



LOCAL GOVERNMENT CHANGE COMMISSION

REPORT ON A CHANGE TO THE EXTERNAL BOUNDARIES OF WUJAL WUJAL ABORIGINAL SHIRE COUNCIL AND CAIRNS REGIONAL COUNCIL

REPORT

JULY 2011

Level 6, Forestry House
160 Mary Street
Brisbane Queensland 4000

Telephone: 1300 881 665
Facsimile: (07) 3229 7391
Internet: www.ecq.qld.gov.au

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CHAPTER 1 — INTRODUCTION

Terms of reference

On 22 September 2010 the Electoral Commissioner, Mr David Kerslake, in his capacity as Change Commissioner received from the (then) Minister for Local Government the Hon. Desley Boyle MP a reference requiring a review of the boundary between Wujal Wujal Aboriginal Shire Council (WWASC) and the adjoining Cairns Regional Council.

The proposal was to transfer the following lots from the Cairns Regional Council to the WWASC—

- 1 The football field described as Lot 2 on Plan SP171837
- 2 An area to be created as Reserve for Environmental, Recreation and Aboriginal purposes with WWASC as trustee and described as Lot 17 on Plan SP224301

On 20 December 2010 the Minister referred a further proposal to transfer the following lots from Cairns Regional Council to WWASC—

- 1 Lot 8 on RP903515, Lot 9 on RP 903516, Lot 10 on RP 903517 (all currently owned by WWASC) and Lot 12 on BK 15783 (privately owned).

In relation to the second referral the Minister noted that Lots 8, 9 and 10 were currently subject to the WWASC Alcohol Management Plan but that Lot 12 was excluded from that plan.

The Change Commission decided to deal with all of the above proposals as a single review. Since the Local Government Act (as it then applied) required the Change Commission to conduct a public meeting in the Wujal Wujal community, processing of the review was postponed until after the “wet” season.

Legislative provisions

Under the Local Government Act the Change Commission is responsible for assessing whether proposed local government changes are in the public interest. The Commission may conduct its assessment in such manner as it thinks fit, but as a minimum it must take into account any views expressed by the Minister and invite submissions from any local government affected by the proposal. Under the provisions that applied when these particular referrals were received (since amended), the Commission was also required to hold a public hearing to seek public input on the proposed change.

If it is in agreement with the proposed change, the Commission may recommend that the Governor in Council implement its assessment by Regulation.

The Act requires that the Commission let the public know the results of its assessment and its reasons, by publishing its findings in a newspaper circulating generally in the local government area, in the Government Gazette and on the Electoral Commission’s website.

The review process

Written views of both the WWASC and Cairns Regional Council, supporting the proposals, were forwarded to the Change Commission with the Minister's referrals. Copies are attached to this report at Appendix A.

The landholders of Lot 12, who would be directly affected by one of the proposals, were given the opportunity to comment. The main concerns raised by the landholders were that—

- their property was part of the Cairns Regional Council at the time of purchase;
- the property would automatically be covered by the Wujal Wujal community Alcohol Management Plan (AMP) if it were transferred to WWASC;
- they could be placed at a financial disadvantage from a perceived decline in property value if their land became subject to the AMP: and
- if included in the WWASC, they would effectively be disenfranchised because of their ineligibility to contest elections in an aboriginal shire.

With agreement, the landholders' main concerns were relayed to the WWASC and Cairns Regional Council to assist in informing discussion about the proposals. A copy of each council's response is at Appendix B.

In accordance with section 19 (4) of the Act, advertisements were placed in both the Cairns Post and Cooktown Local News advising of a public meeting to be held at Wujal Wujal on 9 June 2011. A total of 8 persons attended the meeting, including representatives from the WWASC and the landholders of Lot 12. The meeting was conducted by the Electoral Commissioner, Mr David Kerslake, in his capacity as Local Government Change Commissioner.

Both the landholders and members of the WWASC took the opportunity to address the meeting. All parties conducted themselves in a thoroughly professional manner. Even though council representatives and the landholders had different objectives, both acknowledged the validity of the other's concerns.

The owners of Lot 12 took the opportunity to reiterate their concerns about application of the AMP as well as a potential reduction in property values. The WWASC responded that it was not convinced that there would be a drop in value, but agreed that the owners would not have expected to be affected by the AMP at the time they purchased their property. WWASC also pointed to difficulties experienced in relation to their ownership of Lots 8-10, in that development proposals relating to property they owned had to be submitted to another council for approval.

Those in attendance also engaged in discussion of possible compromise solutions, whereby Lots 8-10 would be transferred to the WWASC but Lot 12 remain in the Cairns Regional Council – in effect as an “island”, part of Cairns Regional Council but separated from that council by lots that formed part of WWASC. Representatives from WWASC indicated that,

while not ideal, they could accept such an outcome if it were the only means of acknowledging the legitimate interests of all parties. The landholders indicated that such a solution would not impact adversely on services to their property, because the only real council service they currently receive is the maintenance of the road which passes through the area. This part of the road (the route from Cape Tribulation as it enters the township of Wujal Wujal) would need to be maintained by the WWASC in any event because of its importance to the community.

The Change Commissioner concluded the meeting by stating that all input would be carefully considered, including the feasibility of the possible compromise solution that had been discussed.

The Change Commission's findings and reasons are set out in Chapter 2, together with maps and a description of the new boundaries. This report has been forwarded to the Minister for Local Government for implementation.

CHAPTER 2 — FINDINGS

The referral from the Minister contemplates three changes to the boundary between WWASC and Cairns Regional Council.

1 Lot 2 on Plan SP171837 (see map at Appendix C)

This lot comprises the local football field which is presently part of a grazing lease. WWASC has advised that the lessee has agreed to this lot being signed over to the council under an Indigenous Land Use Agreement. Cairns Regional Council in turn has agreed to transfer the area to the control of WWASC to take account of the fact that the Wujal Wujal community are the recreational users of the area and that it is maintained by WWASC.

There is nothing contentious about this proposal and no concerns have been raised in the course of public consultation.

It is recommended that the Governor in Council give effect to this proposal.

2 Lot 17 on Plan SP224301 (see map at Appendix D)

Lot 17 comprises a public recreation area located within the boundaries of Cairns Regional Council. Agreement has been reached to transfer this area to the WWASC to reflect the latter's responsibility for the day to day management of the area. Under an Indigenous Land Use Agreement WWASC has prepared a Management Plan for the area that provides for its continuing use as a public recreation area.

No objections to the proposed transfer were made to the Change Commission.

It is recommended that the Governor in Council give effect to this proposal.

3 Lots 8, 9, 10 and 12

The proposal to transfer Lots 8, 9, 10 and 12 is the most complex of the proposals referred to the Change Commission. All four are freehold lots. Lots 8, 9 and 10 are owned by the WWASC and are included in the restricted boundary area set down by the AMP that applies to the Wujal Wujal shire. Lot 1 is privately owned and is not currently subject to the AMP.

The owners of Lot 12 objected to this proposal.

After careful consideration and balancing a range of different interests, the Change Commission recommends against implementation of this proposal. The Commission's reasons are set out below.

To date the council has erected eight community houses on the Lots 8, 9 and 10. There is enough remaining accessible land to enable the council to expand its housing program for the benefit of other families. Viewed in isolation, the desirability of additional community housing constitutes a cogent argument in favour of approving the proposal.

This view needs to be balanced, however, against the impact that the proposed transfer could have on the rights and legitimate interests of the owners of Lot 12. For example, in accordance with the provisions of the *Liquor Act 1992*, any land transferred to the WWASC

region would automatically be subject to the AMP that applies within the council boundaries. The Liquor Act provides no discretion to apply an exemption to the current owners. Importantly, Lot 12 was not subject to the AMP when it was purchased by the current landholders. The landholders argue that the inclusion of their property within the AMP would diminish the resale value of their property. While the WWASC maintains that this would not necessarily be the case, both it and the Cairns Regional Council acknowledge that the change in status would impose restrictions that the current landholders could not reasonably have foreseen at the time that they purchased the property.

A key factor that has been evident throughout the Change Commission's enquiries is the high level of goodwill between the WWASC and the owners of Lot 12. Both have acknowledged concerns raised by the other. With this in mind, the Commission gave serious consideration to a possible compromise, the "island" solution referred to earlier in this report. As follow up to the meeting, the Change Commission contacted the Department of Local Government and Planning and was advised that an "island" solution as discussed at the public meeting would not be in breach of any existing laws. The Commission also noted the view of the Cairns Regional Council that

"It is important that both the owners of Lot 12 and those trying to protect the integrity of the AMP have their concerns raised, respected and addressed."

Ultimately the Commission concluded that, while such a solution was the only means of meeting the legitimate interests of both parties, its attractions were outweighed by the administrative complexities to which such an approach may give rise.

This left the Change Commission with the difficult task of deciding between the competing interests of the parties. The Commission acknowledges that there are some existing administrative complexities that would arise in the event that the WWASC wished to pursue development proposals in relation to Lots 8-10 which it owns. These might be addressed, however, or at least minimised, through an appropriate administrative arrangement between the respective councils.

On the other hand, if the Change Commission accedes to the WWASC request, there is no current means of avoiding the fact that the owners of Lot 12 will become subject to restrictions on their land that were not in force, and could not reasonably have been foreseen, at the time of purchase.


On balance, the considered view of the Change Commission is that this proposal should not be implemented.


CHAPTER 3 — RECOMMENDATIONS

- 1 That the football field described as Lot 2 on Plan SP171837 be transferred from the Cairns Regional Council to the WWASC.
- 2 That the area described as Lot 17 on Plan SP224301 be transferred from the Cairns Regional Council to the WWASC.
- 3 That Lot 8 on RP903515, Lot 9 on RP 903516, Lot 10 on RP 903517 and Lot 12 on BK 15783 remain as part of the Cairns Regional Council.

David Kerslake
Electoral Commissioner
Local Government Change Commissioner

Appendix A — Letter from Minister referring matter with written views of the Wujal Wujal Aboriginal Shire Council and Cairns Regional Council and Objection by Landholder






Hon Desley Boyle MP
Member for Cairns

10/29021
LA/10/0380

20 DEC 2010

Mr David Kerlake
Electoral Commissioner
The Change Commission
GPO Box 1393
BRISBANE QLD 4001



**Queensland
Government**

Minister for Local Government and
Aboriginal and Torres Strait Islander
Partnerships

→ *Daniel Gotthe*
for advice pls
wt.

Dear Mr Kerlake

The Cairns Regional Council (CRC) and Wujal Wujal Aboriginal Shire Council (WWASC) are seeking a review of the boundary between the two Councils to transfer Lot 8 on RP903515, Lot 9 on RP903516, Lot 10 on RP 903517 (all currently owned by WWASC) and Lot 12 on BK 1573 (privately owned) from CRC to WWASC. *1573 2P*

In accordance with Section 18 of the *Local Government Act 2009* and as the Minister for Local Government and Aboriginal and Torres Strait Islander Partnerships, I am referring this boundary review request to you for your assessment and determination.


In making this referral, I note that the owners of Lot 12 on BK 1573 have objected to the proposal to transfer their property from CRC to WWASC. *1573 2P*

I also note that the Office of Regulatory Policy (Liquor, Gaming and Fair Trading), Department of Employment, Economic Development and Innovation, has amended the Alcohol Management Plan (AMP) from 15 November 2010 to incorporate Lot 8 on RP903515, Lot 9 on RP903516 and Lot 10 on RP 903517 (currently owned by WWASC). Lot 12 on BK 1573 (privately owned) has been excluded. Should the boundary change as proposed by the Councils be approved, I understand that the AMP boundary would be automatically extended to include Lot 12. *1573 2P*


A copy of the relevant documentation is attached for your information.

Should you require any further information in relation to this matter, please contact Mr Lew Rojahn, Principal Advisor, Far North Regional office of the Department of Infrastructure and Planning on 4039 8566.

Yours sincerely



Desley Boyle MP
Minister for Local Government and
Aboriginal and Torres Strait Islander Partnerships
Member for Cairns



Enc (3)

Level 18, Mineral House
41 George Street, Brisbane 4000
PO Box 15031, City East
Queensland 4002, Australia
Telephone +61 7 3227 8819
Facsimile +61 7 3223 9504
Email lgahc@pm.his.ie.tal.qld.gov.au
ABN 65 999 415 198

**WUJAL WUJAL ABORIGINAL SHIRE COUNCIL**

WUJAL WUJAL COMMUNITY
Via COOKTOWN H.Q. 4895
Phone: (07) 4890 8155
Fax: (07) 4890 8252

Noel Briggs
Chief Executive Officer
Cairns Regional Council
PO Box 359
Cairns QLD 4870



10th June, 2009

Dear Noel

Meeting with Council
Monday 1st June, 2009

Thank you for attending our meeting in company with Mayor Val Shier on Monday 1st June 2009 in Wujal Wujal. This was an enjoyable and productive experience which culminated in the outcomes as detailed below:

1. Bloomfield River Bridge

It was agreed that Cairns Regional Council (CRC) would give its support to the proposal from Wujal Wujal Aboriginal Shire Council (WWASC) for the construction of a low-level bridge to replace the causeway at Wujal Wujal with funds to be provided by the Department of Main Roads. The structure is on the boundary of both Council areas.

There is to be no financial commitment by either Council and Main Roads is to be the coordinating and funding body for the project which is estimated to cost \$5 million.

If the proposed boundary change takes place, this project will revert to WWASC as the bridge will be within the amended WWASC area.

My Council has asked me to extend its appreciation for your support and looks forward to your Council's confirmation in due course.

2. Woobadda Creek Crossing

WWASC recognises that your Council is to carry out investigations as to priorities for works along the Cape Tribulation - Bloomfield Road, without giving any commitment to Woobadda Creek at this point.

Local residents and WWASC have been pushing for a constructed crossing for Woobadda Creek for a number of years with both Douglas Shire Council and CRC.

Thank you for listening to our concerns in relation to this issue.

3. Boundary Alterations (See Attached Plans)

a). Southside Freehold Lots

It was agreed that you would have no objection to Lots 8, 9 and 10 owned freehold by WWASC being transferred from the CRC area to the WWASC area and that you would initiate discussions with the owners of Lot 12 for their agreement to the transfer of that lot from the area of CRC to the area of WWASC.

b) Football Field and Bloomfield Falls Reserve

It was also agreed that you would have no objections to the Football Field Area and the proposed Bloomfield Reserve being transferred from the CRC area to the WWASC area. The Football Field Area is crown land to be leased for 99 years to WWASC under an Indigenous Land Use Agreement. It is to be reserved for recreational use only. The proposed Bloomfield Reserve will be also established under the Indigenous Land Use Agreement as a reserve for community infrastructure (water supply) purposes.

These areas will be under the control of WWASC and are already designated for the specified uses.

c) Degarra Township

You also indicated at the meeting that the Degarra blocks may be more appropriately included in the WWASC area. This might involve CRC transferring its own freehold blocks in the township to WWASC, and CRC seeking the concurrence of the owners of Lots 401, 419 and 420 to the inclusion of their land in the WWASC area.

As the Degarra Township proposals may be more complicated and less urgent than the other transfers, my Council see these as being part of a later boundary change.

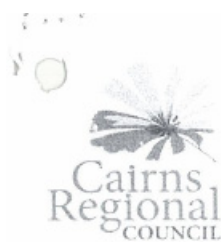
It would be appreciated if you could confirm the foregoing agreements and discussions. As far as the boundary issues are concerned, our Councils would need to approach the Department of Infrastructure and Planning (Local Government Group) to initiate the changes. For your information, the Department of Environment and Resource Management is currently doing surveys of the Indigenous Land Use Agreement areas which will help with our submissions to the Department of Infrastructure and Planning.

I look forward to receiving your advices in due course. Thank you again for your visit to Wujal Wujal and for participating in these discussions.

Yours Sincerely



Kevin Wormald- CEO



3 February 2010

Hon Desley Boyle MP
Minister for Local Government and Aboriginal
and Torres Strait Islander Partnerships
GPO Box 15009
CITY EAST QLD 4002

ENQUIRIES: Liam Nicholas

PHONE: 4044 3029

YOUR REF:

OUR REF: 1/2/11-11 #2457964

Office of the Minister for
Local Government and
Aboriginal and Torres Strait
Islander Partnerships

09 FEB 2010

Dear Minister

**RE: REVIEW OF BOUNDARIES BETWEEN CAIRNS REGIONAL COUNCIL AND
WUJAL WUJAL ABORIGINAL SHIRE COUNCIL**

LOT 8 ON RP903515, LOT 9 ON RP903516, LOT 10 ON RP903517
& LOT 12 ON BK15783

Cairns Regional Council and Wujal Wujal Aboriginal Shire Council have proposed that the above mentioned lots should be excluded from Cairns Regional Council area and included into the area of Wujal Wujal Aboriginal Shire Council.

It is advised that Council at its Planning and Environment meeting resolved as follows:

That Council apply to the Minister for Local Government for a referral to the Local Government Electoral and Boundaries Review Commission for a review of the boundary between Cairns Regional Council and Wujal Wujal Aboriginal Shire Council to include Lot 8 on RP903515, Lot 9 on RP903516, Lot 10 on RP903517 and Lot 12 on BK15783 into Wujal Wujal Aboriginal Shire Council.

The reason for the proposed boundary realignment is that the Wujal Wujal Aboriginal Shire Council owns freehold tenure over Lot 8 on RP903515, Lot 9 on RP903516, Lot 10 on RP903517 which houses members of the Wujal Wujal community in the Cairns Regional Council area. The incorporation of the Council owned lots has caused issues with the implementation of the Wujal Wujal Alcohol Management Plan, as houses in the Cairns Regional Council are not subject to the Alcohol Management Plan.

The subject properties owned by Wujal Wujal Aboriginal Shire Council surround Lot 12 on BK15783 which is a private freehold property. Council has referred the matter to the owners of the private freehold who have objected to the proposed change of the boundary realignment as they did not wish to be subject to the Alcohol Management Plan.

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P.O. Box 359 Cairns Q 4870
www.cairns.qld.gov.au
council@cairns.qld.gov.au

Cairns
119-145 Spence Street, Cairns Q 4870
P: 07 4044 3044 | F: 07 4044 3022

Mossman
64-66 Front Street, Mossman Q 4873
P: 07 4099 9444 | F: 07 4098 2902

Should the Council owned properties be included in the Wujal Wujal Aboriginal Shire Council area and Lot 12 on BK15783 be retained in the Cairns Regional Council, it would create issues in regard Council maintenance and it would cause further problems with regard to the Alcohol Management Plan.

Council therefore requests that you give consideration to referring the proposed boundary change to the Local Government Electoral and Boundaries Review Commission.

Should you have any further enquiries in regard to this matter please contact the Manager for Corporate Performance Linda Kirchner on (07) 4044 3036.

Yours faithfully

LYN RUSSELL PSM
Chief Executive Officer

Tue Sep 28 08:15:55 2010

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Lot 12 questions about shire boundary changes.

1. Why is Lot 12 to be included in Wujal Wujal as it has non indigenous owners, and no other nearby land owned by indigenous or non indigenous people is being included?
2. As an Alcohol Management Plan is being devised for this area while it is in the Cairns region, why would it be necessary to change the shire boundary?
3. Are there any advantages to us in being included in Wujal Wujal?
4. Does Wujal Wujal have a town plan for our area? Is our land zoning affected?
5. Does Wujal Wujal have environmental planning for this area?
6. If we are included in Wujal Wujal are we entitled to vote for councillors and are we eligible to stand as councillors? Would we be able to attend council meetings?
7. Does Wujal Wujal aim to acquire our land at a devalued market value?
8. Could they resume our land compulsorily for any purpose?
9. Can we be forced to have our land changed to Wujal Wujal?
10. Does Wujal Wujal intend to supply us with increased services that we do not get from Cairns?
11. Is this proposal being pushed by the Queensland Police to make it easy for them to enforce the alcohol restrictions?

Disadvantages to us:-

It compromises our lifestyle by not being able to have a beer or glass of wine with friends and family at social occasions, and even limitations on cooking (eg. Rum balls, brandy in Christmas cakes, etc).

The property value will plummet if our property is included in an alcohol prohibited indigenous community.

Having police randomly check our vehicles and those of our visitors for alcohol is an undesirable intrusion into our privacy and lifestyle. There is also the question as to whether the police would randomly raid us to see if we have a couple of beers in our fridge.

We have been asked to do in any people who are drinking on the Esplanade or on our property. This puts us in the position of making enemies in Wujal Wujal community. We would much prefer to live harmoniously with our neighbours.

Tue Sep 28 08:15:55 2010

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As Wujal Wujal has no other land owners who would pay rates, we would be at the mercy of a council, that has had continual financial problems, to set our rates. This could be whatever value they need to balance their books.

Our Daintree Ferry passes would increase in cost from \$13.50 for Cairns residents to \$35.00 each for Cook and Wujal Wujal residents. For the 4 people who presently live here that is an increase from \$54.00 to \$140.00, an increase of \$86 each time we renew our passes.

From R.A. & S.A. Holliday and J. McClaren

Appendix B — Written views of the Wujal Wujal Aboriginal Shire Council and Cairns Regional Council concerning Objection by Landholder



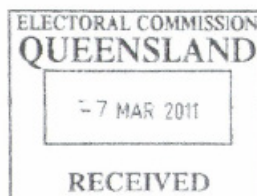
WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

WUJAL WUJAL COMMUNITY
Via COOKTOWN N.Q. 4865

Phone: (07) 40 83 9101
Fax: (07) 4060 8250

24 February 2011

David Kerslake
Electoral Commissioner
Electoral Commission Queensland
GPO Box 1393
Brisbane 4001



Dear Sir,

Local Government Change Commission - Proposal to alter the common boundary between Cairns Regional Council and Wujal Wujal Aboriginal Shire Council

In response to your letter dated 9 February 2011, I advise that:-

Meeting Arrangements

Thursday 9 June 2011 at the Arts & Cultural Centre, Wujal Wujal, is the suggested time and place for the Public Hearing. A charge of \$100 plus GST per half day or \$200 plus GST per full day would apply.

Concerns of the Owners of Lot 12

I comment as follows on behalf of Council:-

- Freehold Lot 12 is situated on the boundary of the Wujal Wujal Deed of Grant in Trust (DOGIT). Due to the DOGIT land being held in trust for the aboriginal inhabitants of the area, it is inevitable that some of the rules that apply to aboriginal communities, such as alcohol plans, will affect those persons resident nearby.

Lot 8, 9 and 10 are also freehold lands owned by Wujal Wujal Aboriginal Shire Council. Community houses and other facilities are built on these lots. The Alcohol Management Plan has been extended to include these lots, so even the

Council could not allow alcohol consumption in these properties nor on any new developments that may subsequently occur on Lots 8, 9 and 10.

- Whilst alcohol could not be legally stored on Lot 12 for use in traditional cooking such as Christmas cakes, there is nothing to prevent cakes and other finished products being sourced elsewhere and consumed on Lot 12. Therefore the consumption of a Christmas cake or other products made from alcohol ingredients is not denied the residents on Lot 12.
- Council submits that it is not necessarily the case that the property value of Lot 12 would decline if it were included in an Alcohol Management Plan. Land values rise and fall for a number of reasons, usually because of general market conditions set by the sale prices of comparable properties in the area, which in turn are governed by the level of demand from purchasers.

An Alcohol Management Plan over Lot 12 may only be of concern to some purchasers, but not others. Similarly, the imminent construction of the new bridge over the Bloomfield River may be seen as a positive for access by some purchasers, but not others who would be quite content with a causeway crossing.

- The State Government proposes to enact new electoral legislation in time for the March 2012 Council Elections. During the public consultation period for that proposed legislation, any person has the opportunity to make representations regarding the eligibility to stand as a Mayor or Councillor.

Other Council Comments

Council's reasons for supporting the complete boundary change package are:-

1. Lot 2 on Plan SP171837 is the local football field which is presently part of a grazing lease. The lessee has agreed that this lot should be used for the existing purpose and has signed over the land to the Wujal Wujal Aboriginal Shire Council. Cairns Regional Council has agreed to include the area in Wujal Wujal Aboriginal Shire because Wujal Wujal uses and maintains the area.
2. Lot 17 on Plan SP 224301 is a public recreation area managed by Wujal Wujal Aboriginal Shire Council even though it is within Cairns Regional Council area. Cairns Regional Council has agreed that it be transferred to the Wujal Wujal Aboriginal Shire Council.

Under an Indigenous Land Use Agreement (ILUA) Wujal Wujal has prepared a Plan of Management for this area to ensure that it is reserved for public use.

3. Lots 8, 9, 10 and 12 are freehold lots. Lots 8, 9 and 10 are owned by Wujal Wujal Aboriginal Shire Council and eight (8) community houses are erected thereon, as

well as a sports field and a sewerage farm. All these facilities are owned and managed by Wujal Wujal Aboriginal Shire Council.

In the past, Wujal Wujal has managed Cape Tribulation Road which passes through these lots. Cairns Regional Council has agreed to the transfer of all lots to Wujal Wujal Aboriginal Shire Council.

Lot 12 is owned privately. Council submits that it should be transferred to the area of Wujal Wujal Aboriginal Shire Council as it will be enclosed by Wujal Wujal land if the other lots (8, 9 and 10) are transferred. Already Lot 12 is enclosed by the Alcohol Management Plan. This land will be served by Wujal Wujal Aboriginal Shire roads and other Wujal Wujal facilities.

If Lot 12 is not transferred, but Lots 8, 9 and 10 are, it will be an "island" in the midst of two (2) Council areas.

There is a good argument that Lot 12 should be within Wujal Wujal Aboriginal Shire due to its proximity to services and road access through Wujal Wujal Aboriginal Shire.

Yours faithfully



Kevin Wormald
Chief Executive Officer



ENQUIRIES: Brendan Leishman
 PHONE: 07 4099 9419
 YOUR REF: LG/486
 OUR REF: 10/21/7-01: #3095248

18 March 2011

Mr David Kerslake
 Electoral Commissioner
 Electoral Commission Queensland
 GPO Box 1393
BRISBANE QLD 4001

Dear Mr Kerslake

**LOCAL GOVERNMENT CHANGE COMMISSION - PROPOSAL TO ALTER THE
 COMMON BOUNDARY BETWEEN CAIRNS REGIONAL COUNCIL AND WUJAL
 WUJAL ABORIGINAL SHIRE COUNCIL - ISSUES RAISED BY PROPERTY OWNERS
 OF LOT 12**

Cairns Regional Council (Council) met with the Wujal Wujal Aboriginal Shire Council in June 2009 to discuss the issues relating to the Local Government boundary changes. It was agreed in these early discussions that Council supported the boundary changes in principle in order to facilitate the implementation and policing of the Alcohol Management Plan (AMP).

Council also accepts and recognises concerns raised by the owners and residence of Lot 12 which have been detailed in your correspondence which you now seek Council's position and response:

- Compromised lifestyle by being unable to drink beer and wine in their home with friends and family on social occasions;
- Limitations on the traditional use of rum and brandy in seasonal cooking (Christmas cakes and the like);
- Financial disadvantage from perceived decline in property value if the property were included within the Alcohol Management Plan; and
- Ineligibility to contest the local government election (only persons recognised by the community as Aboriginal can stand for election to an Aboriginal Shire Council).

Council has conducted our own initial consultations and is aware that there have been considerable stakeholder consultations conducted by other government agencies with individuals, organisations and service providers that have included:

- Wujal Wujal Aboriginal Shire Council
- Wujal Wujal Criminal Justice Group
- Wujal Wujal Health Service
- Queensland Police Service
- Department of Infrastructure and Planning
- Department of Communities
- Office of Aboriginal and Torres Strait Islander Partnerships



.../2

For all correspondence:

PO Box 359 Cairns Q 4870
www.cairns.qld.gov.au
council@cairns.qld.gov.au

Council Chambers

119-145 Spence Street, Cairns Q 4870
 P: 07 4044 3044 | F: 07 4044 3022

Mossman Administration Centre

64-66 Front Street, Mossman Q 4873
 P: 07 4099 9444 | F: 07 4098 2902

- 2 -

- Department of Employment, Economic Development and Innovation Indigenous Policy Office
- Office of Liquor Racing and Gaming
- And residence and property owners including Lot 12

Such consultations have been through meetings, teleconferences and correspondence to gauge their views and best interests for the Wujal Wujal community and come to an agreement on whether to include Lot 12 in the boundary change application and what steps may be taken to exclude them from the AMP.

Council within its sphere of influence is committed and supports the reconciliation between Aboriginal and Torres Strait Islander people and other Australians. This reconciliation process aims to contribute to close the gap between the social and economic disadvantage faced by Indigenous people. Council supports the implementation of the AMP to assist in decreasing the socio-economic divide between Indigenous and non-Indigenous people.

Council understands that the property owners and residence of Lot 12 do not have cultural or family linkages to the Wujal Wujal community. The proposed change of boundary between the local governments will in ways be of a cultural, financial and political disadvantage to the stakeholders of lot 12. It is with these considerations that options need to be seriously explored by Wujal Wujal Aboriginal Shire Council and Government stakeholders to assist with the transitional change of local government borders.

All parties agree that the issues with the Wujal Wujal AMP must be supported. It is important that both the owners of Lot 12 and those trying to protect the integrity of the AMP have their concerns raised, respected and addressed.

Yours sincerely


LYN RUSSELL PSM
Chief Executive Officer

FILE No. LG	486
ACTION OFFICER	E.C.
REG No. 11	4914

Detailed Map - Lot 2 Plan SP171837
Football Field



Appendix D — Lot 17 on Plan SP224301

