



**Council Ordinary Meeting held:
17th May, 2016**

Council Minutes of Ordinary Meeting
held in the Council Chambers

Day 1. 17th May 2016

Attendance

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

Apologies

Councillor	Brendan Brown
------------	---------------

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.

09:12

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 – 12th April 2016.

<u>Resolution 01.</u> <u>17/05/16</u>	<i>Council resolve to endorse the minutes of the following Meeting:</i>	
	<ul style="list-style-type: none"> • <i>12th April 2016;</i> <p><i>with amendments, as true and correct.</i></p>	
<u>Motion</u>	<i>Proposed: Councillor Guivarra.</i> <i>Seconded: Councillor Smith.</i>	<i>Motion Carried</i>

Special Meeting – 27th April 2016.

<u>Resolution 02.</u> <u>17/05/16</u>	<i>Council resolve to endorse the minutes of the following Meeting:</i>	
	<ul style="list-style-type: none"> • <i>27th April 2016;</i> <p><i>with amendments, as true and correct.</i></p>	
<u>Motion</u>	<i>Proposed: Councillor Brown.</i> <i>Seconded: Councillor Guivarra.</i>	<i>Motion Carried</i>

09.25	4. Matters Arising
--------------	---------------------------

- ***12th April 2016;***

Waste Management – councilors queried the actions pertaining to this item. CEO advised update contained in this report.

Resolution 9. Application was submitted and awaiting on correspondence.

Employment strategy – school aged participants. CEO advised that lack of funding within council warranted a review.

Roads – update requested on current programs. CEO advised the following roads funds are active in Mapoon:

- TIDS – Cumbina St;
- NDRRA Cullen Point;
- CIMA – infrastructure \$5M (revised program to be submitted).

Works will commence on Cumbina St will commence before the end of May. Cultural Monitors will be engaged as per the Mapoon Community Indigenous Land Use Agreement.

Query about Playgroup Accommodation – CEO advised that Project Managers Black and More are coordinating this project and we should see movement this month.

Portfolio positions – Ely Trust positions. Current rules regarding appointments and director changes have been communicated. Current roles within Ely Trust are:



- Shareholder; and
- Coordinating committee.

Technicalities for appointment to the board are complex and has created an air of confusion. Councilors request for a meeting with representatives from Ely Trust representatives (RTA and Trust Coordinator) to discuss our strategies to be an active representative on the Trust. Meeting to include full council.

Object for involvement of new members:

- Exposure to working and operations of trust;
- Knowledge of trust arrangements and application;
- Investment in capacity.

Council are keen to improve clarity about the trust and enhance our ability to support the progress

- **27th April 2016;**

Nil.

10.20

5. Standing Orders

10:21

6. Standing Order – Finance Audit and Risk Management

Accountant welcomed to the meeting via phone conference. He proceeded to read the financial report for the month of April 2016 as presented.

Store: note the performance of the store for the period has been impacted on the change to management and operational investments. This is riding close to the edge and the annual cost for electricity has the potential to drop operations into a deficit position for the first time.

Figures for construction appear to be on track – the figure appears to be travelling toward coming in under the contract. Accountant is buoyed by this performance and it appears we will have made an operating profit. Note payment certificate will come confirm the amounts. Paanja construction has a positive balance and there are a number of driveways to be completed - \$10,000 - \$15,000 which will still allow us to make a profit.

High Rise construction – Civil this is currently showing a deficit, but this is subject to additional claims being submitted (this will reverse the deficit to a profit).

Councillor buoyed by the benefits returned to Mapoon – training and employees

Accountant noted a new income source with Sea Swift barge landing – introduction of port fees. This will cover access to the boat ramp. Cr Guivarra recalled the Cullen Point facility being specified as a public boat ramp and is open to public. Enquiries required to determine opportunities for fees to be applied to commercial users. The public nature of the facility could provide issues, but Accountant will conduct enquiries about the options.

Store truck raised as an issue. Account support the view the vehicle is no longer appropriate and being used beyond its capacity. Scope to be determined by the Store Manager and exercise undertaken to determine the cost for the project.

Councillors queried the cost recovery arrangements for projects. Accountant to liaise with Land and Sea Coordinator to ascertain the value of MASC Ranger involvement in OMAC projects.

Trust account to include break down of costs and reflect administration charge.

Accountant departed the meeting 10:50.

<u>Resolution 03.</u> <u>17/05/16</u>	Council resolve to endorse the financial report for the Month of April 2016 as presented by the Accountant covering the following:	
	<ul style="list-style-type: none"> • 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>	Proposed: Councillor Guivarra. Seconded: Councillor Brown.	Motion Carried

Councillors commented about the presentation of the financial information and liked the colour scheme.

10:55	7. Standing Order – Policy and Regulatory Compliance
--------------	---

Councillor and Staff Travel allowance policy. The Corporate Services Manager presented the draft policy for council endorsement. Note the policy is in addition to the resolution passed last meeting, it contains a copy of the ATO – Taxation Determination (TD 2015/14). Amendments will be aligned to future changes made by the ATO this determination – these will be presented to council for consideration and endorsement.

<u>Resolution 04.</u> <u>17/05/16</u>	Council resolve to endorse the Travel Allowance policy as recommended by the Corporate Services Manager:	
	MASC Councillor and Staff Travel Allowance Policy.	
<u>Motion</u>	Proposed: Councillor Brown. Seconded: Councillor Smith.	Motion Carried

11:00

8. Standing Order – Legal Matters

Disclosures. CEO reminded the councillors of the need to complete disclosures in accordance with the Local Government Act. Each councillor issued with a copy of the approved form and these were completed by each councillor. Senior staff to complete the same and copy to be provided to the Mayor for filing.

Update provided on the progress of the Health project – proposed plan has been revisited and the scope of development has been down-graded due project support not forthcoming.

11:05

9. Operational Reports

11:05

10. Operational Report – CEO

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

Actions from last meeting to be issued to the Mayor. Other topical points are covered via briefs directly and these are included into the meeting. Action list to be formulated and circulated at the time of editing the minutes.

Discussion about housing allocation process for cultural comments from MASC. CEO advised the information was taken care of outside of meeting and sought to make the process more efficient.

Resolution 05.
17/05/16

Council resolved to endorse the CEO's report as read. Actions stemming from this report to be implemented before the next meeting.

Motion

Proposed: Councillor Smith.
Seconded: Councillor Brown.

Motion Carried

11:20

11. Operational Report – Corporate Services Manager

Corporate Services Manager invited to the meeting to discuss relevant elements of the report requiring attention.

Councillors queried the start date for the new HACC community. CSM confirmed the start date as at 18/5/16. She will commence 19/5/16 with inductions and orientation for the program, staffing and service gaps. Council keen to support the program and recover some ground on service obligation to clients. Constant change in the industry has exposed MASC to heightened risk, the new appointment will complement our operations as a going concern.

Key objective is to make sure she feels supported – given she is traveling from interstate. In addition the creation of appropriate cultural awareness training for all staff who are not from Mapoon will be beneficial for MASC



going concern. Officer focus after induction will be on addressing reporting and care assessments/plans. At this present time the council is not taking full advantage of the full benefits of the program.

CSM noted a new feature in his report relating to staffing break-up. Council request strategy to develop a career pathway for indigenous staff. Reference to positions within the council structure that could be filled by local/indigenous trades qualified individuals with the expressed intent of offering promotion to fulfilling the role and responsibilities. Council instructed staff to ensure there is a succession plan to cover the bases for when vacancies arise.

Vacancies discussed. Note recruitment process underway. Centrelink remains unfilled – CEO of the opinion this position should be returned to Centrelink and run through another community agency. Traineeship also advertised and it will give us an idea on local interest. Construction trainees will be factored into works and maintenance programs during the time when new builds program are dormant.

<u>Resolution 06.</u> <u>17/05/16</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 Guivarra.</i> <i>Seconded: Councillor Brown.</i>	<i>Motion Carried</i>

CSM thanked the council and departed the meeting 11:20.

11:21	12. Operational Report – Senior Administration
--------------	---

Nil report.

11:23	13. Operational Report – Payroll-Grants Officer
--------------	--

Tabled as read.

11:25	14. Operation Report – HACC
--------------	------------------------------------

Nil report.

11:27	15. Operation Report – Environmental Health
--------------	--

Tabled as read.

11:30	16. Operation Report – Animal Management
--------------	---

Tabled as read.

11:33 **17. Operation Report – Land & Sea Rangers**

Tabled as read. Mayor noted discussions held last week with OMAC Trust regarding securing a lease for Turtle Camp and the lack of progress regarding the intra-indigenous disputes. MASC interested in securing a location under a lease to support the valuable work performed by our Rangers researching turtles (etc.). Serious consideration needed to identify an appropriate site without ongoing disputes that will allow full economic opportunity. Process to be coordinated through Preston Law.

11:45 **18. Operation Report – Store Managers Report**

Tabled as read.

11:48 **19. Operation Report – Play Group**

Nil

11:50 **20. Operation Brief – Mapoon Waste Facility**

CEO read the report which contained content from DG for NRM James Purtill who provided response to council questions raised at Champion visit in April and proposed high level schematic design for the dump. Note this issue is significant for the future of Mapoon and councillors supported the strategy implemented.

Councillors discussed the technical elements as contained in the report and supporting documents. General optimism conveyed about the proposed course of action and general support acknowledged to secure additional space for the dump area – proposal to extend the current dump by 180m x 85m (approximately 18,000m³ to accommodate waste).

CEO noted the existing content at the dump would need to be mapped to show class of materials interned (especially the hazardous material). Council keen to progress this matter and instructed the CEO to include this to his list of actions to report at the next meeting.

CEO to also liaise with Legal advisors on progress this project to negotiation stage and engaging the appropriate stakeholders to secure MASC waste management.

Meeting adjourned for lunch 12:40.

Meeting reconvened after lunch 13:10.

13:10 **21. Operation Brief – Housing**

Report tabled as read. Councillors noted the content of the report. The proposed list of names to add to the Mapoon wait list was considered and factored for endorsement. Tenancy allocations to factor local needs of those living in Mapoon before extending the consideration to regional needs.

Mrs Kelly East joined the meeting 13:45

- Special needs - Mr Terence Baker. The circumstances surrounding this matter was noted with a general level of support registered and council approve the recommendation to construct a purpose built house

that adequately caters for his special needs. This decision was made in direct correlation to contract implications should the proposed redesign and modification was introduced late in the process. At this time any delays added to the contract would be risky for council – given the tight timeframes contained in the contract and the degree of modification required, the increased risks was not acceptable for council and there was no guarantee the special needs of this resident. Council approved the inclusion of a purpose designed and build house as part of the next round of construction projects for Mapoon.

- Air-conditioning: council acknowledge the issues and support the incorporation of appropriate inclusions into the design to accommodate space for box and split-system air-conditioners. Note delay in providing space is not cost effective for the tenant. Council also note that if tenants are advised early, they could make provisions to purchase units before the tenancy hand-over (that way it is done upfront and not delayed). BAS notes there are provisions included into the design – but this appears to be open to interpretation. Issues encountered identified the current design of the property not being consistent with the needs and space not being appropriate to accommodate the need. Issue to be factored into future design and further clarification regarding design brief to clear – reducing degree of interpretation. Note split system investment will be major investment and technically becomes a fixture of the houses (tenant cannot remove when the leave).
- Provision of digital television (disk, set-top box and cabling) supported as a standard feature for houses to be constructed in Mapoon.
- Noise – council have received verbal complaints from Wheeler St. concerns are tenants are not respecting the rights of tenants to peace. Council advised tenants are aware of their rights and responsibilities, as they have been afforded correct information. All new tenants given warning at the time of being issued tenancies. Council concerned about the health and wellbeing of family members and children. Tenants will be reminded during week of 23/5/16 regarding noise and the rights of other tenants in the street.
- Over-crowding: council made aware of issue with specific tenancies. Note the tenancies are known to housing and action plans have been incorporated into existing operational strategies to mitigate identified issues. Objective is for persons creating overcrowding to register their own application for housing.

Note the content provided for the arrears report and maintenance to be collaborated more clearly. HPW to work closely with MASC officer to manage this more closely and the enhance accountability.

- Vehicle removal: concern raised the strategy to remove vehicles has been under minded by tenants purchasing additional vehicles and reintroducing problems. Tenants are supported in keeping projects, but not allowing vehicles to become health hazards. Note program proposed by CDP to support participants start business opportunities. All strategy to address breach issues factor in fairness and equity into planning and response strategies.
- Yard maintenance – tenants required to maintain yard and HPW will notify tenants of responsibility.
- Allocations – cultural content left for council to consider. Cultural input from council endorsed as a continued protocol and is valued when allocations are being considered. HPW will only work with the names contained on the wait list register.
- Future needs – the number of applicants for 3 and 4 bedroom is very low. The greater number of tenants are registered for 2 bedroom.

Councillor thanked Kelly East for her time, she departed meeting 14:15.

<u>Resolution 07.</u> <u>17/05/16</u>	<i>Council resolved to endorse the following names as eligible applicants to add to the housing wait list for Mapoon as proposed by the Tenancy Management section of Housing and Public works:</i>	
	<i>Elia and Georgina Paipai Betteana Motton and Norman John William and Daisy Bailey Allan Busch</i>	
<u>Motion</u>	<i>Proposed: Councillor Smith. Seconded: Councillor Brown.</i>	<i>Motion Carried</i>

14:15	22. Priority Correspondence –
--------------	--------------------------------------

Nil.

14:20	23. Any other business (items taken without notice)
--------------	--

1. Men's group – funding provided by Ely has since been released to MASC. Order to be placed with music equipment supplier. MASC awaiting list of equipment (invoice) to be placed on the official works order. The funds are also available for the works to commence on the vehicle. Representative from Men's group to resend copies of the invoice to council for our records. Vehicle rules to be drafted for consideration and endorsement of the Men's group committee. Location for storage to be discussed. Freight may be an issue due to time frame – additional funds to cover cost to be supplied by Men's group.
2. Football oval – this is a legacy project that would be beneficial for the whole community. Note elements of the project have been considered but the overall project plan requires attention.
3. Crab shed – weed removal required. Currently identified as a fire hazard.
4. Overhanging trees on blind spots along the road – program required to remove low lying branches.

14:35	24. Councillor Report
--------------	------------------------------

Tabled. Item to be repositioned within the meeting structure.

14:36	25. Report Resolution
--------------	------------------------------

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

<u>Resolution 08.</u> <u>12/04/16</u>	<i>Council resolved to endorse all reports as presented to the meeting.</i>
--	--

<u>Motion</u>	<i>Proposed: Councillor Guivarra. Seconded: Councillor Smith.</i>	<i>Motion Carried</i>
----------------------	--	------------------------------

14:37	26. Next Council Meeting
--------------	---------------------------------

Date for the next meeting 14th June 2016.

14:37	27. 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.