

# MINUTES

20 JUNE 2023 – 9:00 AM  
COUNCIL CHAMBERS



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# MINUTES

## 20 JUNE 2023 – 9:00 AM

### COUNCIL CHAMBERS

## 1. OPENING BUSINESS

Cr Jane McNamara (Mayor) opened the meeting with the Council Prayer

Lord,  
Please guide and direct us,  
In that the decisions to be made,  
Will be for the benefit,  
Of our whole community  
Amen

### 1.1 PRESENT

#### **Councillors**

Mayor Jane McNamara  
Kim Middleton  
Kelly Carter  
Clarence Haydon  
Nicole Flute  
Trevor Mitchell

#### **Staff**

Hari Boppudi - Chief Executive Officer  
Andrew Nunn - Director of Engineering  
Melanie Wicks – Director of Corporate & Financial Services  
Barbra Smith – Director of Community Services & Wellbeing  
Jackie Coleman – Executive Support Officer

#### **School Students**

Nil

### 1.2 APOLOGIES

Nil

### 1.3 LEAVE OF ABSENCE

Nil

### 1.4 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 16 May 2023 be taken as read and signed as correct.

#### **Resolution No: 3736**

**Moved** Cr Kim Middleton

**Seconded** Cr Clarence Haydon

That the Minutes of the Ordinary Meeting of Council held 16 May 2023 be taken as read and signed as correct.

CARRIED 6/0

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### COUNCIL CHAMBERS



## **1.5 OBLIGATIONS OF COUNCILLORS**

### **1.5.1 Prescribed Conflict of Interest - Sections 150EG, 150EH & 150EI Local Government Act 2009**

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a council or committee meeting (other than ordinary business matters).

When dealing with a Prescribed Conflict of Interest, Councillors must abide by the following procedures:

- A Councillor who has notified the Chief Executive Officer of a Prescribed Conflict of Interest in a matter to be discussed in a council meeting must also give notice during the meeting.
- A Councillor who first becomes aware of a Prescribed Conflict of Interest in a matter during a council meeting must immediately inform the meeting of the conflict of the interest.
- When notifying the meeting of a Prescribed Conflict of Interest, the following details must be provided:
  - if it relates to a gift or loan given by an entity - state the details of gift or loan
  - if it relates to a sponsored travel or accommodation benefit - state the benefit details
  - if it relates to a contract between the Councillor and Local Government or close associate of the Councillor – state details
  - if it relates to an application or submission - state the subject of the application or submission
  - if it relates to appointment/employment matters of Chief Executive Office position - state conflict details

The Councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject Councillor has written notice from the Minister to participate in the matter.

Once the Councillor has left the area where the meeting is being conducted, the council can continue discussing and deciding on the matter at hand.

### **1.5.2 Declarable Conflict of Interest - Section 150EN Local Government Act 2009**

Councillors are ultimately responsible for informing of any Declarable Conflict of Interest on matters to be discussed at council or committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

A Councillor may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors prior to deciding to declare a conflict of interest. If the other Councillors suspect the personal interest might be a conflict of interest, the Councillor may disclose their suspicion and the processes under section 150EW of the LGA.

When dealing with a Declarable Conflict of Interest, Councillors must abide by the following procedures:

- A Councillor who has notified the Chief Executive Officer of a Declarable Conflict of Interest in a matter to be discussed at a council meeting must also give notice during the meeting.
- A Councillor who first becomes aware of a Declarable Conflict of Interest in a matter during a council meeting must inform the meeting of the conflict of interest
- When notifying the meeting of a Declarable Conflict of Interest or it could be reasonably presumed that a conflict exists, Councillors should provide sufficient detail to allow the other Councillors to make an informed decision about how best to manage the Declarable Conflict of Interest in the public interest. The following details must be provided:
  - the nature of the Declarable Conflict of Interest
  - if it arises because of the Councillors relationship with a related party:
    - i. the name of the related party to the Councillor
    - ii. the nature of the relationship of the related party to the Councillor
    - iii. the nature of the related party's interest in the matter
  - if it arises because of a gift or loan from another person to the Councillor or a related party:
    - i. the name of the other person
    - ii. the nature of the relationship of the other person to the Councillor or related party
    - iii. the nature of the other person's interest in the matter
    - iv. the value of the gift or loan and the date the gift or loan was made.



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After a Councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.

#### **1.5.3 Procedure if no Quorum for Deciding Matter because of Prescribed Conflicts of Interest of Declarable Conflicts of Interest – Section 150EU Local Government Act 2009**

- (1) This section applies in relation to a meeting if:
- (a) a matter in which 1 or more councillors have a prescribed conflict of interest or Declarable Conflict of Interest is to be decided at the meeting; and
  - (b) there is less than a quorum remaining at the meeting after any of the councillors mentioned in paragraph (a) leave, and stay away from, the place where the meeting is being held.
- (2) The local government must do 1 of the following:
- (a) delegate deciding the matter under section 257, unless the matter cannot be delegated under that section;
  - (b) decide, by resolution, to defer the matter to a later meeting;
  - (c) decide, by resolution, not to decide the matter and take no further action in relation to the matter.
- (3) The local government must not delegate deciding the matter to an entity if the entity, or a majority of its members, have personal interests that are, or are equivalent in nature to, a prescribed conflict of interest or Declarable Conflict of Interest in the matter.
- (4) A councillor does not contravene section 150EK(1), 150EM(2), 150EQ(2)(a) or (3)(a) or 150ES(5) by participating in a decision, or being present while the matter is discussed and voted on, for the purpose of delegating the matter or making a decision under subsection (2)(b) or (c).

#### **1.5.4 Closed Meeting Discussion Items – Section 254J Local Government Regulation 2012**

Council and standing committee meetings may resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss any of the following matters:

- appointment, dismissal or discipline of the CEO
- industrial matters affecting employees
- the council's budget
- rating concessions
- legal advice obtained by the council, including legal proceedings that may be taken by or against the council
- matters that may directly affect the health and safety of an individual or a group of individuals
- negotiations relating to a commercial matter involving the council for which a public discussion could prejudice the interests of the council
- negotiations relating to the taking of land by the council under the *Acquisition of Land Act 1967*
- a matter that the council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or state.

A Council or committee meeting cannot resolve that a meeting be closed where the meeting is informed of a Councillors personal interest in the matter by another person and the eligible Councillors at the meeting must decide whether the Councillor has a Declarable Conflict of Interest or Prescribed Conflict of Interest in the matter.

Further, the meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the meeting and the council must;

- delegate the matter
- decide by resolution to defer to a later meeting
- decide by resolution to take no further action on the matter.

**Note:** None of the above will be considered, discussed, voted on or made during a closed session.

If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.

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To take a matter into a closed session the council must abide by the following:

- pass a resolution to close the meeting/  
/the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered
- if the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated
- not make a resolution while in a closed meeting (other than a procedural resolution).

### 1.6 PETITIONS

Nil

### 1.7 CONDOLENCES

The family of Russell Lawton

The family of Heather Anderson

### 1.8 RECOGNITIONS

Nil

### 1.9 ACKNOWLEDGEMENT OF COUNTRY

The Flinders Shire Council would like to acknowledge the Yirendali people as Traditional Owners and the oldest living culture of the land on which our Council operates, and pay respect to Elders past, present and emerging.

### 1.10 COUNCILLOR MEETING ATTENDANCE

#### Mayor Jane McNamara

- Procurement Workshop – 16/05/2023
- TEL Meeting – 17/05/2023
- Department Workshop (Water) – 17/05/2023
- Rural and Remote Policy & Legislation Committee – 18/05/2023
- Regional Drought Resilience Planning – 19/05/2023
- Rural & Remote Committee – Deputy Premier – 23/05/2023
- CAN Meeting & THHS Meeting – 26/05/2023
- Financial Sustainability Workshop – 29/05/2023
- Rates Workshop – 30/05/2023
- WQAC – 31/05/2023
- CCAF Applications Workshop – 31/05/2023
- Rates Workshop – 01/06/2023
- Special Plant Committee Meeting – 01/06/2023
- NQ Regional Crossing Cultures – 06/06/2023
- Voice Deputation – 07/06/2023
- TAPCP Working Group – 08/06/2023
- NWQROC – 09/06/2023
- NQSF Advisory Forum – 09/06/2023
- NGA Conference & Minister Meetings – 13-16/06/2023

#### Deputy Mayor Kim Middleton

- Rates Workshop – 01/06/2023
- TEL Meeting – 14/06/2023
- DAF – 16/06/2023

#### Councillor Nicole Flute

- Rates Workshop – 30/05/2023
- Rates Workshop – 01/06/2023
- Special Plant Committee Meeting – 01/06/2023
- CAC Meeting – 07/06/2023
- NQSF Meeting – 09/06/2023
- Chamber of Commerce – 05/06/2023

#### Councillor Arthur Bode

- Rates Workshop – 30/05/2023

#### Councillor Trevor Mitchell

- Food Futures Conference – 23-26/05/2023
- Rates Workshop – 01/06/2023

#### Councillor Clarence Haydon

- Rates Workshop – 30/05/2023
- Rates Workshop – 01/06/2023
- Special Plant Committee Meeting – 01/06/2023
- DAF – 16/06/2023

**MINUTES**  
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**COUNCIL CHAMBERS**



Councillor Kelly Carter

- Chamber Collaboration Meeting – 22/05/2023
- CAN Meeting – 26/05/2023
- Rates Workshop – 30/05/2023
- Rates Workshop – 01/06/2023
- Crossing Cultures Workshop – 07/06/2023
- Risk Management Workshop – 07/06/2023
- DAF – 16/06/2023

Confirmed Minutes

# MINUTES

## 20 JUNE 2023 – 9:00 AM

### COUNCIL CHAMBERS



## 2. REPORTS

### 2.01 CHIEF EXECUTIVE OFFICER

#### 2.01.01 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

**Background** – Chief Executive Officer, Hari Boppudi will be availing of annual leave from 17 July 2023 up to and including 20 July 2023 to attend his MBA Graduation in London. An Acting Chief Executive Officer will need to be appointed to relieve in the position in his absence. It is recommended to appoint the Director of Community Services and Wellbeing to the role.

**Officer's Recommendation** – That Council appoint the Director of Community Services and Wellbeing to the role of Acting Chief Executive Officer for the period of 17 July 2023 to 20 July 2023 inclusive.

#### Resolution No: 3737

**Moved** Cr Nicole Flute

**Seconded** Cr Trevor Mitchell

That Council appoint the Director of Community Services and Wellbeing to the role of Acting Chief Executive Officer for the period of 17 July 2023 to 20 July 2023 inclusive.

CARRIED 6/0

#### 2.01.02 PARADISE OUTDOOR ADVERTISING – DEVELOPMENT APPLICATION

**FILE:** FSC100  
**RP DESCRIPTION:** LOT 2 on DG35  
**PROPERTY LOCATION:** 36733 Kennedy Developmental Road, Hughenden  
**PROPOSAL:** Operational Works – Advertising Device  
**APPLICANT:** Paradise Outdoor Advertising C/- BNC Planning  
**SUBMISSIONS:** N/A  
**NOTICE OF COMPLIANCE:** N/A

#### EXECUTIVE SUMMARY

The application is seeking the approval of an application for Operational Works – Advertising Device.

In particular, the proposal is for a fixed double sided 6\*3m billboard located south of Hughenden on the Kennedy Developmental Road (Refer Figures 1,2 and 3).



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**COUNCIL CHAMBERS**



Figure 1: Location of Sign

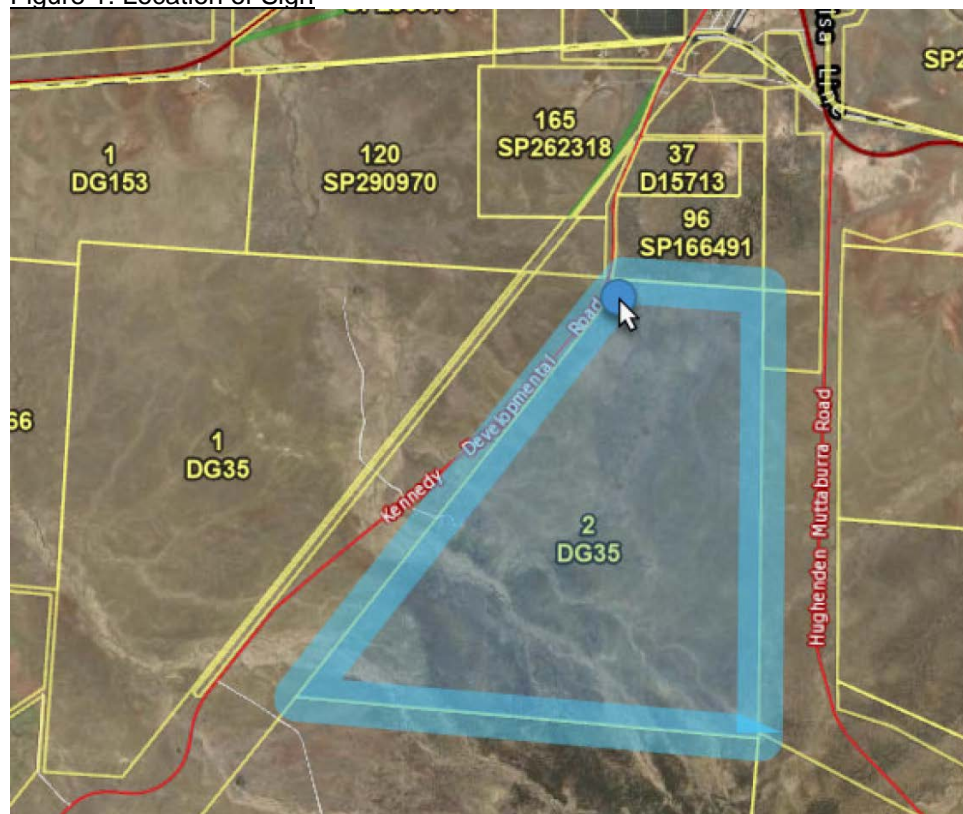
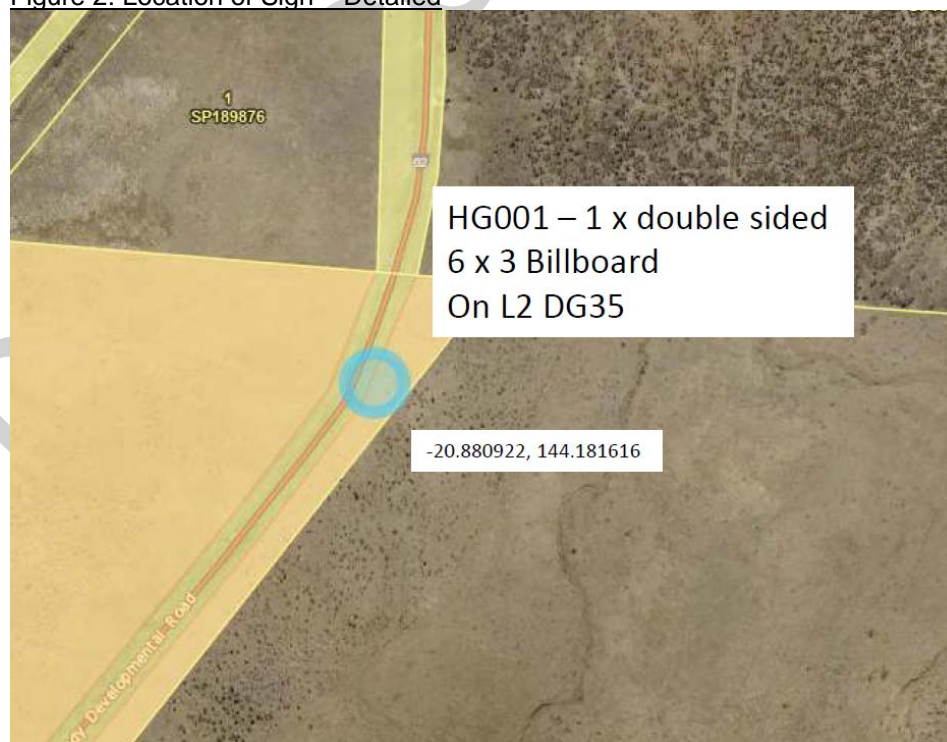


Figure 2: Location of Sign – Detailed



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Figure 3: Proposed Sign Appearance



## PLANNING CONSIDERATIONS

The subject land is located in the Rural zone.

The proposed sign triggered Code Assessable Operational Works as the sign will be exceed 1.5m<sup>2</sup> in size.

The proposed sign not located in close proximity to any sensitive land uses nor is it expected to impact on the safety of anyone on the subject site or the Kennedy Development Road.

The proposed development was assessed against the provisions of the Operational works Code and is considered generally consistent.

## REFERRAL TO THE STATE ASSESSMENT AND REFEREERAL AGENCY (SARA)

N/A

## PUBLIC NOTIFICATION

N/A

## RECOMMENDATION:

The development application for **Operational Works – Advertising Device** on land described as Lot 2 on DG35, situated at 36733 Kennedy Developmental Road, Hughenden be **approved** subject to Plan Nos.:

Plan No. S01 dated 21 July 2010

and the attached conditions of approval.

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### COUNCIL CHAMBERS



#### Resolution No: 3738

**Moved** Mayor Jane McNamara

**Seconded** Cr Kelly Carter

The development application for Operational Works – Advertising Device on land described as Lot 2 on DG35, situated at 36733 Kennedy Developmental Road, Hughenden be approved subject to Plan Nos.:

. Plan No. S01 dated 21 July 2010 and the attached conditions of approval.

. Attachment 1 - Approved Plans

. Attachment 2 - Development conditions

. Attachment 3 - Summary of Appeal Rights

CARRIED 6/0

**Attendance** – Cr Arthur Bode entered the meeting by Teleconference at 9:17am

#### 2.01.03 ANDREWS TOWN PLANNING

**Background** – Letter of Engagement for Professional/Consulting Services submitted by Andrews Town Planning for the 2023-2024 financial year for General Planning Advice at a retainer of \$9,500.00 (Ex GST) per financial year, paid quarterly, and Assessment of Development Applications as outlined in Table1: Fee Proposal.

**Officer's Recommendation** – That Council accept the Letter of Engagement for Professional/Consultancy services from Andrews Town Planning for the 2023-2024 financial year under Local Buy Contract BUS265, as presented.

#### Resolution No: 3739

**Moved** Cr Kim Middleton

**Seconded** Cr Kelly Carter

That Council accept the Letter of Engagement for Professional/Consultancy services from Andrews Town Planning for the 2023-2024 financial year under Local Buy Contract BUS265, as presented.

CARRIED 7/0

#### 2.01.04 COPPERSTRING 2032 REGIONAL REFERENCE GROUP

**Background** – Following the Queensland Government's announcement that the CopperString project is being transitioned to Powerlink to be delivered, they have introduced the CopperString 2032 Regional Reference Group to ensure that strong and collaborative engagement with local governments, businesses and communities along the corridor is maintained.

Powerlink has extended an invitation to Mayor Jane McNamara to join as a member of the CopperString 2032 Regional Reference Group to have the opportunity to provide valuable insight regarding the project and for representing the views of local government, businesses and communities.

**Officer's Recommendation** – That Council accept the invitation for Mayor Jane McNamara to become a member of the CopperString 2032 Regional Reference Group.



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#### Resolution No: 3740

**Moved** Cr Arthur Bode

**Seconded** Cr Nicole Flute

That Council accept the invitation for Mayor Jane McNamara to become a member of the CopperString 2032 Regional Reference Group.

CARRIED 7/0

**Attendance** – Mayor Jane McNamara declared a Declarable Conflict of Interest to item 2.01.04 titled CopperString 2032 Regional Reference Group - 2<sup>nd</sup> Resolution (as defined by Section 150EN of the *Local Government Act 2009*) to enable discussion on any future Conflicts of Interest that may occur due to her role on this Reference Group and left the meeting at 9:27am taking no part in the debate or decision of the meeting.

#### Resolution No: 3741

**Moved** Cr Nicole Flute

**Seconded** Cr Clarence Haydon

As this role on the CopperString 2032 Regional Reference Group could potentially cause Conflict of Interests in future meetings held by Council, Council has discussed and decided that Mayor Jane McNamara can remain in the room for any future meetings where CopperString will be discussed, due to her vast knowledge of the project and that the role is an unpaid position. Council has also agreed to cover the accommodation and travel costs for attendance at these meetings.

Section 150FA (2)(e) of the Local Government Act 2009

For a matter to which the prescribed conflict of interest or declarable conflict of interest relates - the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

Name of each eligible councillor who voted on the matter:

Deputy Mayor Cr. Kim Middleton, Cr. Kelly Carter, Cr Clarence Haydon, Cr. Nicole Flute, Cr. Arthur Bode, Cr. Trevor Mitchell.

How each eligible councillors voted:

Each councillor voted in favour of the motion.

CARRIED 6/0

**Attendance** – Mayor Jane McNamara returned to the meeting at 9:32am

#### 2.01.05

#### LGAQ CONFERENCE 2023

**Background** –The LGAQ Annual Conference is a key event in the local government calendar and the largest LGAQ event. Date Claimer received for the LGAQ Conference 2023, being held in Gladstone from 16-18 October 2023.

**Officer's Recommendation** – That Council nominate 2 Councillors and authorise the Chief Executive Officer to attend the LGAQ Conference 2023.

#### Resolution No: 3742

**Moved** Cr Kim Middleton

**Seconded** Cr Kelly Carter

That Council authorise Mayor Jane McNamara to attend the LGAQ Conference 2023 to represent Policy Executive, Cr Flute, Cr Carter and the Chief Executive Officer to attend to represent Council

CARRIED 7/0



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#### 2.01.06 COUNCIL MEETING CHANGE OF DATE – OCTOBER 2023

**Background** – The LGAQ Annual Conference 2023 is being held in Gladstone from the 16-18 October 2023. As these dates clash with the scheduled October Council Meeting date, it is necessary to change the Council Meeting date to allow the nominated Councillors to attend the conference.

**Officer's Recommendation** – For Council discussion.

##### Resolution No: 3743

**Moved** Cr Trevor Mitchell

**Seconded** Cr Arthur Bode

That Council resolve to change the October 2023 Ordinary Council Meeting date to Tuesday 24 October 2023 to enable Councillors to attend the LGAQ Conference 2023.

CARRIED 7/0

#### 2.01.07 MITEZ

**Background** – Mitez has advised Council that they have reviewed their membership fee structure and as there has been no increase in the fees for over 10 years, they now feel that an increase is necessary for them to continue to provide the valuable service to Councils along the corridor. Invoice received from MITEZ for \$23,100.00 Inc GST for Councils Corporate – Platinum Membership for 2023-2024 financial year.

**Officer's Recommendation** – That Council acknowledge receipt of the invoice from MITEZ and authorise the payment of the invoice for \$23,100.00 inc GST.

##### Resolution No: 3744

**Moved** Cr Kelly Carter

**Seconded** Cr Trevor Mitchell

That Council acknowledge receipt of the invoice from MITEZ and authorise the payment of the invoice for \$23,100.00 inc GST.

CARRIED 7/0

#### 2.01.08 CONVERSION TO FREEHOLD – TERM LEASE 221410

**Background** – The Department of Resources are seeking Councils views on the Conversion to Freehold of Term Lease 221410 Lot 39 on WOU95. The property is adjacent to the Prairie Pastorage Reserve (Lot 44 on SP324527) which Council is trustee of this reserve.

**Officer's Recommendation** – That Council offer no objection to issuing the Conversion to Freehold of Term lease 221410, known as Lot 39 on WOU95, on the condition that wild dogs and noxious weeds are controlled, and that the landholder participates in the 'Good Neighbour Program' as part of the Flinders Shire Local Government Biosecurity Plan.

**Re-table to July 2023 meeting**

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### COUNCIL CHAMBERS



#### 2.01.09 CONVERSION TO FREEHOLD – GHPL 23/16718

**Background** – The Department of Resources advise that the Letter of Offer for the Conversion to Freehold of GHPL 23/16718 was forwarded to the lessee's on 16/01/2023, subject to the requirements from Council for proposed road opening as outlined.

The Department is investigating the proposed road closure of an area of road which is located within Lot 5 on RM74 and runs parallel to Dutton River. The proposed area of road to be closed is about 65ha. The Department is requesting Council's written views in relation to the proposed road closure.

**Officer's Recommendation** – For Council discussion.

**Re-table to July 2023 meeting**

**Attendance** – Cr Kim Middleton declared a Declarable Conflict of Interest to item 2.01.10 titled Office of the Independent Assessor (as defined by Section 150EN of the Local Government Act 2009) due to being the Councillor named in the complaint process and left the meeting at 9:46am taking no part in the debate or decision of the meeting.

#### 2.01.10 OFFICE OF THE INDEPENDENT ASSESSOR

**Background** – On 2 March 2023, Council's Chief Executive Officer received a notice from the Office of the Independent Assessor ("OIA") referring to Council a complaint made about the conduct of Cr Kim (Clancy) Middleton ("**OIA Referral Notice**").

The OIA Referral Notice was issued pursuant to section 150AC(1) of the *Local Government Act 2009* ("**LG Act**").

The conduct complained of is described in the OIA Referral Notice as follows ("**the Complaint**"):

*It is alleged Cr Middleton breached council planning laws by not obtaining appropriate approvals for structures located next to a 'Rodeo Arena' on his property at 3 Hann Highway Hughenden. This is an area of Cr Middleton's property which is accessible to members of the public to attend rodeos.*

*The three structures are described as:*

- 1. Commentary Box – this is said to have been constructed between 2013 and April 2016*
- 2. Amenities Block – this is said to have been constructed between April 2016 and May 2017*
- 3. Kitchen/Bar – this is said to have been constructed between May 2017 and October 2018*

("the Structures").

In accordance with Council's Investigation Policy, Preston Law was appointed to carry out an investigation of the complaint.

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The key facts found as part of the investigation were:

1. Cr Middleton is a joint owner of Lot 3 on Registered Plan 742543 ("the Premises").
2. The Premises contains three structures ("the Structures").
3. The Structures are:
  - (a) a commentary box;
  - (b) an amenities block;
  - (c) a kitchen/bar.
4. The Structures require, and at all times since their construction required, building approval pursuant to the *Building Act 1975* and the *Planning Act 2016*.
5. The Structures did not have building approval at the time the Complaint was made.
6. In the circumstances outlined in items 4 and 5 above, Cr Middleton was in breach of the *Planning Act 2016*.
7. Council does not have an enforcement policy. Its usual enforcement practice is to provide respondents with the opportunity to resolve matters informally before any formal enforcement action taken.
8. The complainant who made the Complaint is the first person to have complained about the Structures.
9. At some time shortly after being notified of the Complaint, Cr Middleton took steps necessary to obtain building approval for the Structures.
10. The Structures now have building approval.
11. Having regard to their current use, the Structures do not require further approvals.

#### What is inappropriate conduct?

Section 150K of the LG Act defines inappropriate conduct as follows:

#### **150K What is inappropriate conduct**

- (1) *The conduct of a councillor is inappropriate conduct if the conduct contravenes —*
  - (a) *a behavioural standard; or*
  - (b) *a policy, procedure or resolution of the local government.*
- (2) *Also, the conduct of a councillor is inappropriate conduct if —*
  - (a) *the conduct contravenes an order of the chairperson of a local government meeting for the councillor to leave and stay away from the place at which the meeting is being held; or*

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*(b) it is part of a course of conduct at local government meetings leading to orders for the councillor's unsuitable meeting conduct being made on 3 occasions within a period of 1 year.*

*(3) For subsection (2)(b), the conduct that led to the orders being made, taken together, is the inappropriate conduct.*

*(3) However, inappropriate conduct does not include conduct that is —*

*(a) unsuitable meeting conduct, to the extent the conduct is not conduct mentioned in subsection (2); or*

*(b) misconduct; or*

*(c) corrupt conduct.*

Section 150C of the LG Act defines "behavioural standard" (being the term used in section 150K(1)(a) of the definition of inappropriate conduct) as "a standard of behaviour for councillors set out in the code of conduct approved under section 150E".

The Code of Conduct containing behavioural standards is linked below:

[https://www.dlgrma.qld.gov.au/\\_data/assets/pdf\\_file/0017/45170/code-of-conduct-forqueensland-councillors.pdf](https://www.dlgrma.qld.gov.au/_data/assets/pdf_file/0017/45170/code-of-conduct-forqueensland-councillors.pdf)

As identified in the OIA Referral Notice, the relevant behavioural standards include:

*1 Ensure conduct does not reflect adversely on the reputation of council*

*3.3 At all times strive to maintain and strengthen the public's trust and confidence in the integrity of council and avoid any action which may diminish its standing, authority or dignity.*

#### Previous disciplinary history

Council's Councillor Conduct Register, linked below, does not disclose any substantiated allegations of inappropriate conduct or misconduct against Cr Middleton:

<https://www.flinders.qld.gov.au/downloads/file/518/councillor-conduct-register>

#### What Council is required to do following an investigation

Pursuant to section 150AG(1) of the LG Act, after conducting an investigation Council must decide:

*(a) whether or not the councillor has engaged in inappropriate conduct; and*

*(b) if the local government decides the councillor has engaged in inappropriate conduct—what action the local government will take under section 150AH to discipline the councillor.*



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Section 150AG(2) provides:

*(2) In deciding what action to take, the local government may consider—*

- (a) any previous inappropriate conduct of the councillor; and*
- (b) any allegation made in the investigation that —*
  - (i) was admitted, or not challenged; and*
  - (ii) the local government is reasonably satisfied is true.*

Section 150AH of the LG Act relevantly provides:

*(1) For section 150AG(1)(b), the local government may—*

- (a) order that no action be taken against the councillor; or*
  - (b) make 1 or more of the following orders —*
    - (i) an order that the councillor make a public admission that the councillor has engaged in inappropriate conduct;*
    - (ii) an order reprimanding the councillor for the conduct;*
    - (iii) an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense;*
    - (iv) an order that the councillor be excluded from a stated local government meeting;*
    - (v) an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor;*
- Example— The councillor is ordered to resign from an appointment representing the local government on a State board or committee.
- (vi) an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct;*
  - (vii) an order that the councillor reimburse the local government for all or some of the costs arising from the councillor's inappropriate conduct.*

The OIA has published a document called "Inappropriate conduct: disciplinary action guideline" (**"the Guideline"**). A copy of the most recent version of the Guideline was obtained from the OIA by email dated 11 April 2023 and is attached to this Report.

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#### Investigator's Recommendations

The investigator's recommendations included:

- That pursuant to section 150AG(1)(a) of the LG Act, Council decides that Cr Middleton has engaged in inappropriate conduct.
- The action Council should take in response to Cr Middleton's inappropriate conduct may be considered in the context of the following facts:
  - that Cr Middleton acted expeditiously when placed on notice about the issue in response to this Complaint, by retaining suitably qualified consultants to provide a building approval;
  - that Cr Middleton admitted, and did not challenge, the allegations made in the investigation;
  - that the conduct was not the subject of any other complaints to Council, and so there was no ongoing enforcement issue that Council was attempting to resolve when the Complaint was made;
  - attempting to informally resolve a building or planning matter before taking formal enforcement action is typical of how Council generally attempts to resolve these types of enforcement matters with any ratepayer;
  - that the issue has now been effectively resolved following the provision of building approvals;
  - that Council's Councillor Conduct Register does not disclose any other instances of inappropriate conduct against Cr Middleton.
- In terms of Council's decision pursuant to section 150AG(1)(b) of the LG Act:
  - the Investigator's view is that the inappropriate conduct is at the lower end of any scale of severity, in view of the matters noted above;
  - with that being the case, the Investigator recommends that Council considers making one of the following two orders:
    - no action be taken against Cr Middleton, pursuant to section 150AH(1)(a) of the LG Act; or
    - Council orders that Cr Middleton make a public admission that Cr Middleton has engaged in inappropriate conduct, pursuant to section 150AH(1)(b)(i) of the LG Act;

The investigator noted that the Guideline was considered and applied when forming the recommendations above.

**Officer's Recommendation** – For Council discussion.

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#### Resolution No: 3745

**Moved** Cr Kelly Carter

**Seconded** Cr Nicole Flute

In considering this Item, Council noted the outcome of the investigation carried out in accordance with Council's Investigation Policy, including the investigator's recommendations that:

- (a) pursuant to section 150AG(1)(a) of the Local Government Act 2009 ("LG Act"), Council decides that Cr Middleton has engaged in inappropriate conduct; and
- (b) Council considers making one of the following two orders:
  - (i) no action be taken against Cr Middleton, pursuant to section 150AH(1)(a) of the LG Act; or
  - (ii) Council orders that Cr Middleton make a public admission that Cr Middleton has engaged in inappropriate conduct, pursuant to section 150AH(1)(b)(i) of the LG Act.

Council resolves, having regard to the investigation carried out in accordance with Council's Investigation Policy and section 150AG of the Local Government Act 2009 ("LG Act"):

- 1. pursuant to section 150AG(1)(a) of the LG Act, Cr Kim (Clancy) Middleton engaged in inappropriate conduct in respect of the complaint considered by the investigation; and
- 2. pursuant to sections 150AG(1)(b) and 150AH(1)(b)(i) of the LG Act, Council orders that Cr Middleton makes a public admission that the councillor has engaged in inappropriate conduct.

#### Section 150FA (2)(e) of the Local Government Act 2009

For a matter to which the prescribed conflict of interest or declarable conflict of interest relates - the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

#### Name of each eligible councillor who voted on the matter:

Mayor Jane McNamara, Cr. Kelly Carter, Cr. Clarence Haydon, Cr. Nicole Flute, Cr. Arthur Bode, Cr. Trevor Mitchell.

#### How each eligible councillors voted:

Each councillor voted in favour of the motion.

CARRIED 6/0

**Attendance** – Cr Kim Middleton returned to the meeting at 10:09am

#### 10:10am - Public Admission from Cr Kim Middleton

I Cr Kim Middleton acknowledge that Council has found that I have engaged in inappropriate conduct pursuant to section 150AH (1)(b)(i) of the Local Government Act 2009. I sincerely apologise for any conduct and ensure that it will not occur again.

At the time the land was leased to the Flinders River Roping Inc, which was put there for the community to use.

**Attendance** – Cr Nicole Flute left the meeting at 10:12am for personal reasons

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## 2.02 CORPORATE AND FINANCE SERVICES

**Attendance** – Hari Boppudi left the meeting at 10:14am for personal reasons

### 2.02.01 FINANCIAL REPORT

**Background** – In accordance with section 204 of the *Local Government Regulation 2012*, the Chief Executive Officer must present a financial report to the Council at its monthly ordinary meetings. Monthly financial reports consist of:

- Statement of financial performance;
- Statement of financial position;
- Statement of cash flows;
- Statement of Changes in Equity;

The following is a summary of the financial results as at 31 May 2023:

<b>1. Statement of Comprehensive Income</b>		
	<b>\$,000</b>	
Total Recurrent Revenue	28,675	69%
Total Recurrent Expenditure	34,678	83%
Net Operating Result - Surplus/(Deficit)	(6,003)	1291%
Total Capital Income	3,267	31%
Total Capital Expense	-	-
Net Result - Surplus/(Deficit)	(2,736)	(27%)
<b>2. Statement of Financial Position</b>		
	<b>\$,000</b>	
Total Current Assets	41,643	82%
Total Non-Current Assets	252,891	91%
Total Assets	294,534	90%
Total Current Liabilities	5,231	130%
Total Non-Current Liabilities	9,997	104%
Total Liabilities	15,228	112%
Net Community Assets	279,307	89%
Asset Revaluation Surplus	96,358	82%
Retained Surplus/(Deficiency)	182,949	93%
Total Community Equity	279,307	89%
<b>3. Cash Flow Statement</b>		
	<b>\$,000</b>	
Cash at the beginning of the period	41,549	100%
Total Payments Received	39,316	61%
Total Payments Made	(41,704)	69%
Cash as the end of the period	39,161	86%



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**Attendance** – Cr Nicole Flute returned to the meeting 10:15am

**Attendance** – Andrew Nunn left the meeting at 10:15am for personal reasons

**Officer's Recommendation** – That in accordance with Section 204 of the Local Government Regulation 2012, Council receives and approves the financial report, which includes the following statements, for the period ending 31 May 2023.

- i. Statement of financial performance;
- ii. Statement of financial position;
- iii. Statement of cash flows;
- iv. Statement of Changes in Equity.

#### Resolution No: 3746

**Moved** Cr Kelly Carter

**Seconded** Cr Clarence Haydon

That in accordance with Section 204 of the Local Government Regulation 2012, Council receives and approves the financial report, which includes the following statements, for the period ending 31 May 2023.

- i. Statement of financial performance;
- ii. Statement of financial position;
- iii. Statement of cash flows;
- iv. Statement of Changes in Equity.

CARRIED 7/0

#### 2.02.02

#### PROCUREMENT POLICY

**Background** – Section 198 of the Local Government Regulation 2012 requires Council to prepare and adopt a policy about procurement which include details of the principles, including the sound contracting principles, that the local government will apply in the financial year for purchasing goods and services. This policy must be reviewed annually.

**Officer's Recommendation** – That Council adopt the reviewed Procurement Policy, as presented.

**Attendance** – Hari Boppudi returned to the meeting at 10:16am

#### Resolution No: 3747

**Moved** Cr Trevor Mitchell

**Seconded** Cr Kelly Carter

That Council adopt the reviewed Procurement Policy, as presented.

CARRIED 7/0

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#### 2.02.03 ENTERPRISE RISK MANAGEMENT POLICY

**Background** – Council's current Enterprise Risk Management Policy is due for review. An in-depth process has been conducted, with the assistance of Local Government Mutual Services, to modernise the policy and make it more relevant to current Council operations. The draft policy has been workshopped with the Executive Management Team and with Councillors.

**Officer's Recommendation** – That Council adopt the reviewed Enterprise Risk Management Policy, as presented.

##### Resolution No: 3748

**Moved** Cr Kelly Carter

**Seconded** Mayor Jane McNamara

That Council adopt the reviewed Enterprise Risk Management Policy, as presented.

CARRIED 7/0

**Attendance** – Andrew Nunn returned to the meeting at 10:18am

#### 2.02.04 ENTERPRISE RISK MANAGEMENT FRAMEWORK AND GUIDELINES

**Background** – Council's current Enterprise Risk Management Framework and Guidelines are due for review. An in-depth process has been conducted, with the assistance of Local Government Mutual Services, to modernise the Framework and Guidelines to make them more relevant to current Council operations. The draft Framework and Guidelines have been workshopped with the Executive Management Team and with Councillors.

**Officer's Recommendation** – That Council adopt the reviewed Enterprise Risk Management Framework and Guidelines, as presented.

##### Resolution No: 3749

**Moved** Mayor Jane McNamara

**Seconded** Cr Kelly Carter

That Council adopt the reviewed Enterprise Risk Management Framework and Guidelines, as presented.

CARRIED 7/0

#### 2.02.05 DEPARTMENT OF RESOURCES

**Background** – Letter received from the Department of Resources dated 06 June 2023, requesting Council's views in relation to the revaluation of your local government area as part of the 2024 revaluation program that will take effect on the 30 June 2024.

**Officer's recommendation** - That Council authorise the Chief Executive Officer to write a response letter to the Department by the 13 July 2023, requesting that the revaluations are completed for the Flinders Shire area.

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#### Resolution No: 3750

**Moved** Cr Trevor Mitchell

**Seconded** Cr Kelly Carter

That Council authorise the Chief Executive Officer to write a response letter to the Department by the 13 July 2023, requesting that the revaluations are completed for the Flinders Shire area.

CARRIED 7/0

## 2.03 ENGINEERING

Nil

## 2.04 COMMUNITY SERVICES AND WELLBEING

### 2.04.01 COMMUNITY GRANT PROGRAM – QUICK RESPONSE STREAM – DONATION

**Background** – The Quick Response Contribution to Community Group – Quick Response Donation is a program designed to support our local community groups to facilitate events and workshops that benefit the community. Applications are open year-round for this grant opportunity.

One application was received as follows:

Organisation	Project	Amount Requested	Recommendation
Flinders Tennis Club	Event: Purchase of new tennis racquets for introduction of new tennis programs	\$500.00	Recommended

**Officer's Recommendation** – That Council award donation of \$500.00 towards the Flinders Tennis Club for the purchase of new tennis racquets, under the Quick Response Donations Program.

#### Resolution No: 3751

**Moved** Cr Trevor Mitchell

**Seconded** Cr Nicole Flute

That Council award donation of \$500.00 towards the Flinders Tennis Club for the purchase of new tennis racquets, under the Quick Response Donations Program.

CARRIED 7/0

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#### 2.04.02 GROWING REGIONS GRANT PROGRAM

**Background** - The Growing Regions Program – Round 1 (the program) will run over 3 years from 2023-24 to 2025-26.

The program will deliver community and economic benefits by investing in community-focused infrastructure which revitalises regions and enhances amenity and liveability throughout regional Australia.

The objectives of the program are:

- constructing or upgrading community infrastructure that fills an identified gap or need for
- community infrastructure
- contributing to achieving a wide range of community socio-economic outcomes
- is strategically aligned with regional priorities.

Growing Regions Program Round 1 will be delivered through a two-stage selection process. Applicants must first submit an Expression of Interest at Stage 1 and if successful, applicants will be invited to submit a full application at Stage 2. Expressions of interest close on 1 August 2023.

Applications to this grant program requires a minimum contribution of 30% by remote Councils such as the Flinders Shire Council.

Two proposed projects for Flinders Shire Council to submit to the grant fund include:

- Flinders Shire Housing Development – building of additional 10 x 3 bedroom houses in Hughenden. Total project value is - \$4,180,000.00
- Hughenden Showgrounds Upgrade (Canteen, bar & showgrounds upgrades) – building of new canteen and bar at the Hughenden Showgrounds. Total project value is \$800,000.00

**Officer's recommendation:** That Council authorise the Chief Executive Officer to submit application to the Growing Regions program for the following projects, and approve the Council contribution as described:

- Flinders Shire Housing Development – building of additional 10 houses in Hughenden. Council Contribution: \$1,672,000.00 (40% total)
- Hughenden Showgrounds Upgrade (Canteen & Bar) – building of new canteen and bar at the Hughenden Showgrounds. Council contribution: \$300,000.00 (37.5% total)

**Attendance** – Cr Kelly Carter left the meeting at 10:32am for personal reasons and returned to the meeting at 10:33am

**Attendance** - Cr Nicole Flute left the meeting at 10:35am for personal reasons and returned to the meeting at 10:36am



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#### Resolution No: 3752

**Moved** Cr Kim Middleton

**Seconded** Cr Trevor Mitchell

That Council authorise the Chief Executive Officer to submit application to the Growing Regions program for the following projects, and approve the Council contribution as described:

- Flinders Shire Housing Development – building of additional houses in Hughenden. Council Contribution: \$1,672,00.00 (40% total)
- Hughenden Showgrounds Upgrade (Canteen & Bar) – building of new canteen and bar at the Hughenden Showgrounds. Council contribution: \$300,000.00 (37.5% total)

CARRIED 7/0

#### 2.04.03 ROYAL FLYING DOCTORS SERVICE (RFDS) LETTER OF APPRECIATION

**Background** – The inaugural Festival of Outback Skies held a ‘pluck-a-duck’ raffle to raise funds for the Royal Flying Doctors Service (RFDS).

Thanks to the generosity of event attendees, the raffle raised a total of \$4,735.00 which was donated to the RFDS.

Flinders Shire Council has received a letter of appreciation and recognition from the RFDS for the donation. Funds raised will support 90,000 Queensland who rely on the service, and will be used to train medical staff, purchase aircraft and equipment, and deliver mental health and wellbeing programs.

**Officer’s Recommendation** – For Council Information  
**Noted**

#### 2.04.04 REQUEST FOR LETTER OF SUPPORT – NO MORE BUTTS

**Background** – Council has received a letter seeking support from No More Butts, a Queensland-based environmental organisation dedicated to the removal of cigarette butt litter from the environment through education, research, and community engagement.

The Butt Hunt is an initiative of the organisation, which aims to remove cigarette butt litter from our ecosystems and communities. The Butt Hunt aims to engage young people in the community to take tangible action to address environmental issues, contribute to sustainable practices, and promote civic engagement and community cohesion.

No More Butts is seeking a letter of support from Flinders Shire Council and commitment towards hosting a ‘Butt Hunt’ event in the future.

**Officer’s recommendation** – For Council discussion.

#### Resolution No: 3753

**Moved** Mayor Jane McNamara

**Seconded** Cr Trevor Mitchell

That Council agree to write a Letter of Support for No More Butts.

CARRIED 6/1

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**2.04.05                      OUTBACK QUEENSLAND TOURISM ASSOCIATION**

**Background** – Letter received from Outback Queensland Tourism Association thanking Council for the ongoing commitment during 2022-2023 financial year.

**Officer's Recommendation** – For Council information.  
**Noted**

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**3. CLOSED BUSINESS**

*That Council close the meeting to the public at under section 254J Local Government Regulations 2012.*

NIL

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#### 4. PROPOSED MEETING CALENDAR

<i>DATE</i>	<i>TIME</i>	<i>MEETING VENUE</i>	<i>TOPIC</i>
Monday 19 June 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 20 June 2023	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 17 July 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 18 July 2023	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 14 August 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 15 August 2023	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 18 September 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 19 September 2023	9:00am – 12:30pm	Council chambers	Council Meeting
Monday 23 October 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 24 October 2023	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 20 November 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 21 November 2023	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 11 December 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 12 December 2023	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 15 January 2024	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 16 January 2024	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 19 February 2024	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 20 February 2024	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 18 March 2024	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 19 March 2024	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 15 April 2024	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 16 April 2024	9:00am – 12:30pm	Council Chambers	Council Meeting

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The meeting closed at 10:54am

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**Jane McNamara**  
**Mayor**  
**Flinders Shire Council**

Confirmed Minutes