



**Council Ordinary Meeting held:
August 15th, 2017**

Council Minutes of Ordinary Meeting
held in the Council Chambers

**Mapoon Aboriginal Shire Council
Meeting Minutes: 15th August 2017
Meeting Held: MASC Council Chambers**

Day 1. Tuesday, 15th August 2017

Attendance

Councillor	Aileen Addo
Councillor	Margaret Mara
Councillor	Pauline Smith
Councillor	Brendan Brown

Apologies

Councillor	Peter Guivarra
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Staff

CEO	Leon Yeatman
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09:05 Meeting opened and welcome

Mayor welcomed the councillors and staff to the August meeting of 2017. She reminded everyone about their roles and responsibilities as an elected official and particularly to their obligations to declare their interest (material or personal) on matter presented today – that may have a perceived or real conflict of interest.

Councillors agree that all matters presented at this meeting will be administered on the principle of fair and equitable treatment. Mayor acknowledged that we each bring our own views to the table and on all matters unresolved, councillors rights to agree and disagree is respected.

Councillors reminded to fulfil their administrative requirements and sign the attendance sheet for the monthly remuneration associated with this meeting.

Mayor thanked all present for their attendance and welcomed everyone to the meeting. Acknowledgements made to members not present and respect was paid to the Traditional Owners of the land on which we meet, to the elders past and present, to the councillors and employees present for the meeting. Councillor's observed a minute's silence in memory of community members who have passed 09:06 hrs.

09:07 Confirmation of Minutes

CEO noted there are two sets of minutes to review for this meeting – Ordinary and Special meetings:

- Ordinary Meeting – 17th July 2017
- Special Meeting – 27th July 2017
- Special meeting – 09th August 2017

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Resolution 01. 15/08/17	The council resolved to endorse the minutes of the meeting as true and correct: Ordinary Meeting – 17 th July 2017 Special Meeting – 27 th July 2017 Special meeting – 09 th August 2017	
Motion	Proposed: Councillor Brown Seconded: Councillor Mara	Motion Carried

09:40	Matters arising from previous Minutes
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Ordinary Meeting – 17th July 2017

Item	Action	Officer
1	<i>Amendment required for pp.13 – incomplete sentence needs to be removed.</i>	CEO
	<i>Store report – ATM and Ergon cards.</i>	Store Manager
	<i>GB – Ely Trust correspondence. No update for this meeting. Note the trust and members are meeting in Weipa today and this will be a topic on their agenda. Mayor and Councillors keen to ensure MASC is ready with a response.</i>	CEO

Special Meeting – 27th July 2017

Item	Action	Officer
	<i>Organisation chart – note there was identified gaps with the communication process. The approved chart contained an omission – Human Resource Officer that requires edits. A rescindment required to address the organisation chart and reflect the changes. Cr Mara identified as the mover and will see CEO to formulate the appropriate wording. Noted the support for additional trainees to be added Noted the creation of a Parks and Garden team, with a team leader and labourers.</i>	CEO

Special Meeting – 09th August 2017

Item	Action	Officer
	<i>Nil</i>	

10:23	General Business
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10:23	GB – Finance Audit Risk Management
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10:30	Finance Operational Risk Manager – Accountant report
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Accountant Report for June tabled as read.

Note the store write off reflect the perishables – instructions will be issued to Manager to monitor

Workshop – note equipment replacement (tools) requires attention. The Works Manager to assume responsibility for this item and support the strategy to equip the workshop and recommend control strategies for consideration.

Travel is below for the month – this will be reviewed to ensure invoicing is up to date.

Accounts to be closed off – to formulate financial reports for EOFY. These reports to be added to Annual Report.

Wage processing review contained in the report. Following issues noted

- QCCU timeframes
- Errors in timesheets – calculations etc.
- Review process at management level
- Clear about a plan forward.

Mapoon Trust account – OMAC resolution as contained in the Trustee minutes has been accessed and outstanding account information settled.

Accountant will be visiting Mapoon on week commencing 22nd accompanying Mr Peter Savage, who will be assisting with the Risk Management compliance actions.

Mayor noted the Accountant contract status – CEO has information included in his report covering the issues.

Resolution 02. 15/08/17	<p>The council resolved to endorse the financial report as presented by Council Accountant Mr David Hockey:</p> <ul style="list-style-type: none"> • Rental debtors & Income • Store • Consolidated Revenue Vs. Expenditure graph • Revenue • General Expenses • Motor Vehicle Expenses • Travel Expenses • Untied Funds • Housing Construction 	
Motion	<p>Proposed: Councillor Brown Seconded: Councillor Mara</p>	Motion Carried

Meeting adjourned for morning tea 10:40am.

11:10	Morning Tea
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Meeting reconvened after morning tea 11:10am.

11:10	GB – Legal Matters
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11:10	Legal Matters – Preston Law:
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11:10	GB – Tender / Payment Authorisation (Exceeding Delegation)
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Nil.

10:31	GB – Policy and Regulatory compliance
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CEO presented the updated Travel Allowance policy for council consideration and endorsement. Note the Taxation Determination for 2017-19 was

Resolution 03. 15/08/17	The council resolved to endorse Travel Allowance policy in line with changes to the Taxation Determination 2017-19	
	Employee’s annual salary – \$119,650 and below	
	Food and drink	(\$)
	breakfast	27.05
	lunch	30.45
	dinner	51.85
	Incidentals	19.35
	Employee’s annual salary – \$119,651 to 212,950	
	Food and drink	(\$)
	breakfast	29.45
	lunch	41.70
	dinner	58.35
	Incidentals	27.65
Motion	Proposed: Councillor Smith Seconded: Councillor Brown	Motion Carried

CEO presented the edited copy of the Local Disaster Management Plan 2017 for consideration and endorsement. Note the plan was subjected to a review process coordinated by MASC CEO and QFES Officer Murray Hayton. This plan was assessed in line with current legislation and in its current form is compliant. Plan commended to council

Resolution 04. 15/08/17	The council resolved to endorse revised Local Disaster Management Plan for 2017, as edited by CEO and QFES Mapoon Representative.
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Motion	Proposed: Councillor Brown Seconded: Councillor Smith	Motion Carried
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11:00	Operational Reports
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11:00	OR – CEO
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CEO Action report covering period between 16/07/17 to 14/08/17.

In Summary my attention has been directed to the activities:

- Projects
- Staff changes:
 - Appointment of Works Manager – commences 15/8
 - Severed ties with Bruce Gould – Mayor & Council instruction (project hand over this week)
- Accountant – off contract.
- CEO – off contract: Section 11.

My absence from Mapoon:

- DILGP & DNRM – Waste Management Project Cairns 4/8;
- Police Summit – Cairns 10/8;
- Meeting with Lawyers – Trustee topic at Preston Law 10/8;
- Cape Mayors meeting 11/8.

Matters arising without notice from last meeting:

<i>Item</i>	<i>Status</i>
<i>Civil Engineer – sever work arrangements (risks identified)</i>	<i>Actioned</i>
<i>Accountant Contract - out of contract</i>	<i>Actioned – consideration required</i>
<i>Project – Mapoon Accommodation: notification (60-day response time).</i>	<i>Actioned</i>
<i>Waste Management project – reconnected with department representatives and remapped a new course (note changes to legislation). Challenge for council will be the interaction and relationship with OMAC around the topic of owners consent.</i>	<i>Actioned</i>

Project Status report summary:

WCCCA - Mapoon Sport and Recreation Strategic Plan

Tender closed on Friday 11/8. Project tender assessment will commence after the meeting and a summary presented for council endorsement.

Mapoon Language project

Contact re-established with Mr Geoffrey Wharton regarding the project. I will review the current budget and approve the progress of this project toward finalisation.

Building construction:

- NPAHRI –no official information regarding post NPAHRI.
- SES equipment storage shed –.
- Works for Queensland project –projects progressing as planned.

Black Star Radio – the equipment was assessed recently and opportunity identified to bring the Mapoon service in line with other cape communities. Identified the need for new equipment to improve connectivity and remote management. The action does contain an operators licence which I have instructed QRAM to secure licence on behalf of Mapoon. This project aims to improve radio broadcast in Mapoon Shire and boost local content. I will assess and refer project information as part of a future funding application – possibly to WCCCA.

Operational

Roads & Civil – Instructions provided at the Special Meeting to sever ties with Mr R. B. Gould was initiated. Met with Mr Gould on Thursday 10/8 in person and advised of the instruction from council.

advice to at Special Meeting identified inherent risk – including but not limited to:

- Defined nature of the project;
- Impact of Scope change;
- Change impacts to budget and reporting;
- Issues about transfer /supply of Technical knowledge – sections not covered by current cost outlay.

Recommended current list of projects to be allowed to finish – end date 30 June 2017 – rejected.

Mayors Alliance meeting – meeting held in Cairns on Friday Morning 11/8. Cook Shire added as a member. Name change being considered again. Proposal for Meeting to be held in Mapoon.

Mapoon LDMG – updated plan presented for ratification.

Accountant: Contract end date

Review of our records note the following:

- End date as reflected in the contract is 30 December 2016
- A resolution was captured on 28 July 2014 which extended the date by 6 months.

This information identifies an end date for the contract as at 28th July 2017 – off contract.

Council will need to consider its position in this regard as it is untenable to suggest this matter be carried over any further. Options for council to consider:

1. Implement a temporary arrangement: security is afforded to the long serving Accountant to navigate through the current commitments;
2. Implement a long-term arrangement (3 years) with the incumbent (preferred)

The Accountant role is the senior role second to the CEO. There will be inherent risk to vacate both at the same time.

CEO: Contract section 11.

Would council activate Termination clause in my contract - section 11.1.5:

The Council may terminate this contract for a reason or reasons other than those specified in Clauses 11.1.2, 11.1.3 and 11.1.4 (including but not limited to the irretrievable breakdown in the relationship between the CEO and the Mayor or the Council or both) by giving six (6) month's notice or in lieu during the six months if notice had been given. If at the time of giving notice or payment in lieu there is

less than six months remaining before the expiration of this contract, then notice or payment in lieu commensurate with the unexpired period need be given.

Given that council has advised of its intention **not** to renew my contract (7/7/17), would council honour 'as payment' the balance of my contract – if we agree to a termination date (*section 11.1.2: 1 months' notice in writing*)?

To help support case, reference provided to the following list of achievement and new projects:

- \$1.5M BBRF (this week)
- \$1.1 W4Q 2016 (finished Nov)
- \$1.1 W4Q 2017-19 (last month)
- WCCCA S&R Strategic (December)
- NPARHI Housing (matures 2018)
- \$300k TMR ATSI TIDS (this week)
- \$3M CYRP Mapoon roads (matures next year)
- BOR fitness centre funding (this year)
- BOR SES funding (this year)
- Native Title Determination
- Trustee Transfer
- Duyfken Memorial project
- Mission Site clean-up
- Planning Scheme
- Mapoon Master Plan project
- Store upgrade
- Mapoon Community Centre
- Local Fare Scheme (extensions announced last month)
- Visitor Management Plan
- Gravesite Identification project
- Paanja Festival
- IT Upgrade – Cloud based platform
- ILUA Negotiations
- Assisting legal counsel to address Leasing process
- Christmas Celebration Fund
- Laura Cultural Festival – 3 consecutive appearances
- ANZAC Day
- NAIDOC Week
- Mapoon Clean-up
- Get ready Queensland
- Disaster Management – LDMG and DDMG
- Organisational changes
- Upgrade of computers
- Organising of maps
- Staff uniforms
- HR reform – Award modernisation
- Representation at LG forums and events
- ROCCY/CIMA/TCIMA/TSICCA
- LGMA – Indigenous CEO Forum
- LGAQ – ILF engagement
- Other activities I have missed

Also pointed to level of productivity – classified as high. Minimal time off for sick days or accrued Annual Leave is not excessive.

The decision to not renew the contract is made and has allowed us to redirect our focus on our immediate future. If supported this decision will be a definite help for me and my family.

The exact dollar figure for this exercise is not known, however the calculations will be formulated by the Accountant.

Mayor and Councillors instructed the Accountant contract and the CEO request regarding section 11 of contract as contained in the CEO report be deferred for full council special meeting.

Resolution 05. 15/08/17	Council resolved to endorse the CEOs report as read.	
Motion	Proposed: Councillor Mara Seconded: Councillor Smith	Motion Carried

12:00	OR – Corporate Services Manager
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Report tabled and content noted.

Discussion points included in the report as follows:

Recruitment of new positions:

Positions descriptions to be forward to the CEO before actioned. Dates for recruitment to be captured and referred to managers for their information. Date to be determined.

Resolution 06. 15/08/17	MASC resolve to endorse the recommendations as provided by the Corporate Service Manager: <ol style="list-style-type: none"> 1. Continue to negotiate Centerlink contract; 2. Authorisation for signature as per MASC delegations; 3. Authorisation to continue negotiation with Mypathways for CJG - 6 months lease. 	
Motion	Proposed: Councillor Mara Seconded: Councillor Brown	Motion Carried

Resolution 07. 15/08/17	Council resolved to endorse the CSMs report as read. Actions stemming from this report to be implemented before the next meeting.	
Motion	Proposed: Councillor Smith Seconded: Councillor Mara	Motion Carried

12:22	OR – Works Manager
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Nil.

12:25	OR – Senior Administration
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Nil report.

12:25	OR – Human Resource Officer
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Council have queried the leave balances for staff. Council request a table in the next report that reflects the status of accumulation using the street-light for the categories of staff.

Copy of leave policy (or excerpt) to be presented to the Mayor and councillors for their information. This information will assist in any future review of HR policies by CEO. Officer instructed to provide the relevant legislative reference (where appropriate) for council information.

Resolution 8. 15/08/17	Council resolved to endorse the Human Resource Officers report as read. Actions stemming from this report to be implemented before the next meeting.	
Motion	Proposed: Councillor Mara Seconded: Councillor Brown	Motion Carried

12:26	OR – Aged and Disability Services
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Nil report.

12:26	OR – Environmental Health
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Report tabled. Note the Works Manager will offer support for the Officer to develop their personal skills, knowledge and experience.

Councillor identified some positions warrant additional tasks – CEO confirmed each position description does contain reference “as instructed” to cover the latitude.

Resolution 9. 15/08/17	Council resolved to endorse the Environmental Health Officers report as read. Actions stemming from this report to be implemented before the next meeting.	
Motion	Proposed: Councillor Mara Seconded: Councillor Smith	Motion Carried

12:30	OR – Animal Management
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Report incorporated into the LSRM report.

12:30	OR – Land & Sea Rangers
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Report tabled.

Council Rangers encouraged to check permits and capture copies (preferred on phone) for reference.

Identified issues with visitors not following the visitor management plans – support required for policing and signage. Council to advance negotiation regarding lease. Policing required around users, vehicles on beach and anti-social behaviour.

Private land use activities not being policed. Scope required to confirm a clear interest and arrangement for processing developing applications.

Resolution 10. 15/08/17	Council resolved to endorse the report as submitted by the Land and Sea Ranger Manager. Actions stemming from this report to be implemented before the next meeting.	
Motion	Proposed: Councillor Brown Seconded: Councillor Smith	Motion Carried

Meeting adjourned for lunch 1250pm.

Meeting reconvened 1310pm.

13:10	OR – Store Managers Report
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Nil report

13:10	OR – Play Group
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Nil report.

13:10	OR – Workshop
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Nil report – Notice of intention to resign verbally communicated. Letter of resignation received during the meeting. CEO instructed to engage a suitable replacement.

Tender for obsolete assets to be organised.

13:10	OR – Housing Tenancy Management Update
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The report from the Housing Department contains information for June and tabled as read.

Councillors note the reference to sister council – Doomagee ASC in the report.

Councillors discussed the current trend for councils to resume control of tenancy management. Council do not advocate support for tenancy management being the responsibility for council. the experience in Mapoon is good and the level of management and responsive participation of tenants is at the desired level. Council support the degree of fairness and transparency with the process.

Note there is a national push for Indigenous organisation to resume management control of housing in indigenous communities. MASC will retain a watching brief of national agenda and reserve the right to make decisions that will benefit Mapoon.

Resolution 11. 15/08/17	Council resolve to endorse the Tenancy Management report as supplied by Department of Housing and Public Works.	
Motion	Proposed: Councillor Brown Seconded: Councillor Smith	Motion Carried

13:10	Priority Correspondence –
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13:10	PC – Hon. Fiona Nash BBRF Round 1 Infrastructure Project Stream – Mapoon Accommodation Project
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Mayor very pleased with the response. Thank you letter to be issued to Hon Warren Entsch for announcement.

Instruction issued to Legal Advisor to register consent notice with Native Title Party. Council are aware of the preapproval as contained in the ILUA and council to keen to secure lot 154 as the preferred site for development.

Consulting project managers – Black and More – notified of the decision and instructed to commence action to formulate tender documentation.

Resolution 12. 15/08/17	Council resolve to endorse the CEO to sign the project documents associated with BBRF Round 1 Infrastructure Project Stream – Mapoon Accommodation Project.	
	Council authorise Black and More to formulate associated project tender documentation.	
Motion	Proposed: Councillor Mara Seconded: Councillor Brown	Motion Carried

13:35	PC – Confirmation of Aboriginality: Keith Wells
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CEO advised the applicant is descendant of Mrs Grace McLachlan, traditional elder for Mapoon.

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Resolution 13. 15/08/17	Council resolve to endorse the request for Confirmation Of Aboriginality for Master Keith Wells. Master Wells is recognised as a descendant from Mapoon and has family living in the shire.	
Motion	Proposed: Councillor Smith Seconded: Councillor Brown	Motion Carried

13:20	PC – Minister Furner: LGGSP funding round
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Mayor and councillors advocated support for a Art Centre as part of this program. note the funding could be sourced as part of a joint initiative with WCCCA and formulate a project plan for a new Art Centre in Mapoon.

Council note sites close to amenities and lot 146 identified as a preferred site. ILUA to be reviewed to confirm the project option – scope to capture appropriate design and shared funding application with WCCCA.

Resolution 14. 15/08/17	Council resolve to endorse CEO to identify priority infrastructure projects suitable for the LGGSP funding round – 2017 to 2019.	
	<ul style="list-style-type: none"> • Priority infrastructure • Disaster resilience 	
Motion	Proposed: Councillor Mara Seconded: Councillor Smith	Motion Carried

Resolution 15. 15/08/17	Council resolve instructed CEO to liaise with Consulting Project Manager, Black and More to formulate a scoping document for design of a new Arts and Craft building. Funding source to provide 100% funding.	
	The facility will incorporate Artist space, office, kitchen, outdoor work areas, adequate storage and a showroom. Proposed site to is within the town centre. Initial location is on the council land between the War Memorial and public toilet.	
Motion	Proposed: Councillor Smith Seconded: Councillor Addo	Motion Carried

CEO instructed to liaise with Consulting Project Manager, Black and More to formulate a scoping document for a new Arts and Craft building. The facility will incorporate Art space and a showroom and be suitable for development within the town centre. Initial scope for building development is on the council land between the War Memorial and public toilet.

13:51	AOB
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Discussion points relating to any other business included as follows:

13:52	Councillor Report
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**Mapoon Aboriginal Shire Council
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MASC reports tabled.

Item	Issue
1	Exceptions reporting
2	Mapoon Cemetery – WCCCA project status
3	Memorial for traditional remains interned at the cemetery
4	Public Toilets – program to be developed for regular cleaning

13:56	Report Resolution
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CEO asked for the council to pass a general resolution to confirm all reports as tabled at the meeting.

Resolution 16. 15/08/17	Council resolved to endorse all reports as presented to the meeting.	
Motion	Proposed: Councillor Smith Seconded: Councillor Brown	Motion Carried

14:00	Next Council Meeting
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Date for the next meeting will be Tuesday 19th September 2017.

14:00	Meeting Closed
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Mayor declared the meeting closed.