



**Minutes from AGM 16<sup>th</sup> August 2018**

**7.16pm Meeting open**

**Present:** Chris Williams, Dave Reeve, Ruth Reeve, Stefan Bollmann, David O'Sullivan, Ambor Collins, John Pownall, Daniel Peatey, Mark Gamble, Cheyenne Moreau, Leo Stanilas, Ryan Webb, Todd Naylor, Darryn Wong, Paul Finch, Damian Rua, Justin Wallis, Rob Saunders, Matt Pelkanos, Gordon Baudino, Adam Kerz, Neil Jenman

**Proxies:** Gary Abraham represented by D Reeve

**Apologies:** Chris Hall

**Motion** to accept previous meeting minutes

Proposed, Chris Williams

2<sup>nd</sup>, Daniel Peatey

Carried

**Correspondence**

**25May18:** from Dept of Environment and Science re request for whether the land parcel containing Frederick Pk is expected to be taken into the protected area estate.

**23Jul18:** from Community Engagement officer at Townsville City Council asking for a meeting re Kissing Point

**23Jul18:** from Infrastructure, Planning.... Dept at Townsville City Council re request to grade Cunningham and Willison Roads

**KP Bad bolt Notifications:**

Number Notified for Quarter: 3

**President's Report – Dave Reeve**

The main dot points are summarised below –

*Rather than go through issues encountered at various crags, in this report I would like to discuss some broad principles of access that we have consolidated over the last few years –*

- *After 9 years we have a clearer idea of the functions of an access organisation.*
- *We now have the level of understanding required to set ACAQ on a clear course through amendments our constitution.*
- *For our 10th anniversary we wish to establish a foundation on which the future decades can build.*

- *At this AGM we will take the first formal steps toward this goal.*

*Our guiding principle to date has been an insistence on dealing with the "system of laws" not the "system of people".*

- *Laws persist across generations whereas agreements between people cannot do so, or, do so poorly.*
- *Example: The agreement, made years ago, not to climb outside the cave at Coolum is becoming increasingly difficult to justify to a new generation of climbers. It was an agreement that made sense to the parties involved at the time, but now only serves to muddy that which should be crystal clear.*
- *Laws are drafted with generality of scope in mind, something that is sharpened by the process parliamentary scrutiny. Agreements by contrast are specific in nature. Thus laws scale where agreements cannot.*
- *Scaling is a key determinant of our involvement. A couple of climbers can approach a landowner for permission to climb on his land. This works well. Also a couple of climbers can climb wherever they choose on the protected area estate without raising concerns from the land manager. However, if a crag becomes popular, then there ensues a period of concern for the land manager/owner which may fester and culminate in a closure.*

*ACAQ gets involved at this point, and our approach should be via the "system of laws". Making agreements is futile - Between whom? And, how enforced? For access to public land, there are some very fundamental reasons to avoid ad hoc agreements –*

- *Agreements cut across 'free and fair access' because they enable one party to the exclusion of others.*
- *Climbing is unique in that, at its very core, a climbing resource, no matter how trivial, enables celebration of the 'freedom of the hills'.*
- *Climbers react poorly to being denied "freedom" whether by exclusive access agreements or by monetising of access*
- *Climbers are anarchistic; with the result that poor management of access motivates a feral climbing community which, in turn, leads to the degeneration of recreation and conservational values.*

*Laws represent the will of the people expressed via the institution of Parliament, and, if well drafted, establish principles of robust generality that can accommodate all the fads and fancies the outdoor recreational world can invent over the passage of many years.*

*We are lucky in Qld to have the NCA which lays down how the protected area estate is to be managed in very clear, broad terms -*

- *To conserve natural values.*
- *To present those values through recreation.*
- *A balance is to be struck between presentation and conservation such that conservation has primacy.*
- *An administrative unit dedicated to the execution of the Act is required.*

*For other locations outside the protected area estate we have the State Reserve system, the management principles of which are prescribed by the Land Act. The*

*concept of a reserve that provides public breathing space for the enjoyment of all dates back to events in the UK where Sir Robert Peel, in response to the growing enclosure of the commons in the 1830s and 1840s, championed the social benefits of such a system. Here in Qld we find much of the spirit of this UK innovation surviving in the language of The Land Act. This Act places a burden on the Trustee that manages the reserve to ensure the registered 'community purpose' of the reserve is upheld. 'Free and fair access' is central.*

*We have a solid legal framework that makes clear the broad principles by which land managers should manage the land on which most of our crags are situated. Should we have an access problem, we simply consult the over-arching law, point the land manager to their duty under that framework, and the problem goes away.*

*The recourse to law, in favour of a nice cosy meeting, may strike many as heavy-handed and aggressive. However, it is important to understand that any such conflict is between body corporates, not the individuals that so happen to do a job of work within them. Sweep such actors off the stage and what happens? If the issue goes away with the exit of the actors, then it is a non-issue. We thus lay bare the fundamental structural problems that have the potential to plague future generations. This should be our focus.*

*The Supreme Court, amongst its other roles, exists to interpret administrative law. So if we disagree with a land manager's interpretation, then we should seek resolution at the Supreme Court. In doing so, we are not trying win some sort of battle of egos, rather this is the correct way to go about fixing something we see as broken, and which is working against the public good.*

*The major changes to our constitution which we seek to adopt at this meeting, all align with the above principles.*

### **Treasurer's Report – Chris Williams**

**Income for year: \$9,920**

**Expenditure for year: \$1,961**

**Total accumulated funds: \$32,295**

**[The detailed accounts can be viewed here.](#)**

### **Motions to Amend the Constitution –**

**Explanatory notes to the proposed changes were published two weeks prior to the meeting. [They can be viewed here.](#)**

**Motion 1a:** That the meeting adopt the following as an object of the Australian Climbing Association Queensland Inc. by inserting the following dot point 2 at Clause 3 of the Constitution: **[To accumulate monies obtained from membership fees and donations into a trust fund, \(the 'access fund'\), to be used for matters that affect rights to access climbing sites in Queensland.](#)**

**Proposed: Daniel Peatey**

**Seconded: Chris Williams**

**Carried unanimously**

*Motion 1b:* That the meeting adopt the following as an object of the Australian Climbing Association Queensland Inc. by inserting the following dot point 3 at Clause 3 of the Constitution: ***To ensure that the legislation, regulations, policy documents and other instruments which affect climbing are lawful and appropriate and are being correctly interpreted and applied by land managers.***

***Proposed: Daniel Peatey***

***Seconded: Chris Williams***

***Carried unanimously***

*Motion 1c:* That the meeting adopt the following as an object of the Australian Climbing Association Queensland Inc by inserting the following dot point 4 at Clause 3 of the Constitution: ***To work with land managers and governments at all levels to promote and support climbing and to help develop climbing related policy, regulations and other instruments.***

***Proposed: Daniel Peatey***

***Seconded: Chris Williams***

***Carried unanimously***

*Motion 1d:* That the meeting adopt the following as an object of the Australian Climbing Association Queensland Inc. by inserting the following dot point 6 at Clause 3 of the Constitution: ***To ensure the full recreational value of public lands tenured under the Nature Conservation Act, the Forestry Act and the Land Act, plus such public lands that are held in freehold by local governments is recognised and utilised.***

***Proposed: Daniel Peatey***

***Seconded: Chris Williams***

***Carried unanimously***

*Motion 2a:* That the meeting adopt the insertion of the following at Clause 4(2)(d) of the Constitution: ***Act as a trustee and deal with trust property.***

***Proposed: Daniel Peatey***

***Seconded: Justin Wallis***

***Carried unanimously***

*Motion 2b:* That the meeting adopt the insertion of the following at Clause 22(3)(i) of the Constitution: ***To establish and administer as trustee a trust established by deed.***

***Proposed: Daniel Peatey***

***Seconded: Chris Williams***

***Carried unanimously***

*Motion 2c:* That the meeting adopt the insertion of the following at Clause 45(12) of the Constitution: ***Funds of the association may be transferred to a trust established under clause 22(3)(i) (the "access fund"), provided that the transfer is decided by the carriage of a special resolution as described in the Act.***

***Proposed: Daniel Peatey***

***Seconded: Justin Wallis***

***Carried unanimously***

*Motion 2d:* That the meeting adopt the proposed insertion of the following at Clause 45(13) of the Constitution: ***Where the association holds funds as a trustee those funds can be dealt with in the way specified in the instrument establishing that trust.***

***Proposed: Daniel Peatey***

***Seconded: Chris Williams***

***Carried unanimously***

*Motion 3a:* That the meeting adopt the amendment to Clause 7 of the Constitution to read: ***1) An application for membership must be— (a) in writing; and (b) signed by the applicant; and (c) in the form decided by the management committee***

***Proposed: Daniel Peatey***

***Seconded: Chris Williams***

***Carried unanimously***

*Motion 3b:* That the meeting adopt the removal of Clause 9(5) of the Constitution.

***Proposed: Daniel Peatey***

***Seconded: Chris Williams***

***Carried unanimously***

*Motion 3c:* That the meeting adopt the following amendment at Clause 44(1) of the Constitution: ***The management committee may adopt a common seal for the association.***

***Proposed: Daniel Peatey***

***Seconded: Chris Williams***

***Carried unanimously***

*Motion 3d:* That the meeting adopt the amendment at Clause 44(2) of the Constitution: ***If adopted the common seal must be—***

***Proposed: Daniel Peatey***

***Seconded: Chris Williams***

***Carried unanimously***

*Motion 3e:* That the meeting adopt the insertion of the following at Clause 45(7) of the Constitution: ***If a payment of \$100 or more is made by electronic funds transfer, the transfer must be signed by any 2 of the following—(a) The president; (b)The secretary; (c)The treasurer; (d) Any 1 of 3 other members of the association who have been authorised by the management committee to sign cheques issued by the association.***

***Proposed: Daniel Peatey***

***Seconded: Chris Williams***

***Carried unanimously***

*Motion 3f:* That the meeting adopt the insertion of the following at Clause 45(8) of the Constitution: ***For the avoidance of doubt, 1 of the persons who signs the transfer must be the president, the secretary or the treasurer.***

***Proposed: Daniel Peatey***

***Seconded: Chris Williams***

***Carried unanimously***

*Motion 3g:* That the meeting adopt the following rewording at Clause 45(10) of the Constitution: ***A petty cash account may be kept on the imprest system, and the management committee must decide the amount of petty cash to be kept in the account.***

***Proposed: Daniel Peatey***

***Seconded: David O'Sullivan***

***Carried unanimously***

*Motion 3h:* That the meeting adopt the following amendment of Clause 48 of the Constitution: ***The end date of the association's financial year is the 30th of June in each year.***

***Proposed: Daniel Peatey***

***Seconded: David O'Sullivan***

***Carried unanimously***

### ***Election of Executive***

*No further nominations for the executive committee positions of President, Secretary, Treasurer, Policy and legislation Adviser and Operations Officer were received by the date of the meeting.*

***Motion:*** That David Reeve be appointed as President, Chris Williams as Secretary, Daniel Peatey as Policy and Legislation Adviser, and Leo Stanislas as Operations Officer.

***Proposed: David O'Sullivan***

***Seconded: Cheyenne Moreau***

***Carried unanimously***

### ***Trail Care: Damien Rua***

- *QPWS stabilised the Upper Slider Platform*
- *Work was done on the Flinders Cave trail but turnout was disappointing. We need to be driving the message of the need to harden trails before significant erosion occurs*
- *Next trail-care day will be for Mosquito Wall at Beerwah. Scheduled for late August or early September. Will need 5-8 volunteers. Please watch for notifications and come along for a few hours.*

### ***Crag Reports:***

#### ***Coolum Cave: Ian Elliott***

*Coolum cave is seeing good numbers of climbers including international climbers who are on the coast for a few weeks as well as the usual escapees from the cold down south.*

*The number of local climbers is rising steadily as well and we have a new generation of locals at the cave.*

*The falcons are showing signs of nesting in the region of Gothic Architecture and should be about to start laying their clutch of eggs if previous time lines are any indication. As usual, they avoid any line of sight from the ground so it is difficult to know exactly what is going on. However once they start laying they will not leave the nest site unprotected.*

*We have had some issues with people leaving draws on popular routes for long periods with the subsequent wear causing serious rope damage in heavy falls. Once the issue was raised, the owners of the hardware had them removed promptly, however, if you climb on someone elses' gear, you accept the risks so check for wear, particularly where the rope runs through the biner and look for sharp edges.  
Safe climbing,*

**Helidon Hills – Phil Box**  
*No report received*

**Brooyar – Adon Taylor**  
*No report received*

**Glass House Mtns: Ad hoc committee**  
*No report received*

**Kangaroo Point: - Adam Kerz**  
*No report received*

**Frog Buttress – no active crag rep**  
*No report received*

**Ninderry – Neil Jenman**  
*No report received*

**Girraween – no active crag rep**  
*No report received*

**North Qld – Gary Abrahams**  
*No report received*

**Flinders – no active crag rep**  
*No report received*

**White Rock – no active crag rep**  
*No report received*

**Pages – no active crag rep**  
*No report received*

**Agenda Items**  
*None submitted*

**General Business**  
*None raised*

**Bolting.** *If you are about to bolt a new route, or maintain an existing route in a Queensland National Park or Conservation Park, please contact the ACAQ so that we can handle the paperwork. All correspondence should be directed to [Secretary@climb.org.au](mailto:Secretary@climb.org.au)*

**9.30pm Meeting closed**