

2021-24 Works for Queensland

Program Guidelines

March 2021



Queensland
Government

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Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

An electronic copy of this report is available on the Department of State Development, Infrastructure, Local Government and Planning website at www.dlgrma.qld.gov.au.

Key Information

Date guidelines released:	11 March 2021
Date from which Councils can begin to electronically lodge project proposal	15 March 2021
Closing date and time:	5pm, 9 April 2021
Funding period:	1 July 2021 to 30 June 2024
Policy Agency:	Department of State Development, Infrastructure, Local Government and Planning
Administering Agency:	Department of State Development, Infrastructure, Local Government and Planning
Enquiries:	<p>If you have any questions, contact:</p> <p>NORTHERN REGION</p> <p>Cairns Office (07) 4037 3407 or 4037 3411 Townsville Office (07) 4758 3472</p> <p>SOUTHERN REGION</p> <p>Brisbane Office (07) 3452 6762 Toowoomba Office (07) 4616 7313 Maryborough Office (07) 4122 0410 Rockhampton Office (07) 4924 2908</p>
Type of grant:	Targeted, non-competitive (allocation based)

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Program Guidelines

1. Introduction

The Department of State Development, Infrastructure, Local Government and Planning (the department) is responsible for administering the Works for Queensland Grants program.

The \$200 million 2021-24 Works for Queensland funding round (grant program) will support the 65 eligible non-South East Queensland councils continue to deliver local projects that create and sustain local jobs.

This document sets out the guidelines for the grant program.

2. The 2021-24 W4Q grant program

The grant program is a non-competitive, allocation-based funding program.

Each eligible council will receive an approved funding allocation (program funding) under the grant program. These allocations have been determined using a base allocation of \$1 million plus an additional amount calculated based on weighted population and unemployment figures in its local government area.

Each eligible council will be required to submit a list of projects (LOP) which provides details of the project/projects which it proposes to deliver using its approved program funding.

2.1 How the grant program operates

The following diagram details how the grant program functions.



2.2 Program aim

The aim of the grant program is to create and/or sustain jobs across regional Queensland by supporting eligible councils to undertake job-creating maintenance and minor infrastructure projects relating to assets which they own or control.

2.3 Applicant eligibility criteria

The 65 non-SEQ councils listed in **Appendix 2** are eligible to receive funding under the grant program.

2.4 Project eligibility

Eligible Projects

Councils may nominate any number of projects up to the value of their total program funding.

To be eligible for program funding each nominated project must:

- (a) align with the grant program aim; and
- (b) be a project that is:
 - i. a maintenance or repair project that will improve the condition, quality or lifespan of an existing council-owned capital asset; or
 - ii. a new minor infrastructure project.
- (c) be a project under one of the following categories:
 - i. an **Essential Services Project**
 - Examples - water supply, sewerage, waste infrastructure, waste management, roads and drainage (including associated infrastructure such as footpaths, cycleways), stormwater systems, energy (including renewable energy), telecommunications / data infrastructure, disaster resilience and preparedness projects (that protect existing essential public infrastructure and/or build resilience to future natural disasters); council owned housing to be available for staff, contractors and service providers (does not include social and community housing); or
 - ii. an **Economic Development Project**
 - Examples - tourism infrastructure, town centre works (including beautification works), saleyards, airports and aerodromes, town or city entrance signs / statements, caravan / tourist parks, community hubs, works depots, car parks; or
 - iii. a **Community Well-Being Project**
 - Examples - arts and culture, sport and recreation, library / knowledge centre, playgrounds and parks, public toilets, CCTV, swimming pools and splash parks, skate / bicycle parks, community halls.

And must:

- (a) be able to be delivered by 30 June 2024; and
- (b) be undertaken within the council's prescribed local government area; and
- (c) not involve the purchase of an asset or works to an asset that is not or will not be owned and/or controlled by the council; and
- (d) be undertaken on land owned or controlled by the council at the time the project application is submitted, except where the council has permission to construct on Queensland Government-owned land. Should councils wish to undertake works of this nature, evidence of land tenure and or permissions must accompany the application; and
- (e) have all required land tenure and/or Native Title approvals in place at the time of making the application; and
- (f) not be temporary works.

When preparing W4Q project proposals, eligible councils are encouraged to consider providing employment opportunities for young (15-24 years) people who are currently not in employment, education or training (NEET). Eligible Councils will be required to report the number of people in the NEET category who have been provided with employment opportunities through funded W4Q projects.

Projects can be a stage of a larger project, where delivery of the identified project stage can be achieved within program period and meets the project eligibility requirements. The staged component must be identifiable as a discreet component/project within the larger project.

In identifying projects for inclusion in the program, councils are encouraged to consider community support for the nominated projects.

2.5 Eligible project costs

Program funding may only be used for, "eligible project costs", which:

- (a) include only:
 - i. direct costs
- (b) do not include:
 - i. any costs incurred by the recipient local government prior to execution of the project funding schedule
 - ii. statutory fees and charges and/or any costs associated with obtaining regulatory and/or development approvals
 - iii. legal expenses
 - iv. core business costs (business as usual):
 - a. core business for an organisation, including ongoing costs for administration,

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- operation, maintenance and engineering
 - b. corporate overheads and on-costs
 - c. remuneration costs of employees not involved in the direct delivery of the approved project. This includes senior executive, professional, technical and clerical salaries of council employees or contractors whose involvement in the project would form part of their normal duties.
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- v. purchase, lease or hire of core business capital equipment such as plant, motor vehicles, office furniture and equipment and information and communication technology (ICT) equipment (does not include the cost of leasing or hire of plant and equipment for the direct delivery only of the project works, e.g. water trucks, excavators)
 - vi. land purchases and/or costs associated with land purchases; and land buy-back scheme costs
NOTE: this includes any land purchases that may be part of an eligible project
 - vii. movable/portable furnishings, supplies and related items, such as portable and attractive items, computers, tables and chairs, cutlery, crockery, appliances (refrigerators, microwave ovens, bench top appliances)
 - viii. house raising and relocation costs
 - ix. costs associated with preparing the project submission
 - x. official opening expenses
 - xi. any other costs as determined by the department to be ineligible.

The above list identifies common examples of ineligible costs and is not intended to be definitive. If there is any doubt about ineligible projects or costs, please contact the Department.

Provision of grant funding to councils is not considered a taxable supply and so Goods and Services Tax (GST) is not applicable. All costs associated with the projects must be excluding GST.

2.6 Other requirements

Program funding is not to be used by the council as their contribution towards other State or Commonwealth Government funding programs.

2.7 Funding arrangements

Councils will be required to execute a Project Funding Schedule under their Head Funding Agreement with the State.

Once executed, the Project Funding Schedule and certain parts of the Head Funding Agreement will constitute the Project Funding Agreement with council.

Payment of program funding to councils will be made in accordance with the provisions of the Project Funding Agreement and in accordance with the Milestone Schedule set out in the Project Funding Schedule.

The State has no obligation to provide program funding to a council until the Project Funding Schedule is fully executed. Councils should not make any financial commitments until all necessary documents have been finalised and executed.

2.8 Project submission timeframes

Key Dates	Key Activities / Actions
11 March 2021	Eligible councils advised of their approved Program Funding allocation Program guidelines released
15 March 2021	Date from which councils can begin to electronically lodge LOP's
5pm, 9 April 2021	Closing date for submission of LOP's
From 14 May 2021	Expected date endorsed projects (LOP's) are announced
1 July 2021	Earliest date projects can commence. Project Funding Schedule must be signed by both parties before projects can commence.
30 June 2024	Works on ALL endorsed projects must be completed.
One month following completion of program works.	Project completion report to be provided to the department.

2.9 How to access funding

To access its program funding, each eligible council will be required to:

- (a) provide a LOP, in the form specified, to the department which provides details of the project/s that it proposes to deliver. Details of the LOP and how it should be submitted will be provided to eligible councils by the department. Councils should ensure for each project listed on its LOP that all requested information is provided. Council may include any additional information it feels may assist the Department assess the project eligibility.
- (b) ensure that the information requested is submitted to the department by the closing date and time specified in section 2.8 of these guidelines.

The Minister for Local Government has discretion in funding decisions and is under no obligation to

consider submissions made after submissions have closed.

2.10 Assessment criteria

All projects nominated on Council's LOP will be individually assessed as either being 'eligible' or 'ineligible'.

For a project to be assessed as 'eligible', the information provided by Council must clearly demonstrate that the project meets the requirements of an eligible project as defined in section 2.4 of these Guidelines.

Any questions about the eligibility of proposed projects should be addressed to the council's departmental Regional Advisor.

2.11 Assessment, evaluation and approval process

Project eligibility will be assessed by the department and recommendations made to the Minister for Local Government. The Minister has discretion in funding decisions.

Councils will be notified in writing following endorsement of projects by the Minister.

Nothing in this section limits the State's discretions under section 6.1 of these guidelines.

2.12 Payment claim requirements

The department will make payments according to the following schedule:

Payment schedule	Milestone
First payment (50% of project funding)	The department will make the first payment as soon as practicable after 1 July 2021, subject to the Project Funding Schedule being executed by both parties.
Second payment (40% of project funding)	Council has expended 50 per cent or more of its total Program funding, and. Either a periodic or ad-hoc progress report, properly certified by the Chief Executive Officer or authorised delegate, has been lodged with and approved by the department via the eGrant portal.
Final payment (10% of project funding)	All endorsed projects have been completed, and Evidence of signage erected at the project sites, where required, has been provided to the department, and A Project Completion Report, properly certified by the Chief Executive Officer or authorised delegate, has been

Payment schedule	Milestone
	lodged with and approved by the department via the eGrant portal.

2.13 Program monitoring, acquittal and evaluation

All Projects will be monitored by the Department to ensure the aim of the Grant Program is being achieved.

Councils must comply with all reporting, record keeping and audit obligations in the Project Funding Agreement, which includes the provision of quarterly progress reports. Progress reports are to be submitted via the Department’s on-line eGrant system. Departmental regional staff will conduct regular follow up of project progress outside of specified reporting periods.

The Project Completion Report and any supporting documents must be provided to the department before the date specified in section 09.

The department reserves the right to require a council, through a condition in the Project Funding Schedule, to establish a dedicated bank account for the purposes of managing its program funding allocation. This may also include the requirement to provide quarterly, or if requested more regular, bank statements or other reports for the account.

Extensions of Time and Withdrawn Projects

All projects funded under the grant program must be completed by 30 June 2024.

As councils have three years to complete their endorsed projects, extensions of time will only be considered under exceptional circumstances.

Where a council determines that a project cannot be delivered, the council may apply to the department to withdraw the project and (i) replace it a new eligible project(s); or (ii) expand the scope of an existing approved project(s). The reallocation of budget from a withdrawn project to address cost overruns on existing approved project(s) will only be considered in exceptional circumstances.

3. Communications

3.1 Communications with media

All media enquiries or public announcements relating to the grant program will be coordinated and handled by the department’s media team.

As far as practicable, all media and communications will be undertaken jointly with successful applicants.

Councils must seek and obtain the State's approval before contacting the media to discuss any information

regarding successful or unsuccessful applications for funding support under or in connection with the grant program.

Please refer all enquiries in relation to media and public announcements to media@dsgd.qld.gov.au or contact your departmental regional advisor.

3.2 Confidentiality, privacy and use of information

The State will maintain controls in relation to the management of confidential information provided by councils. Councils should specifically mark any information the applicant considers to be confidential.

During the submission, review, assessment and endorsement process, councils must keep confidential its LOP and its dealings with the State about its LOP but may make disclosures if required by law or to its representatives or advisors who are under an obligation of confidentiality.

Councils must also keep confidential any information designated by the State as confidential.

The State may disclose information, including confidential information, of or provided by councils:

- (a) to its representatives and advisors for any purpose
- (b) to any government agency or authority and its representatives and advisors, including for the purpose of assessing and verifying such information
- (c) to comply with or meet applicable standards of accountability of public money or established government policies, procedures or protocols or
- (d) if required to be disclosed by law.

The State intends to publicly disclose the names of councils, information about projects, the amount of Program LOP funding granted to each council and details about the anticipated economic outcomes and benefits of successful projects.

Any personal information submitted as part of an application will not be used by the State or disclosed to any third party for a purpose other than in connection with the assessment of the application without a council's consent, unless required by law or in accordance with the *Information Privacy Act 2009*.

For audit purposes, the State is required to retain LOP's and other supplied supporting material for a period of seven years.

The provisions of the *Right to Information Act 2009* apply to documents in the possession of the State.

3.3 Complaints

The decision in relation to endorsement of a council's submitted LOP is final and may not be appealed. If, however, a council has any concerns in relation to the submission or assessment process, a council may raise their concerns in writing by contacting: worksforqueensland@dlgrma.qld.gov.au

All questions about decisions on applications for the grant program are to be lodged in writing to:
worksforqueensland@dlgrma.qld.gov.au.

4. Enquiries and contact details

Councils should contact their designated departmental Regional Advisor in relation to general questions, requests for clarification and requests for further information.

The contact telephone numbers for the Regional Offices are:

NORTHERN REGION

Cairns Office (07) 4037 3407 or 4037 3411
Townsville Office (07) 4758 3472

SOUTHERN REGION

Brisbane Office (07) 3452 6762
Toowoomba Office (07) 4616 7313
Maryborough Office (07) 4122 0410
Rockhampton Office (07) 4924 2908

The department is not able to assist in the preparation of council's LOP.

5. Funding acknowledgement

In accordance with Section 10 of the Head Funding Agreement, councils must adhere to the department's Funding Acknowledgement Guidelines recognising Queensland Government funding and the Works for Queensland program in all media and other communications. This may include:

- (a) erection of signage at project sites at the commencement of the project
- (b) commemorative plaque for official opening
- (c) acknowledgement in publicly made statements, on websites, on social media or other appropriate documentation.

In addition, council must ensure that project signage is displayed in a prominent position which is easily viewable to the general public and visitors to the area.

Evidence of the signage erected at the project site must have been provided to the department prior to the final acquittal being paid.

Further information on acknowledgement requirements, including the use of the Queensland Government logo and other branding requirements, is available on the department's website at www.dlgrma.qld.gov.au.

6. Terms and conditions

6.1 Reservation of rights

- (a) Despite any provision of these guidelines to the contrary, the State reserves the right to administer the grant program and conduct the process for the assessment and approval of applications to the grant program in such manner as it thinks fit, in its absolute discretion.
- (b) Without limiting paragraph (a), the State retains all rights and powers to make all decisions and actions in order to achieve the program objectives and the State reserves the right, in its absolute discretion and at any time, to:
- i. change the structure, procedures, nature, scope or timing of, or alter the terms of participation in the process or overall grant program (including submission and compliance of applications), where in such circumstances notice will be provided to applicants
 - ii. consider or accept, or refuse to consider or accept, any application which is lodged other than in accordance with these guidelines or is lodged after the relevant date for lodgement, or which does not contain the information required by these guidelines or is otherwise non-conforming in any respect;
 - iii. vary or amend the eligibility or assessment criteria;
 - iv. take into account any information from its own and other sources (including other government agencies and other advisors);
 - v. accept or reject any application, having regard to these guidelines, the eligibility criteria, the assessment criteria or any other item, matter or thing which the State considers relevant, including the limitations on the funds available for the grant program;
 - vi. give preference by allocating weighting to any one or more of the eligibility criteria or assessment criteria over other criteria;
 - vii. conduct due diligence investigations in respect of any applicant and subject applications to due diligence, technical, financial and economic appraisals;
 - viii. require an applicant to clarify or substantiate any claims, assumptions or commitment contained in an application or provide any additional information;
 - ix. terminate the further participation of any applicant in the application process;
 - x. terminate or reinstate the grant program or any process in the grant program;
 - xi. not proceed with the grant program in the manner outlined in these guidelines, or at all;
 - xii. amend the nature, scope or timing of the grant program;

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- xiii. allow the withdrawal of an applicant;
 - xiv. seek presentations from or interviews with any applicant and conduct negotiations with any one or more applicants after the applications have been lodged;
 - xv. publish the names of applicants to the grant program; and
 - xvi. take such other action as it considers in its absolute discretion appropriate in relation to the grant program processes.
- (c) Where, under these guidelines, it is stated that the State may exercise a right or discretion or perform any act or omit to perform any act, then unless stated otherwise the State may do so at its sole and absolute discretion and will not be required to act, or be restrained from acting, in any way or for any reason nor to take into account the interests of any third party (including an applicant).

6.2 No relationship

The State's obligations in connection with the application process are limited to those expressly stated in these guidelines.

No contractual or legal relationship exists between the State and an applicant in connection with the grant program, these guidelines or the application process or any stage of the grant program.

An applicant, or its representatives:

- (a) has no authority or power, and must not purport to have the authority or power to bind the State, or make representations on behalf of the State
- (b) must not hold itself out or engage in any conduct or make any representation which may suggest to any person that the applicant is for any purpose an employee, agent, partner or joint venturer with the State
- (c) must not represent to any person that the State is a party to the proposed project other than as a potential funder, subject to the application process detailed in these guidelines.

6.3 No action

To the extent permitted by law, no applicant will have any claim of any kind whatsoever against the State (whether in contract, tort (including negligence), equity, under statute or otherwise) arising from or in connection with:

- (a) any costs, expenses, losses or liabilities suffered or incurred by the applicant in preparing and submitting its application (including any amendments, requests for further information by the State, attendance at meetings or involvement in discussions) or otherwise in connection with the grant program
- (b) the State at any time exercising or failing to exercise, in its absolute discretion, any rights it has

under or in connection with the grant program

- (c) any of the matters or things relevant to its application or the grant program in respect of which the applicant must satisfy itself under these guidelines,

Without limiting paragraph (a), if the State cancels or varies the grant program at any time or does not select any applicant following its assessment of the applications, or does (or fails to do) any other thing referred to under clause 0 of these guidelines, no applicant will have any claim against the State arising from or in connection with any costs, expenses, losses or liabilities incurred by the applicant in preparing and submitting its application or otherwise in connection with or in relation to (whether directly or indirectly) the grant program.

For the avoidance of doubt, each applicant:

- (a) participates in the grant program at its own risk; and
- (b) is wholly responsible for its costs of applying for, participating in, or otherwise in connection with, the grant program.

6.4 Non-exhaustive

These guidelines do not contain all of the information that applicants may require in reaching decisions in relation to whether or not to submit an application. Applicants must form their own views as to what information is relevant to such decisions.

Applicants must make their own independent investigations of the information contained or referred to in these guidelines. Applicants must obtain their own independent legal, financial, tax and other advice in relation to information in these guidelines, or otherwise made available to them, during the application process.

6.5 Disclaimer

The State makes no warranty or representation express or implied, and does not assume any duty of care to the applicants that the information in these Guidelines, or supplied in connection with the grant program (information) is accurate, adequate, current, suitable or complete, or that the Information has been independently verified.

The State accepts no responsibility whether arising from negligence or otherwise (except a liability that cannot lawfully be excluded) for any reliance placed upon the Information or interpretations placed on the Information by applicants.

6.6 Intellectual property

Any intellectual property rights that may exist in an application will remain the property of an applicant or the rightful owner of those intellectual property rights. Any part of an application considered to contain intellectual property rights should be clearly identified by an applicant.

The applicant grants to the State (and will ensure relevant third parties grant) a non-exclusive, royalty free and irrevocable licence to use and reproduce the intellectual property for the purpose of administering the grant program.

6.7 Law

These guidelines are governed by the laws applicable in Queensland.

Glossary

Eligible project costs	has the meaning given in section 0 of these guidelines.
Grant program	means the 2021-24 Works for Queensland funding program, being the subject of these guidelines.
Guidelines	means these guidelines for the grant program.
Head Funding Agreement	means the agreement entered into between the State and the applicant that sets out the terms and conditions under which the State will enter into project specific arrangements to provide funding for specific projects to local government applicants, if the applicant is successful in an application for funding under a grant program.
Milestone Schedule	means, for a project, the schedule of dates for achievement of specified milestones, as set out in the relevant Project Funding Schedule.
Project	a project includes the entire scope of works identified in the application, e.g. for a construction project. This includes identified pre-construction activities (e.g. tendering), construction related activities and commissioning.
Project Funding	means the funds to be provided by the State to an applicant who is successful in an application for funding under the grant program.
Project Funding Schedule	means the schedule prepared by the State and executed by the parties in accordance with the Head Agreement, for the provision of project funding.

Appendix 1 – Eligible councils

Eligible councils receiving funding under the Works for Queensland 2019-21 funding program are listed below.

Northern Region

Aurukun Shire Council

Burdekin Shire Council

Burke Shire Council

Cairns Regional Council

Carpentaria Shire Council

Cassowary Coast Regional Council

Charters Towers Regional Council

Cloncurry Shire Council

Cook Shire Council

Croydon Shire Council

Doomadgee Aboriginal Shire Council

Douglas Shire Council

Etheridge Shire Council

Flinders Shire Council

Hinchinbrook Shire Council

Hope Vale Aboriginal Shire Council

Isaac Regional Council

Kowanyama Aboriginal Shire Council

Lockhart River Aboriginal Shire Council

Mackay Regional Council

Mapoon Aboriginal Shire Council

Mareeba Shire Council

McKinlay Shire Council

Mornington Shire Council

Mount Isa City Council

Napranum Aboriginal Shire Council

Northern Peninsula Area Regional Council

Palm Island Aboriginal Shire Council

Pormpuraaw Aboriginal Shire Council

Richmond Shire Council

Tablelands Regional Council

Torres Shire Council

Torres Strait Island Regional Council

Townsville City Council

Whitsunday Regional Council

Wujal Wujal Aboriginal Shire Council

Yarrabah Aboriginal Shire Council

Southern Region

Balonne Shire Council

Banana Shire Council

Barcaldine Regional Council

Barcoo Shire Council

Blackall-Tambo Regional Council

Boulia Shire Council

Bulloo Shire Council

Bundaberg Regional Council

Central Highlands Regional Council

Cherbourg Aboriginal Shire Council

Diamantina Shire Council

Fraser Coast Regional Council

Gladstone Regional Council

Goondiwindi Regional Council

Gympie Regional Council

Livingstone Shire Council

Longreach Regional Council

Maranoa Regional Council

Murweh Shire Council

North Burnett Regional Council

Paroo Shire Council

Quilpie Shire Council

Rockhampton Regional Council

South Burnett Regional Council

Southern Downs Regional Council

Western Downs Regional Council

Winton Shire Council

Woorabinda Aboriginal Shire Council

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