

VML:MB  
Vicki Lukritz  
3810 6221

15 February 2018

Sir/Madam

Notice is hereby given that a Meeting of the **CONSERVATION AND ENVIRONMENT COMMITTEE** is to be held in the **Council Chambers** on the 2nd Floor of the Council Administration Building, 45 Roderick Street, Ipswich commencing at **10.30 am or 10 minutes after the conclusion of the Works, Parks and Sport Committee, whichever is the earlier** on **Monday, 19 February 2018.**

<b><u>MEMBERS OF THE CONSERVATION AND ENVIRONMENT COMMITTEE</u></b>	
Councillor Silver ( <b>Chairperson</b> ) Councillor Bromage ( <b>Deputy Chairperson</b> )	Councillor Antonioli ( <b>Mayor</b> ) Councillor Wendt ( <b>Deputy Mayor</b> ) Councillor Morrison Councillor Martin

Yours faithfully

**ACTING CHIEF EXECUTIVE OFFICER**

## CONSERVATION AND ENVIRONMENT COMMITTEE AGENDA

10.30 am or 10 minutes after the conclusion of the Works, Parks and Sport Committee, whichever is the earlier on **Monday, 19 February 2018**  
Council Chambers

Item No.	Item Title	Officer
1	<a href="#">Historical Flood Information Service</a>	E(FM)
2	<a href="#">Membership – Board of Cherish the Environment</a>	EA
3	<a href="#">Letter Received from the Department of Natural Resources, Mines and Energy Regarding Council's Request for an Additional Councillor to be Appointed to the Ipswich Rivers Improvement Trust</a>	SR&NRM

\*\* Item includes confidential papers

**CONSERVATION AND ENVIRONMENT COMMITTEE NO. 2018(02)**

**19 FEBRUARY 2018**

AGENDA

1. **HISTORICAL FLOOD INFORMATION SERVICE**

With reference to a report by the Engineer (Floodplain Management) dated 2 February 2018 concerning Council's historical 1974 and 2011 flood information service which is currently accessible by the public.

**RECOMMENDATION**

- A. That the revised terms and conditions for Council's historical flood information service, as detailed in Attachment A of the report by the Engineer (Floodplain Management) dated 2 February 2018, replace the current terms and conditions.
- B. That a new section 'Contact Council' with a list of flood information prompts is included into Council's historical flood information service website.
- C. That the property specific historical flood report template be amended to improve clarity, remove eave height information and a copy of the revised terms and conditions inserted as part of the report.
- D. That the property specific historical flood reports for all properties in the city be updated to reflect the new template and information.
- E. That Council's historical flood information service be relocated to Council's website under emergency management.

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2. **MEMBERSHIP – BOARD OF CHERISH THE ENVIRONMENT**

With reference to a report by the Executive Assistant dated 5 February 2018 concerning Council's representatives on the Cherish the Environment Foundation Board.

**RECOMMENDATION**

For discussion.

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3. LETTER RECEIVED FROM THE DEPARTMENT OF NATURAL RESOURCES, MINES AND ENERGY REGARDING COUNCIL'S REQUEST FOR AN ADDITIONAL COUNCILLOR TO BE APPOINTED TO THE IPSWICH RIVERS IMPROVEMENT TRUST

With reference to a report by the Sport, Recreation and Natural Resources Manager dated 9 February 2018 concerning a letter from the Department of Natural Resources, Mines and Energy regarding Council's request for the appointment of an additional councillor to the Ipswich Rivers Improvement Trust.

RECOMMENDATION

That the report be received and the contents noted.

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\*\* Item includes confidential papers

and any other items as considered necessary.

<b>Conservation and Environment Committee</b>	
Mtg Date: 19.02.18	OAR: YES
<b>Authorisation:</b> Bryce HInes	

hsy: hsy  
[Objective ID/H drive reference]

2 February 2018

**MEMORANDUM**

TO: SPORT, RECREATION AND NATURAL RESOURCES MANAGER

FROM: ENGINEER (FLOODPLAIN MANAGEMENT)

RE: HISTORICAL FLOOD INFORMATION SERVICE

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**INTRODUCTION:**

This is a report by the Engineer (Floodplain Management) dated 2 February 2018 concerning Council's historical 1974 and 2011 flood information service which is currently accessible by the public.

**BACKGROUND:**

Ipswich City Council in October 2011 made the 1974 and January 2011 historical flood information service freely available to residents on Council's website. The information included estimated historical flood extent maps, estimated maximum flood levels on properties (lots) and estimated eave heights of buildings (which were based on 2009 conditions).

This service provided the user with a tool which helps inform decision making and to understand their properties' respective historical flood risks. The flood information is currently hosted on Council's Planning and Development website with web links from Council's main website. The service provides the user with a property specific historical flood report and a general locality flood extent map.

The service is located at <https://www.ipswichplanning.com.au/flood-map-information>

Council's Works, Parks and Recreation Department (WPR) has recently completed a review of the historical flood information service to assess whether the information remains relevant today and at the same time, consider opportunities for improvement. WPR is the Council custodian for all flood-related data and from time to time, does receive and respond to resident queries on historical flood information.

## **REVIEW FINDINGS AND IMPROVEMENTS:**

In summary, the review has concluded that the historical information on Council's website remains relevant and has no obvious data accuracy issues. The age of the service since its inception however has identified opportunities for improvement and are described below:

- Amend the service's terms and conditions of use (T&C) on the website to improve its readability and clarity on how the information should and should not be used (every user of the service must read and agree to the T&C prior to use of the service):
  - Council's Legal Services Branch has reviewed and provided legal advice on the revised terms and conditions of use. Refer Attachment A for the current T&C and Attachment B for the revised T&C;
- To include a new 'Contact Council' section on the service which prompts any user intending to make a historical flood query to consider a list of flood information to be included with the query:
  - The list will assist the user in providing the information in a structured and tangible manner which not only will assist with their query but also with Council's review of the same. The list is in Attachment C;
  - The 'Contact Council' section will also be usable by any user who wishes to provide general and non-property specific flood information to Council;
- Amend the property specific historical flood reports to improve clarity. The format and information types in the reports have not changed since the service was launched in 2011. The proposed amendments will be as follows:
  - Improvement to the explanatory notes, in particular on what the flood extent map represents and a clearer definition of what maximum flood levels represent;
  - Removal of the eave height level and its associated references due to the age of the information (since 2009). Maintaining this information will increase risk as it will become more inaccurate and irrelevant over time as the city develops. Council's legal advice has concurred on the removal of this information component.
  - The inclusion of the service's terms and conditions as a permanent component of the property specific historical flood report (currently it only appears on the website for new users).

- Relocate the historical flood service to Council’s main website, likely to be under the Emergency Management website.
  - The service currently resides on Council’s Planning and Development website which does result in some confusion regarding the purpose of this information (being a record of historical floods) and how it should not be related to Council’s planning flood regulation layers.

**ACTIONS:**

The amendments above will be progressively completed in the 2018 calendar year and in the general order described in the prior section. The process will require interaction with various departments including Council’s Planning and Development (P&D) and Finance and Corporate Services (FCS).




**CONCLUSION:**

Historical flood information for the 1974 and 2011 events is provided freely to residents on Council’s website. The information includes estimated historical flood extent maps, estimated maximum flood levels on properties (lots) and estimated eave heights of buildings.

Council has recently completed a review of the historical flood information service to assess whether the information remains relevant today and to consider opportunities for improvement.

The review has concluded that the historical information on Council’s website remains relevant and that there are opportunities to increase clarity and useability of the information.

**ATTACHMENTS:**

Name of Attachment	Attachment
<a href="#">Current terms and conditions on Council’s website</a>	 Attachment A
<a href="#">Revised terms &amp; conditions for Council’s website</a>	 Attachment B
<a href="#">‘Contact Council’ prompt with list of flood information to be provided with user query</a>	 Attachment C

**RECOMMENDATIONS:**

- A. That the revised terms and conditions for Council’s historical flood information service, as detailed in Attachment A of the report by the Engineer (Floodplain Management) dated 2 February 2018, replace the current terms and conditions.
- B. That a new section ‘Contact Council’ with a list of flood information prompts is included into Council’s historical flood information service website.
- C. That the property specific historical flood report template be amended to improve clarity, remove eave height information and a copy of the revised terms and conditions inserted as part of the report.
- D. That the property specific historical flood reports for all properties in the city be updated to reflect the new template and information.
- E. That Council’s historical flood information service be relocated to Council’s website under emergency management.

Hoy Sung Yau  
**ENGINEER (FLOODPLAIN MANAGEMENT)**

I concur with the recommendation/s contained in this report.

Kaye Cavanagh  
**ACTING SPORT, RECREATION AND NATURAL RESOURCES MANAGER**

I concur with the recommendations contained in this report.

Bryce Hines  
**ACTING CHIEF OPERATING OFFICER (WORKS, PARKS AND RECREATION)**



# Flood map information - historic flood events

## Disclaimer

Before proceeding, please read the following Conditions, Disclaimer and Privacy Notice then select a button at the bottom of the page. By selecting the "I Agree" button you agree to the Conditions, Disclaimer and Privacy Notice.

If you believe that any data on this website may be inaccurate, please contact council via email at [council@ipswich.qld.gov.au](mailto:council@ipswich.qld.gov.au) or by phone on 07 3810 6666, providing as much detail as possible regarding the matter. We will then investigate and respond.

## Disclaimer, limitations and conditions of use

Ipswich City Council provides this service on the following conditions.

1. Through this service, you can obtain flood information about historic flood events specific to a particular property in Council's local government area whose address or legal description details you enter. You can also view maps depicting the extent of the floods that affected Ipswich in 1974 and 2011 and access other general flood information.
2. Council accepts no responsibility for any error or inaccuracy in the data entry which may result in you receiving flood information that relates to the wrong property.
3. Flood information relating to a specific property will show the highest flood level from the 1974 or 2011 flood that affected the property, where this information is available to Council.
4. **The 1974 Flood Event Information is a revision of the 1974 flood level based on the most recent contour information (2009).**
5. This information does not represent the highest probable or possible flood level that might affect the property in a future flood. A flood that is more severe than the 1974 or 2011 flood, either generally or in a local vicinity, can occur, albeit statistically rarely. Further, there may have been significant other historic floods that are not included, due to either lack of available information of significance/relevance. (e.g. 1893 flood and other smaller, but significant, flood events).
6. A property may be affected by other sources of potential flooding such as overland flow from adjoining or nearby land or streets or the bursting of pipes. In some cases, a property within the area of a natural or artificial lake (or similar basin or structure in which water collects) may be affected by potential overflows from the lake. The flood information obtained through this website will not provide any information relating to these or similar potential sources of flooding.
7. Flood information obtained through this website is determined from the information currently available to Council. Some of this information has been collected by Council from external agencies and bodies.
8. If the flood information obtained through this website shows that a particular property was unaffected or was affected to a particular extent by the 1974 or 2011 flood, this does not necessarily mean the same outcome if that flood was repeated now or at any time in the future. Changes to the siting or capacity of stormwater drainage infrastructure, development on the property or other land (including the construction, removal or alteration of fences, buildings and other structures) and changes in the condition of local creeks and waterways, as well as other external factors, may all have an impact on the outcome if the 1974 or 2011 flood was repeated or if a less severe or more severe flood occurred in the future.
9. If the flood information obtained through this website shows that a particular property was affected by the 1974 or 2011 flood up to a particular level or point on the property, that inundation limit is indicative and approximate only.
10. The flood information obtained through this website is therefore provided for general information purposes only. It should not be relied on for development purposes, to value property or to make any decision which may have financial or legal implications. Council recommends that appropriate professionals, such as registered surveyors and engineers, be consulted for specific advice before making any such decisions.
11. **The flood information obtained through this website is not the reference point for development purposes. For development purposes, please refer to the Ipswich Planning Scheme.**
12. The copyright in the information available through this website is owned by or licensed to Council. Council reserves all intellectual property rights in the information and does not confer any intellectual property rights on you or any other person by making the information available.

13. Information obtained through this website may include or be accompanied by specific disclaimers or limitations. Those disclaimers and limitations apply in addition to those here.
14. Council makes no warranty or representation about the accuracy or completeness of the flood information obtained through this website, and disclaims any invitation for anyone to use or rely on any of that information for development purposes, to value property or to make any decision which may have financial or legal implications. Any use of or reliance on flood information obtained through this website is therefore entirely at the risk of the person doing so.
15. Council will not be liable or responsible on any basis (including negligence) for any expense, loss, damage, cost or liability (including indirect or consequential loss) arising as a result of:
  1. any flood information obtained through this website being inaccurate or incomplete; or
  2. anyone using or relying on any of that information for development purposes, to value property or to make any decision which may have financial or legal implications.

I agree I don't agree

# Historical flood information

Please understand and accept the conditions of use and disclaimers below before proceeding.

## What does this service provide?

1. This service provides general information on the 1974 and 2011 historical flood events within the Ipswich local government area only.
  - a) The 1974 flood event was recorded to be generally of a larger magnitude than 2011.
  - b) The 1974 flood extent has been revised based on 2009 contour information.**
2. The flood reports in this service provide the following:
  - a) **Historical flood extent** – this is the approximate and indicative extent of the flood. It does not indicate whether or not any buildings within the extent were flooded; and
  - b) **Historical flood level** – this is the approximate maximum flood level within the property being queried. For large properties in particular, this value may not be representative of flood levels at building locations due to factors such as the type of flooding and different topography across a large property area.

## Important notes on the information from this service

3. Information on the 1974 flood event is not available for some properties. This only reflects the unavailability of flood records, it does not infer the property was not affected.
4. This information does not represent the highest probable or possible flood level that might affect the property. Floods more severe than 1974 or 2011, either generally or in a local vicinity, can occur.
5. If the flood information obtained through this service shows that a particular property was unaffected or was affected to a particular extent by the 1974 or 2011 flood, this does not necessarily mean the same outcome if that flood was repeated now or at any time in the future. The extent of flooding cannot be predicted precisely as many factors affect the flood levels.
6. A property may be affected by other sources of flooding such as overland flow, the bursting of pipes or overflows from a natural or artificial lake or dam. The flood information obtained through this service will not provide any information relating to these or similar potential sources of flooding.
7. Flood information obtained through this service is determined from the information currently available to Council and can include information collected from external agencies.
8. The copyright in the information available through this website is owned by or licensed to Council. Council reserves all intellectual property rights in the information and does not confer any intellectual property rights on you or any other person by making the information available.

## How the service should NOT be used

9. The historic flood events information should **NOT** be used for:
  - a) **Development purposes** – While historical floods do inform Council's Adopted Flood Regulation Line (AFRL) in some instances, reliance should not be placed on this information for development purposes. Reference should be made to Council's

Planning Scheme; Council's Planning & Development department and independent professional advice;

- b) **Decision making which has financial or legal implications** – Council recommends that appropriate professionals, such as surveyors and engineers, be consulted for specific advice before making such decisions; or
- c) **Property valuation** – advice should be sought from appropriate professionals.

### **Disclaimer**

- 10. Council makes no warranty or representation regarding the accuracy or completeness of the flood information provided through the service. The use of the service is entirely at the risk of the user. However, if you wish to contact Council regarding the flood information, please refer to the 'Contact Council' section
- 11. Council accepts no responsibility for any error or inaccuracy which may result in you receiving flood information that relates to the wrong property.
- 12. Council will not be liable or responsible on any basis (including negligence) for any expense, loss, damage, cost of liability (indirect or consequential loss) arising from the use (or misuse) of, or reliance on, the information from this service.

I agree

I don't agree

## ATTACHMENT C

### Contacting Council

If you wish to contact Council regarding the historical flood information available through this service, please contact Council via email at [council@ipswich.qld.gov.au](mailto:council@ipswich.qld.gov.au) or by phone on 07 3810 6666.

#### Assisting Council with flood information

Council is also interested in any historical flood information you may wish to share. Evidence, data and experiences of major flood events in the Ipswich local government area may assist Council to verify and improve our flood understanding and improve the safety of our floodplains.

Although Council is interested in receiving material on flooding, Council gives no undertaking that flood data will be changed following receipt of information.

#### Information to include with your submission

It is recommended that the submission include as many specific details as possible. The more specific you can be, the more useful the information will become. A list of possible information to include are as follows:

1. Which historical event does the information relate to? (1974, 2011 or both);
2. What is the location? Provide precise address;
3. Provide as much detail on the issue(s) or your experience in the historical flood event(s);
  - a) What happened – *what was flooded, how high did it get, was it below the floor level of the house, did you keep a record of the flood (e.g. did you place a marker on the side of a building, take photos of where the flood debris reached to etc.)?*
  - b) When did it happen – *when did the flood start, peak or end? Dates and time are useful.*
  - c) How did it happen – *where did the flood come from (river, creek, overland flow on roads etc.)? Was it slowly rising or flowing? How and where were you isolated? How long?*
  - d) Were you present on the property during the floods? What were your neighbours' experience?
4. Flood records can come in any form, the most typical would be photographs. For photographs to be useful, they must have:
  - a) A clear flood reference point – *This is a fixed point which can be seen on the photo which provides an estimate of the maximum flood height reached at the location. You may need to clearly indicate where the flood reached to in the photograph.*
  - b) When the photograph was taken – *it is important to get the date and time correct*
5. Other useful flood records can include a sketch on a plan.
  - a) Council's flood maps from the service can be printed and sketched on to reflect your understanding of where the flood extent should be.
  - b) Other useful detail can include notes of observations, arrows indicating flow direction, where you found debris etc.

<b>Conservation and Environment Committee</b>	
Mtg Date: 19.02.18	OAR: YES
<b>Authorisation:</b> Bryce Hines	

5 February 2018

**MEMORANDUM**

TO: ACTING CHIEF OPERATING OFFICER (WORKS, PARKS AND RECREATION)  
FROM: EXECUTIVE ASSISTANT  
RE: MEMBERSHIP - BOARD OF CHERISH THE ENVIRONMENT

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**INTRODUCTION:**

This is a report by the Executive Assistant dated 5 February 2018 concerning Council's representatives on the Cherish the Environment Foundation Board.

**BACKGROUND:**

As Council would be aware the Cherish the Environment Foundation is a partnership with Pat Rafter's Cherish the Children Foundation. Under the terms of the constitution Council is to provide two representatives to the Board of the Foundation.

In May 2009, Council resolved to appoint the then Chair of Environment and Conservation Committee and the Chief Operating Officer (Health Parks and Recreation) to the Board. A copy of this report is shown in Attachment A.

**CURRENT BOARD STATUS:**

The current Board representatives for Council are Councillor David Morrison and the former Chief Operating Officer (Works Parks and Recreation).

The other two Board members are Steve Rafter and Shane O'Kane.

With the recent resignation of the former Chief Operating Officer (Works Parks and Recreation), Council has a vacancy on the Board.


Therefore, it is timely to seek a Council decision in regards to the second Council representative for the Cherish the Environment Foundation Ltd Board.

**CONCLUSIONS:**

The establishment of the Cherish the Environment Foundation Board has provided Council with the opportunity to provide representatives to act on behalf of Council.

Due to the recent resignation of the former Chief Operating Officer (Works Parks and Recreation) it is timely to seek a second Council representative for the Cherish the Environment Foundation Ltd Board.

**ATTACHMENTS:**

Name of Attachment	Attachment
<a href="#">Report May 2009</a>	 Attachment A

**RECOMMENDATIONS:**

For Discussion.

Sharon Smith  
**EXECUTIVE ASSISTANT**

I concur with the recommendations contained in this report.

Bryce Hines  
**ACTING CHIEF OPERATING OFFICER (WORKS, PARKS AND RECREATION)**

Your attention is drawn to the following recommendation adopted by Council at its meeting held on 26 May 2009.

Refer: Environment and Conservation Committee No. 2009(05) of 18 May 2009 - Council Ordinary Meeting of 26 May 2009.

**Councillor/s**

Please note that this recommendation is being forwarded to you for your information.

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**Dept Head/s**

Would you please take the necessary action in relation to this clause.

Vicki Lukritz  
ADMINISTRATION SUPPORT MANAGER

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3. [MEMBERSHIP - BOARD OF THE CHERISH THE ENVIRONMENT FOUNDATION](#)

With reference to a report by the Strategic Planning and Partnerships Manager dated 5 May 2009 concerning Council's representatives on the Cherish the Environment Foundation Board.

[RECOMMENDATION](#)

- A. That Council appoint the Chairperson of the Environment and Conservation Committee and the Chief Operating Officer (Health, Parks and Recreation) as its representatives on the Board of the Cherish the Environment Foundation.
  - B. That the Mayor and Pat Rafter be endorsed as patrons for the Cherish the Environment Foundation.
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Item 3



BH:BH  
H:/Departmental/Committee Reports/0905 BH Founding Members  
Cherish the Environment CR

<b>Environment and Conservation Committee</b>	
Mtg Date: 18.05.09	OAR: YES
<b>Authorisation:</b> Craig Maudsley	

### ITEM 3

5 May 2009

#### MEMORANDUM

TO: CHIEF OPERATING OFFICER (HEALTH PARKS AND RECREATION)  
FROM: STRATEGIC PLANNING AND PARTNERSHIPS MANAGER  
RE: ~~COUNCIL'S REPRESENTATIVES FOR MEMBERSHIP - THE~~ BOARD OF CHERISH THE ENVIRONMENT

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**(Amended E&C Ctee No. 2009(05) of 18/05/09 lbp)**

#### **INTRODUCTION:**

This is a report by the Strategic Planning and Partnerships Manager dated 5 May 2009 concerning Council's representatives on the Cherish the Environment Foundation Board.

#### **BACKGROUND:**

As Council would be aware the Cherish the Environment Foundation is a partnership with Pat Rafter's Cherish the Children Foundation. The constitution for the Foundation has now been finalised and is attached (Attachment A) for Council's reference.


Under the terms of the constitution Council is to provide two representatives to the Board of the Foundation.

For operational and reporting effectiveness it is proposed that Cr Cheryl Bromage, Environment and Conservation Committee Chairperson and Mr Craig Maudsley, Chief Operating Officer (Health, Parks and Recreation) act as Council's representatives for the Cherish the Environment Board.

#### **CONCLUSIONS:**

The establishment of the Cherish the Environment Foundation Board, as detailed in the attached constitution, requires all parties to provide representatives to act on behalf of their relevant organisations. To ensure operational and reporting effectiveness it is proposed that Cr Cheryl Bromage, Environment and Conservation Committee Chairperson and Mr Craig Maudsley, Chief Operating Officer (Health, Parks and Recreation) act as Council's representatives.

**ATTACHMENTS:**

Name of Attachment	Attachment
<a href="#">Cherish the Environment Constitution</a>	 Attachment A

**RECOMMENDATIONS:****(Amended E&C Ctee No. 2009(05) of 18/05/09 Ibp)**

**A.** That Council appoint the Chairperson of the Environment and Conservation Committee ~~Chairperson~~ and the Chief Operating Officer (Health, Parks and Recreation) as its representatives on the Board of the Cherish the Environment Foundation.

**B.** That the Mayor and Pat Rafter be endorsed as patrons for the Cherish the Environment Foundation.

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Bryce Hines

**STRATEGIC PLANNING AND PARTNERSHIPS MANAGER**

I concur with the recommendations contained in this report.

Craig Maudsley

**CHIEF OPERATING OFFICER (HEALTH, PARKS AND RECREATION)**

# Constitution of Cherish the Environment Foundation Ipswich Community Fund

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## Part 1 - Introductory provisions

### 1. Formation of association

- (1) The founding members have decided to form an unincorporated association to be called the CHERISH THE ENVIRONMENT FOUNDATION IPSWICH COMMUNITY FUND ("**association**").
- (2) This Constitution sets out the rules on which the association is formed.
- (3) The association comes into existence on the date on which the last of the founding members signs.

### 2. Interpretation

- (1) In this Constitution:

"**financial member**" means a member who:

- (a) does not owe an annual subscription, levy or other amount to the association; and
- (b) is not under suspension under rule 11, but, in the context of voting or in a context where voting or the right to vote is relevant, does not include an associate member.

"**founding member**" means a person subscribing to this Constitution as a founding member of the association.

"**general meeting**" means a meeting of the members of the association convened and conducted under this Constitution.

"**officer**" has the meaning given by rule 16.

"**prescribed**" means prescribed in the by-laws or by way of a resolution of the management committee.

"**special resolution**" means a resolution passed at a general meeting where at least 75% of all the votes that could be cast on the resolution, and which were actually cast on the resolution, were cast in favour of the resolution.

- (2) The *Acts Interpretation Act 1954*, as in force on the day the association is established, is to apply to this Constitution as if it was an Act of the Queensland Parliament.
- (3) A provision of this rule, or applying because of this rule, does not apply to the extent that applying the provision leads to a result which is absurd, impossible or unintended.

### 3. Objects and powers

- (1) The principal objects for which the association is established are to:
  - (a) raise funds and apply those funds towards the acquisition, management and protection of bushland areas in the Ipswich local government area;
  - (b) raise funds and apply those funds towards the provision of facilities for public access to those bushland areas;
  - (c) raise funds and apply those funds towards neutralising the impact of carbon emissions from the Ipswich local government area
  - (d) raise funds and apply those funds towards management of community environmental issues.
- (2) The ancillary objects for which the association is established are to:
  - (a) promote education within the community regarding matters adversely impacting the environment;
  - (b) raise community awareness of the impact of carbon emissions and how they can be offset;
  - (c) co-operate with, and procure the co-operation of, other individuals and like associations, governments, corporations, environmental experts and groups in order to pursue the principal objects;
  - (d) make known and further the association's activities and principal objects;
  - (e) do anything incidental or helpful to the attainment of all or any of the objects of the association.
- (3) The association:
  - (a) has the power to do anything necessary or convenient for achieving or pursuing, or incidental to achieving or pursuing, its objects;
  - (b) also has, to the fullest extent possible at law, all the powers of an individual; and
  - (c) may not, however, exercise powers or pursue objects outside Australia.

## Part 2 - Membership

### 4. Classes of members

- (1) The membership of the association is to consist of:
  - (a) ordinary members; and
  - (b) associate members; and
  - (c) life members.
- (2) The number of members, and the number within each class, is unlimited.

### 5. Ordinary members

An individual is eligible to apply for membership as an ordinary member if he or she supports the objects of the association.

**6. Associate members**

- (1) An organisation is eligible to apply for membership as an associate member if the organisation has objects similar to those of the objects of the association.
- (2) An associate member has no voting rights.
- (3) An associate member is not eligible to become an officer.

**7. Life members**

A member becomes a life member if, and only if:

- (a) the management committee passes a resolution recommending that the person become a life member because of the member's outstanding service to the association or in pursuit of the objects of the association;
- (b) the members pass a special resolution endorsing the management committee's recommendation; and
- (c) the member concerned agrees to become a life member in any way prescribed.

**8. Membership**

- (1) The initial members of the association are the founding members and they are ordinary members.
- (2) A person (other than a founding member) who wants to apply for membership of the association must:
  - (a) if prescribed - first be invited by a resolution of the management committee to apply to become a member;
  - (b) complete a written application and give it to the secretary; and
  - (c) pay any membership fees applicable to the class of membership applied for.
- (3) The application:
  - (a) is to be in any form prescribed; and
  - (b) may provide for or require a member or members to propose the application.

**9. Dealing with membership applications**

- (1) If a person ("**applicant**") complies with subrules 8(2) and (3), the management committee must, at its next meeting:
  - (a) consider the application, based on any criteria the management committee decides; and
  - (b) decide whether to accept or reject the application.
- (2) Without limiting paragraph (1)(a), the management committee may reject an application if the committee is not satisfied that the applicant is genuinely supportive of the objects of the association.

- (3) The management committee is treated as having rejected the application if it does not accept it.
- (4) The management committee does not have to give the applicant reasons for the committee's decision.
- (5) The applicant has no right of appeal from the management committee's decision.

#### 10. Resignation of members

- (1) A member may resign by giving written notice to the secretary.
- (2) The resignation takes effect on:
  - (a) the date the notice is given; or
  - (b) any later date specified in the notice.

#### 11. Suspension and expulsion of members

- (1) This rule applies if:
  - (a) a ground for automatic expulsion listed in subrule 12(2) exists in relation to a member; or
  - (b) a member behaves in a way the management committee decides:
    - (i) is incompatible with the character or interests of the association; or
    - (ii) shows that the member may not be genuinely supportive of the objects of the association.
- (2) The management committee may decide to consider expelling the member.
- (3) If subrule (2) applies, the management committee:
  - (a) may also decide to suspend the member; and
  - (b) must give the member a notice:
    - (i) briefly stating the reasons why the management committee is going to consider expelling the member;
    - (ii) stating the date, time and place of the next meeting of the committee that is at least 14 days later; and
    - (iii) if applicable, stating that the member is suspended.
- (4) A member given a notice under subrule (3) may:
  - (a) give the management committee written submissions;
  - (b) attend the meeting stated in the notice and make submissions (but not by a lawyer or other representative); or
  - (c) do both.
- (5) A member's suspension ends on the date of the meeting specified in the notice.

#### 12. Expulsion of members

- (1) The management committee may expel a member if:

- (a) a ground for automatic expulsion exists; or
  - (b) the procedure set out in rule 11 has been followed and the committee decides to expel the member.
- (2) The grounds for automatic expulsion are that the member:
- (a) has been convicted of an indictable offence;
  - (b) has not complied with a provision of this Constitution; or
  - (c) has had membership fees in arrears for 2 months or longer.
- (3) If the management committee expels a member:
- (a) the committee must give the member notice; and
  - (b) the member loses all of his, her or its rights as a member (except rights under rule 13).
- (4) A member's membership may not be forfeited or terminated otherwise than as set out in this Constitution.

### 13. Appeals

- (1) This rule applies if:
- (a) a person (“**appellant**”) was a member of the association but has been expelled under rule 12; and
  - (b) the number of members of the association immediately after the expulsion was more than twice the number of officers at that time.
- (2) The appellant may appeal against the management committee's decision by giving the management committee notice within 1 month of being given notice under paragraph 12(3)(a).
- (3) If notice of appeal is given under subrule (2), the management committee must convene a general meeting, to be held within 3 months of the date the notice was given.
- (4) At the general meeting:
- (a) the appellant may attend (but may not be represented by a legal or other representative);
  - (b) both the appellant and the management committee are to be given a reasonable opportunity to make submissions; and
  - (c) the members are to decide whether to allow the appeal.
- (5) The members are only taken to have allowed the appeal if more than half of the financial members present and voting, vote in favour of allowing the appeal.
- (6) If the appeal is allowed, the appellant is to be immediately accepted or reinstated as a member.

### 14. Membership fees

- (1) Any membership fees are to be in the amount, and payable at the time and in the

way, determined by the management committee.

- (2) Determinations under subrule (1) may differ:
  - (a) for different classes of membership; and
  - (b) within any class of members - between different categories within that class (for example, members in receipt of government benefits).
- (3) However, a life member cannot be required to pay membership fees.

#### 15. Register of members

- (1) The management committee must ensure that a register of members is kept, containing the following particulars:
  - (a) the names and address of all members and the dates of their admission;
  - (b) deaths, resignations, terminations and reinstatements of membership; and
  - (c) any further particulars determined by the management committee or the members at any general meeting.
- (2) The register is open for inspection at all reasonable times by members.
- (3) However, before a member may inspect the register, the member must apply to the secretary to inspect it and must pay any register inspection fee prescribed.

### Part 3 - Management committee

#### 16. Membership

- (1) The management committee is to consist of at least 3 individuals (“**officers**”) as follows:
  - (a) a president;
  - (b) a vice-president;
  - (c) a treasurer; and
  - (d) any others elected by the members under this Constitution.
- (2) The initial officers are the founding members.

#### 17. Tenure

- (1) The term of office of an officer on the management committee lasts until the earliest of the following:
  - (a) the officer ceasing to be a member;
  - (b) the officer’s resignation from the management committee taking effect; and
  - (c) the members deciding to remove the officer from his or her position on the committee.
- (2) However, the term of office of an officer appointed under rule 19 lasts only until the end of the next general meeting.



- (3) For paragraph (1)(b), a resignation takes effect:
  - (a) when the officer gives written notice to the secretary; or
  - (b) on a later date specified in such a notice.

#### **18. Election**

- (1) At the next general meeting after an officer's term of office ends, the members are to elect the management committee.
- (2) A member is eligible to serve as an officer if:
  - (a) the member has been nominated by at least 2 other financial members;
  - (b) the member has accepted the nomination;
  - (c) any nomination form prescribed has been completed and lodged with the secretary before the general meeting at which the election is to take place; and
  - (d) the member is a financial member.
- (3) However, if not enough members are eligible under subrule (2) to provide fill all positions on the management committee to be filled:
  - (a) nominations may be taken from the floor at the general meeting; and
  - (b) a member nominated in this way need not comply with paragraphs (2)(c) and (d).

#### **19. Casual vacancies**

- (1) This rule applies if there is a casual vacancy on the management committee.
- (2) The continuing officer or officers may appoint to serve as an officer someone who:
  - (a) is a financial member; and
  - (b) accepts the appointment in any way prescribed.
- (3) The continuing officer or officers may act despite the casual vacancy.
- (4) However, subrule (3) only applies to:
  - (a) acting under subrule (2);
  - (b) convening a general meeting of the members to elect a new committee or for another purpose;
  - (c) appointing or removing a secretary;
  - (d) doing something incidental to (a), (b) or (c);
  - (e) doing something for the purpose of complying with this Constitution or a law; or
  - (f) doing something which can reasonably be regarded as being urgent.

#### **20. Functions of the management committee**

- (1) Subject to this Constitution and any resolution of the members at any general meeting, the management committee:

- (a) has the general control and management of the administration of the affairs, property and funds of the association; and
  - (b) has authority to interpret the meaning of this Constitution and any matter relating to the association on which this Constitution is silent.
- (2) The officers from time to time are to hold on trust for the association any assets or property of the association.
- (3) If a person holds any asset or property of the association at any time, that person must, if the management committee requires, transfer the asset or property to the officers for the time being so that the officers can hold the asset or property on trust for the association.

#### **21. Meetings of the management committee**

- (1) The management committee must meet at least once every quarter to exercise its functions.
- (2) The management committee must decide how a meeting is to be called.
- (3) Notice of a meeting is to be given in the way decided by the management committee.
- (4) The secretary must convene a special meeting of the management committee on the requisition in writing signed by at least one-third of the officers of the management committee.
- (5) The requisition under subrule (4) must clearly state the reasons why the special meeting is being convened and the nature of the business to be transacted at the meeting.
- (6) At a meeting of the committee, a quorum is constituted by a simple majority of a number equal to the number of officers elected and appointed to the management committee as at the close of the last general meeting of the members.
- (7) Questions arising at a meeting of the committee:
- (a) are to be decided by a majority of votes; and
  - (b) are regarded as decided in the negative if there is an equality of votes.
- (8) An officer must not vote in relation to:
- (a) any contract or proposed contract with the association in which the officer is interested; or
  - (b) any matter arising out of such a contract or proposed contract, and if the officer does vote the vote is not to be counted.
- (9) A meeting of the committee is to be chaired by an officer present at the meeting elected by the officers present.
- (10) If within 30 minutes from the time appointed for the commencement of a management committee meeting a quorum is not present, the meeting:
- (a) if it was convened on the requisition of officers or has already been adjourned

- under paragraph (b) - lapses; or
  - (b) otherwise - stands adjourned to the same day in the next week at the same time and place, or to another day, time or place determined by the management committee.
- (11) The secretary is to keep full and accurate minutes in the English language of all questions, matters, resolutions and other proceedings of every management committee meeting.
- (12) The minutes of every management committee meeting are to be signed by the chairperson of that meeting or of the next management committee meeting.
- (13) Subject to any conditions prescribed, a management committee meeting may be held using any technology that gives people with a right to attend the meeting a reasonable opportunity to participate.
- (14) Except as provided in this rule, the management committee may meet together and regulate its proceedings in the way it prescribes.

## **22. Subcommittees**

- (1) The management committee may delegate any of its powers to a subcommittee consisting of members of the association appointed by the committee.
- (2) A subcommittee must obey any regulations imposed on it by the management committee.
- (3) Subject to any regulations under subrule (2), meetings of subcommittees are to be conducted in the same way as meetings of the management committee (with any necessary adaptations).

## **23. Resolutions**

- (1) A resolution in writing signed by all the officers on the management committee is as valid and effective as if it had been passed at a meeting of the management committee properly convened and held.
- (2) A resolution under this rule may consist of more than 1 document:
  - (a) in the same, or substantially the same, form; and
  - (b) each signed by 1 or more officers.

## **Part 4 - Meetings**

### **24. Annual general meetings**

- (1) Each annual general meeting must be held:
  - (a) at least once each year; and

- (b) within 3 months after the end of the association's previous financial year.
- (2) The annual general meetings are to be held at the time and place determined by the management committee.

#### **25. Business to be transacted at annual general meeting**

The following business must be transacted at every annual general meeting:

- (a) the receiving of a statement of income and expenditure, assets and liabilities and mortgages, charges and securities affecting the property of the association for the last financial year;
- (b) the presenting by the management committee of a report of the association's operation throughout the year and an audited statement of the association's financial position (which can be incorporated in the statement referred to in paragraph (a));
- (c) the receiving of the auditor's report on the financial affairs of the association for the last financial year and the presenting of the audited statement to the meeting for adoption (if a general meeting or the management committee has resolved to appoint an auditor for that financial year);
- (d) the election of officers of the management committee (if such an election is required); and
- (e) the appointment of an auditor (if the meeting resolves to appoint an auditor for that financial year).

#### **26. Special general meeting**

- (1) The secretary must convene a special general meeting to be held within 1 month of:
  - (a) being directed to do so by the management committee;
  - (b) being given a requisition in writing signed by at least one-third of the officers; or
  - (c) being given a requisition in writing signed by at least the number of ordinary members of the association which equals double the number of officers plus 1.
- (2) A requisition under subrule (1) must clearly state the reasons why the special general meeting is being convened and the nature of the business to be transacted at it.

#### **27. Quorum and adjournment**

- (1) At a general meeting a quorum is constituted by 2 financial members.
- (2) If within 30 minutes from the time appointed for the commencement of a general meeting a quorum is not present, the meeting:
  - (a) if it was convened on the requisition of officers or members or has already been adjourned under paragraph (b) - lapses; or
  - (b) otherwise - stands adjourned to the same day in the next week at the same time and place, or to another day, time or place determined by the management committee.

- (3) The chairperson:
  - (a) may if a majority of financial members present at a meeting agree; and
  - (b) must if that majority requires, adjourn the meeting to a time and place:
  - (c) for paragraph (a) - nominated by the chairperson; or
  - (d) for paragraph (b) - nominated by the majority.
- (4) If a meeting is adjourned, the only business to be transacted at the adjourned meeting is the business left unfinished at the original meeting.
- (5) If a meeting is adjourned for 1 month or longer, notice of the adjourned meeting must be given as in the case of an original meeting.
- (6) Except as set out in subrule (5), it is not necessary to give any notice of any adjournment or of the business to be transacted at an adjourned meeting.

**28. Notice of general meeting**

- (1) The secretary must give members at least 14 days' notice of a general meeting.
- (2) The way the notice is given is to be prescribed by the management committee.

**29. Procedure at general meeting**

- (1) A general meeting is to be chaired by:
  - (a) the president; or
  - (b) while there is no president or the president is not acting - the vice-president;
  - (c) while there is no president or vice-president or neither is acting - 1 of the officers decided by the officers present; or
  - (d) while there are no officers present and acting - a financial member decided by the largest number of financial members present.
- (2) The chairperson is to maintain order and conduct the meeting in a proper and orderly manner.
- (3) Every question, matter or resolution is to be decided by a majority of votes of the financial members present.
- (4) Every financial member present is entitled to 1 vote. Nobody else may vote.
- (5) If there is an equality of votes, the chairperson does not have a second or casting vote.
- (6) A person who is not a member is not entitled to speak on a motion unless the chairperson decides otherwise.
- (7) Voting is to be by show of hands or a division of members.
- (8) However, if the chairperson decides, or if at least one-fifth of the financial members

present demand a ballot:

- (a) the chairperson is to appoint 2 individuals to conduct a secret ballot in the way determined by the chairperson; and
  - (b) the result of the ballot as declared by the chairperson will be the resolution of the meeting.
- (9) If a financial member appoints a proxy or attorney, the proxy or attorney stands in the place of the member for all purposes connected with a general meeting, but this is:
- (a) subject to any restrictions in the appointment document;
  - (b) only if the appointment document is given to the secretary before the meeting; and
  - (c) only if the member concerned is not at the meeting.
- (10) For subrule (9), the proxy or attorney:
- (a) need not, but may, be a member or financial member;
  - (b) may act as proxy or attorney for more than 1 financial member; and
  - (c) is, for example, counted towards the quorum for each financial member for whom he or she is proxy or attorney.
- (11) The minutes of every general meeting are to be signed by the chairperson of that meeting or of the next general meeting.
- (12) Only financial members may speak or vote on a motion at a meeting of the members of the association.

### **30. Other matters about general meetings**

- (1) A resolution in writing signed by all the financial members is as valid and effective as if it had been passed at a general meeting properly convened and held.
- (2) A resolution under subrule (1) may consist of more than 1 document:
  - (a) in the same, or substantially the same, form; and
  - (b) each signed by 1 or more financial members.
- (3) Subject to any conditions prescribed, a general meeting may be held using any technology that gives people with a right to attend the meeting a reasonable opportunity to participate.
- (4) The secretary is to keep full and accurate minutes in the English language of all questions, matters, resolutions and other proceedings of every general meeting.
- (5) The minutes of every general meeting are to be signed by the chairperson of that meeting or of the next general meeting.

## **Part 5 - Miscellaneous**

### **31. Validity**

- (1) Any resolution, determination or decision made, or act or thing done, by any of the following is to be regarded as valid and fully effective in spite of a protected invalidity:
  - (a) a general meeting;
  - (b) a meeting of the management committee;
  - (c) the management committee; and
  - (d) an officer.
- (2) For this rule:

**“protected invalidity”** means:

  - (a) the fact that an officer or person purporting to be an officer was not an officer or was disqualified;
  - (b) a defect in the appointment of an officer or person purporting to be an officer; or
  - (c) a defect in the convening, giving notice, calling or conduct of a meeting, if the relevant circumstance was accidental and not known to the person or group of people mentioned in subrule (1) at the relevant time.

### 32. By-laws

- (1) The management committee may make, amend or repeal by-laws:
  - (a) for the internal management of the association;
  - (b) providing for a matter this Constitution allows to be prescribed; or
  - (c) providing for a matter the management committee has jurisdiction over.
- (2) Each member must comply with the by-laws.
- (3) However, subrule (2) does not apply to a by-law:
  - (a) to the extent it conflicts with this Constitution; or
  - (b) which has been set aside (prospectively only) by a resolution of the members at a general meeting.

### 33. Alterations of Constitution

This Constitution may be amended, repealed or modified by a special resolution carried at any general meeting.

### 34. Common seal and execution of documents

- (1) The association may, but does not need to, have a common seal.
- (2) The management committee may provide for a common seal and for its safe custody.
- (3) Any common seal must only be used by the authority of the management committee.
- (4) Every document to which the seal is affixed is to be:
  - (a) signed by an officer; and

- (b) countersigned by the secretary, another officer or some other person appointed by the management committee for the purpose.
- (5) Every document to be executed on behalf of the association is to be:
  - (a) signed by an officer; and
  - (b) countersigned by the secretary, another officer or some other person appointed by the management committee for the purpose.

### 35. Funds and accounts

- (1) The funds of the association are to be deposited in the name of the association in a financial institution decided by the management committee.
- (2) Proper books and accounts are to be kept and maintained in either written or printed form in the English language showing correctly the financial affairs of the association and the particulars usually shown in books of that kind.
- (3) All money must be deposited as soon as practicable after receipt.
- (4) All amounts of \$100 or over are to be paid by cheque signed by any 2 officers.
- (5) Cheques are to be crossed "not negotiable" except those in payment of wages, allowances or petty cash recouplements which may be open.
- (6) The management committee is to determine the amount of petty cash, which will be kept on the imprest system.
- (7) All expenditure must be approved or ratified at a management committee meeting.
- (8) As soon as practicable after the end of each financial year the treasurer must cause a statement to be prepared containing particulars of:
  - (a) the income and expenditure for the financial year just ended; and
  - (b) the assets and liabilities and of all mortgages, charges and securities affecting the property of the association at the close of that year.
- (10) If an auditor has been appointed for the financial year referred to in subrule (8):
  - (a) the management committee must ensure that the statement prepared under subrule (8) and any other relevant books, accounts and documents are provided to the auditor to enable the auditor to prepare a meaningful report; and
  - (b) the auditor must examine the statement prepared under subrule (8) and anything else provided to the auditor under paragraph (a) and present a report on the statement to the management committee before the next annual general meeting following the financial year for which the audit was made.
- (11) The assets, income and property of the association must be used solely in promoting the association's objects and exercising the association's powers and not distributed among members.
- (12) Dividends must not be paid to the members and no assets, income or property of the



association may be distributed directly or indirectly to the members except as bona fide compensation for services rendered or expenses incurred on behalf of the association.

### 36. Documents

The management committee is to provide for the safe custody of books, documents, instruments of title and securities of the association.

### 37. Financial year

The financial year of the association will close on 30 June in each year.

### 38. Notices

- (1) If a provision of this Constitution requires or allows notice to be given, or for a person to be notified of a matter, notice may be given under this rule.
- (2) If the notice is to be given to the association, it may be given to an officer in a way provided for in the *Acts Interpretation Act 1954*.
- (3) If the notice is to be given to a member or other person under this Constitution, it may be given:
  - (a) in a way provided for in the *Acts Interpretation Act 1954*; or
  - (b) by ordinary prepaid post to the person's postal address last known to the person giving the notice.
- (4) A member, candidate or appellant must notify the association of any change to the person's:
  - (a) residential, business or postal address; or
  - (b) telephone or facsimile number.

### 39. Winding-up of association

- (1) The association is to be wound-up:
  - (a) if a special resolution is passed to wind it up;
  - (b) if it has less than 2 members; or
  - (c) in any other circumstances according to law.
- (2) The winding-up is to be carried out in the way prescribed by the management committee.
- (3) For the purpose of carrying out the winding-up, the officers retain the powers that they had before the winding-up commenced and may exercise those powers for the purpose of carrying out the winding-up.
- (4) Any surplus assets must not be distributed among the members but must be given to another entity:
  - (a) that has objects similar to the association's objects;

- (b) that is not carried on for the profit or gain of its individual members; and
- (b) the Constitution of which prohibits the distribution of the entity's income and assets to its members.

(3) In this rule:

**“surplus assets”** means the assets of the association (or held on trust for the association) remaining after payment of the debts and liabilities of the association and the costs, charges and expenses of the winding-up.

Signed by the founding members.

..... / ..... / .....  
 Cr Cheryl Bromage, Chair, Ipswich City Council  
 Environment and Conservation Committee  
 Date signed

Witnessed:

..... / ..... / .....  
 Craig Maudsley, Chief Operating Officer,  
 Ipswich City Council Health Parks and  
 Recreation Department  
 Date signed

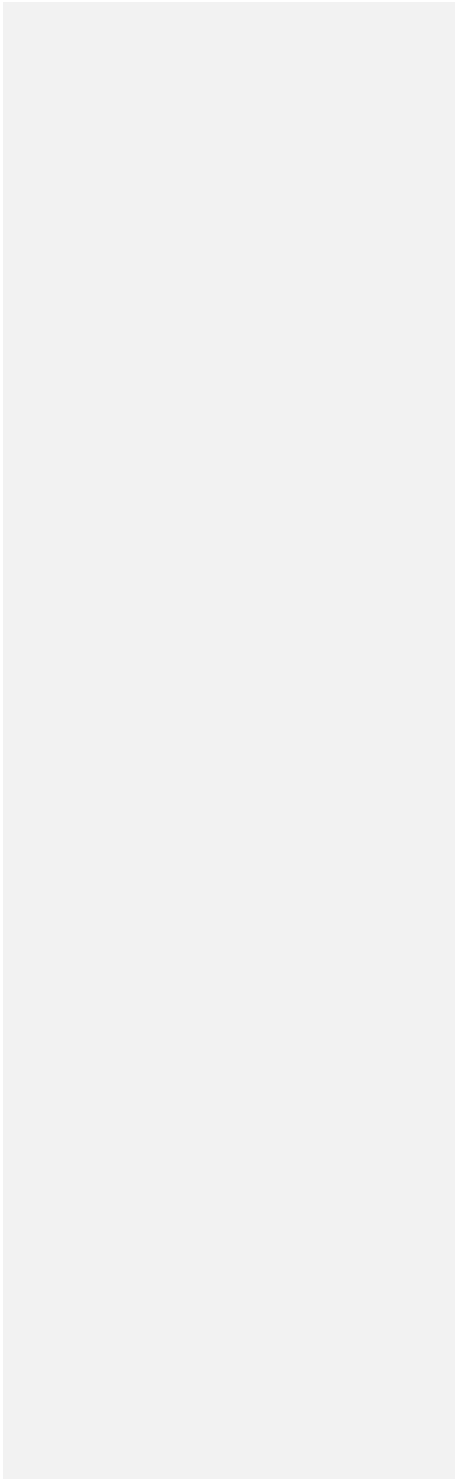
Witnessed:

..... / ..... / .....  
 Steve Rafter, Director, Patrick Rafter Cherish  
 the Children Foundation  
 Date signed

Witnessed:

..... / ..... / .....  
 Shane O'Kane, Director, Patrick Rafter Cherish  
 the Children Foundation  
 Date signed

Witnessed:



<b>Conservation and Environment Committee</b>	
Mtg Date: 19.02.18	OAR: YES
<b>Authorisation: Bryce Hines</b>	

EKC: EKC

H:\departmental\committee reports\1802EKC Ipswich Rivers Improvement Trust committee member CR

9 February 2018

## MEMORANDUM

TO: ACTING CHIEF OPERATING OFFICER (WORKS, PARKS AND RECREATION)

FROM: SPORT RECREATION AND NATURAL RESOURCES MANAGER

RE: LETTER RECEIVED FROM THE DEPARTMENT OF NATURAL RESOURCES, MINES AND ENERGY REGARDING COUNCIL'S REQUEST FOR AN ADDITIONAL COUNCILLOR TO BE APPOINTED TO THE IPSWICH RIVERS IMPROVEMENT TRUST

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### INTRODUCTION:

This is a report by the Sport, Recreation and Natural Resources Manager dated 9 February 2018 concerning a letter from the Department of Natural Resources, Mines and Energy regarding Council's request for the appointment of an additional councillor to the Ipswich Rivers Improvement Trust.

### BACKGROUND:

At its Council Ordinary Meeting of 19 September 2017 and City Works, Parks, Sport and Environment Committee No 2017 (09) of 11 September 2017, Council resolved to write to the Minister for Natural Resources and Mines seeking approval to appoint an additional Councillor to the Ipswich Rivers Improvement Trust (Attachment A).

A letter dated 12 October 2017 was forwarded to the Hon Dr Anthony Lynham MP seeking ministerial approval for the appointment (Attachment B).

A follow up letter was received 6 November 2017 stating that due to the election being called for 25 November 2017, the request would be held over to the incoming government for consideration (Attachment C).

On 23 January 2018, Council received a further letter from Dr Anthony Lynham MP (Attachment D). The letter outlined that it would be inappropriate to consider allowing the appointment at this point in time. The rationale provided is that the term of Trust members is due to expire in 2019 and that the Trust can address gender parity at this time to meet the 2020 target.





**CONSULTATION:**

Advice has been provided to the Ipswich Rivers Improvement Trust of the received letter.

**CONCLUSION:**

Council has received advice in a letter from the Minister of Natural Resources, Mines and Energy the Hon Dr Anthony Lynham that at this point in time there is no approval to appoint an additional councillor to the Ipswich Rivers Improvement Trust.

**ATTACHMENTS:**

Name of Attachment	Attachment
<a href="#">Council Ordinary Meeting of 19 September 2017 and City Works, Parks, Sport and Environment Committee No 2017 (09) of 11 September 2017</a>	 Attachment A
<a href="#">Letter to Hon Dr Anthony Lynham MP dated 12 October 2017</a>	 Attachmen
<a href="#">Letter received from the Department of Natural Resources and Mines dated 6 November 2017</a>	 Attachmen
<a href="#">Letter received from the Hon Dr Anthony Lynham MP dated 23 January 2017</a>	 Attachmen

**RECOMMENDATION:**

That the report be received and the contents noted.

Kaye Cavanagh  
**SPORT RECREATION AND NATURAL RESOURCES MANAGER**

I concur with the recommendation/s contained in this report.

Bryce Hines  
**CHIEF OPERATING OFFICER (WORKS PARKS AND RECREATION)**

<b>City Works, Parks Sport and Environment Committee</b>	
Mtg Date: 11.09.17	OAR: YES
<b>Authorisation:</b> Bryce Hines	

EKC: EKC

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23 August 2017

## MEMORANDUM

TO: ACTING CHIEF OPERATING OFFICER (WORKS PARKS AND RECREATION)

FROM: ACTING SPORT RECREATION AND NATURAL RESOURCES MANAGER

RE: IPSWICH RIVERS IMPROVEMENT TRUST LETTER OF SUPPORT FOR COUNCIL TO SEEK MINISTERIAL APPROVAL FOR AN ADDITIONAL COUNCILLOR TO BE APPOINTED TO THE TRUST

---

### **INTRODUCTION:**

This is a report by the Acting Sport Recreation and Natural Resources Manager dated 23 August 2017 concerning a letter received from the Ipswich Rivers Improvement Trust supporting an application by Council to the Minister for Natural Resources and Mines to appoint an additional Councillor to the Trust.

### **BACKGROUND:**

In March 2016, Ipswich Rivers Improvement Trust received a letter from the Minister, Hon Dr Anthony Lynham MP advising the Trust of the State Government's policy for 50% of new board appointees to be women.

This matter was discussed at subsequent Trust meetings, including the meeting on 22 September 2016 following an offer from Women on Boards Pty Ltd to assist the Trust in achieving this policy intent. On 1 June 2017, the Trust resolved in General Business *that the Trust would support an application by the Ipswich City Council for an additional Council member being appointed to the trust as part of the State Government's strategy for Gender Equity on all Statutory Authorities* (excerpt taken from the Trust minutes 1 June 2017).

A letter dated 21 June 2017 was received by Council from the Trust outlining support for an application to the Minister for an additional Councillor to be appointed to the Trust (refer Attachment A).

Council previously sought approval from the Minister for the appointment of a third Councillor in 2014 (refer Attachment B). In response, Council was advised that the Minister was considering options for greater management of the Brisbane River catchment and sought to defer his decision in relation to Council's request, and that further information would be forwarded within the following months (refer Attachment C). No further advice has been received to date, noting there has since been a change of government.

**OPTION:**

It is proposed that Council write a follow up letter to the Minister for Natural Resources and Mines seeking further consideration for the appointment of an additional Councillor to the Trust. In addition, Council may include that through this appointment Council would seek to support the Trust in meeting the State Government's policy for Gender Equity on all Statutory Authorities.

**CONCLUSION:**

The Ipswich Rivers Improvement Trust has provided a letter outlining their support should Council seek approval from the Minister of Natural Resources and Mines for an additional Councillor to be appointed to the Trust.

Council previously sought approval in 2014, with a decision pending by the previous Minister.

**ATTACHMENTS:**

Name of Attachment	Attachment
<a href="#">Letter from Ipswich Rivers Improvement Trust dated 21 June 2017</a>	 Attachment A
<a href="#">Letter from Council to Minister for Natural Resources and Mines dated 3 June 2014</a>	 Attachment B
<a href="#">Letter from the office of the Minister for Natural Resources and Mines, Hon Andrew Cripps MP dated 23 September 2014</a>	 Attachment C

**RECOMMENDATION:**

That Council write to the Minister for Natural Resources and Mines seeking approval to appoint an additional Councillor to the Ipswich Rivers Improvement Trust, and that through this appointment Council would seek to support the Trust in meeting the State Government's policy for Gender Equity on all Statutory Authorities.

Kaye Cavanagh

**ACTING SPORT RECREATION AND NATURAL RESOURCES MANAGER**

I concur with the recommendation/s contained in this report.

Bryce Hines

**ACTING CHIEF OPERATING OFFICER (WORKS, PARKS AND RECREATION)**

21 June 2017

The Chief Executive Officer  
Ipswich City Council  
PO Box 191  
IPSWICH QLD 4305

Dear Sir,

At the last meeting of trust, held on 1 June 2017, the question of an additional Councillor being appointed to the trust was discussed. This arose out of a discussion about Gender Equity in membership of the trust. The River Improvement Trust Act 1940 provides in section 5 (2) for the Minister to appoint an additional Councillor to the trust if he considers it appropriate.

The trust would support an application by Ipswich City Council for an additional Councillor to be appointed as a means of meeting the Government's strategy for Gender Equity on all Statutory Authorities.

If the Council decides to make an application to the Minister for an additional Councillor on the trust any requests by the Minister or Department asking for comment by the trust will be dealt with favourably. It is suggested that when making application to the Minister reference be made to the Government's strategy of Gender Equity on all Statutory Authorities

Yours faithfully

Norm Craswell  
Secretary



Your reference  
Our reference  
Contact Officer Kaye Cavanagh  
Telephone 07 3810 6860



**Ipswich City Council**

45 Roderick St  
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The Hon Andrew Cripps MP  
Member for Hinchinbrook  
Minister for Natural Resources and Mines  
PO Box 15216  
CITY EAST QLD 4002

3 June 2014

Dear Minister

Re: Ipswich Rivers Improvement Trust

Ipswich City has become one of the fastest growing areas in Australia, located at the centre of a rapidly developing South East Queensland. Ipswich City Council has embraced the challenges and opportunities of this strong economic growth and is committed to achieving the overall vision of Ipswich as a safe, resilient and sustainable City.

As a City that benefits from a diverse range of natural features, we have also felt the devastating impacts of nature through the recent floods of 2011 and 2013. By working in collaboration with our partners, such as the Ipswich Rivers Improvement Trust, we aim to ensure the long-term prosperity and protection of our communities through sound river management and flood mitigation works.

Constituted in August 1959, the Ipswich Rivers Improvement Trust has worked in close partnership with Ipswich City Council, and previous Moreton Shire Council, to carry out works to improve the flow of water in the rivers and tributaries within the City of Ipswich. A key priority of these works is to contribute towards providing flood mitigation and protection for the communities of Ipswich as well as downstream communities along the lower Brisbane River.

In addition to their flood mitigation projects, the Ipswich Rivers Improvement Trust has delivered its riparian vegetation management program to remove environmental weeds from sections of the Bremer River, Bundamba and Western Creeks and from major tributaries flowing into the lower Brisbane River. This program has resulted in a continued improvement in the health and resilience of the waterways in Ipswich.

As defined under Part 3 of the *River Improvement Trust Act 1940* Council is represented on the Trust by two Councillors; representing the far western and far eastern areas of the City.

At its meeting held on 13 May 2014, Council passed a resolution to write to the Minister for Natural Resources and Mines seeking approval for the appointment of a third Councillor as a member of the Ipswich Rivers Improvement Trust.

As the Ipswich Rivers Improvement Trust currently has three community representatives and only two Councillor representatives, Council is seeking approval to appoint a third Councillor to the trust to ensure an even geographical and stakeholder representation of the Ipswich area as well as to keep the balance between Councillor and community representation.

If you would like to discuss this matter further, please do not hesitate to Ms Kaye Cavanagh (Principal Officer, Natural Resources) on (07) 3810 6860.

Yours faithfully



Jim Lindsay

CHIEF EXECUTIVE OFFICER



Hon Andrew Cripps MP  
Minister for Natural Resources and Mines

ECM No:	
Retention Code:	P. A. S. 45 LG. 11.12.18

Ref MO/14/0948  
CTS 15231/14

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Email nrm@ministerial.qld.gov.au

23 SEP 2014

Mr Jim Lindsay  
Chief Executive Officer  
Ipswich City Council  
PO Box 191  
IPSWICH QLD 4305

IMU RECEIVED	
24 SEP 2014	
App No:	
Responsible Officer: K. Cavanagh	

Dear Mr Lindsay

I refer to your letter dated 3 June 2014 to the Honourable Andrew Cripps MP, Minister for Natural Resources and Mines, seeking his approval for the Ipswich City Council (the Council) to appoint an additional Councillor as a member of the Ipswich Rivers Improvement Trust (the Trust) under section 5(2) of the *River Improvement Trust Act 1940* (the Act). The Minister has asked me to respond on his behalf.

The Minister is currently considering options for the long term management of the greater Brisbane River catchment and is presently proposing several legislative amendments to the Act to achieve this. As these considerations may have an impact on the Trust, the Minister has decided to defer his decision at this time in relation to Council's request.

The Department of Natural Resources and Mines will keep both the Trust and the Council informed of any proposals impacting on the Trust and will advise the Council further in the coming months as to its request to appoint an additional Councillor member to the Trust.

If you have any questions about my advice to you, Mr Errol Ross, Water Governance and Projects, Department of Natural Resources and Mines will be pleased to assist you and can be contacted by telephone on 3199 7741.

Yours sincerely

Andrew Freeman  
Chief of Staff

Your reference  
Our reference  
Contact Officer Kaye Cavanagh  
Telephone 3810 6860



**Ipswich City Council**

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The Hon Dr Anthony Lynham MP  
Acting Minister for Agriculture and Fisheries and  
Acting Minister for Rural Economic Development  
and Minister for State Development and  
Minister for Natural Resources and Mines,  
PO Box 15216  
CITY EAST QLD 4002

12 October 2017

Dear Dr Lynham

**Re: Consideration of appointment of a third councillor to the Ipswich Rivers Improvement Trust**

Council at its Ordinary Meeting held on the 19 September 2017 resolved to seek Ministerial approval to appoint an additional Councillor to the Ipswich Rivers Improvement Trust (the Trust), and that through this appointment Council would seek to support the Trust in meeting the State Government's policy for Gender Equity on all Statutory Authorities. Under Part 3 section 5 (2) of the *River Improvement Trust Act 1940*, if the Minister considers it appropriate, each constituent local government for a trust may appoint 1 councillor as a member of the trust, in addition to the councillors appointed under subsection (1)(a).

Council's resolution followed a letter received from the Trust supporting an application from Council for an additional councillor to be appointed. A copy of the letter from the Trust is enclosed for your reference.

Council previously sought Ministerial approval for the appointment of a third councillor in June 2014 (copy of letter enclosed). At the time, the then Minister Andrew Cripps decided to defer his decision as the State Government was in the process of considering options for the long term management of the greater Brisbane River catchment. I understand this consideration has since passed, and as such Council is seeking further consideration of its request to appoint a third councillor to the Trust.

If you would like to discuss this matter further, please do not hesitate to contact Kaye Cavanagh (Acting Sport Recreation and Natural Resources Manager) on (07) 3810 6860.

Yours sincerely

A handwritten signature in black ink, appearing to read "G Kellar".

Gary Kellar  
ACTING CHIEF EXECUTIVE OFFICER



Ref CTS 28917/17

Department of  
Natural Resources and Mines

6 NOV 2017

Mr Gary Kellar  
Acting Chief Executive Officer  
Ipswich City Council  
PO Box 191  
IPSWICH QLD 4305

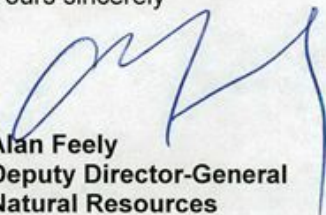
Dear Mr Kellar

Thank you for your letter of 12 October 2017 addressed to the Honourable Dr Anthony Lynham MP, Minister for State Development and Minister for Natural Resources and Mines concerning appointment of a third councillor to the Ipswich Rivers Improvement Trust.

As you may be aware, a General Election of the Legislative Assembly of Queensland has been called for 25 November 2017. By convention, the government assumes a caretaker role from the time that an election is called.

Due to the nature of your request, it is not possible at this time to provide a substantive reply to your letter. Your correspondence will be provided to the incoming government for consideration and reply as soon as possible.

Yours sincerely



Alan Feely  
Deputy Director-General  
Natural Resources

IMU RECEIVED	
9 NOV 2017	
App No:	
Responsible Officer:	

Deputy Director-General,  
Natural Resources  
Department of Natural  
Resources and Mines  
PO Box 15216  
City East  
Queensland 4002 Australia  
[www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au)





The Hon Dr Anthony Lynham MP  
Minister for Natural Resources, Mines and Energy

Ref MO/17/4846  
CTS 28917/17

23 JAN 2018

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Mr Gary Kellar  
Acting Chief Executive Officer  
Ipswich City Council  
PO Box 191  
IPSWICH QLD 4305

Dear Mr Kellar

Thank you for your letter of 12 October 2017 seeking my approval to appoint one additional councillor to the Ipswich Rivers Improvement Trust (the Trust) using section 5(2) of the *River Improvement Trust Act 1940* (the Act).

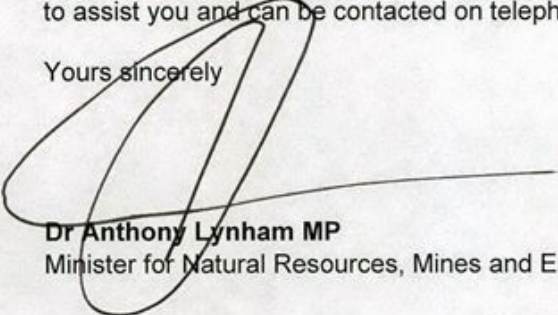
In this letter, you sought my permission to enable Ipswich City Council (council) to support the Trust in meeting the State Government's gender diversity targets by appointing an additional female councillor as a member of the Trust. It is commendable that your council has considered such options. However, it would be inappropriate to consider allowing the appointment of the additional councillor to the Trust at this point in time for the following reasons:

- A decision to appoint an additional council member directly impacts the Trust and although your letter mentioned a supporting letter from the Trust, there was no such letter enclosed. Despite subsequent from the Department of Natural Resources, Mines and Energy (the department), the letter has still not been received.
- Legislative provisions are considered to be adequate for the council to support the Trust in meeting gender diversity targets using section 5(1)(a) of the Act.

Current terms for Trust members are due to expire in 2019. This timeframe will provide further opportunity for the Trust to appoint female candidates and achieve gender parity before the 2020 gender diversity target. The department will continue to work closely with the Trust to meet those commitments.

If you have any questions, please contact Mr Paul Woodland, Chief of Staff who will be pleased to assist you and can be contacted on telephone 3719 7365.

Yours sincerely

  
Dr Anthony Lynham MP  
Minister for Natural Resources, Mines and Energy

IMU RECEIVED	
25 JAN 2018	
App No:	
Responsible Officer:	