

Council Ordinary Meeting Minutes of
meeting held in the council chambers

Mapoon Aboriginal
Shire Council -
Ordinary Meeting
Minute 21st April 2015

Mapoon Aboriginal Shire Council
Meeting Minutes: 21st April 2015
Meeting Held: MASC Council Chambers

Day 1. 21st April 2015

Attendance

Councillor	Peter Guivarra
Councillor	Beryl Woodley
Councillor	Pauline Smith
Councillor	Ricky Guivarra

Apologies

Councillor	Aileen Addo
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Staff

CEO	Leon Yeatman
Corporate Services Manager	Ron Young
Accountant	David Hockey

09:00

1. Meeting opened and welcome by Mayor Peter Guivarra

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 minutes silence in memory of community members who have passed - *condolences noted for the Barkley family for their recent loss.*

He reminded everyone about their roles and responsibilities for the meeting and particularly reminded the councillors about their obligations to declare their interest (material or personal) for matter presented to this meeting. Note matters presented at the meeting work on the principle of fair and equitable treatment and on matters which are unresolved Mayor acknowledged that we each bring our own interests to the table and our rights to agree and disagree.

Mayor noted for the council that we are at the start of final quarter. The period has started with major projects coming on line and this is an exciting time.


00:00

2. Confirmation of Minutes

Mayor asked the councillors to review their copy of the minutes of the last meetings.

Resolution 1.
21/04/15

The council resolved to endorse the minutes of the meeting as true and correct:
• *Ordinary meeting 17th March 2015*


Signed: Mayor, Peter Guivarra

Mapoon Aboriginal Shire Council
Meeting Minutes: 21st April 2015
Meeting Held: MASC Council Chambers

<u>Motion</u>	<i>Proposed: Councillor Woodley. Seconded: Councillor Guivarra.</i>	<i>Motion Carried</i>
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09:10	3. <i>Matters arising from Previous Minutes</i>
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Ordinary Meeting 17th March 2015

Mayor queried the fridges in the hall – note the fridge is outside the kitchen area. Councillors. Application to be sent to WCCCA.

Housing – follow-up query regarding tenancy management. Note the 40 year lease has come into effect regarding Social Housing for Mapoon. Councillors raised fresh questions regarding the leasing arrangements. Councillors interested in meeting with Housing representatives to refresh their understanding of arrangements going forward.

Men’s group update – note that the executive has met to discuss the issues. The group would like to remain with MASC auspice arrangements at this time. Positive opinion regarding interest and refocus since the new technical support has come on board – concerns about the lack of attention being afforded by the local employee. A formal report is outstanding. Unofficial position is for the program to continue under the MASC Auspice.

Visitor Management – councillors queried the status of the project. CEO advised the draft has been circulated and initial edits have been presented for consideration. The consultant has a plan to visit Mapoon in April/May with the final phase of the project. Councillors interested in in the immediate future regarding tourism in Mapoon. WCCCA representative noted a project proposal through WCCCA for a regional visitor management plan. Councillors note the state of our infrastructure is of concern and an agreement is required urgently to validate interests / asset management. Councillors stipulate the local authority responsibilities as enshrined under local law. A meeting is required between representatives of strategic partners regarding project status and future aspirations.

Councillor acknowledged the public meeting took place – CYI made their presentation and were pleased with the support afforded.

10:10	4. <i>Operational Report - CEO</i>
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CEO presented his report to the council and covered the following operational issues:

- Line marking
- Speed humps – bollard required to address drivers diverting
- Aquatic centre – project is being addressed as part of a Sport & Recreation ‘Master Plan for Mapoon. Councillors request the need for strategic opportunities for current and future program consideration.

Mapoon Aboriginal Shire Council
Meeting Minutes: 21st April 2015
Meeting Held: MASC Council Chambers

- Note type error – for the period of the report should reflect 18/3 to 20/4.
- Councillors queried the status of tenancy management for major repairs. Social dysfunction current for Mapoon being attributed to the housing program not being completed in a timely fashion

<u>Resolution 2.</u> <u>21/04/15</u>	<i>Council resolved to endorse the CEOs report as read. Actions stemming from this report to be implemented before the next meeting.</i>	
<u>Motion</u>	<i>Proposed: Councillor Guivarra.</i> <i>Seconded: Councillor Smith.</i>	<i>Motion Carried</i>

10:50	5. Operational Report – Accountant
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Mayor and Councillors welcomed the accountant to the meeting and acknowledged his involvement via telephone.

Accountant proceeded to read his summary report and asked the councillors to raise questions as required. Note the reports are available for councillor information and reference. CEO mentioned the inclusion of the Internal Audit findings for reference during the report on council finance.

Rental income \$47,700.

Store profit still registered – current request for more shelving, concern for request for more shelving. Note this issue will need to be quantified to ensure potential negative impacts brought on by more storage space – policy required.

Consolidated figures are being affected by project budget timings – calibrations to be implemented and will cause issues with the reporting (no real history for projects). As we regularise our project manage management efficiencies will be prevalent. As this our first time in a long time the project margin is being calculated using industry references – actual figures will be determined at the end of the project.

Revenue – below budget (35%) figure is because funding for major projects (as listed) has not been realised.

Expenses – note the accounting are awaiting the presentation of invoicing to reflect true rates.

Vehicle expenses – motor vehicle purchases underway and being leased back. Councillors note the funding is annual allocations. Current guarantees are in place. Note the construction program will offer opportunity to procure new vehicles to assist with construction.

Travel – note this is a seasonal issue that may change as the weather improves.

Mapoon Aboriginal Shire Council
Meeting Minutes: 21st April 2015
Meeting Held: MASC Council Chambers

Untied – note there are a number of grants that have not been allocated (WCCCA). The reflection of this arrangement is not truly reflected and the appropriate allocation needs to be reflected properly (what has been allocated and what has been received).

Profit & Loss

Council mentioned the compensatory arrangement as stipulated in current ILUA negotiations. Note there will be additional obligations as per our agreements for land use and developments. The compensatory aspects (+CPI) will need to be identified and included in our ongoing cost structure.

Councillors recognise the rights and responsibilities now bestowed under the Native Title agreement and recognitions afforded. The cost of doing business will reflect the new business model which has compensation attached.

CEO asked the Accountant to reference the internal audit report. CEO stated the instruction was issued to the internal auditor to assess the Risk Management issues and IT risks (both have a high risk classification). Audit preparation is proceeding as planned and the audit team will be in Mapoon at the end of June.

<u>Resolution 3.</u> <u>21/04/15</u>	<i>Council resolved to endorse the Accountants report as read. Actions stemming from this report to be implemented before the next meeting.</i>	
<u>Motion</u>	<i>Proposed: Councillor Woodley.</i> <i>Seconded: Councillor Smith.</i>	<i>Motion Carried</i>

Council thanked the accountant who departed the meeting 11:55am.

Meeting adjourned for lunch 1155am.

Meeting reconvened 1250.

12:50	6. Operational Report – Corporate Services Manager
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Corporate services Manager invited to the meeting and thanked him for his attendance.

Training – awaiting confirmation from LGAQ.

Staff leave – Maternity leave application recommended for one staff with the intent for offering job security. Internal succession plan to be applied for backfilling this position.

Men’s group staffing issues causing concern and lack of staffing is affecting our contract to perform under the funding arrangements.

Builder recruitment – note until we receive notice of the project timelines, the appointment will be put on hold until a concrete start date is identified.

My-pathways – work programing required to ensure appropriate commercial arrangements are in place. Regular meetings are required to confirm project lists, scope and then agreed charges.

Mapoon Aboriginal Shire Council
Meeting Minutes: 21st April 2015
Meeting Held: MASC Council Chambers

QCAT – claim lodged for dispute for undelivered container from supplier ‘NQ containers’. Concern there has not been any action from the supplier and still no positive response / response.

IT upgrade - Future computers supplied a quote for install of new equipment. No date provided at this time.

<u>Resolution 4.</u> <u>21/04/15</u>	<i>Council resolved to endorse the report as provided by the Corporate Services Manager.</i>	
<u>Motion</u>	<i>Proposed: Councillor Woodley.</i> <i>Seconded: Councillor Smith.</i>	<i>Motion Carried</i>

CSM departed the meeting 13:10.

13:10	7. Operational Report – Senior Administration
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Councillors queried the status of rental tenancy debtors. Concern about the level of debt on the register and particular interest about the procedure for recovery. CEO advised instructions issued for the task and nonconforming actions will be pursued using QCAT.

<u>Resolution 5.</u> <u>21/04/15</u>	<i>Council resolved to endorse the report supplied the Senior Administration Officer.</i>	
<u>Motion</u>	<i>Proposed: Councillor Guivarra.</i> <i>Seconded: Councillor Woodley.</i>	<i>Motion Carried</i>

13:15	8. Operation Report – HACC
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Councillor Guivarra noted the representation of Mapoon HACC operations as part of the QFVLS board meeting held in Rockhampton recently. The promotion related specifically to ‘elder abuse’ and Mapoon elders were used to promote the issue in the indigenous sector. Note vacancy soon available for a member of the QFVLS board for a Cape representative.

Note there are no resolutions for the report.

Council request a review of the use of the space within the community centre. Now that we have a need for play group, third party arrangement needs to be reviewed.

**Mapoon Aboriginal Shire Council
Meeting Minutes: 21st April 2015
Meeting Held: MASC Council Chambers**

<u>Resolution 6.</u> <u>21/04/15</u>	<i>Council resolved to endorse the operational report as supplied by the HACC Coordinator.</i>	
<u>Motion</u>	<i>Proposed: Councillor Guivarra. Seconded: Councillor Smith.</i>	<i>Motion Carried</i>

Councillors note the flexibility now the child related care is diminished and any share arrangement with accommodation must now fit in with MASC needs.

Councillors ask for feasibility for a new Aged Care facility to be developed in Mapoon. Consideration to be given to existing service needs within the region to determine longer term viability options.

13:30	9. Operation Report – Environmental Health
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CEO tabled the report as presented. Councillors acknowledge the quality of the work and the standard of the reporting being supplied.

Note the exclusion zone for smoking at the store is supported.

The vermin issue reported is a problem that we can ill afford. The action to rectify the issues is commended and attention / due diligence is required.

Store products need to be adequately advertised – especially the stock which is gone past use by date. Strategy to inform community regarding out of date stock to be communicated to address the issues.

Bait/ice – council ask for the recommendation to be recommended (remove doubt about risks for contamination) to be considered and actioned by the Store Manager and follow up action to be provided by the EHW.

<u>Resolution 7.</u> <u>21/04/15</u>	<i>Council resolved to endorse the report as provided by the Environmental Health Worker. The store inspection report was also endorsed as part of this recommendation.</i>	
	<i>The recommendation for the rules for smoking to be implemented.</i>	
<u>Motion</u>	<i>Proposed: Councillor Smith. Seconded: Councillor Woodley.</i>	<i>Motion Carried</i>

13:45	10. Operation Report – Animal Management
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Mapoon Aboriginal Shire Council
Meeting Minutes: 21st April 2015
Meeting Held: MASC Council Chambers

CEO reminded the council to consider the disclaimer when reading the report – as it contains graphic information.

Councillors ask for all programs and activities to be advertised on the electronic notice board – improve the level of community information and engagement.

Councillors advised of dogs roaming at Cullen Point.

Councillors noted the question for a dog pound – councillors feel that this is an operational matter that strategically has their support. A project application must be formulated and directed to the appropriate agency for funding consideration. Any project must be fully costed and placed in a location appropriate for the works to be done (barking dogs, veterinary surgery, legislative requirements, electricity, water, food etc.). CEO instructed to liaise with AMO regarding project aspiration and options for financial consideration.

Councillors commend the efforts of the AMO to work with other councils and direction actions locally regarding living standards for animal welfare. Council ask for all pets to be registered without exception.

Animal cruelty rules need to be applied – especially unrestrained animals. Animals need to be controlled. Notice to be issued to houses regarding Tenancy Agreement requirements for animal ownership. The Local Law and other legislation to be applied to ensure a standard within the shire.

<u>Resolution 8.</u> <u>21/04/15</u>	<i>Council resolved to endorse the report as submitted by the Animal Management Officer.</i>	
<u>Motion</u>	<i>Proposed: Councillor Woodley.</i> <i>Seconded: Councillor Smith.</i>	<i>Motion Carried</i>

00:00	11. Operation Report – Land & Sea Rangers
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Councillors note the operational query. Direction from council is for this issue to be communicated at operational level and not included in future reports. All issues regarding non-action to be communicated through the CEO.

Council note there is not a lot of detail in the report and consideration required to using the report format properly (details up-front and summary in the back). Other issues need to be referred in the body of the report and not concealed in the back.

Councillors note there are issues on the ground regarding traditional hunting – council happy with the process for permits and encourage our community members to work within the rules.

Councillors ask for the caravan at the front of the ranger coordinators residence and relocated to a more appropriate location (within the Ranger’s yard or other locations).


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**Mapoon Aboriginal Shire Council
Meeting Minutes: 21st April 2015
Meeting Held: MASC Council Chambers**

<u>Resolution 9.</u> <u>21/04/15</u>	<i>Council resolved to endorse the Land & Sea Ranger report as submitted to the council.</i>	
<u>Motion</u>	<i>Proposed: Councillor Woodley. Seconded: Councillor Guivarra.</i>	<i>Motion Carried</i>

14:20	12. Operation Report – Store Managers Report
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Councillors commend the store manager with the content of the report.

Future consideration will be required to address future needs – not limited to divesting the store (not core business). Council are happy with the positive financial position regarding.

Council ask for serious consideration for the recommendation contained in the last inspection report.

Council note the sentiments regarding CCTV. The actions require the appropriate policy and protocols to back MASC when we are need to prosecute (CEO received a copy of a live policy) an offender. Council note there are sufficient funds to accommodate this improvement to store operations.

<u>Resolution 10.</u> <u>21/04/15</u>	<i>Council resolved to endorse the report as submitted to the meeting.</i>	
	<i>Approval is granted to improve the CCTV requirements and this must be applied with the appropriate policy / procedure.</i>	
	<i>Store Manager to pay attention to the store inspection conducted recently and associated report – particular attention required to the actions listed to mitigate identified risks.</i>	
<u>Motion</u>	<i>Proposed: Councillor Smith. Seconded: Councillor Woodley.</i>	<i>Motion Carried</i>

00:00	13. Operational Report – EOI Standing Order Arrangements: Civil Machinery (TMASC15-01)
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CEO read the tender summary report as supplied by MASC Project Engineer as part of the EOI Standing Order Arrangement: Civil Machinery (TMASC 015-001).

Mapoon Aboriginal Shire Council
Meeting Minutes: 21st April 2015
Meeting Held: MASC Council Chambers

Reported identified one conforming tender and two nonconforming tender. The two non-conforming tender are not comprehensive and are limited to dry hire of machinery (one requires mobilisation from Cairns).

Council acknowledge the probity requirement and support this procurement process.

<u>Resolution 11.</u> <u>21/04/15</u>	Council resolve to endorse the following recommendation as provided by Council Project Engineer regarding Tender: TMASC 015-001 for the creation of Standing Order Arrangement: Civil Machinery: <ol style="list-style-type: none"> 1. NQCEC Pty Ltd 2. NHDS 3. Tutt Bryant Pty Ltd 	
<u>Motion</u>	<i>Proposed: Councillor Guivarra.</i> <i>Seconded: Councillor Woodley.</i>	<i>Motion Carried</i>

14:55 **14. Legal Matters – Preston Law: Apunipima Land Leasing request**

Council acknowledge the advice provided by Preston Law. Council understand the options as presented.

Council support the processes as identified under 24JAA of the Native title Act 1993, for convenience and expediency.

Council reiterate their support for the enhancement of health service / infrastructure for Mapoon. Where appropriate the arrangement for leasing to be addressed at the time of finalising the project.

MASC note that the topic will be discussed at a local meeting. The reference to include the planning scheme and approved 'Master Plan'.

<u>Resolution 12.</u> <u>21/04/15</u>	<p><i>Council resolve to endorse the advice provided by Preston Law regarding the request from Apunipima to proceed with plans to develop Health Service Infrastructure for Mapoon.</i></p> <p><i>Council approve option "c" pertaining to 24AA acquisition of land for Health Service Infrastructure.</i></p>
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 Signed: Mayor, Peter Guivarra

**Mapoon Aboriginal Shire Council
Meeting Minutes: 21st April 2015
Meeting Held: MASC Council Chambers**

	<p><i>Council instruct the lawyers to liaise with Apunipima to discuss the particulars regarding the associated process and any project cost must be neutral to MASC.</i></p> <p><i>MASC is open to development happening through auspice arrangements or direct control via Apunipima. MASC supports interest under an appropriate long term tenure arrangement (to be determined in accordance to existing ILUA and Leasing options as specified under the Aboriginal Land Act).</i></p> <p><i>Apunipima to present a community engagement plan and participate in associated activities within Mapoon – i.e. promote service, identify need and develop infrastructure and service implementation.</i></p> <p><i>MASC supports service growth and infrastructure development within Mapoon.</i></p>	
<u>Motion</u>	<p><i>Proposed: Councillor Smith. Seconded: Councillor Woodley.</i></p>	<i>Motion Carried</i>

00:00	15. Legal Matters – Preston Law: Mapoon Township ILUA
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MASC acknowledge the report as supplied by Preston Law.

Councillors note there are type errors which relate to 2014 dates (item 4 Local Government Infrastructure ‘definitions’). These need to be edited to reflect the appropriate reference.

Council support the identification and confirmation of a date to finalise the ILUA.

	<p><u>Resolution 13.</u> <u>21/04/15</u></p> <p><i>Council resolved to endorse the advice provided by Preston Law regarding the Mapoon Township ILUA.</i></p> <p><i>Request for the date for the finalisation meeting to be confirmed and this responsibility is referred to CYLC.</i></p> <p><i>MASC looks forward to finalising this process and registering the Indigenous Land Use Agreement.</i></p>	
<u>Motion</u>	<p><i>Proposed: Councillor Guivarra. Seconded: Councillor Woodley.</i></p>	<i>Motion Carried</i>

Mapoon Aboriginal Shire Council
Meeting Minutes: 21st April 2015
Meeting Held: MASC Council Chambers

Councillors advocate support for boundary realignment and approach being made under the appropriate process to assume local authority responsibility of lands held in trust for Mapoon. The scope of the project to extend to cultural boundaries and be incorporated within our local authority interests.

15:43	16. Legal Matters – Preston Law: Social Housing Asset – Home Ownership
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Council acknowledge the advice provided by Preston Law on the question of home ownership of social housing assets. The advice states clearly that terms as provided under the Deed of Grant In Trust.

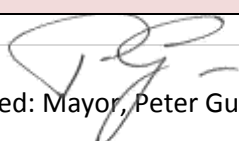
<p><u>Resolution 14.</u> <u>21/04/15</u></p>	<p><i>Council resolved to endorse the advice provided by Preston Law to request from MASC Accountant regarding the question of ownership of Social Housing Assets – ownership issues Deed Of Grant In Trust (MASC as Local Authority or MASC as Trustee).</i></p> <p><i>The arrangements as afforded under the DOGIT – “THE GRANTEE IS TO HOLD THE SAID LAND IN TRUST FOR ABOIRIGINAL PURPOSES AND FOR NO OTHER PURPOSE WHATSOEVER”.</i></p> <p><i>This infers the ownership right is afforded to the Trustee – therefore MASC as Trustee.</i></p>	
<p><u>Motion</u></p>	<p><i>Proposed: Councillor Smith.</i> <i>Seconded: Councillor Woodley.</i></p>	<p><i>Motion Carried</i></p>

15:55	17. Department Public Works & Housing – Mapoon Tenancy Management Maintenance Report
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Councillors tabled report as read. Council acknowledge the response provided to MASC request for support to recover ex-tenant debt – kindly declined and MASC responsibility to recover. Council note the ex-tenant debt accumulated (referring to current tenants) needs further clarification, given the process management is the responsibility of the tenancy management agent. Dispute position to be questioned and appropriate advice to be acquired.

MASC instruct the CEO to initiate the appropriate actions to recover ex-tenant debt (garnishee orders etc.). Procedural arrangements as afforded under the QCAT to apply.

16:00	18. Department Public Works & Housing – Mapoon Tenancy Management Maintenance Report – March 2015
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 Signed: Mayor, Peter Guivarra

Mapoon Aboriginal Shire Council
Meeting Minutes: 21st April 2015
Meeting Held: MASC Council Chambers

Councillors tabled report as read. MASC understands the sensitivity of the information contained in the report and support the confidentiality conditions attached.

16:10	19. Councillor Report
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Reports as tabled.

Laura Cultural Festival – Council revisited the report as presented previously by CEO. Council support the sponsorship and authorise the administrative action to proceed. Council advocate support for the festival and playing an active role in representing Mapoon and the continued success of the event.

<p><u>Resolution 15.</u> <u>21/04/15</u></p>	<p><i>Council resolved to endorse recommendation provided by the CEO to provide sponsorship for the 2015 Laura Cultural Festival.</i></p> <p><i>Sponsorship - \$2000.</i></p> <p><i>MASC authorise the purchase of 20 early bird tickets to be resold in Mapoon.</i></p> <p><i>Council authorise the production of Mapoon shirts which will be disseminated to representatives from Mapoon.</i></p>	
<p><u>Motion</u></p>	<p><i>Proposed: Councillor Woodley.</i> <i>Seconded: Councillor Smith.</i></p>	<p><i>Motion Carried</i></p>

Note the changeover of the Deputy Mayor – Cr Woodley identified that she would like to ensure her current bank account arrangements to be maintained. CEO instructed the councillor to liaise directly with MASC Payroll Officer to ensure the information is appropriately aligned to reflect new arrangements.

16:15	20. Report Resolution
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Council resolve to endorse the reports as read.

<p><u>Resolution 16.</u> <u>21/04/15</u></p>	<p><i>Council resolved to endorse all reports as presented to the meeting.</i></p>	
<p><u>Motion</u></p>	<p><i>Proposed: Councillor Smith.</i> <i>Seconded: Councillor Woodley.</i></p>	<p><i>Motion Carried</i></p>


 Signed: Mayor, Peter Guivarra

Mapoon Aboriginal Shire Council
Meeting Minutes: 21st April 2015
Meeting Held: MASC Council Chambers

16:20

21. Next Council Meeting

Date for the next meeting Tuesday 19th May 2015.

Public meeting proposed for Tuesday 28th April – *possible agenda: JCU education, ILUA, Apunipima, MASC sponsored BBQ.*

16:30

22. Meeting Closed

Mayor declared the meeting


Signed: Mayor, Peter Guivarra