



COOLOOLA SHIRE COUNCIL

MINUTES

of the

GENERAL MEETING

CHAIRMAN: Cr M Venardos OAM (Mayor)

**Held in the Boardroom
Old Bank Building,
Cnr Nash & Channon Streets,
Gympie Qld 4570**

**On Tuesday 22nd January 2008
at 9.00 am**



Cooloolo Shire Council

GENERAL MINUTES

*Mayor MJ Venardos OAM (Chairman),
Crs. CR Chapman OAM, FG Nissen AM, NR Ellis, LJ Friske, R. Owen, SS Jocumsen, DR Neilson, IT Petersen, WJ McIntyre, WW Sachs, J Watt and M. Prior*

APPOINTMENTS etc.

10.00am **Mr Col Gear, retired Council employee, will join Councillors for morning tea and a presentation for 34 years service to Council.**

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The meeting commenced at 9.02am.

PRESENT: Mayor M.J. Venardos OAM (Chairman), Crs C.R. Chapman OAM, F.G. Nissen AM, W.J. McIntyre, J. Watt, W.W. Sachs, I.T. Petersen, D.R. Neilson, S.S. Jocumsen, M. Prior, L.J. Friske, R. Owen and N.R. Ellis.

Also in attendance were Acting Chief Executive Officer (Mr C Manson) and Minutes Clerk (Mrs L Birt).

Cr Watt was not present when the meeting commenced.

SECTION 1: OPEN WITH PRAYER

Pastor Noel McDonough from the Community Church offered a Prayer for the advancement of the Shire and the true welfare of its people.

One Minutes silence was observed for family and friends of deceased residents of the Shire.

SECTION 2: APOLOGIES

Nil

Cr Watt entered the meeting at 9.07am.

SECTION 3: CONFIRMATION OF MINUTES OF PREVIOUS GENERAL MEETING

G47/01/08 Moved: Cr M Prior

Seconded: Cr J. Watt

That the Minutes of the General Meeting held on 15 January 2008 be taken as read.

Carried

SECTION 4: PETITIONS

1. Petition Against Changes to Waste Management and Associated Costs in the Langshaw Area

Cr Owen tabled the following Petition:

From: Mrs Karen Berry, Primary Petitioner for Langshaw Ratepayers and Residents, Langshaw – with 23 signatures
Re: Petition against Changes to Waste Management and Associated Costs in Langshaw Area
Date: 22 January 2008

“We, the ratepayers and residents of Langshaw, doggedly request:

- That no NEW wheelie bins be issued; ALL unwanted wheelie bins be IMMEDIATELY removed: the Langshaw road-side bulk bins site remain open; waste management charges remain the same as prior to the forced rollout of wheelie bins; and
- That the people of Langshaw receive, after seven petitions and two and a half months of equivocation, a decision from Council rather than a perennial fobbing-off and continued illegal attempts to stop our petitions being read in Council meetings.

We fervidly make these requests for the following primary reasons:

1. The existing bulk bin service works well and the number of refuse bins in the existing facilities is adequate. The existing costs of the bulk bin facilities are acceptable.
2. There are eleven unsealed, steep, narrow and flood-prone roads. There is also a lack of suitable road frontage for wheelie bins.
3. The health risks to animals and people would be greatly increased and the bins would become unhygienic and maggot-infested.
4. Langshaw has not grown or increased its volume over the past three or four decades so change is unnecessary and most definitely unwanted.

Langshaw ratepayers and residents are STILL waiting for answers to the following questions:

- When will the unwanted bins that are causing unsightly visual pollution and roadside hazards be removed from the Langshaw area?
- Will Council again grade the roads damaged by the garbage trucks? And will Council grade the roads EVERY time their garbage trucks destroy the roads?

- Is the reason why Crus Road is one of the Few road in Langshaw that has NOT been graded because the primary petitioner against the wheelie bins (viz: the author of this petition) lives on that road?
- If Council insists on forcing wheelie bins on the area and doubling waste management costs, can residents expect that, in the VERY NEAR FUTURE:
 - Their roads will be GREATLY improved;
 - Slashing of the roadside verges WILL be more frequently commissioned, and
 - Town water WILL soon be supplied to the area?
- Why has no environmental impact assessment been commissioned for the Langshaw area or any other area in Cooloola?
- Why has Council STILL done nothing to curb the ‘vandalism’ at the bulk bin sites? And why does council expect residents to police the area?
- If, as reported in the Gympie Times, Cooloola Shire Council is serious about recycling, why are there no recycling bins at the bulk bin site?
- Why did Council refuse to consult with the residents who were elected to represent BEFORE they decided to impose changes in waste management?

Langshaw ratepayers and residents have valid reasons for opposing ANY changes to their waste removal service; however it seems that Council is incapable of making a decision in this matter.

We have been told that the Health & Community Services Manager would investigate our previous petitions and report to the Works & Services Committee meetings to be held on 4th December 2007, 15th January 2008 and now on 5th February 2008. Since the public are excluded from these meetings and since no definitive resolution has been reported to us, it appears that either the Health & Community Services Manager or the Works & Services Committee are totally incompetent or perhaps both.

Langshaw ratepayers and residents should be entitled to a timely resolution of this issue. We would like to stop presenting our petitions to Council and taking up valuable Council meeting time; however, until a conclusive response is attained, we will continue to pursue this matter.

We thank Council for this opportunity to oppose the unwanted bins. We fervently hope Cooloola Shire Council possesses the intellect to recognise the validity of our justifiable arguments and will FINALLY agree to exempt the ENTIRE Langshaw area from this service.”

G51/01/08 Moved: Cr R. Owen

Seconded: Cr M Prior

That the Petition be received and referred to the Health & Community Services Manager to investigate and report to the Works & Services Committee Meeting to be held on 5 February 2008.

Carried

2. Petition re Proposed Sewerage Rates Increase

Cr Prior tabled the following Petition:-

From: Principal Petitioner – Cooloola Cove Residents & Friends Inc, PO Box 103, Tin Can Bay Qld 4580 Petition has 178 signatures.

Date: 22 January 2008

“The Petition of Residents, Friends and Visitors to Cooloola Cove, Divisions 2 and 5 of Cooloola Shire wishes to draw the attention of Cooloola Shire Council to the GREAT burden of opinion held by the people of Tin Can Bay, Cooloola Cove and Rainbow Beach that the proposed increase of 14% on the sewerage rates should not be allowed to happen.

There is evidence to suggest that the increased costs of construction have been known for some time and should have been calculated into the overall figures at the outset.

We know that we are assisting Imbil with their sewerage upgrade to the tune of \$77,466.00 and in other circumstances we would be happy to do so, BUT we do not expect to finance Council’s incompetences.

NO 14% INCREASE ON SEWERAGE RATES.”

G52/01/08 Moved: Cr M Prior

Seconded: Cr R. Owen

That the Petition be received and referred to the Director of Engineering and Finance Manager for investigation and report to the Administration & Finance Committee Meeting to be held on 19 February 2008.

Carried

**SECTION 5: ADOPTION OF WORKS & SERVICES
COMMITTEE RECOMMENDATIONS**

G53/01/08 Moved: Cr L.J. Friske Seconded: Cr N.R. Ellis

That the Recommendations of the Works and Services Committee Meeting held on 15 January 2008 as presented, be received.

Carried

G54/01/08 Moved: Cr L.J. Friske Seconded: Cr S.S. Jocumsen

That the Recommendations of the Works and Services Committee Meeting held on 15 January 2008, be adopted.

Carried

**SECTION 6: REPORT BY WORKS & SERVICES
COMMITTEE CHAIRMAN (Cr L Friske)**

Nil

**SECTION 7: ADOPTION OF PLANNING &
DEVELOPMENT COMMITTEE
RECOMMENDATIONS**

G55/01/08 Moved: Cr D.R. Neilson Seconded: Cr I.T. Petersen

That the Recommendations of the Planning & Development Committee Meeting held on 15 January 2008 as presented, be received with the exception of Recommendation P09/01/08 and P13/01/08 which are to be withdrawn and dealt with later in this meeting.

Carried

With the leave of the meeting a further AMENDMENT was then put.

AMENDMENT:

G59/01/08 Moved: Cr I.T. Petersen Seconded: Cr N.R. Ellis

That Recommendation P09/01/08 of the Recommendations of the Planning & Development Committee held on 15 January 2008 be deleted and Council approve the application subject to conditions to be applied by the Director of Planning & Development.

The AMENDMENT was then PUT and LOST.

The Original Motion (G57/01/08) was then PUT and **LOST**.

A **DIVISION** was called with the following results:

FOR: Cr N.R. Ellis, Cr R. Owen, Cr W.W. Sachs, Cr C.R. Chapman OAM, Cr M.J. Venardos OAM
AGAINST: Cr L.J. Friske, Cr M. Prior, Cr S.S. Jocumsen , Cr D.R. Neilson, Cr I.T. Petersen, Cr J. Watt, Cr W.J. McIntyre, Cr F.G. Nissen AM.

G60/01/08 Moved: Cr D.R. Neilson Seconded: Cr M Prior

That Recommendation P09/01/08 of the Recommendations of the Planning & Development Committee held on 15 January 2008 be received and adopted.

LOST

A **DIVISION** was called with the following results:

FOR: Cr M. Prior, Cr S.S. Jocumsen , Cr D.R. Neilson, Cr J. Watt, Cr W.J. McIntyre, Cr F.G. Nissen AM.
AGAINST: Cr N.R. Ellis, Cr R. Owen, Cr L.J. Friske, Cr I.T. Petersen, Cr W.W. Sachs, Cr C.R. Chapman OAM, Cr M.J. Venardos OAM..

G61/01/08 Moved: Cr I.T. Petersen Seconded: Cr R. Owen

That Recommendation P09/01/08 of the Recommendations of the Planning & Development Committee held on 15 January 2008 be deleted and the Director of Planning and Development be requested to bring back a list of suggested conditions for approval to the next Planning and Development Committee Meeting to be held on 29 January 2008.

Further that Mr David Sabiston be invited to a meeting with Council's Director of Planning and Development to discuss any concerns he may have regarding Council's processing of this and other development applications.

Carried

The Mayor advised that during morning tea a presentation will be made to Mr Col Gear on his retirement and for his service to Council.

ADJOURNMENT OF MEETING

The Meeting adjourned for morning tea at 10.04am.

RESUMPTION OF MEETING

The Meeting resumed at 10.25am.

Cr Sachs was not present when the meeting commenced.

Acting Director of Engineering Mr R Chapman entered the meeting at 10.25am.

<p>Recommendation P13/01/08 of the Recommendations of the Planning & Development Committee Meeting held on 15 January 2008.</p>

G62/01/08 Moved: Cr R. Owen

Seconded: Cr M Prior

That Recommendation P13/01/08 of the Recommendations of the Planning & Development Committee Meeting held on 15 January 2008 be deleted and that the Director of Engineer be requested to table a report on the development which may affect the reduction of the maintenance bond to the next Works & Services Committee Meeting to be held on 5 February 2008.

Carried

Cr Sachs returned to the meeting at 10.30am.

**SECTION 8: REPORT BY PLANNING & DEVELOPMENT
COMMITTEE CHAIRMAN (Cr D.R Neilson)**

Cr Neilson presented the following Report to the meeting:-

“Approval has been granted for a shopping centre in Cooloola Cove. The shopping centre, containing a supermarket and speciality retail shops, is to be built at Queen Elizabeth Drive and Nautilus Drive. The developer will be required to provide 244 car parking spaces as well as bicycle parking. Road upgrading, including kerb and channelling, will be required to Queen Elizabeth Drive, Nautilus Drive and Santa Maria Court. Substantial water and sewerage headworks charges will be payable.

An application for four units in Nelson Road was refused as it does not comply with the Planning Scheme.

The Committee was advised that the four appeals lodged in relation to four townhouses in Tingira Close, Rainbow Beach have been withdrawn. Council’s approval will therefore stand.

A two lot subdivision at Corella Road was approved, with a three lot subdivision at Old Veteran Road also approved.

Council will offer no objection to the granting of a General Licence under the Liquor Act for the Rainbow Shores Bar & Restaurant at Wyvern Road, Rainbow Shores.

The meeting received a report from the Deputy Premier, the Hon Paul Lucas, in relation to the draft Iconic Queensland Places Legislation. It was resolved to take no further action as the Shire is already protected by a number of Commonwealth and State Acts.”

G63/01/08

Moved: Cr D.R. Neilson

Seconded: Cr I.T. Petersen

That the Report be received.

Carried

Mr Chapman left the meeting at 10.35am.

Mr Hartley returned to the meeting at 10.35am.

Acting Director of Corporate Services Mr B. Hayes entered the meeting at 10.35am.

SECTION 9: PLANNING & DEVELOPMENT
DEPARTMENT MATTERS (M. Hartley)

9/1 Election Signage

Re: **G64/01/08** Election Signage
 From: Division 2 Councillor – Cr Ron Owen
 File: 311/13 Doc ID 868337
 Date: 15 January 2008

“To supply further information regarding Election Signage, Political Signage and the Freedom of Speech, per Constitutional Protection.

1. *There are political signs through out the road reserves of the Cooloola Shire some remaining from the last Federal Election, re Kate Malloy and other candidates.*
2. *At Federal Election and State Elections candidates such as Warren Truss had political signs on private property, Bill Boards and road reserves.*
3. *No applications to Cooloola Shire Council were made by any candidates or any other people before erecting political signs. Signs were erected prior to 28 days of the election.*
4. *Many political signs are in situ throughout the shire, some have been in place for many years, ie. Referring Local Government ‘Greg has a Hairy Nose’, Tin Can Bay Rd.
Signs referring to Peter and Mary and the Dam.*
5. *Complaints have been received concerning the above signs.*
6. *Quite correctly Cooloola Shire Council has taken no action to harass or hinder the above mentioned political signs or the owners of the signs or the owners of the land that they are situated on. CSC has not even removed the political/election signs from the property that it is responsible for the public road way.*
7. *If citizens want to put up signs on there own property saying, Ban Fluoride, Ban Nuclear Power, Vote for Guy Fawkes they have the constitutional right to do so it is a Freedom of Speech and their democratic freedom to petition others to their cause of that petition.*
8. *The reason for the election sign report before Council is that, last week the Acting CEO phoned me and asked me to remove a sign, with ‘Vote Ron Owen for Mayor’. The sign was moved to another location. I informed the Acting CEO that there was a political/election sign on private property*

outside 24 McMahon Rd, and if he thought he has the power to prosecute or take down this sign to please come straight away, or to notify me when he or any member of his staff was attending so that I could have camera's and reporters present to record the violation of the land holders Constitutional rights. He told me that he was not coming as he had not received a complaint. I informed him that I was making an official complaint, and I asked him that as he had an official complaint when he was coming. He told me that he would not accept of official complaint.

9. *The COOLOOLA SHIRE COUNCIL Subordinate Local Law No. 11.1 (Election Advertisement) 2005 states,*
- 2 Object*
- (1) The object of this subordinate local law is to supplement Local Law No. 11 (Control of Advertisements)*
- (Subordinate means subordinate to Local Law No 11 (Sign Codes))*
- (a) Local Law No 11 is the Actual Local Law which is gazetted in the Government Gazette and has followed a tightly held process. Unfortunately, Local Law No 11 (Control of Advertising) has been gazetted under the Local Government Act 1993, Notice (No 3) 1996 published in the Gazette on 20th December 1996 but there seem no record of the gazettal of Local Law No 11 (Sign Codes). This might be legitimised if Local Law No 11 refers to the (Sign Codes). This might be legitimised if Local Law No 11 refers to the (Sign Code) but it does not it only refers to a Council Document called "Policy".*
- (b) This Local Law is null and void and staff have been attempting to correct this process for several years besides subordinate Electoral Signs 11.1 being a supplement to the Local Law no 11 which is still undergoing this process to legitimise, is null and void.*
- (c) At the front of this superordinate Local Law No 11.1 Electoral Signs there is no information as to when this was processed through the Governor-in- Council. No date as to when it was gazetted in the Government Gazette to fore fill this process and has no commencement date so on that basis again is null and void.*
- (d) The subordinate Local Law No 11.1 Electoral Signs document refers in its sections such as definitions of the Act. Yet does not inform us of which Act, the Electoral Act or the Local Government Act, or the Act of Interpretation Act it refers to so can draw no power, interpretation or intention from "the Act".*
- (e) The subordinate Local Law No 11.1 Electoral Signs document refers in its section to other Local Laws yet does not state which ones they are just S12(3) or S11(3). We may presume that they are the Local Law No 11, but it they are they have no power of legitimacy as this Local Law has not been proclaimed in the Government Gazette and has not been processed into law correctly. So again produces a null and void status for this document.*
- (f) Cooloola Shire Council Subordinate Local Law No. 11 (Signs Code) which states. To be read with: Local Law No. 11 (Control of Advertisements) which is a null and void document due to the reasons*

above, also states that “Divisional Councillor are permitted to erect one (1) election sign” which as the rights of Council divisions have been removed by the majority of this Council then this document again is null and void as it does not apply to a Candidate or a Division.

- (g) Cooloola Shire Council Subordinate Local Law No. 11 (Signs Code) which states, To be read with: Local Law No. 11 (Control of Advertisements)*

1.0 PREAMBLE

CITATION

This is Subordinate Local Law No. 11 (Signs Code)

AUTHORITY

This Subordinate Local Law has been adopted (for the purposes of advertising) as Subordinate Local Law pursuant to the provisions of Chapter 12 of the Local Government Act.

10. The Local Government Act controls the Local Governments powers to make Local Laws

Chapter 12 Local laws and subordinate local laws

Part 1 Preliminary

Division 1 Object and application

848 Object

(1) A local government’s jurisdiction to make laws is stated in chapter 1, part 1, division 3.

(2) This chapter provides a common law-making process for all laws made by local governments.

(3) It also provides for subordinate local laws to assist the detailed implementation of a local law’s objects.

It also makes provisions for redundant laws and places expiry dates which is defined in 899A Definitions for pt 5 In this part – expiry date means –

(a) for the first review date – 31 December 2010; or

(b) for a subsequent review date – 31 December in the year that is 2 years after the review date.

First review date means 1 January 2008.

But specifically makes the provisions that remove the jurisdiction of Councils Local Law making powers in two specific area’s

854A No jurisdiction to make local laws and subordinate local laws about distributing how-to-vote cards

(1) A local government has no jurisdiction to make a local law or subordinate local law prohibiting or regulating the distribution of how-to-vote cards for an election under this Act or the Electoral Act 1992.

854A No jurisdiction to make local laws and subordinate local laws prohibiting placement of election signs or posters

(1) A local government has no jurisdiction to make a local law or subordinate local law prohibiting, in its area, the placement of election signs or poster for an election under this Act, the City of Brisbane Act 1924, the Electoral Act 1992 or the Commonwealth Electoral Act 1918 (Cwlth).

(2) *A local law or subordinate local law, to the extent it is contrary to subsection (1), is of no effect.*

(3) *In this section –*

Election signs or posters means signs or posters that are able, or are intended-

(a) to influence a person about voting at an election; or

(b) to affect the result of an election.

11. *The reasons for both of these are very obvious as if they were not included Councillors could propose, debate and vote in their own cause, they would have a “Personal Material Interest’ in the outcome. For example they could ban their political opponents How to Vote Cards or ban their political opponent political signs. A councillor may have an interest in a newspaper and want all candidates to compete in that forum where he had free advantage. Those are some of the reasons why the Local Government Act has taken the jurisdiction away from councils to legislate in this area. Section 854AA makes Cooloola Shire Councils electoral Sign 11.1 null and void.*

12. *Please Note.244 Exclusion from meeting of councillor with material personal interest*

(1) *A councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees-*

(a) must disclose the interest to the meeting; and

(b) must not be present at or take part in the meeting while the issue is being considered or voted on.

(2) *A councillor who is barred from a meeting under subsection*

(1) must not be in the chamber where the meeting is being conducted, including any area set apart for the public.

All Councillors have a material personal interest and should not discuss or take part in any motion where we have no jurisdiction and have a material personal interest.

13. *Other reasons why the Local Government Act 1993 has removed this jurisdiction and not given power to Local Governments to legislate in these areas is the Constitutional protection provisions under the Commonwealth Crimes Act 1912 and the Queensland Criminal Code of 1899. The Constitutional protections are enforced by this legislation and would impact on staff either removing signs from private property of writing to property owners hindering or obstructing them in carrying out a Constitutional right to place political signs or messages on their property.*

14. *See below. CRIMES ACT 1914 – SECT 28 Interfering with Political Liberty*

Any person who, by violence or by threats or intimidation of any kind, hinders or interferes with the free exercise or performance, by any other person, of any political right or duty, shall be guilty of an offence.

Penalty: Imprisonment for 3 years.

And

CRIMINAL CODE ACT 1899 – SCHEDULE 1 THE CRIMINAL CODE.

78 Interfering with political liberty

(1) Any person who by violence, or by threats or intimidation of any kind, hinders or interferes with the free exercise of any political right by another person, is guilty of a misdemeanour, and is liable to imprisonment for 2 years.

(2) If the offender is a public officer, and commits the offence in abuse of the offender's authority as such officer, the offender is liable to imprisonment for 3 years.

15. No provision has been placed in the Cooloola Shire Council's Electoral Signs Local Laws to protect staff from prosecution of any sort civil or criminal. If Council wished it could make resolutions to amend the subordinate Local Law to protect the employee from civil prosecution by funding the employee's defence in court and paying any fines. Cooloola Shire Council has no legal mechanism at its disposal to protect its employees from a Criminal prosecution under the Crimes Act or the Criminal Code and it would not be able to collectively serve the imprisonment for 3 years. Cooloola Shire Council Staff should not be placed in this jeopardy.

16. As the Legislative hierarchy in Australia commenced with the Commonwealth Constitution, to Commonwealth Legislation, to State Legislation, to Local Laws to Subordinate Legislation, Cooloola Shire Legislation can never hope to have precedence over the State Law, Cooloola Shire Council has a duty to protect its staff from prosecution.

17. Motile vs Cambooya Shire Council and Anor [2004] QSC 50

LOCAL GOVERNMENT — Powers, functions and duties of councils generally— Powers over advertising signs and hoardings — Extent of power — Whether council had power to remove election signs exhibited on land under its control. Justice Fryberg

In my judgment, insofar as it applies to roads, s 17(1)(c) of Local Law No 8 is not rendered ineffective by s 854AA of the Local Government Act.

Justice Fryberg refused to look at the prohibition in a general, due to time consideration and the impending election of 2004 to look at s 854AA as it was an application for a declaration, and all the signs had been placed on public roads under the control of the Council.

Justice Fryberg found that the Council had a common law right as do the property owners of erecting or removing signs on property under their control.

*18. Freedom of Speech and Political Rights are defined in many diverse documents, such as Australian Journal of Human Rights by Jeremy Webber**

"There are many ways in which rights might plausibly be implied. The ones that have attained the most currency, however, are founded on constitutional provisions that establish democratic structures of government. The argument is that democratic institutions cannot operate without free political debate. Some protection of freedom of speech must therefore be implied.

As mentioned above, this mechanism involves the determination that certain rights are implicit in the Constitution. Commonly, the rights are founded upon constitutional terms that establish democratic institutions (from which rights to political free speech are derived) or establish the courts (from which norms to protect judicial independence are derived). This is certainly the case in Australia, where the High Court has recognised a right of free political expression, working off the provisions establishing representative government in the Australian Constitution (notably ss 7 and 24, which state that members of the Senate and House of Representatives are to be ‘directly chosen by the people’). In the first of these cases, Brennan J (as he then was) summarised the essential argument (Nationwide News at 48–49):

‘... where a representative democracy is constitutionally entrenched, it carries with it those legal incidents which are essential to the effective maintenance of that form of government. Once it is recognised that a representative democracy is constitutionally prescribed, the freedom of discussion which is essential to sustain it is as firmly entrenched in the Constitution as the system of government which the Constitution expressly ordains.’

This right was used to strike down laws that prohibited criticism of members of the Industrial Relations Commission and that limited television advertising in elections (Nationwide News Pty Ltd v Wills; Australian Capital Television Pty Ltd v Commonwealth). It also prompted the High Court to revise the law of defamation insofar as it applies to criticism of public officials (Theophanous v Herald & Weekly; Lange v Australia Broadcasting Corporation).

Other rights too might be implied from the Constitution. In McGinty v Western Australia, the Court considered whether the Western Australian Constitution required rough equality in the determination of electoral boundaries (so that each person's vote would be of approximately equal value). The Court refused to find such a requirement. The High Court has declined to hold that a general right of equality can be derived from the Federal Constitution (Leeth v Commonwealth; Kruger v Commonwealth). But other principles with strong rights implications have been implied. In both Australia and Canada, the courts have developed constitutional guarantees of the independence of the judiciary, from which additional limitations have been derived: in Canada, judicial review of the jurisdiction of administrative tribunals has been constitutionalised on this basis; in Australia, the principle of the separation of powers has been used to strike down a law designed to keep a named offender in preventative detention beyond the end of his original sentence.”

**Webber J ‘beyond regret: Mabo’s implications for Australian constitutionalism’ in Division, PPATTON and W Sanders (eds) Political theory and the rights of indigenous peoples Cambridge University Press, Cambridge 2000 pp 60-88.*

19. In High Court decisions such as Theophanous v Herald and Weekly Times Limited [1994] HCA 46; (1994) 182 CLR 104; (1994) 124 ALR 1 (1994) Aust Torts Reports 81-297 (12 October 1994, the High Court acknowledges the Constitution rights of the people to free political expression. In Theophanous many other earlier cases such as the Australian Capital Television case are quoted. There are no shortages of examples but please read the quotes from this case below as samples:-

“In the context of those dramatic changes since 1901, there is manifest wisdom in Inglis Clark’s instruction that, in its application to contemporary conditions and exigencies, the Constitution must be treated as “a living force” and not as “a declaration of the will and intentions of men long since dead”. In following that instruction in the present case, the Court must take full account of contemporary social and political circumstances and perceptions in determining whether an unqualified application of State defamation laws to political communication and discussion is consistent with the constitutional implication of freedom.”

“The full answer to it is, however, that it is now well settled that, in the application of constitutional guarantees or immunities, one must look to substance rather than form. When that is done, it is apparent that potential civil liability in damages and costs is likely to represent a much more effective curtailment of the freedom of political communication and discussion than the possibility of conviction of most of the many criminal offences which are punishable by a pecuniary penalty (179) See, e.g., City of Chicago v. Tribune Co. (1923) 139 NE 86.”

“To a significant extent, the law of defamation in our various State jurisdictions represents the adjustment, by the State Parliament or by the common law, of the competing demands of freedom of speech on the one hand and protection of individual reputation on the other. The adjustment cannot, however, override the operation or effect of the Constitution’s implication of freedom of political communication and discussion to which, as has been seen, State laws and legislative powers are subjected. Nor can the approach be adopted by this Court that the common law’s or a State Parliament’s adjustment of the competing claims of free speech and private reputation should be simply accepted as dispensing with a full and proper consideration of the question whether the curtailment of political communication and discussion effected by a State’s defamation laws is consistent with the constitutional implication. For one thing, that approach would represent an abnegation of the Court’s constitutional function and duty. For another, the common law’s or a State Parliament’s adjustment of the competing claims of general free speech on the one hand and the need to protect reputation on the other will inevitably have been made without regard to the Constitution’s specific implication of the freedom of one particular category of communication and speech.”

“As Duff CJ and Davis J commented in Re Alberta Legislation ((189) (1938) SCR 100 at 133; (1938) 2 DLR 81 at 107.):

“The statute contemplates a Parliament working under the Influence of public opinion and public discussion. There Can be no controversy that such institutions derive their efficacy from the free public discussion of affairs, from criticism and answer and counter-criticism, from attack upon policy and administration and defence and counter-attack; from the freest and fullest analysis and examination from every point of view of political proposals. This is signally true in respect of the discharge by Ministers of

the Crown of their responsibility to Parliament, by members of Parliament of their duty to the electors, and by the electors themselves of their responsibilities in the election of their representatives.'

"Clearly, the freedom of the citizen to examine, discuss and criticise the suitability for office of the elected members of the Parliament (or candidates for such election)((192) See e.g., Monitor Patriot Co. v. Roy (1971) 401 US 265 at 271; Harte-Hanics Communications v. Connaughton (1989)491 US 657 at 686-687; Coleman v. MacLennan (1908)98 P 281 at 286.)) and the manner in which they discharge their functions and duties as such lies at the very heart of the freedom which the implication protects. Such examination, discussion and criticism would be all but pointless if the ordinary citizen were effectively precluded from making any statements or comments which cause injury to the reputation of a particular member or candidate.

Be that as it may, the answer to this third line of argument seems to me to be that a risk that some may be deterred from seeking public office is a comparatively small price to pay for the freedom of the citizen to engage fully in the political communications and discussions which are an incident of representative government without fear of crushing financial consequences." "32. At the end of the day, it appears to me to be plain that the serious curtailment of the freedom of political communication and discussion which is involved in an unqualified application of State defamation laws to render the citizen liable in damages for the making of statements about the official conduct or suitability of a member of the Parliament or other holder of high public office in the service of the Commonwealth (such as a member of this Court) cannot be justified in the public interest in the narrow sense explained above. It follows that the unqualified application of those laws to impose such liability is inconsistent with the implication and precluded by the Constitution."

*"Australian Capital Television Pty. Ltd. v. The Commonwealth (1992) 177 CLR at 19 1-195.). Sections 7 and 24, and the other provisions of the Constitution, do not guarantee free speech but provide for representative government. The only necessary or obvious implication, if indeed it be a matter of implication at all, is that there must be freedom of communication to the extent that it is a requirement of representative government. The Legislative powers of the Commonwealth under s. 51 of the Constitution are subject to the Constitution and hence subject to ss.7 and 24. No doubt ss.7 and 24 not only inhibit Commonwealth legislative power but also prevail over any inconsistent State law. **If a State legislature were to enact legislation which interfered with the requirements of s.7 or s.24, the legislation would be invalid either for simple inconsistency with the Constitution, or as an interference with Commonwealth governmental authority((2 10) See Melbourne Corporation v. The Commonwealth [1947] HCA 26; (1947) 74 CLR 31 at 81.) or as beyond the power of the State legislature to legislate for the peace, order and good government of the State - perhaps for all three reasons. It is unnecessary to pursue that aspect of the matter further."***

“8. The first step is to say that the Constitution contains a guarantee of freedom of communication which is the equivalent of the First Amendment guarantee of freedom of speech. It is not, of course, express like the First Amendment guarantee, but is said to be implied by the requirement of representative government which is contained in the Australian Constitution.”

“The defendants are correct in contending that in Australian Capital Television a majority of this Court held that the institution of representative government is an inherent part of the Constitution, that freedom to discuss the government of the Commonwealth is an indispensable condition of representative government and that the freedom of discussion extends to all levels of government in Australia.”

20. The residents of Cooloola Shire know they have a right to place an election sign on their own property. Bullying and intimidation are illegal in law and have only prevailed in the past due to a partnership between a Newspaper and a Mayor. The introduction of free integrity into this coming election will finish the fear tactics for the future.

Late Item 1: Election Advertisements

Re: Election Advertisements
From: Acting Director of Corporate Services – B Hayes
File:
Date: 18/01/08

Report: (Acting Director of Corporate Services – B Hayes)

Minute G27/01/08 of the General Meeting held on 15/01/08 refers.

That this matter be referred to the Acting Chief Executive Officer for urgent attention.

Further that Councillors be invited to advise the Acting Chief Executive Officer of their comments.

Further that a report from the Acting Chief Executive Officer be tabled at the General Meeting of Council to be held on 22 January 2008.

In relation to the control of election advertisements the following Local Law and Subordinate Local Laws apply:-

Local Law No. 11 (Control of Advertisements)
Subordinate Local Law No. 11 (Signs Code)
Subordinate Local Law No. 11.1 (Election Advertisements) 2005

Sections 875 through 882 of the Local Government Act 1993 outline the process of making subordinate local laws. A subordinate local law does not require gazettal unless the subordinate local law is reviewed globally as part of the regular review process or has redundant provisions repealed. The current review period is within 2 years after which a 10 yearly cycle applies for ongoing review. (refer Sections 899A-D of the Local Government Act 1993)

The commencement date of Subordinate Local Law No. 11.1 was in June, 2005.

In relation to the query on Section 854AA ie. no jurisdiction to make local laws and subordinate local laws prohibiting placement of election signs or posters, this matter has been considered previously by Council. A legal opinion was obtained from King & Company Solicitors in September 2004 prior to the establishment of the current Subordinate Local Law No. 11.1. This legal opinion addressed the important distinction between the concepts of 'regulation' and 'prohibition'.

Subordinate Local Law No 11.1 regulates election advertisements but does not prohibit them and as such does not breach the requirements of Section 854AA of the Local Government Act 1993.

Section 2.3.2.4 d) of the current Councillors Code of Conduct states:-

Councillors must show respect for the law and the system of government in general. Councillors must comply with local laws, subordinate local laws or council policies as adopted by the council.

It should be noted that the relevant local laws of both Kilkivan and Tiaro Shire Councils, in addition to those of Cooloola Shire Council, will apply across the respective geographic areas of each Council in relation to the regulation of election advertisements for the March 15, 2008 Gympie Regional Council Local Government election.

Report: (Director of Planning and Development – M Hartley)

Subordinate Local Law 11.1 (Election Advertisements) is attached (**Refer Attachment 1**) for information. This Subordinate Local Law deals specifically with election advertising and was prepared by Council to address election advertising issues identified in the lead up to the 2004 local government elections.

Council approval is required to permit the erection of election advertisements, and the relevant criteria, terms of approval and conditions of approval are outlined in the Subordinate Local Law.

Section 7 (b) (ii) restricts the number sites for election signs for a candidate in a local government election to 5 sites within the candidate's division. In the absence of divisional representation, this restriction is no longer appropriate. The Subordinate Local Law states this is a condition that would "*ordinarily be imposed on an approval to exhibit an election advertisement*". Accordingly there is some flexibility for Council to vary this requirement to reflect the changed circumstances. It is suggested that 25 sites per candidate would be appropriate, and consistent with the requirements for a Mayoral candidate.

Finally, a number of election advertisements are already being exhibited in various locations throughout the Shire in contravention of the Local Law and Subordinate Local Law. No approvals have been issued by Council staff, no applications have been lodged to date, and the advertisements are being exhibited prematurely as the term of approval must commence either on the date of approval or 28 days before polling day, whichever is the latter.

Some direction is sought from Council in respect to unauthorized election advertisements. Council recently adopted a procedure for the unauthorized placement of temporary signage (P27/10/07), and it may be appropriate to follow that procedure when dealing with unauthorized election advertisements. The procedure involves issuing an initial requesting compliance; issuing a formal Compliance Notice if the request is not complied with; impoundment of the advertisement upon failure to comply with the Notice, and finally commencement of action in the Magistrates Court if exhibition of unauthorized advertisements continues.

Comments received from Councillors

From Cr Maree Prior

As per minute at last Council meeting, these are my thoughts on ALL signage at ALL times on road reserves, whether political or private. Intending Councillors should respect the community's natural resources; if a tree must be used as a signpost then make sure it is a weed species!

Recommendation: (Director of Planning and Development – M Hartley; Acting Director of Corporate Services – B Hayes)

That Council:

1. Note the contents of the report;
2. in respect to section 7. (b) (ii) of Subordinate Local Law 11.1, agree that for a candidate, the total number of sites on which an election advertisement may be exhibited must not exceed 25; and
3. direct staff to implement Council's adopted sign compliance enforcement procedure in relation to any unauthorized election advertisements.

Cr Prior left the meeting at 10.43am and returned at 10.44am.

G64/01/08 **Moved: Cr I.T. Petersen** **Seconded: Cr W.J. McIntyre**

That Item 9/1 and Late Item 1 be received and dealt with concurrently.

Further that the contents of the report from Mr Hartley and Mr Hayes be noted.

Further that in respect to section 7(b)(ii) of Subordinate Local Law 11.1 agree that for a candidate, the total number of sites on which an election advertisement may be exhibited must not exceed 25.

Further that in the interest of uniformity across the proposed Gympie Regional Council, Council will not, during the 2008 election period, take enforcement action in relation to election signs unless

- (a) they are placed on public land, as defined in Subordinate Local Law No 11.1; and**
- (b) there is, in the opinion of the Chief Executive Officer or his delegate, a risk to public health and safety.**

AMENDMENT;

G65/01/08 **Moved: Cr S.S. Jocusen** **Seconded: Cr R. Owen**

That Item 9/1 and Late Item 1 be received and dealt with concurrently.

Further that the contents of the report from Mr Hartley and Mr Hayes be noted.

Further that in respect to section 7(b)(ii) of Subordinate Local Law 11.1 agree that for a candidate, the total number of sites on which an election advertisement may be exhibited *be unlimited*.

Further that in the interest of uniformity across the proposed Gympie Regional Council, Council will not, during the 2008 election period, take enforcement action in relation to election signs unless

- (c) they are placed on public land, as defined in Subordinate Local Law No 11.1; and**
- (d) there is, in the opinion of the Chief Executive Officer or his delegate, a risk to public health and safety.**

The AMENDMENT was PUT and LOST.

10/2

Draft Revised Model Code of Conduct for Councillors

Re: **G67/01/08** Draft Revised Model Code of Conduct for Councillors
From: Acting Chief Executive Officer, C. Manson
File:
Date: 16 January 2008

“The Department of Local Government, Sport and Recreation has revised the Model Code of Conduct for councillors. The revised Model Code of Conduct has been simplified in order to provide greater clarity for councillors about their ethical and behavioural obligations.

Gazettal of the revised Model Code of Conduct will occur before the local government elections in March this year. It is intended that the new Model Code of Conduct will apply to newly amalgamated councils. New councils will therefore not be required to decide which of the former council’s Code of Conduct will apply. More information on the revised Model Code of Conduct is provided below.

Please find a draft version of the revised Model Code of Conduct attached. The Department is inviting comments on the draft Model Code of Conduct. If you have any comments on the draft Model Code of Conduct please email them to Victoria.Turns@dlgpsr.qld.gov.au by 5pm Thursday 24 January 2008.

Local governments are required by the Local Government Act 1993 to adopt a Code of Conduct, and may choose to adopt the Model Code of Conduct. If a local government has not adopted a Code of Conduct within 6 months of each quadrennial election (s.250C), then the Model Code of Conduct applies to councillors of the local government.

It is intended that following implementation of local government reforms and elections in March 2008, the Model Code of Conduct will apply to all new local governments until the local government makes a new Code of Conduct. If the local government does not make a Code of Conduct, the Model Code of Conduct will continue to apply. For those local governments who have not amalgamated, the code of conduct that have previously adopted will continue to apply.

Local governments may choose to adopt their own Code of Conduct, provided it is consistent with the requirements of the Act (s.250F). A local government Code of Conduct must include the statutory obligations for councillors and information about whether a penalty applies, a statement of what constitutes a “repeat breach” and information about making a complaint. The Model Code of Conduct contains these minimum requirements. In addition, a local government Code of Conduct may include additional ethical and behavioural obligations for councillors that are consistent with the ethics principles in the Act. Those ethics principles are included in the Model Code of Conduct.

TUESDAY, 19th February 2008

**GENERAL 9 AM
ADMINISTRATION & FINANCE
COMMITTEE TO COMMENCE AT
THE CONCLUSION OF THE
PRECEDING GENERAL MEETING
SHIRE GROWTH AND ECONOMIC
DEVELOPMENT COMMITTEE TO
COMMENCE AT THE CONCLUSION OF
THE PRECEDING ADMINISTRATION &
FINANCE COMMITTEE MEETING.**

TUESDAY, 26th February 2008

**GENERAL 9AM
PLANNING & DEVELOPMENT
COMMITTEE TO COMMENCE AT THE
CONCLUSION OF THE PRECEDING
GENERAL MEETING**

Carried

Leave of Absence

G69/01/08 Moved: Cr S.S. Jocusen Seconded: Cr L.J. Friske

**That the following Leave of Absences be granted:-
Cr J Watt – all meetings to be conducted on 5 February 2008 and
Cr F.G. Nissen – All meetings to be conducted on 26 February 2008.**

Carried

SECTION 12: FOR YOUR INFORMATION

- Copy of report on the recent information days for the Environmental Impact Statement (EIS) process for the proposed Traveston Crossing Dam.

G70/01/08 Moved: Cr F.G. Nissen AM Seconded: Cr W.J. McIntyre

That the information be received.

Carried

SECTION 13: LATE ITEMS**Late Item 1: Speed Restriction Bruce Highway, Chatsworth**

Re: **G71/01/08** Speed Restriction Bruce Highway, Chatsworth
Letter addressed to CEO, Department of Main Roads and Mayor,
Cooloolo Shire Council – 84 similar letters were received
From: Bob Pukallus, Chatsworth, via Gympie Qld 4570
File: WR98/00249
Date: Received 22 January 2008

“Re: Speed Restriction Bruce Highway Chatsworth.

This is a request to lower the speed limit on the Bruce Highway at Chatsworth to 80kph when travelling north, from 80kph speed sign just south of Fleming Road until safely past the intersection at Reynolds and Rammutt Road Chatsworth, which is the turn off to Chatsworth School. There are 11 intersections in this stretch of road, with lots of local traffic trying to safely negotiate the exit and entry to the Bruce Highway. Fraser Road in particular carries a lot of cattle trucks and other vehicles prior to, on, and after livestock sale days. We believe that the above mentioned intersections are not up to current Australian Safety Standards and are quite dangerous for the people using them.

This stretch of road has also had many accidents and near misses with the increased volume of traffic forced to use it, whilst we wait for the current highway upgrade to come to fruition.

The Vantage Road intersection needs specific mention as it is quite inadequate for the vast amount of traffic that it is trying to cope with. It is the only entry to the council owned and operated Rest Area and dozens of cars, caravans and motorhomes each day and night have to slow down from 100kph to a much lower speed to negotiate entry to this Rest Area for which there is no left turning lane. It is often difficult to impossible to do this without causing difficulty to the fast moving traffic on the Highway. This is particularly dangerous when large fast moving semi trailers and Double B's are involved, and they often are, as they can't slow down easily and quickly.

If the Highway speed was reduced, it may decrease the probability of yet another serious accident in this area and improve safety. In this instance, everyone should logically agree that prevention is better than cure.

Thanking your for your attention.”

Similar letters were received from:

1. Shar Adams, 82 Fritz Road, Chatsworth, via Gympie Qld 4570

2. Sharron Adams, 103 Friske Road, Gympie
3. Dion Bayley & Jeneil Butler
4. D & M Begea, 77 Anne Maree Road, Chatsworth
5. E.J. Bierton, 108 Fritz Road, Chatsworth
6. Alyssa Blake & James Coop, 19 Fritz Road, Chatsworth
7. Kenton Bowden, 113 Fritz Road, Chatsworth
8. Connie Burvill, 46 Fritz Road, Chatsworth
9. Rex Carney, Lot 14 Kauri Court, Chatsworth
10. Catriona & Michael Carmichael, 209 Allen Road, Chatsworth (Doc ID 869214)
11. Pam Caulfield, 91 Rammutt Road, Chatsworth
12. Rebecca & P Child, 37 Parkland Drive, Gympie
13. Bill Clark, 704 Bruce Highway, Chatsworth (Doc ID 869213)
14. Bob and Judy Coates, 123 Allen Road, Gympie (Doc ID 869215)
15. Lyn Day, 751 Bruce Hwy, Chatsworth (Doc ID 869865)
16. Kay and John Devereaux, 40 Parkland Dve, Chatsworth
17. IL & AF Doyle, 22 Fritz Road, Chatsworth
18. KH Duckworth, 21 Allen Road, Chatsworth
19. Peter Dykstra (Doc ID 869193)
20. Lyn Elliott & Margaret Elliott, 61 Fritz Road, Chatsworth
21. Noeleen & Greg Gooding, 39 Rawlins Road, Gympie
22. G & SG Grainger, 191 Allen Road, Chatsworth
23. Andrew Haack, 28 Reynolds Road, Chatsworth
24. T.M. Hall, 38 Rawlins Road, Chatsworth
25. C & A Hancock, 18 Highfield Drive, Chatsworth
26. Peter Hamilton, 171 Allen Road, Chatsworth
27. Russell & Michele Hellmrich, 210 Allen Road, Chatsworth
28. D & A Hewitt, 63 Fritz Road, Chatsworth
29. Geoff Holdsworth, 34 Parkland Drive, Chatsworth
30. R & GM Kark, 58 Vantage Road, Chatsworth (Doc ID 869190)
31. Wendy Kraak, 41 Fig Tree Road, Chatsworth
32. Judith Keetley, 4 Parklands Drive, Chatsworth
33. Paul Keldoulis, 182 Fritz Road, Chatsworth
34. Peter & Heather Kirwin, 155 Fritz Road, Chatsworth
35. Pat & Neville Lemon, 41 Rawlins Road, Chatsworth
36. DL Long, Chatsworth
37. Glen Long, 55 Brooks Road, Gympie
38. DM Marsh, 530 Old Maryborough Road, Tamaree
39. PL Marsh, 530 Old Maryborough Road, Tamaree
40. Deborah McCarthy, 98 Rammutt Road, Chatsworth
41. Graham & Jacquie McIntyre
42. R.J & QL McIntyre, 9 Parkland Drive, Gympie
43. Julie Meredith, 116 Fritz Road, Chatsworth
44. E A Moores, Chatsworth
45. Bernie & Doris Muller, 85 Rammutt Road, Chatsworth
46. Jamie O'Meara
47. Rita O'Neil, 22 Fig Tree Road, Chatsworth
48. Sara Nicholson & Luke Cain, 16 Fritz Road, Chatsworth

49. Graham Paer, Fritz Road, Chatsworth
50. Di Palmer, 2 Fritz Road, Chatsworth
51. Keith Potter, 40 Fig Tree Road, Chatsworth
52. J Powell, 70 Fritz Road, Chatsworth
53. Ed Powell, 70 Fritz Road, Chatsworth
54. Linda Pukallus, 11 Vantage Road, Chatsworth
55. NC Pukallus, 11 Vantage Road, Chatsworth (Doc ID 869184)
56. Robert Pukallus, 11 Vantage Road, Chatsworth (Doc ID 869176)
57. Linda Pukallus, 11 Vantage Road, Chatsworth (Doc ID 869173)
58. Val Quinn & NL Quinn, 30 Cochrane Road, Chatsworth
59. SA Raabe, 143 Fritz road, Chatsworth
60. EI Raittila, 32 Parkland Dve, Chatsworth
61. J Rann, 66 Vantage Road, Chatsworth (Doc ID869180)
62. J Rawlings, 13 Allen Road, Chatsworth
63. K Reedman, 196 Fritz Road, Chatsworth (Doc ID 869209)
64. Jan Read, 17 Fritz Road, Chatsworth
65. Barry Rodgers, 144 Fritz Road, Chatsworth
66. Colin R Ross, 14 Fig Tree Road, Chatsworth
67. Fiona Rye, 32 Vantage Road, Chatsworth (Doc ID 867293)
68. I Schmidt, 8 Fig Tree Road, Chatsworth
69. David B & Brenda R Shelton, 4 Parkland Drive, Chatsworth
70. Mr & Mrs Smith, 31 Parkland Drive, Chatsworth
71. Pauline Springall, 29 Fritz Road, Chatsworth
72. RE & BA Stephens, 73 Vantage Road, Chatsworth (Doc ID:869199)
73. A Stewart, 17 Parkland Drive, Chatsworth
74. Marc Taylor, 41 Parkland Drive, Chatsworth
75. Michelle Walsh, 43 Rammutt Road, Chatsworth
76. Basil & Mary Ward, 15 Luckona Court, Southside (Doc ID 869188)
77. Colleen Ward, 192 Allen Road, Chatsworth
78. Basil & Mary Ward, 15 Luckona Court, South Side
79. A Wewer, 196 Fritz road, Chatsworth
80. Gail & Ian White, 209 Allen Road, Chatsworth
81. D Williams, 28 Cochrane Road, Chatsworth
82. KE & B Wilks (Doc ID 869195)
83. KE & B Wilks, Chatsworth
84. BE Worling (Doc ID 867292)

G71/01/08 Moved: Cr MJ Venardos OAM Seconded: Cr R. Owen

That the correspondence be received and referred to the Works & Services Committee Meeting to be held on 5 February 2008 for further discussion.

Carried

Walker Bridge

The Mayor advised that by close of business this Thursday, the Walker Bridge will be open to traffic. The Mayor thanked Emergency Management Queensland for making available subsidy for the bridge repairs.

The Mayor also extended his, and Council's appreciation to the Foreman and crews who worked tirelessly to ensure the bridge was repaired.

The Mayor said that Council staff are to be congratulated on the exemplary manner in which they conducted themselves.

SECTION 14: GENERAL BUSINESS

Central Landfill Site

Cr Ellis raised the matter of the Central Landfill Site.

G72/01/08 Moved: Cr N.R. Ellis

Seconded: Cr W.W. Sachs

That Council's Health & Community Services Manager be requested to table a report to a future General Meeting of Council outlining the current position with respect to the central landfill site, after this matter had been considered by the Waste Management Committee.

Carried

Cr Watt left the meeting at 11.14am.

Developers Park Contributions – Two Mile area

Cr Ellis advised that Mr Heilbronn had contacted him recently to advise that he had paid a considerable sum of money as his park contribution for his subdivision to Council and that he had suggested the money be spent on upgrading the access to the Two Mile State School.

Wild Dog Problems

Cr Jocumsen drew Councillors attention to a problem at Chatsworth with wild dogs mauling sheep.

G76/01/08 Moved: Cr S.S. Jocumsen Seconded: Cr N.R. Ellis

That Council's Lands Protection Superintendent Mr Troy Huckstepp be requested to take prompt action to alleviate the number of wild dogs in the Chatsworth area.

Carried

Broken Culvert in Nash Street

Cr Neilson drew Council's attention to a broken culvert in Nash Street

G77/01/08 Moved: Cr D.R. Neilson Seconded: Cr S.S. Jocumsen

That Council request action be taken to repair the broken culvert in Nash Street in the vicinity of the professional offices.

Carried

Bushfire Management Meeting

Cr Petersen advised that a Bushfire Hazard Reduction Management Meeting is to be held on 7 February and he invited any Councillors who had issues they wished to be tabled to advise him accordingly.

G78/01/08 Moved: Cr I.T. Petersen Seconded: Cr S.S. Jocumsen

That Councillors be invited to make submissions to Cr Petersen to take to the Bushfire Hazard Reduction Management Meeting.

Carried

Road Patching – Kandanga Area

Cr Watt drew Councillors attention to the poor condition of a patch of road Gympie side of the Kandanga Cemetery and requested action be taken to fix the problem.

G79/01/08 Moved: Cr J. Watt

Seconded: Cr W.J. McIntyre

That the Council's Works Department Manager be advised that the recent patching work approx 1km Gympie side of Kandanga cemetery has had major failure and he be asked to arrange for appropriate action to be taken to rectify the situation.

Carried

Audit Committee Meeting

Cr Nissen reminded Councillors that an Audit Committee Meeting will be held on 11 February 2008.

Roundabout – Pine Street

Cr Ellis advised that the condition of the roads on the roundabout in Pine Street was getting worse and requested advice as to progress of rectifying problems in the area. He said he had asked for the problems to be fixed a couple of meetings previous but it appears nothing has been done and requested that action be taken promptly to have the matter rectified.

There being no further business the meeting closed at 11.32am.

Confirmed this TWENTY-NINETH day of JANUARY 2008.

CHAIRMAN