



NOTICE OF THE COMMUNITY AND CORPORATE STANDING COMMITTEE MEETING OF COUNCIL 27 AUGUST 2007

Notice is hereby given that the Community and Corporate Standing Committee of the Douglas Shire Council will be held in the Council Chambers, 64-66 Front Street, Mossman, on **MONDAY, 27 AUGUST 2007** will commence at 9:00am or at such later time as the Finance & Administration Standing Committee concludes.

A handwritten signature in black ink, appearing to read 'J F Leu'.

J F Leu
A/Chief Executive Officer
23 August 2007

Note that during the course of the meeting it may be necessary to adjourn at times to facilitate briefing the Council on the issues identified in the Briefing Session Notice Paper.

AGENDA

ITEM	SUBJECT	PAGE NO
07/0827/03	Declarations of Interest	
07/0827/04	Confirmation of the Minutes of the Community & Corporate Standing Committee Meeting held on 7 August 2007	11 - 12
REPORTS		
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NOTICES OF MOTION		

- No Notices of Motion received



***Minutes of the Community and Corporate
Standing Committee of the Council
7 August 2007
commencing at 9:24 am***

PRESENT

Councillors – D P Egan (Chair – Deputy Mayor), M P Berwick (Mayor), W J Bellerio, M J Cox, R Davis, D G Pitt and J Sciacca.

Staff – J F Leu (Acting Chief Executive Officer), D G Carey (General Manager Community & Corporate), R J Baade (General Manager Engineering), A M Rodgers (Manager Corporate Support) and S K Andrews (Corporate Support).

07/0807/01 DECLARATIONS OF INTEREST

No declarations of interest were presented to the meeting.

REPORTS

07/0807/01A PROCEDURAL MOTION – ADOPTION OF RECOMMENDATIONS

Moved Cr Egan

Seconded Cr Bellerio

“That the Community & Corporate Standing Committee of the Council adopts the recommendation of the Council officer for item 07/0807/02 – Application for Exemption by Way of Advertising – Port Douglas & District Combined Clubs Lease namely:

07/0807/02 APPLICATION FOR EXEMPTION BY WAY OF ADVERTISING – PORT DOUGLAS & DISTRICT COMBINED CLUBS INC LEASE

OFFICER RECOMMENDATION:

That Council:

1. *has satisfied itself that the Port Douglas & District Combined Clubs Inc (Combined Clubs) is a community organisation as described in Section 492(1)(a)(v) of the Local Government Act 1993;*
2. *writes to the Minister for Local Government, Planning and Sport to withdraw its application for a Ministerial exemption by way of advertising for the Combined Clubs lease, as it has been recognised by Council as a not-for-profit organisation and is therefore exempt under Section 492(1)(a)(v) and an application is no longer required; and*



3. *determines to renew the lease for the Combined Clubs for a further thirty (30) years commencing immediately upon expiration of the current lease on 30 September 2009 and that the lease be executed by both the Combined Clubs and Council as soon as it has been prepared, subject to the approval of the Department of Natural Resources and Water."*

Carried unanimously

NOTICES OF MOTION

No notices of motion were presented to the meeting.

TERMINATION OF THE MEETING

The meeting was closed at 9:30 am.

Presented to and confirmed by the Community & Corporate Standing Committee on the *twenty-seventh* day of *August* 2007.

D P Egan
Chair

Update – Library Public Internet Use - Policy

ITEM NO	07/0827/05
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SUBJECT	UPDATE LIBRARY “PUBLIC INTERNET USE” POLICY
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AUTHOR	Library Services Coordinator
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RECOMMENDATION

To accept minor changes to Douglas Libraries “Public internet use” policy.

PURPOSE

To outline the terms and conditions pertaining to accessing online content at Douglas Libraries.

BACKGROUND

This policy was developed and adopted in July 2006. Date for review was 30th June 2007. The intent of the policy remains the same i.e. “to access online content within guidelines pertaining to its use on the premises”. There have been additions to guidelines pertaining to “Unacceptable use” and clients can now save data to a storage device.

The Manager of Information Technology has viewed the revised “Public Internet use” policy and his recommendations have been included. The policy is in line with the State Library of Queensland’s “Internet public use policy”.

PROPOSAL

The “Public Internet use” policy is revised annually. The policy reflects clients’ needs and expectations and outlines the terms and conditions under which Douglas Libraries supplies internet access to its clients.

CORPORATE/OPERATIONAL PLAN

1.3 Provide quality customer service that is responsive and relevant to community’s needs.

Update – Library Public Internet Use - Policy

2.3 Promote and support the culture of life-long learning opportunities and access to information resources.

FINANCE/RESOURCE IMPLICATIONS

None as fees and charges have not been altered.

LEGAL/POLICY IMPLICATIONS

None

SUSTAINABILITY IMPLICATIONS

ECONOMIC: None

ENVIRONMENTAL: None

SOCIAL: Positive as clients & visitors can now save data to an external storage device. Fees & charges have been increased.

INTERNAL/EXTERNAL CONSULTATION

External: State Library of Queensland's Internet public use policy.

Internal: Garry Mason – Manager of Information Technology.

OPTIONS

Nil

ATTACHMENTS

1. Policy – Public Internet Use

Update – Library Public Internet Use - Policy

RESPONSIBILITIES For enquiries concerning the content of this policy contact:
 Library Services Coordinator
 Douglas Libraries
 PO Box 357, (14 Mill Street – William Cowe Building)
 MOSSMAN Q 4873
 Phone: 07 40 999496 Email: library@dsc.qld.gov.au

POLICY**Release**

The Douglas Shire Council accepts no responsibility for any damage, direct or indirect, arising from use of its Internet access.

Content

The Library does not censor access to material in the Library or on the Internet and does not protect users from information or content they may find individually offensive. As with other Library materials, restriction of a child's access to the internet is the responsibility of the parent/legal guardian.

POLICY

The quality of information on the Internet is not guaranteed. Clients are required to make their own assessment of the truth, completeness, accuracy or suitability of internet information.

The library cannot ensure access to advertised sites on the Internet or ensure that connections will be available at all times.

'Cybersmart Kids Online' has been developed to assist families with information and resources to make Internet experiences safe and worthwhile. Any complaints about Internet content should be directed to the Australian Communications and Media Authority.

Conditions of use

Clients accessing Internet facilities at the Library must comply with the conditions provided below. Intentional misuse of these facilities may result in the removal of access privileges, and/or legal action.

Unacceptable use

Unacceptable use of the Internet includes, but is not limited to:

- Destruction of, or damage to equipment, software, or data belonging to the Library or other clients
- Display of offensive ¹ or inappropriate material. This can include, but is not limited to pornography, hate sites and sites featuring gratuitous violence.

¹ A display that is reasonably likely in all circumstances to offend, insult or humiliate another person or group of people – judged objectively according to what a reasonable person would consider to be offensive.

Update – Library Public Internet Use - Policy

- Intentional unauthorised copying of copyright-protected material or infringement of licence agreements and other contracts.
- The violation or attempted violation of any computer network's security system.
- The violation of the privacy of individuals or entities that are creators, authors, users or subjects of the information resources.
- Unauthorised monitoring of electronic communications.
- Inappropriate use of email services, such as spamming.
- No software is to be installed.
- Use of the facility to download music or video for replay offline (e.g. on an MP3 Player or to copy to USB storage device.)
- No software will be copied and distributed unless this action complies with licence conditions for that item.
- Council computer resources will be used in a manner that is compliant with State and Federal laws and regulations.

Infringement of Conditions

Clients who infringe these conditions of use may be asked to leave the Library. Clients who refuse to comply with staff directives may be denied further access to Douglas Libraries. Illegal acts involving the use of the Library's Internet resources may also be subject to prosecution by local, state or federal authorities.

Saving data

Clients can download from the computer to their storage device i.e. CD or USBs.

Documents, spreadsheets and powerpoints may be uploaded using above storage devices.

Clients are advised that any documents downloaded to the library computer can be viewed by other clients and should be deleted by the client before leaving the computer.

Printing

Printing is available.

Staff assistance

If time permits Library staff will provide a maximum of ten minutes assistance for Internet enquires and training. Staff do not provide assistance with personal business transactions.

Bookings

To maximise Internet availability and to ensure fair access for all clients, the following booking guidelines apply:

- Sessions on the Internet public access are available for a maximum

Update – Library Public Internet Use - Policy

of one hour.

- Bookings may be made at the library or by telephone 40 999496.
- A maximum of two people may use the computer per session.
- A delay in arrival for a booking may lead to loss of session.
- Group bookings may be allowed with prior arrangements.
- Time may be booked on a 'walk in basis'.
- Clients must vacate their computer once their allotted time is finished.
- Last booking of the day must finish 15 minutes before closing.

Clients will be notified when possible if the equipment is unavailable for use.

Charges

Internet fees are contained in the schedule of Library Fees and Charges.

Printing fees are contained in the schedule of Library Fees and Charges.

**DOCUMENT-ATION
FORMS****PERFORMANCE
INDICATORS****APPENDICES**

Julia Leu
A/Chief Executive officer

Enterprise Agreement – Request from AWU

ITEM NO 07/0827/06

SUBJECT ENTERPRISE AGREEMENT – REQUEST FROM AUSTRALIAN WORKERS UNION

AUTHOR General Manager Community & Corporate, David G. Carey

RECOMMENDATION

That Council:

1. *takes no immediate action in respect of the request by the Australian Workers Union for the Council to negotiate a new certified agreement under Queensland State industrial laws;*
 2. *gives consideration to negotiating in good faith for a new certified agreement under Queensland State industrial laws as part of negotiations for a new enterprise agreement to apply upon expiry of the current enterprise agreement on 31st March 2008.*
-

PURPOSE

To advise Council of the outcomes of a meeting of the enterprise agreement team convened as a result of a request received from the Australian Workers Union (AWU) to negotiate in good faith for a new enterprise agreement under Queensland industrial laws.

BACKGROUND

The Council received a report at its meeting on 26th June 2007, advising that the AWU had formally requested on behalf of its members that the Council enter into negotiations in good faith for a new enterprise agreement under Queensland industrial laws.

The Council did not accept the recommendation in that report which is now represented as the recommendation above, but instead resolved:

“That a meeting of the Enterprise Agreement Team be held as soon as possible to determine employees’ wishes with respect to the current Enterprise Agreement with an eye to mirroring the current enterprise bargaining agreement conditions under the State Award and Council reasserts that it does not deem itself a constitutional corporation.”

A meeting of the enterprise agreement team was convened on 26th July 2007 where it was agreed as follows:

Enterprise Agreement – Request from AWU

1. Outdoor staff wish to leave the current enterprise agreement in place as is but definitely wish to enter into good faith negotiations for the next enterprise agreement to be lodged in the state jurisdiction;
2. Indoor staff are quite happy to maintain the status quo.

PROPOSAL

The proposal is that the recommended response of 26th June 2007 now be supported.

CORPORATE/OPERATIONAL PLAN

This is a routine matter not referenced in the corporate or operational plans.

FINANCE/RESOURCE IMPLICATIONS

At this stage there are no financial or resources implications associated with this matter.

LEGAL/POLICY IMPLICATIONS

The provisions of the Australian Constitution and the Workplace Relations Amendment (Work Choices) Act 2005 apply to this matter.

SUSTAINABILITY IMPLICATIONS

- ECONOMIC:** There are no economic implications associated with this matter.
- ENVIRONMENTAL:** There are no environmental implications associated with this matter.
- SOCIAL:** There are no social implications associated with this matter.

INTERNAL/EXTERNAL CONSULTATION

Consultation occurred with the enterprise agreement team, the representatives on which, consulted with the staff whom they represent.

Enterprise Agreement – Request from AWU

OPTIONS

- In my opinion there are no options. The Council does not have a choice about whether it is in the federal or state jurisdiction in respect of these matters.

NOTE: Council should note that if it elects not to adopt the recommendation, it is a requirement under Section 461A of the Local Government Act for a statement of the reasons for not adopting to be recorded in the minutes. This requirement arises as a result of changes to the Local Government Act 1993 introduced in April 2007.

ATTACHMENTS

There are no attachments.

Request for Construction of four (4) new ensuite cabins - Mossman Riverside Leisure Park

ITEM NO 07/0827/07

SUBJECT REQUEST FOR CONSTRUCTION OF FOUR (4) NEW ENSUITE CABINS - MOSSMAN RIVERSIDE LEISURE PARK

AUTHOR Manager Corporate Support

RECOMMENDATION

That the Lessees be advised –

[1] *construction of the requested cabins at Council's cost is declined;*

[2] *'in principle' approval is granted to allow erection of four (4) cabins on the land at the lessees' own cost subject to –*

- *the submission of detailed drawings and other specifications of the proposed works;*
- *all necessary consents or permits for such construction shall be obtained by and at the cost of the Lessee prior to the commencement of any work;*

PURPOSE

To advise Council of a request received from the lessees of the Mossman Riverside Caravan Park seeking Council's consideration to investing in the construction of four (4) new ensuite cabins at the park.

BACKGROUND

On 1 August 2007 the lessees of the Mossman Riverside Caravan Park wrote seeking Council's consideration in investing in four (4) new ensuite cabins at the Council owned caravan park.

In requesting this consideration the lessees advise that occupancy of the two (2) self contained units currently offered at the Caravan Park during the 2007 off-peak season, (January through to April), was 85% and that from May-July, the cabins were over 90% occupied. The lessees also confirm that the cabins are 90% occupied through pre-bookings over the next two months.

The Lessees believe the growing number of tourists travelling to the area provides a basis for increasing the number of self contained units from the current two (2).

Request for Construction of four (4) new ensuite cabins - Mossman Riverside Leisure Park

This lease was granted to the current Lessees on 20 May 2005 for a period of five (5) years with two (2) option periods each of five (5) years.

PROPOSAL

It is not considered that Council should finance the construction of the requested cabins, however if the Lessees wish to upgrade the facilities provided at the Caravan Park at their own cost Council is able to support this under the terms of the lease.

The lease provides in clause 7.2(f) that in the event the Lessee wishes to develop the Caravan Park beyond the current 55 sites, such development is subject to the Lessor's (Council) approval. Under this clause this approval may be granted or refused or granted subject to conditions at Council's sole discretion.

Clause 9.18 requires that Council's written consent be obtained prior to any alterations, additions or improvements to the premises being made. Any consent granted by the Council under this clause is subject to a number of conditions, including that the Lessee shall submit detailed drawings and other specifications of any proposed works to the Lessor.

Under Clause 18, at the expiration of the term of the lease the Lessee may remove all fixtures, fittings, signs and notices which have been erected or installed during the term provided such removal can be effected without causing any substantial damage and provided that the Lessee shall make good any damage caused by such removal. Alternatively it may be possible at the time of any renegotiation of the lease to make suitable compensation arrangements for the retention of the units.

CORPORATE/OPERATIONAL PLAN

This matter is not referenced in the Corporate or Operational Plans.

FINANCE/RESOURCE IMPLICATIONS

Unless Council decides not to accept the officer's recommendation there are no finance implications.

Request for Construction of four (4) new ensuite cabins - Mossman Riverside Leisure Park

LEGAL/POLICY IMPLICATIONS

There may be a requirement if the Lessees decide to construct the units at their own cost to seek legal advice in relation to any dealings in relation to the units at the expiration of the term of the lease.

SUSTAINABILITY IMPLICATIONS

ECONOMIC: There are no economic implications associated with this matter.

ENVIRONMENTAL: There are no environmental implications associated with this matter.

SOCIAL: There are no social implications associated with this matter.

INTERNAL/EXTERNAL CONSULTATION

No consultation was required to prepare this report.

OPTIONS

1. that the Council declines to construct the requested cabins but that the leaseholder be granted in principle approval to put cabins on the land at its own cost subject to providing more precise details of the proposal.
 2. that Council agrees to the request and makes necessary adjustments to the 2007/08 budget to finance construction of the extra units
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ATTACHMENTS

There are no attachments.