

HERBERT RIVER IMPROVEMENT TRUST

GENERAL MEETING MINUTES

***Thursday 4th May 2017
at 9.00 am***



- A. ATTENDANCE** – Present were Mrs LF Carr (Secretary), Cr AJ Lancini (Member), Cr WG Skinner (Member), Mr KT Phillips (Member), Mr GB Accornero (Member) and Mr T Smith (Trust Engineer.)

- B. APOLOGY** – Mr RA Bosworth (Chairperson)

- C. MINUTES** - Confirmation of minutes of the General Meeting held on 6th April 2017.

RESOLVED – That the minutes be approved.
(Mr GB Accornero and Cr AJ Lancini – carried)

- D. WORKS REPORT** – The Trust Engineer, Mr Tim Smith, provided an update of works for the month of April.

RESOLVED – That the trust engineer's report be received and noted and that the Washaway Project 2 will commence on May 16 (with an intended duration of 2 weeks), with the Russo job scheduled to commence on 20 June (with an intended duration of 3 weeks.) That the trust engineer will compile a project proposal regarding maintenance of vegetation at Lagoon Creek. The trust engineer will also contact Mr Gary Guazzo to advise that he is ineligible for works at Palm Creek.

(Mr KT Phillips and Mr GB Accornero – carried)

- E. CORRESPONDENCE –**

1. EMAIL FROM NORM CRASWELL (SCRT)

Consideration of email received 19 April 2017 regarding the current situation re: annual works programs for 2016/2017 and 2017/2018.

For 2016/2017, the Trust has until 30 June 2018 to complete all projects.

The agreement between SCRT and each trust is being prepared with the intent of it being completed before the end of April.

For 2017/2018, the Trust will have only one year to complete the program i.e. to 30 June 2018, as the Department will be adopting a new distribution model for funds to trusts (etc.)

The 2017/2018 program is to be provided to SCRT by 9 June.

He also advises that every trust has to use the enquire system to make applications, submit reports etc.

RESOLVED – In relation to the funding agreement between HRIT and SCRT, received 25 April 2017, the Trust believes that paragraph 12.3 relating to insurance, is unworkable given the nature of the Trust's operations. The Trust would like to see this amended to make the Trust liable for the risk as per the Funding Deed of Agreement (as signed by the Trust on 28 November 2016) between The State of Queensland (acting through the Department of Infrastructure, Local Government and Planning (DILGP) and the Herbert River Improvement Trust, paragraph 11 Indemnity and Insurance:

“11.1 The Organisation shall indemnify the Department and its officers, employees and agents (“those indemnified”) from and against all actions, proceedings, claims, demands, costs (including all legal costs and all reasonable costs associated with defending those indemnified), losses, damages and expenses, including those arising out of the terms of any settlement, which:

- a) may be brought against or made upon those indemnified; and
- b) those indemnified may incur or sustain, arising out of or as a consequence of:
 - i) any breach of this Funding Deed of Agreement by the Organisation, its directors, officers, employees, contractors or agents; or
 - ii) any wilful, unlawful or negligent act or omission of the Organisation, its directors, officers, employees, contractors or agents, under or in connection with this Funding Deed of Agreement.

11.2 The Organisation must, subject to the operation of competing legislative obligations, effect and maintain adequate insurance or similar coverage to cover any liability arising as a result of its undertaking of an Approved Project(s) and, if requested, provide the Department with a copy of the relevant policies or certificates of currency, whichever is applicable. The Organisation must be responsible for maintaining workers' compensation insurance for an amount required by the relevant State or Territory legislation.”

The latter document recognises that the Trust is the organisation that carries the liability for the satisfactory completion of the works. The Trust, and it appears DILGP, believes that this indemnifies the Department of Natural Resources and Mines (DNRM) from and against any action or losses or damages resulting from the works.

That Cr WG Skinner complete a draft 2017/18 works program and circulate it to members of the Trust prior to it being provided to SCRT (by 9 June 2017.)
(Cr AJ Lancini and Mr GB Accornero – carried)

2. EMAIL FROM ROD BOURNE (MANAGER, GRANTS AND CONTRACTS - DNRM)

Consideration of email received 20 April 2017 advising that if the Trust wishes to submit a proposal for borrowings under the 2017-2018 State Borrowing Program (SBP), the attached form to the email, “Attachment A” is to be completed and returned by COB Thursday 27th April 2017.

RESOLVED – That the email be received and noted.
(Mr KT Phillips and Cr AJ Lancini – carried)

3. EMAIL FROM STEPHEN AND TOM GOSNEY

Consideration of email dated 22 April 2017, requesting an inspection of the western branch of the Stone River at the Gosney's farm on Liborio's, as during the wet season it seems to have had a violent and high run, with the uprooting of trees and erosion on the southern side, just upstream from where the eastern and western branch join. It has subsequently taken out the small crossing which is used by locals and council when the wooden bridge at Liborio's Road needs maintenance. The email further states that the Gosney family are happy to assist in any way to rectify the problem, be it financially or manually.

RESOLVED – That the works will be done as emergency works resulting from the 2016/17 wet season, Project 16/17-13, Annual Works Program 2016-2017. The estimated cost of the works is \$2 500, with the landowner contributing the fill material. That the Trust Secretary communicate in writing to the Gosney family to advise that the Trust has agreed to do the work and that they will be contacted in due course.
(Mr GB Accornero and Mr KT Phillips – carried)

4. LETTER FROM FRANKIE CARROLL (DEPARTMENT OF INFRASTRUCTURE, LOCAL GOVERNMENT AND PLANNING)

Consideration of letter dated 10 April 2017, re: variation of scope for its Project 2: Herbert River Washaway (Sites 1, 2, 7, 8 and 9) ("the Project") with the variation being approved removing sites 8 and 9 from the approved Project, replacing those sites with the J Russo site, with the Project as a whole to be completed within the current approved timeframe of 30 June 2017.

RESOLVED – That the email be received and noted.
(Cr AJ Lancini and Mr GB Accornero – carried)

F. BUSINESS –

1. Cr Lancini suggested that the Trust look for an opportunity to invite a department officer from DILGP to attend a future Trust meeting and possibly an inspection of completed works at Halifax.
2. Mr KT Phillips reported that overhanging trees were impeding the sensor at Ripple Creek Floodgates, and advised that the estimated cost would be \$800 to clear them.

3. TENDERS FOR TRUST WORKS

RESOLVED – That the Trust Secretary arrange to place an advertisement for quotations of the supply of plant and equipment in the Herbert River Express.

G. FINANCIAL BUSINESS –

1. Seeking approval for payment of the following accounts as at 4th May 2017:

J T Smith & Assoc. Pty Ltd	\$ 1 777.60
Luke Rosadi	92.00
JK's Deli	97.00 Paid 6/4
Mr RA Bosworth	239.40
Cr AJ Lancini	150.00
Mr KT Phillips	172.20
Mr GB Accornero	158.88
Cr WG Skinner	150.00
Ergon	17.17
HSC (reimburse electricity)	82.41
Robyn's Mobile Computer Service	4 599.80
CM Investments	2 617.00

RESOLVED – Two quotes were received for installing concrete steps at Mr V Vitale's (at Ripple Creek.)

That the accounts be passed for payment.

(Mr KT Phillips and Cr AJ Lancini – carried)

H. CONCLUSION – The meeting concluded at 12.06 pm with the next meeting scheduled for Thursday, 1 June 2017.

Cr WG Skinner
(Acting) Trust Chair