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**DOOMADGEE ABORIGINAL SHIRE COUNCIL**  
**MINUTES – ORDINARY MEETING OF COUNCIL**  
THURSDAY, 15<sup>TH</sup> SEPTEMBER 2016

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Minutes of the Ordinary Meeting of the Doomadgee Aboriginal Shire Council held in the Inlet Room, Double Tree by Hilton, Corner Esplanade and Florence Street, Cairns on Thursday 15<sup>th</sup> September 2016.

**PRESENT**

Cr E Walden	Mayor
Cr T Chong	Councillor
Cr S Foster	Councillor
Cr D Jupiter	Councillor

Council Officers:

A Seiler	Acting Chief Executive Officer
R Kelly	Acting Manager Corporate Services

Observers:

R Burton	Advisor, Department of Infrastructure, Local Government and Planning
J Evans	Manager, Northern Region Department of Infrastructure, Local Government and Planning

**APOLOGIES & LEAVE OF ABSENCE**

R Richardson	Chief Executive Officer
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The Mayor officially opened the meeting at 10:00 and immediately adjourned the meeting until 10:15 to enable scheduled training by the Local Government Association of Queensland (LGAQ) to continue.

At 10:15, the Mayor adjourned the meeting to 10:45

At 10:45, the Mayor adjourned the meeting to 11:00

At 11:00, the Mayor adjourned the meeting to 11:05

At 11:05 the Mayor adjourned the meeting to 11:15

At 11:15, following conclusion of scheduled training, the meeting resumed.

**CONFIRMATION OF PREVIOUS MINUTES**

**113-09/16**

***Moved Cr Jupiter Seconded Cr Foster that the Minutes of the previous Meeting of Council held on Thursday 18<sup>th</sup> August 2016, be confirmed as a true and correct record of that meeting.***

**CARRIED (3/1)**

Cr Chong recorded his vote as being against the recommendation. Cr Chong advised his reason for voting against the recommendation as being 'He was not happy the Chief Financial Officer was not present at the August meeting or the September (this) meeting'.

NB. The Acting Chief Executive Officer advised Council the Chief Financial Officer had prior commitments in Cairns which prohibited her attendance in-person, however noted the Chief Financial Officer did participate by teleconference during the August meeting. The Acting Chief Executive Officer also advised the Chief Financial Officer was on bereavement leave, resulting in her inability to present the report at this meeting.

**114-09/16**

***Moved Cr Walden Seconded Cr Foster that the Minutes of the Special Meeting of Council held on Wednesday 24<sup>th</sup> August 2016, be confirmed as a true and correct record of that meeting.***

**CARRIED (4/0)**

**DISCLOSURE OF MATERIAL PERSONAL INTEREST AND CONFLICT OF INTEREST**

Nil

**PRESENTATION AND/OR ELECTED MEMBERS REPORTS**

6.1 Debbie Dixon-Searle – Department of Liquor Licencing

Council was afforded the opportunity to receive a presentation from Ms Debbie Dixon-Searle, Manager, Compliance, Remote Communities with the Office of Liquor and Gaming Regulation, Department of Justice and Attorney-General. The purpose of the presentation was to receive an outline of the structure surrounding the requirements to establish or introduce a licenced venue in Doomadgee.

Ms Dixon-Searle also made special mention regarding Special Permits for one-off events, which are available to any community (including communities with zero alcohol-carriage limits).

Ms Dixon-Searle, however reiterated that Council could not be the licensee of any Liquor Licence, and this responsibility would not only have to be completely independent, Council would be prohibited from having any involvement (including membership as elected members on the community board that facilitated this purpose).

The Mayor thanked Ms Dixon-Searle for her frank discussions, and Ms Dixon-Searle left the meeting at 12:18

During item 6.1, Cr Foster left the meeting at 11:59 and returned at 12:02

The Acting Chief Executive Officer left the meeting at 12:06 and returned at 12:16

**CHIEF EXECUTIVE OFFICER'S REPORT**

The Acting Corporate Services Manager left the meeting at 12:24 and returned at 12:26

**7.1 Legal Advice – Acting Chief Executive Officer**

<b>LOCATION/ADDRESS:</b>	Doomadgee, QLD
<b>APPLICANT:</b>	Not applicable
<b>FILE NUMBER:</b>	
<b>AUTHOR:</b>	Acting Chief Executive Officer
<b>CONTRIBUTOR(S):</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	8 <sup>th</sup> September 2016

**PURPOSE**

Consideration of legal advice as per resolution 109-08/16

**BACKGROUND**

Council requested the Acting Chief Executive Officer to obtain a legal opinion providing clarification relating to the appointment of the position of Acting Chief Executive Officer for the period 14 April 2016 to 31 August 2016.

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**COMMENT**

The following legal opinion has been provided by Mr Tim Fynes-Clinton, Executive Partner of King & Company Solicitors:

*Adam*

*Section 195 of the Local Government Act 2009 states: -*

***195 Appointing an acting chief executive officer***

*A local government may appoint a qualified person to act as the chief executive officer during—*

*(a) any vacancy, or all vacancies, in the position; or*

*(b) any period, or all periods, when the chief executive officer is absent from duty or can not, for another reason, perform the chief executive officer's responsibilities.*

*As is apparent, it is the Council, not the CEO, that is empowered to appoint an acting CEO. This power is capable of being delegated by the Council to the CEO (see section 257(1)(b) of the Act). You should check Council's register of delegations to check for the existence of any such delegation. If such a delegation exists, your appointment as Acting CEO for the period 13 April 2016 to 31 August 2016 was valid.*

*However, if no delegation exists, the CEO had no power to appoint you as Acting CEO for the period 13 April 2016 to 31 August 2016. Notwithstanding this invalid appointment, we assume that the Mayor, councillors and Council staff have allowed you to undertake the role of Acting CEO. If that assumption is correct, Council at its next meeting should pass a resolution ratifying your appointment as Acting CEO for the period 13 April 2016 to 31 August 2016. If significant contract or other arrangements were entered into by you, on behalf of the Council, during the period 13 April 2016 to 31 August 2016, which contracts and other arrangements will continue to have operation beyond 31 August 2016, we would recommend out of an abundance of caution that those documents be re-signed by the Mayor. In this regard, section 236 of the Act specifically empowers the Mayor to sign documents on the Council's behalf.*

*For completeness, your appointment to the role as Acting CEO, by the Council, for the period 1 September 2016 to 31 October 2016 is valid exercise by Council of its section 195 power.*

The Acting Chief Executive Officer has reviewed Council's Delegations Register and no delegation to the Chief Executive Officer from Council to appoint and Acting Chief Executive Officer exists. In an effort to rectify this situation, it is proposed to retrospectively appoint the Deputy Chief Executive Officer to the role of Acting Chief Executive Officer for the period 14 April 2016 to 31 August 2016.

**CONSULTATION**

King and Company Solicitors

**LEGISLATIVE ENVIRONMENT**

*Local Government Act 2009*

*Local Government Regulation 2012*

**STRATEGIC ASSOCIATION /**

Not applicable

**ALIGNMENT TO CORPORATE PLAN**

**RISK ASSESSMENT**

Not applicable

**FINANCIAL IMPACT**

Not applicable

**ASSET MANAGEMENT & SUSTAINABILITY IMPACT**

Not applicable

**POLICY ASSOCIATION**

Not applicable

**CULTURAL CONSIDERATIONS**

Not applicable

**RECOMMENDATION**

That Council acknowledge the advice received from King and Company Solicitors and retrospectively confirm the appointment of the Deputy Chief Executive Officer to the position of Acting Chief Executive Officer for the period 14 April 2016 to 31 August 2016.

**115-09/16**

***Moved Cr Walden Seconded Cr Foster that Council acknowledge the advice received from King and Company Solicitors and retrospectively confirm the appointment of the Deputy Chief Executive Officer to the position of Acting Chief Executive Officer for the period 14 April 2016 to 31 August 2016***

**LOST (2/3)**

Cr Walden and Cr Chong recorded their vote as being against the recommendation. Cr Walden and Cr Chong advised their reason for voting against the recommendation as being 'The legal opinion is not accepted'.

The Chairperson utilised his casting vote and voted in the negative.

There was no alternate motion proposed by any elected members in relation to Item 7.1 'Legal Advice – Acting Chief Executive Officer'.

Cr Jupiter left the meeting at 12:30 and returned at 12:33

**7.2 Doomadgee State School – Youth Hub Campus proposal**

<b>LOCATION/ADDRESS:</b>	Doomadgee, QLD
<b>APPLICANT:</b>	Not applicable
<b>FILE NUMBER:</b>	
<b>AUTHOR:</b>	Acting Chief Executive Officer
<b>CONTRIBUTOR(S):</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	8 <sup>th</sup> September 2016

**PURPOSE**

Consideration of a detailed proposal from the Department of Prime Minister and Cabinet and the Doomadgee State School regarding the DSS Youth Hub Campus

**BACKGROUND**

At the July Ordinary Meeting of Council, the following resolution was carried:

**82-08/16**

***Moved Cr Foster Seconded Cr Ned that Council support, in-principle the concept of utilisation of the Doomadgee Youth Hub by the Doomadgee State School and authorise the Acting Chief Executive Officer to negotiate an appropriate agreement between Doomadgee Aboriginal Shire Council, Doomadgee State School (Department of Education) and Department of Prime Minister and Cabinet.***

**CARRIED (3/0)**

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**COMMENT**

The attached overview provides some of the technical information for Council to consider the proposal in more detail.

A number of concerns have been raised by the Manager Community Services, which will need to be addressed prior a firm determination being made. In summary, these concerns are:

- Responsibility for damage at the facility during utilisation;
- Cleaning of ablutions, kitchen and utilised area;
- Pack-up of workstations to enable complete utilisation of the Youth Hub in the evenings as a dedicated community facility;
- Maintaining the cohort of 16 – 25 year old members of the community and the potential impact of school-aged children loitering in the facility after school-hours;
- Programmes that run during business hours will be impacted;
- Responsibility for injuries to participants or Youth Hub staff;
- Access to the Youth Hub computers during the proposed 'Stepping Black' program

Council is requested to have regard for the above as well as the proposal in considering a way forward.

**CONSULTATION**

Department of Prime Minister and Cabinet  
Doomadgee State School  
DASC Manager Community Services

**LEGISLATIVE ENVIRONMENT**

*Local Government Act 2009*  
*Local Government Regulation 2012*

**STRATEGIC ASSOCIATION /  
ALIGNMENT TO CORPORATE PLAN**

Not applicable

**RISK ASSESSMENT**

Not applicable

**FINANCIAL IMPACT**

Not applicable

**ASSET MANAGEMENT & SUSTAINABILITY IMPACT**

Not applicable

**POLICY ASSOCIATION**

Not applicable

**CULTURAL CONSIDERATIONS**

Not applicable

**RECOMMENDATION**

That Council authorise the Acting Chief Executive Officer to develop an agreement between Doomadgee Aboriginal Shire Council, Doomadgee State School (Department of Education) and Department of Prime Minister and Cabinet that incorporates and addresses the concerns raised by Council staff, prior to commencement of the trial-project in 2017.

**116-09/16**

***Moved Cr Walden Seconded Cr Jupiter that Council authorise the Acting Chief Executive Officer to develop an agreement between Doomadgee Aboriginal Shire Council, Doomadgee State School (Department of Education) and Department of Prime Minister and Cabinet that incorporates and addresses the concerns raised by Council staff, prior to commencement of the trial-project in 2017.***

**CARRIED (4/0)**

**7.3 Elected Member Remuneration and Discipline Tribunal**

<b>LOCATION/ADDRESS:</b>	Doomadgee, QLD
<b>APPLICANT:</b>	Not applicable
<b>FILE NUMBER:</b>	
<b>AUTHOR:</b>	Acting Chief Executive Officer
<b>CONTRIBUTOR(S):</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	8 <sup>th</sup> September 2016

**PURPOSE**

Consideration of a submission to the Local Government Remuneration and Discipline Tribunal

**BACKGROUND**

The Local Government Remuneration and Discipline Tribunal (the Tribunal) is commencing its annual remuneration review program to determine the remuneration to be paid to mayors, deputy mayors and councillors from 1 July 2017, in accordance with the requirements of section 244 of the *Local Government Regulation 2012*.

The Tribunal is inviting submissions in relation to remuneration for councillors of local governments to inform the Tribunal's deliberations.

Submissions can be emailed to [enquiries@lg.remunerationtribunal.qld.gov.au](mailto:enquiries@lg.remunerationtribunal.qld.gov.au) or mailed to:

**Local Government Remuneration and Discipline Tribunal**  
**PO Box 15009**  
**CITY EAST QLD 4002**

Further information about how to make a submission can be found at [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au).

The closing date for receipt of submissions is Friday 28 October 2016.

**COMMENT**

Council is requested to have regard for completing a submission if it desires

**CONSULTATION**

<b>LEGISLATIVE ENVIRONMENT</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
<b>STRATEGIC ASSOCIATION / ALIGNMENT TO CORPORATE PLAN</b>	Not applicable
<b>RISK ASSESSMENT</b>	Not applicable
<b>FINANCIAL IMPACT</b>	Not applicable
<b>ASSET MANAGEMENT &amp; SUSTAINABILITY IMPACT</b>	Not applicable
<b>POLICY ASSOCIATION</b>	Not applicable
<b>CULTURAL CONSIDERATIONS</b>	Not applicable

**RECOMMENDATION**

That Council decline the opportunity to prepare a submission to the Local Government Remuneration and Discipline Tribunal and accept the decision made by that body in response to other submissions received from other Local Governments.

117-09/16

*Moved Cr Walden Seconded Cr Jupiter that Council request the Acting Chief Executive Officer re-submit this matter for consideration at the October Ordinary Meeting of Council to enable elected members the opportunity to consider the content of a submission (if resolved to prepare same).*

**CARRIED (4/0)**

**Reason for alteration to the Recommendation:**

Council debated the matter at length, however could not reach consensus and acknowledged the submission period closes after the October Ordinary Council Meeting is scheduled to be held.

**7.4 Lobby Group for Rural and Remote Local Government**

<b>LOCATION/ADDRESS:</b>	Doomadgee, QLD
<b>APPLICANT:</b>	Not applicable
<b>FILE NUMBER:</b>	
<b>AUTHOR:</b>	Acting Chief Executive Officer
<b>CONTRIBUTOR(S):</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	8 <sup>th</sup> September 2016

**PURPOSE**

Consideration of correspondence received from Mayor Lothar Seibert, West Arnhem Regional Council

**BACKGROUND**

Correspondence has been received from Mayor Seibert in relation to establishment of a Lobby Group for Rural and Remote Local Government.

**COMMENT**

Copies of the attached correspondence, as addressed, have already been provided to the Mayor directly.

The second letter, dated 19 August 2016, refers to a response to the letter dated 30 June 2016, however the author is unaware of a response being prepared.

Mayor Seibert has invited the Mayor, Chief Executive Officer and delegates of Council to a meeting in Darwin to be held toward the end of October, with specific details to be confirmed at a later date.

A response to attendance is requested by 16 September 2016.

<b>CONSULTATION</b>	Not applicable
<b>LEGISLATIVE ENVIRONMENT</b>	Local Government Act 2009 Local Government Regulation 2012
<b>STRATEGIC ASSOCIATION / ALIGNMENT TO CORPORATE PLAN</b>	Not applicable
<b>RISK ASSESSMENT</b>	Not applicable
<b>FINANCIAL IMPACT</b>	Subject to determination of a recommendation, travel costs may need to be factored
<b>ASSET MANAGEMENT &amp; SUSTAINABILITY IMPACT</b>	Not applicable
<b>POLICY ASSOCIATION</b>	Not applicable
<b>CULTURAL CONSIDERATIONS</b>	Not applicable

**RECOMMENDATION**

That Council provide consideration to the correspondence received and determine attendance or non-attendance at the proposed 'Lobby Group for Rural and Remote Local Government' inaugural meeting to be held in Darwin during late October 2016.

**118-09/16**

***Moved Cr Jupiter Seconded Cr Foster that Council confirm non-attendance at the proposed 'Lobby Group for Rural and Remote Local Government' inaugural meeting to be held in Darwin during late October 2016.***

**LOST (2/3)**

Cr Walden and Cr Chong recorded their vote as being against the recommendation. Cr Walden and Cr Chong advised their reason for voting against the recommendation as being 'Council should be attending'.

The Chairperson utilised his casting vote and voted in the negative.

There was no alternate motion proposed by any elected members in relation to Item 7.4 'Lobby Group for Rural and Remote Local Government'.

**7.5 Local Government Grants Commission – visit to Doomadgee 20<sup>th</sup> September 2016**

<b>LOCATION/ADDRESS:</b>	Doomadgee, QLD
<b>APPLICANT:</b>	Queensland Local Government Grants Commission
<b>FILE NUMBER:</b>	
<b>AUTHOR:</b>	Acting Chief Executive Officer
<b>CONTRIBUTOR(S):</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	8 <sup>th</sup> September 2016

**PURPOSE**

Commitment by elected members to meet with the Local Government Grants Commission in Doomadgee on the 20<sup>th</sup> September 2016

**BACKGROUND**

The attached correspondence was received from the Queensland Local Government Grants Commission together with and email transcript for background information as follows:

*Hi Mandy*

*As per our discussion, the Queensland Local Government Grants Commission (the Commission) is planning on visiting councils in your region in the week commencing Monday 19 September 2016. In this week the Grants Commission is meeting with 4 Councils, for 1 ½ hours each.*



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*The Commission would like to meet with your council on **Tuesday 20 September 2016, 12.30pm - 2.00pm**. The members of the Grants Commission attending will be:*

- *Pam Parker - Chair*
- *Brendan McNamara - Commission Member*
- *Donna Stewart - Commission Member*
- *Janelle Menzies - Commission Member*
- *Michael Meehan - Executive Officer - Department of Infrastructure, Local Government and Planning*

*This meeting gives the Commission the opportunity to provide an overview of its activities, the requirements of the Commonwealth and the methodology used in Queensland to recommend the distribution of the Financial Assistance Grant. There will also be an opportunity for Council representatives and members of the public to ask questions and discuss key issues relating to Doomadgee Aboriginal Shire Council with the attending Commissioners and staff.*

***The Grants Commission believes it is beneficial for as many elected members of council, as well as senior staff, to attend.***

*Shortly you will receive a letter from the Commission confirming all these details.*

*Thank you in advance for your assistance. I look forward to hearing from you with confirmation of the date and a possible venue for this meeting to be held. Please do not hesitate to contact me if you have any questions.*

#### **COMMENT**

Councillors are strongly urged to participate in the visit by the Queensland Local Government Grants Commission, as this body represents facilitation of a considerable amount of Council's untied grant funding annually.

It is proposed to host a light luncheon for the Commission on the day of the visit.

#### **CONSULTATION**

Not applicable

#### **LEGISLATIVE ENVIRONMENT**

*Local Government Act 2009*

*Local Government Regulation 2012*

#### **STRATEGIC ASSOCIATION / ALIGNMENT TO CORPORATE PLAN**

Not applicable

#### **RISK ASSESSMENT**

Not applicable

#### **FINANCIAL IMPACT**

Not applicable

#### **ASSET MANAGEMENT & SUSTAINABILITY IMPACT**

Not applicable

#### **POLICY ASSOCIATION**

Not applicable

#### **CULTURAL CONSIDERATIONS**

Not applicable

#### **RECOMMENDATION**

That Council welcome the Queensland Local Government Grants Commission to Doomadgee on Tuesday 20<sup>th</sup> September 2016 and request the Acting Chief Executive Officer attend to the necessary arrangements to facilitate the Commission's visit.

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The Acting Chief Executive Officer advised members he had received advice that the Queensland Local Government Grants Commission was now unable to visit Doomadgee as they had to cancel their 'Gulf Visit' altogether.

<b>7.6 Carpentaria Tribal Council</b>	
<b>LOCATION/ADDRESS:</b>	Doomadgee, QLD
<b>APPLICANT:</b>	Mayor Walden
<b>FILE NUMBER:</b>	
<b>AUTHOR:</b>	Acting Chief Executive Officer
<b>CONTRIBUTOR(S):</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	9 <sup>th</sup> September 2016

**PURPOSE**

Discussion surrounding the purpose and potential establishment of the Carpentaria Tribal Council

**BACKGROUND**

At the Special Meeting of Council held Wednesday 24<sup>th</sup> August 2016, the following resolution was carried:

*112-08/16*

*Moved Cr Walden Seconded Cr Chong that Mr Loel of Lillas and Loel Lawyers and Ms Alison Edwards be invited to meet with Council to discuss the proposal to establish a Tribal Council with the intent for the Tribal Council to employ a Solicitor to assist local community members in Court and Police proceedings.*

CARRIED (4/0)

At the request of the Mayor, Mr Loel has been invited to visit Doomadgee on Monday 19<sup>th</sup> September 2016 to facilitate the purpose of the resolution.

**COMMENT**

The Mayor has requested this matter be listed on the Agenda for discussion, to enable Cr Walden to provide Councillors with an overview of the proposed structure and purpose of the Carpentaria Tribal Council.

**CONSULTATION**

Not applicable

**LEGISLATIVE ENVIRONMENT**

*Local Government Act 2009*

*Local Government Regulation 2012*

**STRATEGIC ASSOCIATION /  
ALIGNMENT TO CORPORATE PLAN**

Not applicable

**RISK ASSESSMENT**

Not applicable

**FINANCIAL IMPACT**

Funding for the establishment of the Carpentaria Tribal Council has not been incorporated into the 2016/2017 Adopted Budget

**ASSET MANAGEMENT & SUSTAINABILITY IMPACT**

Not applicable

**POLICY ASSOCIATION**

Not applicable

**CULTURAL CONSIDERATIONS**

To be determined

**RECOMMENDATION**

That Council provide the Mayor the opportunity to provide an overview of the proposed Carpentaria Tribal Council and subsequent recommendations be developed for consideration directly at this meeting if necessary.

**119-09/16**

***Moved Cr Walden Seconded Cr Jupiter that Council acknowledge Mr Loel of Lillas and Loel Lawyers would be in Doomadgee from Monday 19<sup>th</sup> September (as requested by the Mayor and in accordance with Council resolution 112-08/16) with recommendations to be developed for consideration by Council at the October Ordinary Meeting of Council***

**CARRIED (4/0)**

The Mayor adjourned the meeting at 12:53 for lunch and the meeting re-commenced at 13:36

**7.7 Resignation – Deputy Chief Executive Officer**

<b>LOCATION/ADDRESS:</b>	Doomadgee, QLD
<b>APPLICANT:</b>	Not applicable
<b>FILE NUMBER:</b>	
<b>AUTHOR:</b>	Acting Chief Executive Officer
<b>CONTRIBUTOR(S):</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	8 <sup>th</sup> September 2016

**PURPOSE**

Confirmation of the resignation of the Deputy Chief Executive Officer (currently performing the role of Acting Chief Executive Officer)

**BACKGROUND**

The Deputy Chief Executive Officer submitted his resignation, with that officer's final day with Doomadgee Aboriginal Shire Council Friday 7<sup>th</sup> October 2016 (in accordance with the Contract of Employment).

**COMMENT**

As the Deputy Chief Executive Officer is currently performing the role of Acting Chief Executive Officer, the impact to Council's operations is more imminent, and Council should have regard for developing a strategy to move forward.

A workshop with Elected Members is proposed to be held Friday 9<sup>th</sup> September 2016, at which it is anticipated a direction forward can be established.

In an effort to provide Council with some guidance (as proposed to be discussed at the workshop to be held 9<sup>th</sup> September), there are a number of alternatives Council can consider, which include:

- Outsourcing procurement of an Acting CEO to the LGAQ for the period of the current Acting engagement (to 31 October 2016) or extended as necessary;
- Consult with the Department of Local Government to ascertain recommendation for an appropriately qualified Acting Chief Executive Officer; or,
- Apply directly to the open market via a Recruitment Specialist firm in Cairns or Brisbane.

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Council will be in a position to consider a recommendation at the meeting directly.

<b>CONSULTATION</b>	To be determined (subject to resolution)
<b>LEGISLATIVE ENVIRONMENT</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
<b>STRATEGIC ASSOCIATION / ALIGNMENT TO CORPORATE PLAN</b>	Not applicable
<b>RISK ASSESSMENT</b>	Not applicable
<b>FINANCIAL IMPACT</b>	Not applicable
<b>ASSET MANAGEMENT &amp; SUSTAINABILITY IMPACT</b>	Not applicable
<b>POLICY ASSOCIATION</b>	Not applicable
<b>CULTURAL CONSIDERATIONS</b>	Not applicable

**RECOMMENDATION**

That Council:

1. Acknowledge the resignation of the Deputy Chief Executive Officer; and,
2. Develop a recommendation, establishing a path forward with the role of Acting CEO and Deputy CEO recruitment processes.

**120-09/16**

***Moved Cr Walden Seconded Cr Jupiter that Council:***

1. ***Acknowledge the resignation of the Deputy Chief Executive Officer; and,***
2. ***Outsource procurement of an Acting Chief Executive Officer to the Local Government Association of Queensland for a period of three (3) months or a length of time determined.***

**CARRIED (3/0)**

Cr Jupiter was present during the consideration of Item 7.7 however left the meeting prior to the motion being put to the vote as he had left the meeting at 13:58

Cr Jupiter returned at 14:00

The Acting Corporate Services Manager left the meeting at 14:11 and returned at 14:19.

6.1 Presentation – Paul Synott – My Pathway

Council was joined by Mr Paul Synott, Chief Executive Officer and colleague Leigh, both of My Pathway to provide Council with an overview of the My Pathway/Doomadgee Aboriginal Shire Council Joint Venture.

A number of strategies and project possibilities were considered during the presentation and subsequent discussions. Mr Synott requested council nominate two members to the Joint Venture Board and requested Council give consideration to community projects which could be undertaken by pathways.

Mr Synott thanked Council for the opportunity to present and left the meeting at 15:10.

The Acting Chief Executive Officer left the meeting at 15:10 and returned at 15:11

The meeting was adjourned by the Mayor at 15:11 for afternoon tea and resumed at 15:26

Crs Walden, Foster and Jupiter were present at the re-commencement.

UNCONFIRMED

Cr Chong entered the meeting at 15:27

The Acting Corporate Services Manager entered the meeting at 15:29

**7.8 Late Item - Decision Notice Approval – Reconfiguration of a Lot (323 lots)**

<b>LOCATION/ADDRESS:</b>	Doomadgee, QLD
<b>APPLICANT:</b>	Not applicable
<b>FILE NUMBER:</b>	
<b>AUTHOR:</b>	Acting Chief Executive Officer
<b>CONTRIBUTOR(S):</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	13 <sup>th</sup> September 2016

**PURPOSE**

Decision Notice – for the Survey of Lots within the Doomadgee local government area as required under the Sustainable Planning Act 2009

**BACKGROUND**

The Council is the Trustee of the Doomadgee Deed of Grant in Trust and Local Government for Doomadgee local government area. Council as Trustee holds the land in trust for the benefit of the Aboriginal Inhabitants and for no other purposes whatsoever.

Council as the Trustee of the Deed of Grant in Trust has the responsibility of deciding what is in the best interest of the community and has considered the following:

- Program Office undertook a survey of all lots, as part of the Community Survey Program (CSP) in the Township of Doomadgee to assist Council in making decisions about land-use and in conjunction with planning scheme will make it easier and less expensive to lease land in the Doomadgee township area.
- The CSP will result in the DOGIT (Township Area) being divided into individual lots (reconfiguration) and the lots being registered with the Titles Office.
- Reconfiguration triggers the need for a planning approval under the Sustainable Planning Act 2009.
- Program Office lodged the Development Application with Council in 19 June 2016.
- No issues associated with the application, the issuing of a decision notice is a requirement of the Sustainable Planning Act 2009.
- There is no development associated with the application.
- Response received from the State Assessment Referral Agency (SARA) on 1 August 2016.
- Council is required to make a decision within 20 Business days of receiving SARA response.

**COMMENT**

Council as Local Government and Trustee has given thought and resolve to approve the Decision Notice for the Survey of Lots within Doomadgee local government area as required under the Sustainable Planning Act 2009.

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<b>CONSULTATION</b>	Technical Working Group (TWG) held 13 September 2016
<b>LEGISLATIVE ENVIRONMENT</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
<b>STRATEGIC ASSOCIATION / ALIGNMENT TO CORPORATE PLAN</b>	Not applicable
<b>RISK ASSESSMENT</b>	Not applicable
<b>FINANCIAL IMPACT</b>	Not applicable
<b>ASSET MANAGEMENT &amp; SUSTAINABILITY IMPACT</b>	Not applicable
<b>POLICY ASSOCIATION</b>	Not applicable
<b>CULTURAL CONSIDERATIONS</b>	Not applicable

**RECOMMENDATION**

That Council as Trustees and Local Government of the Doomadgee Deed of Grant in Trust, resolves to approve the Decision Notice for the Survey of Lots within Doomadgee local government area as required under the Sustainable Planning Act 2009.

121-09/16

*Moved Cr Jupiter Seconded Cr Foster that Council as Trustees and Local Government of the Doomadgee Deed of Grant in Trust, resolves to approve the Decision Notice for the Survey of Lots within Doomadgee local government area as required under the Sustainable Planning Act 2009.*

**CARRIED (4/0)**

**CHIEF FINANCIAL OFFICER'S REPORT**

The Acting Chief Executive Officer presented the Chief Financial Officer's report due to her absence on bereavement leave and subsequent inability to present the report to Council directly.

**9.1 Monthly Report (Chief Financial Officer) – July 2016**

<b>LOCATION/ADDRESS:</b>	Not applicable
<b>APPLICANT:</b>	Not applicable
<b>FILE NUMBER:</b>	5103
<b>AUTHOR:</b>	Chief Financial Officer
<b>CONTRIBUTOR(S):</b>	Not applicable
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Not applicable
<b>DATE OF REPORT:</b>	8 <sup>th</sup> September 2016

**PURPOSE**

Presentation of the Monthly Financial Report to Council.

**BACKGROUND**

1. Financial Report
2. Cash position
3. Job summary with comparative and movement report
4. Graph report with analysis – current assets and liabilities and ratios
5. Operating results
6. FAG grant
7. SGFA grant
8. Social housing
9. Gross Wages
10. Guest house
11. Statement of Capital Works
12. Statement of Financial Position
13. Statement of Cash Flows
14. Debtors and Creditors Aged Trial Balance
15. QTC statement – Capital Guaranteed cash fund
16. QTC statement – Sports and art precinct

**COMMENT**

Commentary is contained within the attached report

**CONSULTATION**

Not applicable

**LEGISLATIVE ENVIRONMENT**

*Local Government Act 2009*

**STRATEGIC ASSOCIATION /**

Not applicable

**ALIGNMENT TO CORPORATE PLAN**

**RISK ASSESSMENT**

Not applicable

**FINANCIAL IMPACT**

Not applicable

**ASSET MANAGEMENT & SUSTAINABILITY IMPACT**

Not applicable

**POLICY ASSOCIATION**

Not applicable

**CULTURAL CONSIDERATIONS**

Not applicable

**RECOMMENDATION**

That the Monthly Financial Reports for the month ended 31 July 2016, as presented, be received.

122-09/16

*Moved Cr Foster Seconded Cr Walden that the Monthly Financial Reports for the month ended 31 July 2016, as presented, be received.*

**CARRIED (4/0)**

**9.2 Monthly Report (Chief Financial Officer) – August 2016**

<b>LOCATION/ADDRESS:</b>	Not applicable
<b>APPLICANT:</b>	Not applicable
<b>FILE NUMBER:</b>	5103
<b>AUTHOR:</b>	Chief Financial Officer
<b>CONTRIBUTOR(S):</b>	Not applicable
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Not applicable
<b>DATE OF REPORT:</b>	8 <sup>th</sup> September 2016



**PURPOSE**

Presentation of the Monthly Financial Report to Council.

**BACKGROUND**

1. Financial Report
2. Cash position
3. Job summary with comparative and movement report
4. Graph report with analysis – current assets and liabilities and ratios
5. Operating results
6. FAG grant
7. SGFA grant
8. Social housing
9. Gross Wages
10. Guest house
11. Statement of Capital Works
12. Statement of Financial Position
13. Statement of Cash Flows
14. Debtors and Creditors Aged Trial Balance
15. QTC statement – Capital Guaranteed cash fund
16. QTC statement – Sports and art precinct

**COMMENT**

Commentary is contained within the attached report

**CONSULTATION**

Not applicable

**LEGISLATIVE ENVIRONMENT**

*Local Government Act 2009*

**STRATEGIC ASSOCIATION /**

Not applicable

**ALIGNMENT TO CORPORATE PLAN**

**RISK ASSESSMENT**

Not applicable

**FINANCIAL IMPACT**

Not applicable

**ASSET MANAGEMENT & SUSTAINABILITY IMPACT**

Not applicable

**POLICY ASSOCIATION**

Not applicable

**CULTURAL CONSIDERATIONS**

Not applicable

**RECOMMENDATION**

That the Monthly Financial Reports for the month ended 31 August 2016, as presented, be received.

**123-09/16**

***Moved Cr Walden Seconded Cr Foster that the Monthly Financial Reports for the month ended 31 August 2016, as presented, be received.***

**CARRIED (4/0)**

6.2 Presentation – Jim Evans – Department of Infrastructure, Local Government and Planning

Mr Evans provided Council with an overview of the 2016/2017 Grants and Subsidies Program released by the Queensland Government Friday 9<sup>th</sup> September 2016 with Expressions of Interest from Councils due 28 September 2016.

Mr Evans outlined the project provided funding for shovel-ready Infrastructure projects and sought Council's engagement in debate on potential projects for consideration.

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Council considered a number of projects already earmarked within the 2016/2017 budget and resolved the following:

**124-09/16**

**Moved Cr Jupiter Seconded Cr Foster that Council authorise the Acting Chief Executive Officer to complete an Expression of Interest under the 2016-2017 Grants and Subsidies Programs September 2016 round, with priorities listed as follows:**

- 1. Staff Housing (Townhouse) project, Friday Street Doomadgee**
- 2. Ablution facilities and Water Supply – Doomadgee Cemetery**
- 3. Waste Management Facility – Office and Permitter Fencing**
- 4. Doomadgee Rodeo Ground – Accommodation and Lighting**

**CARRIED (4/0)**

Mr Evans thanked Council for the opportunity to present and left the meeting at 16:20

#### **CORPORATE SERVICES MANAGER'S REPORT**

As a result of some of the Policies proposed within Item's 10.2 to 10.4 forming part of the updated Policy Manual referenced in Item 10.1, it was agreed to defer consideration of 10.1 to later in the meeting.

#### **10.2 Fraud Policy**

<b>LOCATION/ADDRESS:</b>	Doomadgee, QLD
<b>APPLICANT:</b>	Not applicable
<b>FILE NUMBER:</b>	
<b>AUTHOR:</b>	Acting Corporate Services Manager
<b>CONTRIBUTOR(S):</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	8 <sup>th</sup> September 2016

#### **PURPOSE**

Provision of a Fraud Policy for consideration by Council

#### **BACKGROUND**

As a result of Legislative changes as of 30 June 2016, staff have proposed a policy based on Industry Standards, and is included for your reference

#### **COMMENT**

Not applicable

#### **CONSULTATION**

##### **LEGISLATIVE ENVIRONMENT**

*Local Government Act 2009*

*Local Government Regulation 2012*

##### **STRATEGIC ASSOCIATION / ALIGNMENT TO CORPORATE PLAN**

Not applicable

##### **RISK ASSESSMENT**

Not applicable

##### **FINANCIAL IMPACT**

Not applicable

##### **ASSET MANAGEMENT & SUSTAINABILITY IMPACT**

Not applicable

##### **POLICY ASSOCIATION**

Not applicable

##### **CULTURAL CONSIDERATIONS**

Not applicable

**RECOMMENDATION**

That Council endorse the Fraud Policy, as disclosed

**125-09/16**

**Moved Cr Jupiter Seconded Cr Foster that Council endorse the Fraud Policy, as disclosed.**

**LOST (2/3)**

Cr Walden and Cr Chong recorded their vote as being against the recommendation. Cr Walden and Cr Chong advised their reason for voting against the recommendation as being 'More Information is required on the Policy together with a training workshop

The Chairperson utilised his casting vote and voted in the negative.

There was no alternate motion proposed by any elected members in relation to Item 10.2 'Fraud Policy'.

The meeting was adjourned by the Mayor at 16:33 and re-commenced at 16:39

**10.3 Motor Vehicle Policy**

<b>LOCATION/ADDRESS:</b>	Doomadgee, QLD
<b>APPLICANT:</b>	Not applicable
<b>FILE NUMBER:</b>	
<b>AUTHOR:</b>	Acting Corporate Services Manager
<b>CONTRIBUTOR(S):</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	8 <sup>th</sup> September 2016

**PURPOSE**

Clarification surrounding the definition of 'unlimited private use' within the existing Motor Vehicle Policy

**BACKGROUND**

Ambiguity exists within the current Motor Vehicle Policy, where the provision or extension of 'Private Use' is silent.

**COMMENT**

To conform to industry standards, it is proposed to amend the Unlimited Private Use to reflect the following:

*'Unlimited Private Use is provided to the motor vehicle recipient (responsible officer/Councillor) and their spouse. The vehicle may be operated by an independent person, provided the responsible officer/councillor or their spouse is in the vehicle at all times.*

*Use of the vehicle outside of this scope or without the inclusion of the responsible officer/councillor or their spouse is strictly prohibited and not covered under Council's Motor Vehicle Insurance Policy.'*

Council officers have peer-reviewed other Local Government Motor Vehicle policies, with Council's current policy clearly providing a level of latitude.

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<b>CONSULTATION</b>	Peer Local Governments
<b>LEGISLATIVE ENVIRONMENT</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
<b>STRATEGIC ASSOCIATION / ALIGNMENT TO CORPORATE PLAN</b>	Not applicable
<b>RISK ASSESSMENT</b>	Not applicable
<b>FINANCIAL IMPACT</b>	Not applicable
<b>ASSET MANAGEMENT &amp; SUSTAINABILITY IMPACT</b>	Not applicable
<b>POLICY ASSOCIATION</b>	Not applicable
<b>CULTURAL CONSIDERATIONS</b>	Not applicable

**RECOMMENDATION**

That Council amend the Motor Vehicle Policy to include the following wording, relating to ‘unlimited private use’:

*‘Unlimited Private Use is provided to the motor vehicle recipient (responsible officer/Councillor) and their spouse. The vehicle may be operated by an independent person, provided the responsible officer/councillor or their spouse is in the vehicle at all times.*

*Use of the vehicle outside of this scope or without the inclusion of the responsible officer/councillor or their spouse is strictly prohibited and not covered under Council’s Motor Vehicle Insurance Policy.’*

**126-09/16**

**Moved Cr Foster Seconded Cr Walden that Council amend the Motor Vehicle Policy to include the following wording, relating to ‘unlimited private use’:**

***‘Unlimited Private Use is provided to the motor vehicle recipient (responsible officer/Councillor) and their spouse. The vehicle may be operated by an independent person, provided the responsible officer/councillor or their spouse is in the vehicle at all times.***

***Use of the vehicle outside of this scope or without the inclusion of the responsible officer/councillor or their spouse is strictly prohibited and not covered under Council’s Motor Vehicle Insurance Policy.’***

**CARRIED (4/0)**

**10.4 Funerals in Community Policy**

<b>LOCATION/ADDRESS:</b>	Doomadgee, QLD
<b>APPLICANT:</b>	Not applicable
<b>FILE NUMBER:</b>	
<b>AUTHOR:</b>	Acting Corporate Services Manager
<b>CONTRIBUTOR(S):</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	8 <sup>th</sup> September 2016

**PURPOSE**

Clarification and re-alignment of the Funerals in Community Policy to reflect acceptable practices

**BACKGROUND**

Ambiguity exists within the current Funerals in Community Policy where clauses 1.1.1 to 1.1.6 are quite defined, and clause 1.1.7 provides an override to all previous points.

**COMMENT**

Clause 1.17 reads 'Any exception to the above is to be addressed to the Chief Executive Officer or the Mayor for individual determination'.

It is proposed to include a procedure step 2.3 to the policy as follows:

2.3 Factors that may trigger clause 1.1.7 include:

- Operational requirements whereby continuity of work is necessary and in consultation with all parties prior to consideration; and
- A decision to enact closure of Council out of respect, however enabling retail services to operate as per normal (ie. on the day of a passing in community)

Clause 1.1.7 should be treated in accordance with procedure step 2.3 and not treated as an exception to application of Sorry Business at complete discretion.

**CONSULTATION**

**LEGISLATIVE ENVIRONMENT**

*Local Government Act 2009*

*Local Government Regulation 2012*

**STRATEGIC ASSOCIATION /  
ALIGNMENT TO CORPORATE PLAN**

Not applicable

**RISK ASSESSMENT**

Not applicable

**FINANCIAL IMPACT**

Not applicable

**ASSET MANAGEMENT & SUSTAINABILITY IMPACT**

Not applicable

**POLICY ASSOCIATION**

Not applicable

**CULTURAL CONSIDERATIONS**

Not applicable

**RECOMMENDATION**

That Council amend the Funerals in Community Policy to incorporate procedure step 2.3 as follows:

2.3 Factors that may trigger clause 1.1.7 include:

- Operational requirements whereby continuity of work is necessary and in consultation with all parties prior to consideration; and
- A decision to enact closure of Council out of respect, however enabling retail services to operate as per normal (ie. on the day of a passing in community)

Further, Council acknowledge clause 1.1.6 be treated in accordance with procedure step 2.3 and not treated as an exception to application of Sorry Business at complete discretion.

127-09/16

*Moved Cr Jupiter Seconded Cr Foster that Council amend the Funerals in Community Policy to incorporate procedure step 2.3 as follows:*

**2.3 Factors that may trigger clause 1.1.7 include:**

- *Operational requirements whereby continuity of work is necessary and in consultation with all parties prior to consideration; and*
- *A decision to enact closure of Council out of respect, however enabling retail services to operate as per normal (ie. on the day of a passing in community)*

*Further, Council acknowledge clause 1.1.7 be treated in accordance with procedure step 2.3 and not treated as an exception to application of Sorry Business at complete discretion.*

**CARRIED (4/0)**

**10.1 Updated Policy Manual**

<b>LOCATION/ADDRESS:</b>	Doomadgee, QLD
<b>APPLICANT:</b>	Not applicable
<b>FILE NUMBER:</b>	
<b>AUTHOR:</b>	Acting Corporate Services Manager
<b>CONTRIBUTOR(S):</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	8 <sup>th</sup> September 2016

**PURPOSE**

Provision of the current Policy Manual (slight grammatical and legislative updates) for consideration

**BACKGROUND**

Staff have reviewed the Policy Manual and this document is included for reference

**COMMENT**

Not applicable

**CONSULTATION**

DLG Advisor and Acting CEO

**LEGISLATIVE ENVIRONMENT**

*Local Government Act 2009*

*Local Government Regulation 2012*

**STRATEGIC ASSOCIATION /  
ALIGNMENT TO CORPORATE PLAN**

Not applicable

**RISK ASSESSMENT**

Not applicable

**FINANCIAL IMPACT**

Not applicable

**ASSET MANAGEMENT & SUSTAINABILITY IMPACT**

Not applicable

**POLICY ASSOCIATION**

A complete update of Council's Policy Manual

**CULTURAL CONSIDERATIONS**

Not applicable

**RECOMMENDATION**

That Council endorse the updated Policy Manual, as disclosed.

128-09/16

*Moved Cr Jupiter Seconded Cr Foster that Council endorse the updated Policy Manual, as disclosed.*

**CARRIED (4/0)**

**10.5 Lease – 15 Sharpe Street (Family Responsibilities Commission)**

<b>LOCATION/ADDRESS:</b>	15 Sharpe Street Doomadgee, QLD
<b>APPLICANT:</b>	Not applicable
<b>FILE NUMBER:</b>	
<b>AUTHOR:</b>	Acting Corporate Services Manager
<b>CONTRIBUTOR(S):</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	8 <sup>th</sup> September 2016

**PURPOSE**

Renewal of licence agreement over part of 15 Sharpe Street

**BACKGROUND**

A portion of 15 Sharpe Street is current leased to the Family Responsibilities Commission and this licence agreement has expired 30 June 2016.

**COMMENT**

A licence agreement has been prepared by Preston Law on behalf of Council and is required to be executed by Doomadgee Aboriginal Shire Council and the Family Responsibilities Commission.

**CONSULTATION**

**LEGISLATIVE ENVIRONMENT**

*Local Government Act 2009*

*Local Government Regulation 2012*

**STRATEGIC ASSOCIATION /  
ALIGNMENT TO CORPORATE PLAN**

Not applicable

**RISK ASSESSMENT**

Not applicable

**FINANCIAL IMPACT**

Not applicable

**ASSET MANAGEMENT & SUSTAINABILITY IMPACT**

Not applicable

**POLICY ASSOCIATION**

Not applicable

**CULTURAL CONSIDERATIONS**

Not applicable

**RECOMMENDATION**

That Council authorise the Acting Chief Executive Officer to execute the Licence Agreement over part 15 Sharpe Street Doomadgee between Doomadgee Aboriginal Shire Council and the Family Responsibilities Commission.

129-09/16

*Moved Cr Foster Seconded Cr Jupiter that Council authorise the Acting Chief Executive Officer to execute the Licence Agreement over part 15 Sharpe Street Doomadgee between Doomadgee Aboriginal Shire Council and the Family Responsibilities Commission.*

**CARRIED (4/0)**

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**CLOSURE**

There being no further business to discuss, the Mayor declared the meeting closed at 17:03.

The afore Minutes of the Meeting held on Thursday 15<sup>th</sup> September 2016 are subject to confirmation at the next Ordinary Meeting of Council scheduled to be held Thursday 20<sup>th</sup> October 2016.

UNCONFIRMED