

**Minutes of the Ordinary Meeting of the Diamantina Shire Council Held in the boardroom of the  
Administration Centre, Bedourie on Monday 21 August 2023, commencing at 9:15am**

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## 1. Opening of Meeting

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### Councillors in attendance

- Cr Robbie Dare (Mayor)
- Cr Francis Murray (Deputy Mayor)
- Cr Don Rowlands
- Cr Sharon Pursell
- Cr Kerry Morton

### Staff in attendance

- Michael Hayward | interim Chief Executive Officer
- Vicki Thiel | Interim Director Corporate Services
- Michelle Harrison | Director Corporate Services
- Matt Allard | Director Community & Economic Development
- Robert Stephen | Director Infrastructure Services
- Stuart Bourne | Consulting Engineer (George Bourne & Associates)

## 2. Acknowledgement Of Country

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'I would like to begin by acknowledging the Wangkamadla people, Traditional Custodians of the land on which we meet today, and pay my respects to their Elders past and present. I extend that respect to Aboriginal and Torres Strait Islander peoples here today.'

## 3. Apologies and Leave of Absence

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Nil

## 4. Condolences

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Nil

## 5. Presentations and Deputations

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Nil

## 6. Declarations of Interests in Matters on the Agenda

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Nil

## 7. Confirmation of Minutes

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### 7.1 Minutes of Ordinary Meeting 17 July 2023

<b>MOTION:</b>	<b>Moved: Cr Rowlands</b>	<b>Seconded: Cr Murray</b>
That the minutes of the ordinary meeting of the Diamantina Shire Council held 17 July 2023 be confirmed		
<b>Minute No:</b>	<b>2023.08.21-OM-01</b>	<b>Carried: 5/0</b>

### 7.2 Minutes of Special Meeting 20 July 2023

<b>MOTION:</b>	<b>Moved: Cr Pursell</b>	<b>Seconded: Cr Morton</b>
That the minutes of the special meeting of the Diamantina Shire Council held 20 July 2023 be confirmed.		
<b>Minute No:</b>	<b>2023.08.21-OM-02</b>	<b>Carried: 5/0</b>



### 7.1. Minutes of Special Meeting 24 July 2023

<b>MOTION:</b>	<b>Moved: Cr Dare</b>	<b>Seconded: Cr Rowlands</b>
That the minutes of the special meeting of the Diamantina Shire Council held 24 July 2023 be confirmed.		
<b>Minute No: 2023.08.21-OM-03</b>		<b>Carried: 5/0</b>

## 8. Mayors Business

### Bush Council Conference

- Good conference – relevant as only small and regional councils attending
- Gravel pits discussed but no real outcomes as not the right departments represented. Hopefully right people will be in attendance at next RAPAD meeting
- Stock Routes - discussion on use of Stock Routes for tourism
- Josh Hannan (Deputy Director Local Government) attended the conference
- Carbon Farming – people selling properties for carbon credits / no one on properties / weeds and pests becoming problems / population decline causing problems in small communities
- Housing – Ausco in Townsville building transportable for reasonable prices (under \$500K)

### RAPAD Meeting

- Anne Leah – advised that working with REX Airlines to try and get extra flight from Toowoomba to Roma to free up seats.

### Public Transport Public Hearing

- Push for overtaking lane committee was well received.

## 9. Business Outstanding – Including Conduct Matters and Matters Laying on The Table to Be Dealt With

**Attendance:** Cr Morton left the meeting at 9:56am.

### 9.1 Councillor Conduct Tribunal: Inappropriate Conduct Complaint

A decision on suspected inappropriate conduct by Cr Morton and relevant orders that may be made under section 150AH of the Local Government Act 2009 was deferred until later in the meeting, pending confirmation of the enforcement of various orders under section 150AH.

**Attendance:** Cr Morton reentered the meeting at 10:41am

**Adjournment:** The meeting adjourned at 10:48am for morning tea and reconvened at 11:08am

## 10. Notices of Motion

### 10.1 Motion to Repeal - [Birdsville Caravan Park and Lodge Accommodation Rates – Big Red Bash and Birdsville Races]

<b>MOTION:</b>	<b>Moved: Cr Dare</b>	<b>Seconded: Cr Rowlands</b>
That the council resolution 2023.06.19-OM-16 [That Council endorses a 50% discount accommodation rate at the Birdsville Lodge for the Birdsville Race Club, with all other events to be charged in accordance with Council's Fees and Charges Schedule], passed at the meeting of the council held on 19 June 2023 be repealed		
<b>Minute No: 2023.08.21-OM-04</b>		<b>Carried: 5/0</b>



## 11. Officers Reports

### 11.1. Chief Executive Officer Report

**MOTION:** Moved: Cr Morton Seconded: Cr Pursell

That Council receive the Interim Chief Executive Officer Report and that those matters not covered by resolution be noted.

**Minute No:** 2023.08.21-OM-05

**Carried:** 5/0

### 11.1.5 Resolutions Register:

**MOTION:** Moved: Cr Pursell Seconded: Cr Dare

That all elected members are directed to review the Resolutions Register to identify any actions that have been complete or are no longer required; and

That a list of all resolutions that are identified be provided to the CEO for presentation to the October 2023 ordinary meeting for a formal resolution to remove them from the register.

**Minute No:** 2023.08.21-OM-06

**Carried:** 5/0

### 11.1.6 Trustee Lease – Bedourie Golf Club

**MOTION:** Moved: Cr Pursell Seconded: Cr Murray

That the Desert Rivers Development Board be requested to provide a list of the current office bearers and minutes from the latest annual general meeting.

**Minute No:** 2023.08.21-OM-07

**Carried:** 5/0

### 11.1.7 Credit Card Policy

**MOTION:** Moved: Cr Dare Seconded: Cr Rowlands

That council establish a Policy Working group consisting of all elected members, CEO and the Corporate Services Manager to review all council corporate and statutory policies

**Minute No:** 2023.08.21-OM-08

**Carried:** 5/0

### 11.1.8 Land at Birdsville offer for council to buy back.

**MOTION:** Moved: Cr Dare Seconded: Cr Rowlands

1. That council advise Persis Bhandara that council is interested in purchasing their land located at 7 Mickerie Street, Birdsville; being described as L285 on SP110060; and
2. That council offer \$9,750 to purchase the land.

**Minute No:** 2023.08.21-OM-09

**Carried:** 5/0

**Adjournment:** The meeting adjourned at 1:25pm for lunch and reconvened at 2:10pm

**Attendance:** Cr Morton left the meeting at 2:12pm.

## 9.1 Councillor Conduct Tribunal: Inappropriate Conduct Complaint

**MOTION:**                      **Moved: Cr Dare**                      **Seconded: Cr Pursell**

That having considered all the evidence provided by the Councillor Conduct Tribunal, in relation to the investigation into the suspected inappropriate conduct of Cr Morton,

1. Pursuant to section 150AG of the Local Government Act 2009, Council have decided that Cr Morton has engaged in inappropriate conduct; and
2. That in accordance with section 150AH of the Local Government Act 2009, council make the following orders:
  - a) that the councillor makes a public admission that the councillor has engaged in inappropriate conduct;
  - b) an order reprimanding the councillor for the conduct;
  - c) an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct;

**Minute No: 2023.08.21-OM-10**

**Carried: 4/0**

**MOTION:**                      **Moved: Cr Dare**                      **Seconded: Cr Rowlands**

That having considered all the evidence provided by the Councillor Conduct Tribunal, in relation to the investigation into the suspected inappropriate conduct of Cr Morton,

1. Pursuant to section 150AG of the Local Government Act 2009, Council have decided that Cr Morton has engaged in inappropriate conduct; and
2. That in accordance with section 150AH of the Local Government Act 2009, council make the following orders:
  - a) an order that the councillor reimburse the local government for all of the costs arising from the Councillor Conduct Tribunal investigation.

**Minute No: 2023.08.21-OM-11**

**Carried: 2/2**

Cr Murray and Cr Pursell voted in the negative

Due to no majority vote on the resolution, Cr Dare exercised his casting vote and voted in favour of the motion.

**Attendance:** Cr Morton reentered the meeting at 2:18pm

## 11.2 Delegation of Local Government Powers to CEO

**MOTION:**                      **Moved: Cr Pursell**                      **Seconded: Cr Murray**

That:

- a) All powers previously delegated to the Chief Executive Officer be repealed;
- b) A working group consisting of the Mayor, Deputy Mayor, Chief Executive Officer and the Director Corporate Services be established for the purpose of reviewing the delegation register provided by King & Company and to identify those powers that should be delegated to allow for the efficient operation of council business;
- c) The pursuant to section 257 of the Local Government Act 2009, council delegate the powers under Section 194 of the Local Government Act 2009 to the Chief Executive Officer, subject to the conditions that:
  - i. All applications for grants greater than \$5,000 must be referred to council for determination; and

That all grant applications determined by the Chief Executive Officer are to be reported to the next ordinary meeting of council following determination of the application.

**Minute No: 2023.08.21-OM-12**

**Carried: 5/0**

**11.3 Regional Arts Development Fund – Bedourie State School (Longreach Educational Trip)**

**MOTION:** Moved: Cr Pursell Seconded: Cr Morton

That Council approve the request for \$5,000.00 RADF grant to support the Bedourie State School's Longreach educational trip as submitted

**Minute No: 2023.08.21-OM-13**

**Carried: 5/0**

**Attendance:** Interim Director Corporate Services and Director Corporate Services entered the meeting at 2:26pm

**11.4 Corporate Services Report**

**MOTION:** Moved: Cr Dare Seconded: Cr Rowlands

That Council receive the Corporate Services Report and that those matters not covered by resolution be noted.

**Minute No: 2023.08.21-OM-14**

**Carried: 5/0**

**11.5 Financial Performance Report – July 2023**

**MOTION:** Moved: Cr Pursell Seconded: Cr Murray

That Council receive the Financial Performance Report for the period 1 June 2022 to 30 June 2023.

**Minute No: 2023.08.21-OM-15**

**Carried: 5/0**

**Attendance:** Interim Director Corporate Services and Director Corporate Services left the meeting at 2:45pm

**Attendance:** Director Community and Economic Development entered the meeting at 2:46pm

**11.6 Work Health and Safety Report**

**MOTION:** Moved: Cr Pursell Seconded: Cr Murray

That Council receive the Work Health and Safety Report and that those matters not covered by resolution be noted.

**Minute No: 2023.08.21-OM-16**

**Carried: 5/0**

**11.7 Community and Economic Development Report**

**MOTION:** Moved: Cr Rowlands Seconded: Cr Dare

That Council receive the Community and Economic Development Report and that those matters not covered by resolution be noted.

**Minute No: 2023.08.21-OM-17**

**Carried: 5/0**

**Attendance:** Director Community and Economic Development left the meeting at 3:28pm

**Attendance:** Director Infrastructure Services and the Consulting Engineer entered the meeting at 3:31pm



## 11.8 Infrastructure Report

**MOTION:** Moved: Cr Rowlands Seconded: Cr Pursell

That Council receive the Infrastructure Report and that those matters not covered by resolution be noted.

Minute No: 2023.08.21-OM-18

Carried: 5/0

## 11.9 Works Requests

**MOTION:** Moved: Cr Dare Seconded: Cr Murray

That the Director of Infrastructure arrange for the following works to be undertaken:

1. Fuel advisory signage at Eyre Creek Bridge on the Bedourie / Birdsville Road to be relocated to the Windorah side of King Creek T intersection
2. Town Entry signage at Birdsville - one needs repair and the other two need be new skins installed.
3. Design and quote for Bedourie town sign and present to council for endorsement.
4. Investigate alternative options to Snap Send Solved product and report back to council for consideration

Minute No: 2023.08.21-OM-19

Carried: 5/0

## 11.10 Engineering Report

**MOTION:** Moved: Cr Murray Seconded: Cr Pursell

That Council receive the Engineering Report and that those matters not covered by resolution be noted.

Minute No: 2023.08.21-OM-20

Carried: 5/0

## 11.11 Coorabulka/Springvale Road - LRRS Road Classification

**MOTION:** Moved: Cr Pursell Seconded: Cr Dare

That the Coorabulka - Springvale Road is submitted to the Outback Regional Roads Group to be added to the Local Roads of Regional Significance register

Minute No: 2023.08.21-OM-21

Carried: 5/0

## 11.12 Outback Regional Roads and Transport Group – Road Hierarchy

**MOTION:** Moved: Cr Rowlands Seconded: Cr Pursell

That Council endorse the changes made to the mapping and advise the Outback Regional Road Group

Minute No: 2023.08.21-OM-22

Carried: 5/0

## 12. Confidential Matters

### 12.1. Confidential Business – Adjournment into Closed Session

**MOTION:** Moved: Cr Dare Seconded: Cr Pursell

That Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with clause 254J(3) of the Local Government Regulation 2012 as the items listed come within the following provisions

### **12.1 Birdsville Housing Tender**

This item is classified CONFIDENTIAL under the provisions of clause 254J(3)(g) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

### **12.2 Intermittent Plant Hire Tender**

This item is classified CONFIDENTIAL under the provisions of clause 254J(3)(g) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

### **12.3 Trade Services Tender**

This item is classified CONFIDENTIAL under the provisions of clause 254J(3)(g) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Minute No: 2023.08.21-OM-23**

**Carried: 5/0**

**Meeting Closed:** The meeting adjourned into closed session at 4:44pm

**MOTION: Moved: Cr Murray Seconded: Cr Dare**

That council move out of closed session and the meeting be reopened to the public.

**Minute No: 2023.08.21-OM-24**

**Carried: 5/0**

**Meeting Reopened:** The meeting moved out of closed session at 6:06pm

### **12.1 Birdsville Housing Tender**

**MOTION: Moved: Cr Dare Seconded: Cr Rowlands**

That the matter lay on the table for further consideration at the September 2023 ordinary meeting; and

That the Jenko and Sons, Kent Constructions and D&M Bowden Constructions be requested to provide revised pricing for 4 x 3-bedroom houses, based on the following tender amendments:

- i. Removal of Gravel Pads
- ii. Removal of Shed / Carport
- iii. Removal of Fencing
- iv. Removal of Driveways, Footpaths and Clothesline
- v. Main bedroom to be a minimum of 18m<sup>2</sup>
- vi. Amend the floorplan to extend the living by approximately 20m<sup>2</sup>

**Minute No: 2023.08.21-OM-25**

**Carried: 5/0**

### **12.2 Intermittent Plant Hire Tender**

**MOTION: Moved: Cr Dare Seconded: Cr Rowlands**

That Council accept the Contractors List for Intermittent Plant Hire, with an optional 12-month extension (rates may be reviewed before the optional 12-month inspection).

**Minute No: 2023.08.21-OM-26**

**Carried: 5/0**



### 12.3 Trade Services Tender

**MOTION:** Moved: Cr Pursell Seconded: Cr Morton

That Council accept the Contractors List for Trade Services, with an optional 12-month extension (rates may be reviewed before the optional 12-month inspection).

Minute No: 2023.08.21-OM-27

Carried: 5/0

### 13. Late Agenda Items

#### 13.1 Declaration of Designated Area [Birdsville Races]

**MOTION:** Moved: Cr Pursell Seconded: Cr Rowlands

1. That pursuant to section 173C of the Liquor Act 1992, council designate those locations identified in schedule 1 below as public places where liquor may be consumed during the Birdsville Race week.
2. The period and times during which the designation is to have effect shall be from 10:00am Wednesday 30<sup>th</sup> August 2023 until 12:00am (Midnight) Monday 4<sup>th</sup> September 2023.

Schedule 1: Designated Public Place

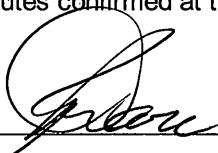
Location	From	To
Adelaide Street	MacDonald Street	Vaughan Street
MacDonald Street	Adelaide Street	Burt Street
Town Oval (Tent City)		
Burt Street	Graham Street	MacDonald
Frew Street	Graham Street	Florence Street
Florence Street	Burt Street	Vaughan Street
Graham Street	Burt Street	Vaughan Street
Vaughan Street	Graham Street	Florence Street
Birdsville Airport Carpark		
Eyre Development Road from Vaughan Street to Birdville Racecourse		
Part of the Birdsville Town Common North and South of the Eyre Development Road, between Pelican Point Access Gate and the Birdsville Racecourse		

Minute No: 2023.08.21-OM-28

Carried: 5/0

There being no further business the meeting closed at 6:10pm

Minutes confirmed at the ordinary meeting held 18 September 2023.

  
Cr Robert Dare  
Mayor