



**RICHMOND SHIRE COUNCIL  
LATE AGENDA**

**FOR**

**ORDINARY MEETING  
TUESDAY 20 AUGUST 2024  
COMMENCING AT 8:00AM**

**Item 2. Reports for Consideration – Office of the Chief Executive Officer**

**Item 2.5 Sales Permits for Quarry Materials – Native Title Implications**

**EXECUTIVE SUMMARY**

Richmond Shire Council are members of the NWQROC and the Department of Agriculture and Fisheries have advised as follows:

1. DAF is requiring an Indigenous Land Use Agreement to be negotiated and registered for the renewal of existing Sales Permits and the addition of new gravel pits.
2. Across the 11 NWQROC members, Sales Permits associated with approximately 529 gravel pits will need to be renewed during 2025 and 2026.
3. DAF have indicated that they are negotiating ILUA's with native title parties based on a priority schedule using Sales Permit expiry dates.
4. The State is unable to address all issues that must be addressed in order to obtain the native title parties' agreement including cultural heritage, environmental, contracting and other matters.

**OFFICER'S RECOMMENDATION**

*That Council: Council to discuss if you wish to proceed.*

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**Budget & Resource Implications**

N/A

**Background**

As per attachment

**Consultation (Internal/External)**

Nil

**Attachments**

Attachment A

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Report prepared by **Tyarna Robinson (Administration & Records Officer)**

15 August 2024

The Chief Executive Officer  
Richmond Shire Council  
P O Box 18  
RICHMOND QLD 4740

**Attention:** Mayor Wharton & Peter Bennett

**BY EMAIL:** [crw@richmond.qld.gov.au](mailto:crw@richmond.qld.gov.au);  
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**Partner**  
Andrew Kerr

**Our reference**  
AMK

Dear Mayor & Peter,

### **Sales Permits for Quarry Materials – Native Title Implications – Regional Coordination**

We refer to the letter from Mr Greg Hoffman, Executive Officer, North West Queensland Regional Organisation of Councils (“NWQROC”) dated 14 June 2024 and to discussions in both Burketown and Cloncurry on 29 – 30 November 2023 and 8 – 9 May 2024.

As NWQROC members are aware, the Department of Agriculture and Fisheries (“DAF”) have advised as follows:-

1. DAF is requiring an Indigenous Land Use Agreement to be negotiated and registered for the renewal of existing Sales Permits and the addition of new gravel pits.
2. Across the 11 NWQROC members, Sales Permits associated with approximately 529 gravel pits will need to be renewed during 2025 and 2026.
3. DAF have indicated that they are negotiating ILUA’s with native title parties based on a priority schedule using Sales Permit expiry dates.
4. The State is unable to address all issues that must be addressed in order to obtain the native title parties’ agreement including cultural heritage, environmental, contracting and other matters.

Following the meeting in Burketown, the NWQROC resolved to pursue a greater involvement for individual Councils in DAF’s negotiations with native title holders.

Correspondence was sent by the NWQROC Executive Officer to DAF.

Following this approach to DAF, the Acting Director-General was supportive of Council’s involvement and a coordinated approach. Some of the advantages identified were as follows:-

- strengthening local government advocacy with State and Federal Government, native title holders and representative bodies;
- providing a streamlined cost effective approach;
- aligning local governments negotiation positions;

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- minimising demand on individual Councils;
- expediting the process to avoid rushing when permits expire; and
- providing a coordinated single point of engagement with the State Government on this issue.

As noted in Mr Hoffman's letter, Moray & Agnew would need to be authorised to represent each individual Council in negotiations with DAF and the native title parties and in so doing, the benefits of the coordinated approach can be achieved.

This letter outlines the foreshadowed appointment proposal.

We are now seeking confirmation of whether the Richmond Shire Council is interested in engaging Moray & Agnew including appointing Moray & Agnew to enter into negotiations with the Department of Agriculture and Fisheries and the native title parties in relation to this issue on its behalf.

The proposal is a staged proposal which is as follows:-

1. Stage 1
  - (a) Undertake a review of existing Sales Permits, land tenure and gravel pits.
  - (b) Review existing ILUA's to ascertain if there is an existing "future act" procedure and cultural heritage process which can be relied upon or whether an ILUA will be required.
  - (c) Determine if Council has any other existing Cultural Heritage Agreements with the native title parties.
  - (d) Provide advice on potential groupings with neighbouring local governments based on native title parties or representative body boundaries.
2. Stage 2
  - (a) Enter into negotiations with DAF and the native title parties in relation to cultural heritage arrangements and other issues based on recommendations from Stage 1.

In relation to costs, Moray & Agnew is a Local Buy approved supplier under LB311 – Legal Services. Whilst the standard rate provided by Moray & Agnew under the Local Buy arrangement is competitive, Moray & Agnew is happy to provide a further discount to participating NWQROC members on the standard Local Buy rate which would reduce the hourly rate to \$405.00 per hour (excluding GST).

Our understanding is that the relevant Sales Permits expire in 2025 and 2026. The process and scope of the negotiations may take 6 – 12 months so there is some urgency to commencing this process to allow for a continuation of Sales Permits and access to State owned quarry materials.

If your Council is interested in having further discussions in relation to the engagement of Moray & Agnew as the Council representative in these negotiations, please do not hesitate to contact Andrew Kerr of our office.

Yours faithfully  
MORAY & AGNEW



c.c. **Mr Greg Hoffman**  
**Executive Officer**  
**North-West Queensland ROC**  
**By Email: [NWQROC@carpentaria.qld.gov.au](mailto:NWQROC@carpentaria.qld.gov.au)**