



**Council Ordinary Meeting held:
12th April, 2016**

Council Minutes of Ordinary Meeting
held in the Council Chambers

Day 1. 12th April 2016

Attendance

Councillor	Aileen Addo
Councillor	Peter Guivarra
Councillor	Pauline Smith
Councillor	Margaret Mara

Apologies

Councillor	Brendan Brown
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Staff

Chief Executive Officer	Leon Yeatman
Corporate Services Manager	David Ferguson
Accountant	David Hockey

09:10

1. Meeting Opened and Welcome

Mayor welcomed the councillors and staff to this the final council meeting in the term of this council. He reminded everyone about their roles and responsibilities for the meeting and particularly the councillors in relation to their obligations to declare their interest (material or personal) on matter presented – that may have a perceived or real conflict of interest.

Councillor 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.

Mayor thanked all present for their attendance and welcomed everyone to the meeting. Acknowledgements made 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 09:11.

09:15

2. Confirmation of Minutes

Mayor asked the councillors to review their copy of the minutes of the last meetings and called for endorsement.

09:20

3. Matters Arising From Previous Minutes

Ordinary Meeting – 15th March 2016.

<u>Resolution 01.</u> <u>12/04/16</u>	<i>Council resolve to endorse the minutes of the following Meeting:</i>	
	<ul style="list-style-type: none"> • <i>15th March 2016;</i> <p><i>with amendments, as true and correct.</i></p>	
<u>Motion</u>	<i>Proposed: Councillor Smith.</i> <i>Seconded: Councillor Guivarra.</i>	<i>Motion Carried</i>

Special Meeting – 31st March 2016.

<u>Resolution 02.</u> <u>12/04/16</u>	<i>Council resolve to endorse the minutes of the following Meeting:</i>	
	<ul style="list-style-type: none"> • <i>31st March 2016;</i> <p><i>with amendments, as true and correct.</i></p>	
<u>Motion</u>	<i>Proposed: Councillor Smith.</i> <i>Seconded: Councillor Mara.</i>	<i>Motion Carried</i>

09.25	4. Matters Arising
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Mapoon ILUA – Mayor noted this matter will be resolved shortly with the finalization of the registration process. Consideration is being given to celebrate the occasion as a mark of respect and a joint process for the mob. Recent unrest has cast a shadow of this plan and council see it as necessary for this plan to consider the context as a going concern.

Store operations – note performance is projecting toward a loss. Councilors are adamant the viability of the store is dependent on its positive performance and any changes needs to come from the operating profits at the store. The shop needs to pay for itself and not be dependent on council. Matters will be discussed during operational reports.

ECQ - councilors queried the refund process for nominations. CEO advised that information issued through the Returning Officer, the election process will conclude at the end of April – refunds will be issued during May 2016. Councilors who contested the previous election recall being issued a cheque to the value of the nomination process.

Aged Care – councilors note the strategy for addressing the coordinator role. CEO advised the basis for the current strategy is shared servicing and support. Service gap issues are posing challenges and CEO advised that we are very receptive to strategies that are helpful and flexible.

Waste Management - Mapoon Dump. CEO advised the matter is contained the meeting documents.

10.00	5. Standing Orders
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10:15

6. Standing Order – Finance Audit and Risk Management

Accountant welcomed to the meeting via phone conference. He proceeded to read the report as presented.

Store performance has registered a profit for the period.

Councillors are trustees and have discretion on how the trust funds are divested. CEO also added that the purpose is also represent the interest of all indigenous inhabitants – communal responsibilities.

Building construction – note there will be profit. Not this figure is based on work payments received from works performed. CEO asked the Accountant to produce a profit and loss statement for the construction program to allow council to make an informed decision regarding our construction program and the current decision to divest Repairs and Maintenance (to allow officers to focus on new builds). Councillors queried the breakup of the total and Accountant explained the report as presented.

Untied funds – councillors queried this definition. View around the table is for the funding to be discretionary. Councillors queried the validity of the figure in relation to operational expenses. Accountant also noted project figures are tied funding and will not be reflected in the untied figures. Accountant mentioned risk management applied to contracts and the objective of financial management. BAS maintenance funding omitted from the finance figure – Accountant noted the figures are contained in the excel spread sheet (yellow tabs).

CEO asked the Accountant to explain the process of Asset Management and Registration of vehicles. Review required of the process and this information circulated with Managers to align understanding.

Councillors queried the WCCCA grants – accountant notes there are a small number of project actions required.

Councillors queried the internal audit report – Accountant noted this report has been completed and requires submission for council information.

Accountant noted the draft purchasing policy for council consideration. Note the values have changed to between \$5001 and \$15,000 for items requiring three quotes.

Accountant departed the meeting 10:50.

Resolution 03.
12/04/16

Council resolve to endorse the financial report as presented by the Accountant covering the following:

- **Rental Debtors and Income;**
- **Store;**
- **Consolidated Revenue Vs Expenses graph;**
- **Revenue;**
- **General Expenses;**
- **Employee Wages & Superannuation expenses;**
- **Motor Vehicles;**
- **Travel Expenses;**
- **Untied Funds;**



<u>Motion</u>	<i>Proposed: Councillor Guivarra. Seconded: Councillor Smith.</i>	<i>Motion Carried</i>
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Meeting adjourned for morning tea 10:55.

Meeting reconvened 11:20.

13:30	7. Standing Order – Policy and Regulatory Compliance
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Purchasing policy. The Accountant provided the background on the policy in his meeting papers. CEO advised the council that he made changes to the reference amount - \$15,000 to \$20,000 and given the explanation provided by the Accountant, it will be changed to conform to legislative requirements. There was no other aspect for discussion and the CEO commended the policy to the council for endorsement.

Councillors queried the difference between ‘request’ and ‘obtain’. The policy says obtain which is contrary to the comments made by the Accountant.

<u>Resolution 04. 12/04/16</u>	<p><i>Council resolve to endorse the Purchasing policy and procedure as recommended by the Accountant:</i></p> <p><i>Procured items between: \$5,000 to \$15,000 – request three quotes.</i></p> <p><i>Financial delegations:</i></p> <p><i>Line Managers - <\$500;</i> <i>Senior Managers - \$5000 - \$15,000;</i> <i>CEO - \$15,000 - \$150,000.</i></p>	
<u>Motion</u>	<i>Proposed: Councillor Mara. Seconded: Councillor Smith.</i>	<i>Motion Carried</i>

Councillors request for this to be discussed in internal team meetings to ensure every officers of the council are aware of the policy and associated process. This initiative will support MASC risk management policies and procedures, as well as uniforming the work practices of staff on actions relating to this item.

Portfolio – CEO advised the council about the appropriateness of reviewing the portfolio positions registered with the council. He identified changes incorporated in the table to reflect MASC activities and noted a number of related activities had been amalgamated to align with operational arrangements. The following table was discussed at the meeting and identifies the portfolio allocation to reflect the Portfolio member and Proxy.

Councillors worked through the portfolio positions identified as follows:

- Committee Member for the WCCCA (including Northern Trust);
- Alcan Ely Bauxite Mine Trust – Directors and Shareholders;
- Environment and conservation;
- Enterprise Development;
- Education and Early childhood (including P&C Representation) and Arts;
- Sport & Recreation, Youth;
- Health and Aged;
- Transport, Infrastructure and Planning;

- Community Safety and Social Event planning;
- Community Services (including Justice, Men’s and Women’s Groups);
- Emergency Services.

The following table reflects the portfolios and associated proxy arrangements for the roles listed above.

Portfolio Allocation <i>NB: Portfolio holder chairs any relevant Council Organised meetings.</i>	Mayor Aileen Addo	Deputy- Mayor Peter Guivarra	Cr Pauline Smith	Cr Brendan Brown	Cr Margaret Mara
Committee Member for the WCCCA (inc Northern Trust)		Portfolio			Proxy
Alcan Ely Bauxite Mine Trust – Directors and Shareholders			Shareholder	Director	
Environment and conservation			Portfolio	Proxy	
Enterprise Development		Portfolio	Proxy		
Education and Early childhood (inc P&C Representation) and Arts	Proxy				Portfolio
Sport & Recreation, Youth		Proxy		Portfolio	
Health and Aged	Portfolio				Proxy
Transport, Infrastructure and Planning	Portfolio		Proxy		
Community Safety and Social Event planning	All councillors				
Community Services (inc Justice, Men’s and Women’s Groups)		Portfolio (Men’s)	Proxy	Proxy	Portfolio (Women’s)
Emergency Services	Portfolio	Proxy			

<u>Resolution 05.</u> <u>12/04/16</u>	<p><i>Council resolve to endorse the portfolio positions as agreed by the councillors:</i></p> <p><i>Mayor Aileen Addo: Health and Aged, Transport, Infrastructure and Planning, Emergency Services.</i></p> <p><i>Deputy Mayor Peter Guivarra: Community Services (Men), enterprise development, WCCCA committee.</i></p> <p><i>Cr Smith: Environment and conservation, Alcan Ely bauxite trust (Shareholder).</i></p> <p><i>Cr Brown: Sport and recreation, youth, Alcan Ely bauxite trust (Director).</i></p> <p><i>Cr Mara: Community Services Women’s, Education and Early Learning.</i></p> <p><i>Community Safety and Social Events planning will be attended by all councillors.</i></p>	
<u>Motion</u>	<p><i>Proposed: Councillor Guivarra.</i></p> <p><i>Seconded: Councillor Smith.</i></p>	<i>Motion Carried</i>

12:30

8. Standing Order – Legal Matters

Crown Law – Torres and Cape Hospital and Health Service.

Council queried the annual lease fee of \$12,000 and noted this has no provision for CPI increments. Council ask for this to be an inclusive feature as reflected in other agreements (ILUA). Note the arrangement seeks to include a sublease to Apunipima Health Council for a specified area, this is supported in principal. Council support the Deed of Agreement to lease and commend this for consideration to the Trustees for their endorsement. Note there has been extensive communication with Queensland Health and Apunipima Cape York Health Council regarding strategies to improve health service delivery in Mapoon.

Resolution 06.
12/04/16

Council resolve to endorse the documentation pertaining to the following leases as supplied by the Torres and Cape Hospital and Health Service:

- ***Deed of agreement to lease;***
- ***Lease to the TCHHS; and;***
- ***Sub-lease to Apunipima Cape York Health Council.***

For a term of 30 years, incorporating a per annum lease fee of \$12,000 (GST exclusive) and annual CPI increments.

The granting of the lease is subject to:

- ***The TCHHS obtaining the approval of the minister and treasurer under the Hospital and Health Boards Act 2011 and the approval of the Treasurer under the Statutory Bodies Financial Arrangements Act 1982;***
- ***A development approval for the sub-lease lease plan; and***
- ***Satisfaction of the native title requirements.***

Motion

Proposed: Councillor Guivarra.
Seconded: Councillor Smith.

Motion Carried

Meeting adjourned for lunch 13:00.

Meeting reconvened 13:50.

13:50

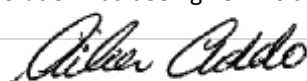
9. Operational Reports

13:51

10. Operational Report – CEO

CEO tabled his report. The content was general in nature and no recommendation for the council consideration.

CEO indicated to the council of intention to resign before the end of 2016 as contained in his report. He advised the council that serious consideration has been given his changing circumstances and he was



considering new opportunities – particular concern was the youngest child in his family attending secondary school in 2017. Whilst this was not official notice, he advised the council of his intention to be open with the new council on this matter. CEO indicated that the notice period as contained in the contract would be applied and every help will be undertaken to implement the correlating recruitment action.

Council ask for the appropriate recruitment process to be implemented when the decision is made, thus allowing council the opportunity to identify and engage a suitable replacement and allow reasonable time for a hand over to take place.

<u>Resolution 07.</u> <u>12/04/16</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 Mara. Seconded: Councillor Smith.</i>	<i>Motion Carried</i>

14:20	11. Operational Report – Corporate Services Manager
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Corporate Services Manager invited to the meeting to discuss relevant elements of the report requiring attention.

Council queried the Cleaner position and current strategies for when the incumbent is absent. Note the strategy, whilst supported, warrants a sustainable option. Manager noted issues relating to the role – not seen as a valued position – has a high level of discrimination and hence sporadic interest. Other issues relate to the repetitive nature of the role and reduced amount of work (especially after hours). Support for the flexibility arrangements that is present – view is to not have after hours. Subject to availability, the position has incorporated other roles to reflect the capabilities and interest of the team.

Centrelink agent – awaiting response from Centrelink to confirm the eligibility of current candidate. Training is available for the position. Note we have not found a suitable candidate.

Host Agreement – Jason Sagigi a registered CDP participant, has been accommodated for a period of 6months. Placed at the Aged Care program under the supervision. Option also considered for this person to be placed within the construction team – issues within the construction team limits the opportunities at this time. Confident additional role can be created within HACC to accommodate this position. Query about client access to bus service – CSM noted introduction of statistical data creation for trips to town. Reintroduction of exclusivity to the program will be a focus going forward, unregistered clients will not be permitted to use service (bus etc.).

Information relating to the current staffing structure and roles shared with council. Current focus is on rebuilding the program – based on work plans and client needs. The coordinator recruitment process is being developed with the issues in mind – objective is to target a suitably qualified individual who has the skills and experience to manage the program.

Playgroup – transport issues noted and request for vehicle as a positive strategy for the program. Outstanding issue about a coordination committee – council suggest portfolio member to lead this process and offer appropriate leadership and support for program. CEO stated a motion is in for this meeting to endorse the purchase of a new accommodation unit for the program. Council request for cultural awareness program to be incorporated into council ordinary business. Council reiterated the importance of contract elements being completed.

<u>Resolution 07.</u> <u>12/04/16</u>	<i>Council resolved to endorse the CSMs report as read. Actions stemming from this report to be implemented before the next meeting.</i>	
<u>Motion</u>	<i>Proposed: Councillor Smith. Seconded: Councillor Mara.</i>	<i>Motion Carried</i>

CSM thanked the council and departed the meeting 1421.

14:21	12. Operational Report – Senior Administration
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Nil report.

14:21	13. Operational Report – Payroll-Grants Officer
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Tabled as read.

14:21	14. Operation Report – HACCC
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Nil report.

14:21	15. Operation Report – Environmental Health
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Tabled as read.

14:21	16. Operation Report – Animal Management
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Tabled as read.

14:21	17. Operation Report – Land & Sea Rangers
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Tabled as read.

14:21	18. Operation Report – Store Managers Report
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Tabled as read.

14:21	19. Operation Report – Play Group
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Tabled as read.

14:22

20. Operation Brief – Mapoon Waste Facility

CEO presented the copy of the advice received from Preston law regarding the current permit for waste management for Mapoon. Note the current permit was signed in 2012 and has a term of 30 years. Councillors note the size of the lot set aside for the waste management facility is very small area and the view is it does not meet the growing needs of Mapoon.

Councillor advocate support for direction to be issued to explore expansion of the dump. This includes research within Mapoon of appropriate sites – preferably the expansion of the existing site.

Resolution 08.
12/04/16

Council resolve to instruct the CEO to proceed with planned action to secure the future waste management needs of Mapoon. The scope of this project is to extend outside of lot 4 and include the existing site in lot 2.

The preferred option is to expand on the existing site by either adding fill or expanding the site boundary to cater for growth.

Motion

***Proposed: Councillor Smith.
 Seconded: Councillor Mara.***

Motion Carried

15:55

21. Operation Brief – Local Government Infrastructure Plan

CEO advised the correspondence seeks to advise the council of the requirement for Local Governments to have Local Government Infrastructure Plans which initially was meant to be in place by 30 June 2016. The correspondence identifies the extension of time for the plan to be developed has been approved – but only for those councils that apply and receive approval.

CEO asked the council to consider the future needs of Mapoon and give serious consideration to the requirement. Recommendation provided to support an application being submitted to seek an exemption.

Resolution 09.
12/04/16

Council resolve to support the recommendation of the CEO to formulate an application seeking an extension of time to develop a Local Government Infrastructure Plan – 30 June 2018.

Application to reflect the advice guideline provided by Department of Infrastructure, Local Government and Planning - January 2016.

Motion

***Proposed: Councillor Guivarra.
 Seconded: Councillor Smith.***

Motion Carried

16:04

22. Priority Correspondence – Building our Regions Round 2

CEO presented the correspondence to the councillors. For the new councillor he pointed out the change – round one had MASC in the royalties group which had a condition of 50% contribution.

15:55 **23. Any other business (items taken without notice)**

Trainees – Mayor and CEO have been reviewing strategies for support employment pathways within council to support work placement and entry level introducing work opportunities within the council. A favourable strategy is the inclusion of a school holiday work program to provide paid and non-paid work experience through both holiday employment and work based training.

<p><u>Resolution 10.</u> <u>12/04/16</u></p>	<p><i>Council resolve to support the recommendation of the CEO to formulate a local employment strategy for school aged employment and traineeships.</i></p> <p><i>Base program to include up to 5 positions during school holidays for Senior Students (High School) to engage students into active work programs – junior level rates.</i></p> <p><i>Apprenticeship to be advertised for administration trainee.</i></p>
<p><u>Motion</u></p>	<p><i>Proposed: Councillor Mara.</i> <i>Seconded: Councillor Guivarra.</i></p> <p style="text-align: right;"><i>Motion Carried</i></p>

Operational - New rate for Travel Allowance. Corporate services Manager presented information from the Australian Taxation office regarding new Travel Allowance rates.

<p><u>Resolution 11.</u> <u>12/04/16</u></p>	<p><i>Council resolve to adopt the prescribed travel and overtime meal allowance rates as determined by the ATO – Taxation Determination 2015/16.</i></p> <p><i>Table 1. Employee’s annual Salary - \$115,450 and Below:</i></p> <ul style="list-style-type: none"> <i>• Breakfast \$25.90.</i> <i>• Lunch \$29.15.</i> <i>• Dinner \$49.65.</i> <i>• Incidentals \$18.75.</i> <p><i>Table 2. Employee’s annual salary- \$115,450 to \$205,300:</i></p> <ul style="list-style-type: none"> <i>• Breakfast \$28.20.</i> <i>• Lunch \$39.90.</i> <i>• Dinner \$55.90.</i> <i>• Incidentals \$26.80.</i> <p><i>Rates applicable for the Mayor and Councillors will be calculated using Table 2 rates. Amendments to this rate will coincide with ATO determinations issued relating to the same.</i></p>
<p><u>Motion</u></p>	<p><i>Proposed: Councillor Mara.</i> <i>Seconded: Councillor Smith.</i></p> <p style="text-align: right;"><i>Motion Carried</i></p>

Speed humps – properties within red beach are experiencing issues with motorists driving with excessive speed in the newly created subdivision. Safety concern for pedestrians – youth - in the area and council are asking for speed reduction devices (traffic islands, pedestrian crossings and footpaths etc.) to mitigate risks.

<p><u>Resolution 12.</u> <u>12/04/16</u></p>	<p><i>Council resolve to support the request for traffic control devices to be designed and installed for the following streets:</i></p> <p><i>Paanja; Bond; Parry; Hudson; and Wheeler.</i></p> <p><i>Options must include traffic islands, footpaths, pedestrian crossings and speed humps. A technical plan to be formulated by the appropriate advisor or consultant to ensure the designs conform to traffic regulations.</i></p>
<p><u>Motion</u></p>	<p><i>Proposed: Councillor Mara. Seconded: Councillor Smith.</i></p> <p style="text-align: right;"><i>Motion Carried</i></p>

Corporate Structure – CEO noted the current structure accommodates a Project Manager. Council request for this to be a senior role and have responsibility for the council operations – the preferred title is “Operations” or “Works” Manager. The current Position Description to be amended to reflect the change.

Black and More Play group accommodation: quote received pertaining to the procurement of new accommodation unit for Play Group. Note the registered values exceed delegation to CEO and warrant MASC endorsement. The procurement has been managed by Black and More and based on their procurement process, the quote provided by Glendale Homes Pty Ltd represents the best option.

<p><u>Resolution 13.</u> <u>12/04/16</u></p>	<p><i>Council resolve to support the recommendation provided by Black and More to procure from Glendale Homes Pty Ltd – 1 x two bedroom “Camden” accommodation unit. The price contained in the quote includes delivery and installation for the price of:</i></p> <p><i>\$175,254.55 (GST Ex).</i></p> <p><i>Council acknowledge the tight turn around with the project and support the management strategies to finalise this element of the project.</i></p>
<p><u>Motion</u></p>	<p><i>Proposed: Councillor Guivarra. Seconded: Councillor Smith.</i></p> <p style="text-align: right;"><i>Motion Carried</i></p>

16:35

1. Councillor Report

Tabled. Item to be repositioned within the meeting structure.

16:45

2. Report Resolution

CEO asked for the council to pass a general resolution to confirm all reports as tabled at the meeting.

Resolution 14.
12/04/16

Council resolved to endorse all reports as presented to the meeting.

Motion

Proposed: Councillor Guivarra.
Seconded: Councillor Mara.

Motion Carried

16:50

3. Next Council Meeting

Date for the next meeting will be the first meeting of the new council after the elections. Date for this meeting to be determined by the CEO and new Mayor after the election has been declared.

Resolution 15.
12/04/16

Council resolved to endorse the following dates which constitute council meetings for the term of the council.

Third Tuesday of every month set aside for council Ordinary Meetings.

Dates to be advertised in the Weipa Bulletin.

Motion

Proposed: Councillor Mara.
Seconded: Councillor Smith.

Motion Carried

Date to be set aside for the Trustee meeting. The meeting process to be separate from council ordinary meeting dates and must demonstrate independence.

16:55

4. Meeting Closed

Mayor thanked everyone for the attendance and wished those who are contesting the election all the best with their campaign. Meeting declared closed.

