of the following:
- (1) a person other than the Permit Holder;
  - (2) a person who is the holder of a current Permit or Approval to undertake the Prescribed Activity at the Saleyard;
  - (3) a person who is not the holder of a current Permit or Approval to under the Prescribed Activity at the Saleyard;
- (c) No person who is the holder of a Permit or Approval to undertake the Prescribed Activity at the Saleyard is granted an exclusive right to undertake the Prescribed Activity at the Saleyard.

CARRIED

9/0

Responsible Officer

Director Corporate, Community &  
Commercial Services

Item Number:

C.13

File Number: D17/65767

SUBJECT HEADING:

APPLICATION FOR SELLING PERMIT - ROMA  
SALEYARDS 2017/03

Officer's Title:

Manager - Saleyards

**Executive Summary:**

*An application for a permit to sell (cattle) at the Roma Saleyards was lodged for Council's consideration.*

An assessment has been made of the application and mandatory documents provided. The assessments were made in accordance with Subordinate Local Law 1.17 (Sale or Consignment of Stock at a Saleyard) 2011, Local Law No 6 (Operation of Saleyards) 2011 and Local Law No 1 (Administration) 2011.

Based on these assessments, officers recommended that the application be approved.

**Resolution No. GM/09.2017/32**

**Moved Cr Flynn**

**Seconded Cr Stanford**

That, in accordance with the provisions of *Local Law 1 (Administration) 2011*, *Local Law No 6 (Operation of Saleyards) 2011* and *Subordinate Local Law 1.17 (Sale or Consignment of Stock at a Saleyard) 2011*, Council grants a permit to sell to MAA Livestock and Property Pty Ltd with the following terms and conditions:

**AGENTS SELLING PERMIT - ROMA SALEYARDS**

Issued in accordance with Maranoa Regional Council Local Law No. 1 (Administration) 2011, Local Law No. 6 (Operation of Saleyards) 2011 and Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011

**1. DEFINITIONS AND INTERPRETATION**

**1.1 Definitions**

The following definitions apply in this document:

Approval:

- (a) has the meaning given in *Local Law No. 1 (Administration) 2011*, schedule 1; and
- (b) includes this Permit for the undertaking of the Prescribed Activity.

Approval Holder see Permit Holder.

Authorised person has the meaning given in *Local Law No. 1 (Administration) 2011*.

Commencement Date means the 13<sup>th</sup> day of September 2017.

Commodity vendor declaration, for fodder—

- (a) means a statement from the supplier of the fodder that specifies what chemicals have been used in the production of the fodder; and
- (b) includes a commodity vendor declaration form no. 980902 of the Queensland Government Department of Employment, Economic Development and Innovation.

Council means Maranoa Regional Council.

Expiry Date means 22<sup>rd</sup> day of August 2020.

Fees means fees charged for a service or facility made available for use by Council at the Saleyard under the *Local Government Act 2009*, section 262(3)(c).

Further Term, if the Permit Holder applies to Council to renew or extend the Permit and Council, under *Local Law No. 1 (Administration) 2011*, section 14, grants the application - means a period of 3 years.

Permit means this Permit to undertake the Prescribed Activity.

Permit Holder means the holder of this Permit, MAA Livestock and Property Pty Ltd.

Prescribed Activity means the use of the Saleyard by a person if the person:

- (a) sells or offers to sell stock by auction or otherwise at the Saleyard; or
- (b) consigns stock from the Saleyard.

**Sale Day** means any day and time during the Term fixed by Council or the Saleyard Manager as a day on which the sale of cattle at or from the Saleyard may be conducted.

**Saleyards** means the Roma Saleyards, located on land described as Lot 285 on CRP WV1474, Title Reference 50926377.

**Saleyards Law** includes, collectively:

- (a) *Local Law No. 1 (Administration) 2011*; and
- (b) *Local Law No. 6 (Operation of Saleyards) 2011*; and
- (c) *Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011*.

**Saleyards Manager** means the person appointed by Council as the manager and/or operator of the Saleyard.

**Selling pen** means each pen allocated for the sale of stock or a specified type of stock at the Saleyard by Council from time to time.

**Stock** has the meaning given in *Local Law No. 6 (Operation of Saleyards) 2011*.

**Term** means the period commencing on the Commencement Date and expiring on the Expiry Date.

**Zoonosis** means infectious diseases which are naturally transmitted from vertebrate animals to human.

## **2. GRANT OF PERMIT**

Council grants the Permit Holder the Permit for the Prescribed Activity subject to the conditions specified in this Permit.

## **3. TERM OF PERMIT**

Unless sooner cancelled or suspended, the Permit remains in force for the Term. Under *Local Law No. 1 (Administration) 2011*, section 14, the Permit Holder may, before the end of the Term, apply to Council to renew or extend the Permit for the Further Term.

## **4. SALES**

### **4.1 Stock Sales**

- (a) Council may fix the days and times during which regular stock sales may be conducted at the Saleyard.
- (b) The Permit Holder is authorised to sell or offer to sell cattle by auction or otherwise at the Saleyard on all Sale Days but, subject to condition 4.1(c), not on any other day.
- (c) Council may grant an approval to the Permit Holder to conduct a sale of stock at the Saleyard on a day, or at a time, other than a Sale Day or time fixed under condition 4.1(a).
- (d) The Permit Holder must not conduct a sale at the Saleyard on a day, or at a time, other than a Sale Day unless the Permit Holder:
  - (1) has obtained Council's approval under condition 4.1(c); and
  - (2) complies with the conditions (if any) imposed on the approval under condition 4.1(c).
- (e) If Council grants an approval to the Permit Holder to conduct a sale at the Saleyard on a day, or at a time, other than a day and time fixed under condition 4.1(a) then the sale will, for the purposes of this Permit, be a Sale Day.

**4.2 Sale Charges**

Council may, from time to time, prescribe fees applicable for use of the Saleyard and associated facilities.

**4.3 Compliance with Council decisions and Saleyard Manager directions**

- (a) The Permit Holder must comply with each decision of Council about the operation of the Saleyard.
- (b) The Permit Holder must comply with each lawful direction of the Saleyard Manager.

**5. OBLIGATIONS OF THE PERMIT HOLDER**

**5.1 Conditions ordinarily imposed**

- (a) Stock must not be sold or offered for sale at any place at the Saleyard other than the pens designated as selling pens by the Saleyard Manager at the Saleyard.
- (b) Council may, from time to time, nominate a particular day of the week as a regular Sale Day for the sale of stock, for example, each of the following:
  - (1) bulls;
  - (2) store cattle;
  - (3) prime cattle.
- (c) Council may, from time to time, change a regular Sale Day for the sale of stock or a specified type of stock at the Saleyard.
- (d) The Permit Holder must -
  - (1) at all times during the currency of the Permit, have and maintain a place of business in the local government area of Council; and
  - (2) use the Saleyard for the operation of the Prescribed Activity on a bona fide commercial basis, for example, the Prescribed Activity must be undertaken at the Saleyard:
    - (A) regularly; and
    - (B) except where circumstances beyond the control of the Permit Holder do not permit - on each regular Sale Day for the sale of stock at the Saleyard.
- (e) The Permit Holder must provide all labour which is necessary to facilitate the reception, yarding, removal and delivery of stock in the custody, or under the control, of the Permit Holder which are brought into the Saleyard.
- (f) If stock are delivered to the Saleyard for sale by the Permit Holder, the Permit Holder must –
  - (1) count the stock delivered to the Saleyard, note any anomalies and put the stock into holding yards as directed by an authorised person or the Saleyard Manager; and
  - (2) *deleted intentionally*; and
  - (3) complete the reception/delivery docket in the prescribed form of Council for all stock entering and leaving the Saleyard; and
  - (4) if 1 or more of the stock escape from the Saleyard - bring the stock under control and procure the safe return of the stock to the Saleyard; and

- (5) not supply or make available for consumption by the stock any fodder unless the fodder is accompanied by, and the Permit Holder produces to an authorised person or the Saleyard Manager on demand –
- (A) a commodity vendor declaration which satisfies the prescribed criteria for fodder; and
  - (B) a certificate of analysis for chemical residues from a laboratory which holds a current accreditation from the National Association of Testing Authorities which satisfies the prescribed criteria for fodder; and
  - (C) a complete and continuous written record which -
    - tracks the production, harvesting, storage and transportation of the fodder at all times up to and including delivery of the fodder to the Saleyard; and
    - identifies the fodder fed to stock by reference to a specified period; and
    - identifies the stock to which the fodder was fed during the specified period; and
    - identifies the pens in which the stock were located during the specified period; and
- (6) not request that Council allocate, for the sale of stock by the Permit Holder on a Sale Day, a number of selling pens in excess of the number of selling pens reasonably required to accommodate the stock to be offered for sale by the Permit Holder on the Sale Day; and
- Example—**  
If 6,000 or less cattle are offered for sale at the Saleyard on a Sale Day, 18 cattle should be allocated to each selling pen.
- If more than 6,000 cattle are offered for sale at the Saleyard on a Sale Day—
- (a) firstly, 18 cattle (limited to steers and heifers) should be allocated to each selling pen; and
  - (b) secondly, 15 cattle (limited to cows) should be allocated to each selling pen.
- In any event, a permit holder should consult with the authorised person responsible for the allocation of selling pens if issues about the health, safety or wellbeing of cattle arise as a result of the allocation of selling pens.
- (g) ensure that all stock are provided with sufficient food and water; and
- (h) if 1 or more stock at the Saleyard contract, or is suspected of contracting, a disease—
- (1) isolate the stock from all other animals; and
  - (2) take immediate action to ensure prompt notification, treatment and removal of the stock; and
- (i) if 1 or more of the stock die at the Saleyard—promptly remove the dead stock from the Saleyard by a waste transporter to a waste disposal facility.
- (j) If the Permit Holder is offering cattle for sale at the Saleyard, the Permit Holder must -
- (1) have the cattle drafted and penned in selling pens as directed by an authorised person or the Saleyard Manager; and
  - (2) not draft or pen cattle in selling pens other than selling pens allocated to the Permit Holder by an authorised person or the Saleyard Manager; and

- (3) not swap or exchange selling pens to be used for the sale of cattle with a person other than the Permit Holder. However, on the morning of a Sale Day, the Saleyard Manager may allocate the selling pens of a Permit Holder (“First Permit Holder”) for use by another permit holder, but only in circumstances where the First Permit Holder has drafted and penned the cattle of the First Permit Holder in the selling pens allocated to the First Permit Holder and 1 or more selling pens allocated to the First Permit Holder remain empty; and
- (4) be present at the Saleyard to –
  - (A) facilitate the weighing of the cattle; and
  - (B) provide details to the weighbridge operator at the Saleyard to facilitate computerised weighing and printout of the weight and price of the cattle; and
  - (C) attest to the second count of the cattle following the counting out of the cattle from the selling pens.
- (k) The Permit Holder must perform National Livestock Identification Scheme identification procedures –
  - (1) as necessary to ensure the efficient operation of the Saleyard; and
  - (2) in the manner directed by an authorised person or the Saleyard Manager.
- (l) The Permit Holder must not bring or permit to be brought onto the Saleyard any animal which is infected with a contagious disease or zoonosis.

## 5.2 Compliance with Laws

The Permit Holder must comply with each of the following:

- (a) the Saleyard Law;
- (b) any local law or subordinate local law made about or in connection with the operation of the Saleyard, developed by Council; and
- (c) any other applicable laws including, but not limited to:
  - (1) the *Local Government Act 2009* (Qld);
  - (2) the *Motor Dealers and Chattel Auctioneers Act 2014*;
  - (3) the *Motor Dealers and Chattel Auctioneers Regulation 2014*;
  - (4) any law or regulation, whether Local, State or Commonwealth which relates to the welfare of livestock (including the Model Code of Practice for the Welfare of Animals: Cattle, Second Edition); and
  - (5) the EU Code of Practice for Agents.

## 6. INSURANCE

- (a) The Permit Holder must take out and maintain, at all times during the Term, the following insurance policies:
  - (1) insurance under the *Workers Compensation and Rehabilitation Act 2003* to cover workers, eligible persons, self employed contractors, directors, trustees and partners; and
  - (2) public liability insurance in an amount not less than \$20,000,000 in respect of any 1 occurrence and for an unlimited number of claims; and
  - (3) a general business (liability) insurance policy in an amount not less than \$20,000,000 in respect of any 1 occurrence and for an unlimited number of claims.



- (b) The Permit Holder must, upon receipt of a written request at any time from Council, produce evidence that the insurances required by condition 6(a) have been effected and maintained.
- (c) The public liability insurance policy must insure the Permit Holder and Council (in its capacity as the owner of the Saleyard) severally, for their respective entitlements and interests, and for this purpose accept that the insured comprises at least the Permit Holder and Council as if a separate insurance policy were issued to each of them (but not so as thereby to increase the sum insured).
- (d) Each insurance policy must:
  - (1) limit the insurer's entitlement to avoid the policy to be available only against whichever of the insured has actually breached its obligation of disclosure or an obligation under the policy; and
  - (2) contain no exclusions, endorsements or alterations not approved in writing by Council (that approval not to be unreasonably withheld); and
  - (3) otherwise contain provisions acceptable to, or required by Council (but Council may not require unreasonably) the inclusion, retention, modification or exclusion of a provision; and
  - (4) remain current at all times during the Term.
- (e) Each insurance policy must be taken out and maintained with a reputable insurer.
- (f) This condition 6 shall survive suspension or cancellation of each of the Permit and the Term.

#### **7. RELEASE AND INDEMNITY**

- (a) The Permit Holder will be liable for loss or damage (including personal injury whether or not resulting in death) suffered by Council or any officer, servant or agent of Council arising from the unlawful or negligent acts or omissions of the Permit Holder, its employees, subcontractors or agents, in the course of the undertaking of the Prescribed Activity under this Permit.
- (b) The Permit Holder releases and indemnifies Council and all officers, servants and agents of Council from and against all actions whatsoever and howsoever arising which may be brought or made against any of them by any person, including the Permit Holder, arising from:
  - (1) any wilful or negligent act or omission of the Permit Holder or any person for whose conduct the Permit Holder is liable; and
  - (2) any unlawful or negligent act or omission of the visitors, invitees or licensees of the Permit Holder; and
  - (3) death, injury, loss or damage suffered by the Permit Holder, its employees, subcontractors or agents, or any of its visitors, invitees or licensees except where the death, injury, loss or damage is caused by the negligence or other wrongful act or omission of Council or any officer, servant or agent of Council.
- (c) The release and indemnity in this condition 7(a) and (b) are given by the Permit Holder in consideration of the grant of the Permit by Council.

#### **8. PROCEDURE FOR AMENDING, SUSPENDING OR CANCELLING THE PERMIT**

- (a) *Local Law No. 1 (Administration) 2011*, section 18 applies if Council considers there is a ground under section 17 of *Local Law No. 1 (Administration) 2011* to amend, suspend or cancel the Permit.
- (b) *Local Law No. 1 (Administration) 2011*, section 16 applies if the Permit Holder applies to Council to amend the conditions of the Permit.

**9. TRANSFER OF PERMIT**

- (a) Under *Local Law No. 1 (Administration) 2011*, section 15(2) the Permit cannot be transferred if it is of a category declared to be non-transferable under a subordinate local law.
- (b) *Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011*, section 6, and schedule 2 declare that a Permit for the Prescribed Activity (as defined in condition 1.1) is non-transferable.

**10. EXCLUSIVITY**

The Permit Holder acknowledges that:

- (a) the Permit Holder is not granted an exclusive right to undertake the Prescribed Activity at the Saleyard at any time; and
- (b) before or after the date of the Permit, Council may grant 1 or more Permits or Approvals to undertake the Prescribed Activity at the Saleyard to any of the following:
  - (1) a person other than the Permit Holder;
  - (2) a person who is the holder of a current Permit or Approval to undertake the Prescribed Activity at the Saleyard;
  - (3) a person who is not the holder of a current Permit or Approval to under the Prescribed Activity at the Saleyard;
- (c) No person who is the holder of a Permit or Approval to undertake the Prescribed Activity at the Saleyard is granted an exclusive right to undertake the Prescribed Activity at the Saleyard.

CARRIED

9/0

<b>Responsible Officer</b>	<b>Director Corporate, Community &amp; Commercial Services</b>
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**Item Number:** C.14 **File Number:** D17/66607

**SUBJECT HEADING:** EXCESS ANIMAL APPLICATION 2017/55 - EXCESS DOG

**Officer's Title:** Administration Officer - Customer & Community Services

***Executive Summary:***

*An excess animal application for an additional dog was lodged for Council's consideration.*

*Assessments have been made of the application, mandatory documents provided, site inspection results, the attached Statutory Declaration and the background checks performed on the dog owner and nominated dog(s). The assessments were made in accordance with the criteria specified in Local Law No 1 (Administration) 2011.*

*Based on these assessments, officers recommended that the application be approved.*

**Resolution No. GM/09.2017/33**

**Moved Cr Chandler**

**Seconded Cr O'Neil**

**That, in accordance with the provisions of *Local Law No 1 (Administration) 2011* and *Local Law No 2 (Animal Management) 2011*, Council grants an excess dogs approval for the keeping of the three (3) dogs identified in Excess Animal Application Number 2017/55 (each an "identified dog") identified as microchip numbers 982 000 364 609 535, Dog 2 Male Blue Australian Cattle Dog (not microchipped) & Excess Dog 982 000 364 716 048 on the premises, 117 Edwardes Street Roma in Excess Animal Application Number 2017/55 (the "premises") for a term of 1 year subject to the following conditions:**

- (a) this approval allows for a total of three (3) dogs to be kept on the premises and is limited to the three (3) identified dogs; and
- (b) if any identified dog dies or is relocated to other premises or is kept by another owner or keeper at other premises, the dog may not be replaced by another dog unless the keeping of the dogs on the premises is approved under another excess dogs approval; and
- (c) the approval holder must ensure each and every identified dog is:
  - (i) implanted with a prescribed permanent identification device in accordance with section 14 of the *Animal Management (Cats and Dogs) Act 2008* for Dog 1 Tilly and Excess Dog 1 Patty. An exemption from microchipping provided for Dog 2 Banjo due to age and ill health.
  - (ii) registered with Council; and
- (d) the approval holder must take all reasonable steps to prevent each and every identified dog kept on the premises from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises; and
- (e) the approval holder must ensure that any enclosure in which any identified dog is kept on the premises is properly drained and that run-off is kept off adjoining premises; and
- (f) the approval holder must ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected daily and, if not immediately disposed of, is kept in a waste container of a kind approved by an authorised person; and
- (g) the approval holder must ensure that any enclosure in which any identified dog is kept on the premises is maintained in:
  - (i) a clean and sanitary condition and disinfected regularly; and
  - (ii) an aesthetically acceptable condition; and
- (h) the approval holder must ensure a proper enclosure is maintained on the premises in accordance with the requirements of *Local Law No. 2 (Animal Management) 2011*; and

The approval holder must notify Council in writing in the event of the suspension or cancellation of a relevant approval for the keeping of any identified dog on the premises within 3 days of the suspension or cancellation of the relevant approval. For example, if the approval holder is the occupier of the premises and the owner of the premises suspends or cancels the approval holder's right to keep any identified dog at the premises, the approval holder must notify Council in writing of the suspension or cancellation of the approval within 3 days of the suspension or cancellation.

CARRIED

9/0

Responsible Officer

Administration Officer - Customer & Community Services

**Item Number:** C.15 **File Number:** D17/69702

**SUBJECT HEADING:** APPLICATIONS FOR RATE PAYMENT ARRANGEMENTS  
– VARIOUS PROPERTIES

**Officer's Title:** Rates Officer

**Executive Summary:**

*Applications for rates payment arrangements were received from various ratepayers. The timeframes the applicants have proposed to have their rates paid in full extends beyond the current financial year timeframe that is adopted in Council's adopted Revenue Statement.*

**Resolution No. GM/09.2017/34**

**Moved Cr O'Neil**

**Seconded Cr McMullen**

**That Council:**

1. **Accepts the applicant's payment arrangements as set out in Table A of the officer's report, subject to all rates, charges and arrears accumulated being paid in full by 30 June 2019 as follows:**

Assessment Number	Approved Payment Plan
14014112	\$972/month

2. **Decline the applicant's payment arrangements as set out in Table B of the officer's report, and propose to the applicants a new payment arrangement so that all rates, charges and arrears accumulated will be paid in full by 30 June 2019 as follows:**

Assessment Number	Applicant's Payment Proposal	Council's Proposal
14003685	\$960/month	\$1,057/month
14008841	\$16/fortnight	\$155/fortnight

CARRIED

9/0

**Responsible Officer**

**Rates Officer**

**Item Number:** C.16 **File Number:** D17/69710

**SUBJECT HEADING:** CONSIDERATION OF DEBT RECOVERY STATUS -  
ASSESSMENT 11003084

**Officer's Title:** Rates Officer

**Executive Summary:**

*This report sought Council's approval to remove Assessment 11003084 from the debt recovery process. This property is not in probate and Council cannot proceed with debt recovery until probate is granted. Once the property is removed from debt recovery Council can then move onto Sale of Land.*

**Resolution No. GM/09.2017/35**

**Moved Cr McMullen**

**Seconded Cr Stanford**

**That Council authorises the removal of Assessment 11003084 from debt recovery.**

CARRIED

9/0

**Responsible Officer**

**Rates Officer**

**Item Number:**

**C.17**

**File Number: D17/71351**

**SUBJECT HEADING:**

**CONSIDERATION OF PAYMENT ARRANGEMENT FOR ASSESSMENT 14010888**

**Officer's Title:**

**Rates Officer**

***Executive Summary:***

*Correspondence has been received from a ratepayer requesting a payment arrangement originally of \$300/month however has verbally advised that she can increase the arrangement to \$300/fortnight.*

***Discussion:***

*Cr. Chandler spoke in favour of the motion indicating that she was supportive of the proposed plan.*

**Resolution No. GM/09.2017/36**

**Moved Cr Chandler**

**Seconded Cr Stanford**

**That Council accept the requested payment plan of \$300/fortnight until 30 June 2019 at which time the matter will be further reviewed.**

CARRIED

9/0

**Responsible Officer**

**Rates Officer**

**Item Number:**

**C.18**

**File Number: D17/71655**

**SUBJECT HEADING:**

**TENDER 18005 - REGISTER OF PRE-QUALIFIED SUPPLIERS FOR ON-SITE CRUSHING SERVICES**

**Officer's Title:**

**Manager - Procurement & Commercial Services**

***Executive Summary:***

*Each year, Council's budget includes provision for various works requiring, from time to time, for Council to supplement its own plant and resources. One such area is the production of material at the Roma Quarry and Council's external quarry pits.*

*The tender period opened on 28 July 2017 with a closing date of 23 August 2017.*

*Responses were reviewed by an evaluation panel and the report submitted for Council's consideration.*

Resolution No. GM/09.2017/37

Moved Cr Schefe

Seconded Cr McMullen

That:

1. Council approve the formation of Council's Register of Pre-qualified Suppliers for On-Site Crushing Services, being established in accordance with s 232 of the *Local Government Regulation 2012*, with businesses registered under the proposed sub-panels (under the headings on the following page).
2. Pre-qualification (for the mentioned businesses) remain current until the end of July 2019.
3. Council authorise the Chief Executive Officer to enter into a Deed of Agreement with the selected tenderers formalising the terms and conditions detailed in the draft agreement.
4. Council invite quotations from all relevant sub-panel members for individual engagements, as required.

**Aggregate Production – Roma Quarry**

Brisbane Enterprises (Qld) Pty Ltd	
T/A Resource Recoveries & Recycling	0 Star Local
Glendun Group Pty Ltd	0 Star Local
Milbrae Quarries Pty Ltd	0 Star Local
Wagner Quarries Pty Ltd	2 Star Local

**Road Base (Type 3 Material Production) – Roma Quarry**

Brisbane Enterprises (Qld) Pty Ltd	
T/A Resource Recoveries & Recycling	0 Star Local
Glendun Group Pty Ltd	0 Star Local
Goodland Gravel Pty Ltd	1 Star Local
Milbrae Quarries Pty Ltd	0 Star Local
Oakdare Holdings Pty Ltd	0 Star Local
T & W Earthmoving (QLD) Pty Ltd	
T/A T & W Earthmoving	3 Star Local
Wagner Quarries Pty Ltd	2 Star Local

**External Pits**

Brisbane Enterprises (Qld) Pty Ltd	
T/A Resource Recoveries & Recycling	0 Star Local
Glendun Group Pty Ltd	0 Star Local
Goodland Gravel Pty Ltd	1 Star Local
J & M Collinson Earthmoving Pty Ltd	5 Star Local
Milbrae Quarries Pty Ltd	0 Star Local
Pearljaney Pty Ltd	
T/A PK & BT Bland Rural Enterprises	0 Star Local
Oakdare Holdings Pty Ltd	0 Star Local
Roma Earthmoving Pty Ltd T/A DMAC Roma	5 Star Local
T & W Earthmoving (QLD) Pty Ltd	
T/A T & W Earthmoving	3 Star Local
Wagner Quarries Pty Ltd	2 Star Local

CARRIED

9/0

Responsible Officer

Manager - Procurement & Commercial Services

**Item Number:** C.19 **File Number:** D17/71738

**SUBJECT HEADING:** QUOTATION REQUEST FOR TRAFFIC CONTROL SERVICES - BLYTHDALE AND WALLUMBILLA NORTH ROAD

**Officer's Title:** Manager - Procurement & Commercial Services

**Executive Summary:**

*Council promulgated a quotation request for the provision of Traffic Management Services at the Blythdale Road and Wallumbilla North Road projects.*

*This request was released to businesses that are currently registered on the Department of Transport and Main Roads (DTMR) Standing Offer Arrangement for Traffic Management Services (TMR8615).*

*The quotation period opened on 21 June 2017 and concluded on 6 July 2017.*

*Following the initial award of the Contract (at the General Meeting held on 12 July 2017), additional information was tabled for Council's consideration.*

**Resolution No. GM/09.2017/38**

**Moved Cr Flynn**

**Seconded Cr Stanford**

**That in view of the previous contractor's notification wishing to discontinue the provision of services:**

- 1. Council select Global Road Safety Pty Ltd T/A Global Traffic Management as the preferred supplier for the provision of traffic control services on the Blythdale Road and Wallumbilla North Road projects.**
- 2. Council authorise the Chief Executive Officer (or delegate) to enter into final negotiations with Global Road Safety Pty Ltd T/A Global Traffic Management, and raise a Purchase Order if the final terms are acceptable.**
- 3. Council reserve the right to terminate the successful Contractor's engagement, in the event of any non-compliance with regulatory standards and/or the quotation specification.**
- 4. Expenditure be assigned to Work Orders 18465 (Blythdale Road) and 18020 (Wallumbilla North Road).**

CARRIED

9/0

**Responsible Officer**

**Manager - Procurement & Commercial Services**

**Item Number:** C.20 **File Number:** D17/72091

**SUBJECT HEADING:** COMPLAINT REGARDING HIGH WATER CHARGE AT ASSESSMENT NO. 12,005,153, MITCHELL

**Officer's Title:** Manager - Water, Sewerage & Gas

**Executive Summary:**

*Council received a request for service about a leak at a domestic meter and the customer advised that the meter was turning over very quickly. Council repaired the water leak on the Council side of the meter but there was no evidence of the meter turning over quickly.*

*The owner received a notice of high water usage and claimed that the water meter was faulty.*

*The applicant requested that Council replace the meter and amend the invoice to remove the excessive water usage for this period. Council carried out a number of tests including testing the meter with a new meter in series and found no fault with the meter. The investigation confirmed the meter is accurate and the water consumption is the responsibility of the resident.*

**Discussion:**

Mayor Golder spoke in favour of the motion, indicating that his proposed approach was a standard procedure for residents like Toowoomba Regional Council where residents experienced an unexpected leak. He further believed Council should help reduce the financial burden to the resident by paying half of the Excess Water Charges, with the resident paying the other half. It was clarified for the Mayor that Council does not have Excess Water Charges – only an Access (Infrastructure) charge and water usage charges at a cents per kilolitre amount.

Cr. Chandler spoke against the motion, indicating that as an owner you are responsible for your possessions, and further that Council had assisted by changing the water meter, and since doing that came up with the same conclusion as prior to the meter being replaced, and as a result did not support the proposed approach.

In summing up debate, Mayor Golder said that everyone is responsible for water charges as a home owner, but that Council should assist with the excess cost.

**Resolution No. GM/09.2017/39**

**Moved Cr Golder** **Seconded Cr McMullen**

**That Council:**

- 1. Contribute half of the water charges to the value of \$327.85.**
- 2. Draw the funds from Expense Account 01471.1232**

MOTION LOST 3/6

Cr. McMullen called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Golder	Cr. Chambers
Cr. McMullen	Cr. Chandler
Cr. Stanford	Cr. Flynn
	Cr. Newman
	Cr. O'Neil
	Cr. Scheffe

<b>Responsible Officer</b>	<b>Manager - Water, Sewerage &amp; Gas</b>
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An alternate motion was put forward by Cr. Scheffe as follows.

**Resolution No. GM/09.2017/40**

**Moved Cr Scheffe** **Seconded Cr Chandler**

**That Council:**

- 1. Advise the applicant that following extensive meter quality testing the meter was not found to be faulty.**



2. In line with the result of the meter testing, advise that the claim for a reduction in water usage charges is not approved.

CARRIED

6/3

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chambers	Cr. Golder
Cr. Chandler	Cr. McMullen
Cr. Flynn	Cr. Stanford
Cr. Newman	
Cr. O'Neil	
Cr. Schefe	

Responsible Officer	Manager - Water, Sewerage & Gas
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Item Number:

C.21

File Number: D17/71637

SUBJECT HEADING:

AMENDMENTS TO THE ORGANISATIONAL STRUCTURE

Officer's Title:

Associate to the Chief Executive Officer

**Executive Summary:**

*The report sought Council approval for changes to the organisational structure.*

Resolution No. GM/09.2017/41

Moved Cr Newman

Seconded Cr O'Neil

That Council:

1. Endorse the proposed amendments to the organisational structure as follows:

- Remove Plant Operator/Labourer (0907) from the organisational structure.
- Recreate position Plant Operator/Labourer (0856) in organisational structure as it had been omitted from the previously adopted structure.
- Retitle position 0833 Plant Operator/Labourer to Multi-skilled Plant Operator/Labourer, and reclassify the position.
- Transfer position 0829 Final Trim Grader Operator/Labourer to Construction Team East, reporting to Team Leader – Construction Team East (0418).
- Transfer position 0831 Plant Operator/Labourer to Construction Team East, reporting to Team Leader – Construction Team East (0418).
- Transfer position 0957 Multi-skilled Plant Operator/Labourer to Construction Team East, reporting to Team Leader – Construction Team East (0418).
- Transfer position 0914 Multi-skilled Plant Operator/Labourer to Construction Team South & West, reporting to Team Leader – Construction Team South & Acting Team Leader – Construction West (0419).
- Retitle position 0303 Specialist – IMMS Support to Project Systems Officer.
- Remove position 0437 Team Leader – Rural Roads Maintenance (Specialty Maintenance) from the organisational structure.
- Retitle and reclassify position 0769 Apprentice Plumber to Plumber.
- Retitle and reclassify position 0781 Apprentice Plumber to Plumber.
- Retitle and reclassify position 0766 Labourer (WSG) to Plant Operator/Labourer.

- Retitle and reclassify position 0771 Multi-skilled Plant Operator/Labourer to Plant Operator/Labourer.
  - Retitle and reclassify position 0775 Multi-skilled Plant Operator/Labourer to Plant Operator/Labourer.
  - Retitle and reclassify position 0773 Labourer to Assistant Water Treatment Plant Operator.
  - Retitle and reclassify position 0785 Water Treatment Officer to Water Treatment Plant Operator.
  - Retitle and reclassify position 0774 Multi-skilled Plant Operator/Labourer to Drainer.
  - Retitle and reclassify position 0777 Technical Officer Gas to Plumber Gas Services.
  - Retitle and reclassify position 0600 WH & S Advisor to Administration Officer – Enterprise Risk, Quality, Safety & Environment for a 12 month period.
  - Retitle position 0601 WH & S Advisor / Case Worker to WH&S/Injury Management Advisor.
  - Retitle position 0653 Administration Officer to Governance Officer, and change the employment status of the role from Part Time to Full Time.
  - Retitle position 0202 Payroll Officer / Team Coordinator to Lead Payroll System Officer.
  - Retitle position 0206 Communications Officer / Team Coordinator to Lead Corporate Communications & Design Officer.
  - Retitle position 0207 Creditors Officer / Team Coordinator to Lead Creditors Officer / Creditors System Administrator.
  - Retitle position 0208 Debtors Officer / Team Coordinator to Lead Debtors Officer / Debtors System Administrator.
  - Retitle position 0210 Information Management Officer / Team Coordinator to Lead Information Management Officer / IM System Administrator.
  - Retitle position 0621 Records Officer (Mitchell) to Information Management Officer.
  - Retitle position 0983 Records Officer (Roma) to Information Management Officer.
  - Retitle position 0211 Rates Officer / Team Coordinator to Lead Rates Officer / Rates System Administrator.
  - Retitle position 0209 Councillors and Community Engagement Officer / Team Coordinator to Lead Officer - Councillors' Support & Community Engagement
  - Retitle position 0506 Councillors and Community Engagement Officer (Part Time) to Councillors' Support & Community Engagement Officer (Part Time).
  - Retitle position 0696 Bassett Park Worker to Plant Operator / Labourer, reporting to the Team Leader – Landfill Operations.
  - Remove the vacant position from the Roma Tip.
  - Update title – Regional Grants & Council Events Development Coordinator
  - Update title – Lead Stores (Goods & Materials) Officer (previously Team Coordinator)
  - Clarify the Lead Airport Reporting Officer has the same roles and responsibilities as before the title update.
  - Update title – 0645 Business Systems Administrator (From Business Systems Officer)
  - Update title – 0217 Lead ICT Systems Administrator
2. Authorise the Chief Executive Officer (or delegate) to undertake consultation with members of the Customer Service and Library teams regarding the proposed 'Injune Services Centre'.
  3. Authorise the Chief Executive Officer (or delegate) to undertake consultation with team members about possible reshaping of communication roles.
  4. Authorise the Chief Executive Officer (or delegate) to undertake consultation with team members about reshaping Strategic Asset Management and Planning.

CARRIED

9/0

Responsible Officer

Associate to the Chief Executive Officer

**Resolution No. GM/09.2017/42**

**Moved Cr O'Neil**

**Seconded Cr Flynn**

**That Council authorise the Chief Executive Officer (or delegate) to further review resourcing for Bassett Park, including but not limited to potential resource sharing with the Roma Airport for gardens/landscaping.**

CARRIED

9/0

<b>Responsible Officer</b>	<b>Chief Executive Officer</b>
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**Item Number:**

**C.22**

**File Number: D17/72605**

**SUBJECT HEADING:**

**CERTIFIED AGREEMENT PROPOSAL**

**Officer's Title:**

**Manager - Organisational Development & Human Resources**

***Executive Summary:***

*The new Queensland Local Government Industry Awards were recently introduced, effective as of 1 July 2017. Therefore it is timely that Council now commence the process of Certified Agreement negotiations and development.*

*A proposal was sought from Peak Services for the provision of services to assist Council through this process, given the new Award framework. The proposal was provided for Council's consideration.*

**Resolution No. GM/09.2017/43**

**Moved Cr Chambers**

**Seconded Cr Newman**

**That Council:**

- 1. Consistent with s 235 (b) of the *Local Government Regulation 2012*, not seek quotes or tenders because of the specialised and confidential nature of the services that are sought and it would be impractical and disadvantageous for Council to do so.**
- 2. Engage Peak Services to assist Council through the process of Certified Agreement development given the new Award framework.**
- 3. Draw the required funds from General Ledger 2161.2094 and rename the account to Legal & Professional Services.**

CARRIED

9/0

<b>Responsible Officer</b>	<b>Manager - Organisational Development &amp; Human Resources</b>
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**LATE CONFIDENTIAL ITEMS**

**Item Number:** LC.1 **File Number:** D17/72796  
**SUBJECT HEADING:** TENDER 18010 - CONSTRUCTION OF ROMA NETBALL COURTS AND CLUBHOUSE - BASSETT PARK, ROMA  
**Officer's Title:** Manager - Procurement & Commercial Services

**Executive Summary:**

*Council publicly advertised the Tender, inviting suitably skilled, qualified, and experienced contractors to submit a tender for the construction of the Roma Netball Court Facility.*

*The Tender period opened on 11 August 2017 with a closing date of 4 September 2017.*

*Responses were reviewed by an evaluation panel and the report submitted for Council's consideration.*

**Discussion:**

Cr. Flynn spoke in favour of the motion, indicating that the motion would be an excellent outcome on a number of fronts. One - seeing the project with Maranoa Netball coming to fruition; Secondly the tender being awarded to a local business, and finally the tender price submitted being in line with the projected budget for construction.

**Resolution No. GM/09.2017/44**
**Moved Cr Flynn**
**Seconded Cr Stanford**
**That:**

1. Council select Brett Pollock Constructions Pty Ltd as the preferred tenderer for Tender 18010 – Construction of Roma Netball Courts and Clubhouse – Bassett Park, Roma.
2. The scope of work to be completed by the successful Tenderer include Parts A (court construction) and B.2 (clubhouse).
3. Council authorise the Chief Executive Officer (or delegate) to enter into final negotiations with Brett Pollock Constructions Pty Ltd, noting the tendered value of \$894,305 inclusive of GST, and accept the contract if the final terms are acceptable.
4. Expenditure be assigned to Work Order 18351.

CARRIED

9/0

**Responsible Officer**
**Manager - Procurement & Commercial Services**

**Item Number:** LC.2 **File Number:** D17/73493  
**SUBJECT HEADING:** ENGAGEMENT OF SOLE SUPPLIER - PROVISION OF DEVELOPMENT INFORMATION ON COUNCIL'S WEBSITE  
**Officer's Title:** Manager - Procurement & Commercial Services

**Executive Summary:**

*Council was recently successful in receiving State Government funding to enhance the development information and services provided to the public on Council's website.*

*The funding will allow Council to develop an online program with the capability of generating site specific planning information reports by sourcing information from an interactive mapping system, the planning scheme and Council's development approval records.*

*This report was tabled to seek Council's approval to engage a sole supplier for this project and to also reflect the grant and expenditure in Council's budget.*

<b>Resolution No. GM/09.2017/45</b>	
<b>Moved Cr Newman</b>	<b>Seconded Cr Chambers</b>
<b>That:</b>	
<ol style="list-style-type: none"> <li>1. Council enter into an agreement with Pitney Bowes Australia Pty Ltd for the implementation of the Location Intelligence Module (and provision of a three year maintenance and technical support program);</li> <li>2. The engagement be made in accordance with s 235(a) of the Local Government Regulation 2012, that: the local government resolves it is satisfied that there is only 1 supplier who is reasonably available; and</li> <li>3. Council authorise the Chief Executive Officer to sign the Agreements.</li> <li>4. A new grant and expenditure account be set up in Council's work order system to reflect the income and associated expenditure.</li> </ol>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Manager - Procurement &amp; Commercial Services</b>
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**LATE ITEMS**

**Item Number:** L.1 **File Number:** N/A

**SUBJECT HEADING:** QUEENSLAND LOCAL GOVERNMENT REPORT - THE AUSTRALIAN

**Officer's Title:** Chief Executive Officer

***Executive Summary:***

Council received an advertising proposal for a feature as part of a Queensland Local Government report to be published on Monday October 16 in *The Australian*.

*The report, supported by the LGAQ is to be published in both stand-alone broadsheet and digital magazine formats and will coincide with the opening day of the LGAQ annual conference to be held in Gladstone, October 16-18 2017.*

<b>Resolution No. GM/09.2017/46</b>	
<b>Moved Cr Chambers</b>	<b>Seconded Cr McMullen</b>
<b>That Council not participate in the proposed advertisement opportunity.</b>	
CARRIED	8/1

<b>Responsible Officer</b>	<b>Chief Executive Officer</b>
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Item Number: L.2 File Number: N/A

SUBJECT HEADING: REQUEST FOR SUPPORT - ROMA COUNTRY MARKETS

Officer's Title: Chief Executive Officer

**Executive Summary:**

*During the Council meeting, a request was received from a representative of the Roma Country Markets seeking Council's support by way of waiving the hire costs for a number of tables and chairs for their upcoming event on Saturday 16 September 2017.*

<b>Resolution No. GM/09.2017/47</b>	
<b>Moved Cr Flynn</b>	<b>Seconded Cr McMullen</b>
<b>That Council:</b>	
<ol style="list-style-type: none"> <li>1. Waive the requested hire charges for the supply of Five (5) tables and Thirty (30) chairs.</li> <li>2. Requires that the equipment is picked up by 5pm Friday 15 September 2017, and returned by 5pm Monday 18 September 2017.</li> <li>3. Requires that all future requests be formally submitted through the required process.</li> </ol>	
CARRIED	9/0

<b>Responsible Officer</b>	<b>Chief Executive Officer</b>
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SUBJECT HEADING: MAYORAL MINUTE

*Deputy Mayor, Cr. Jan Chambers suggested the Mayor record a Mayoral Minute in support of the recent notification received that the Maranoa Regional Council Planning Scheme has been approved by the State Government. In response, the Mayor put forward the following acknowledgement.*

***That Council congratulate staff for their efforts. Council appreciates all individual and team contributions in accomplishing the milestone of the Maranoa Regional Council Planning Scheme being approved by the State Government, noting that work on the Planning Scheme commenced in 2008.***

**CLOSURE**

There being no further business, the Mayor thanked Council for their attendance and declared the meeting closed at 2.15pm.

**These Minutes are to be confirmed at the next General Meeting of Council to be held on 27 September 2017, at Roma Administration Centre.**

.....  
 Mayor.

.....  
 Date.