



Council Meeting Minutes

16 August 2017

11.02am – 2.29pm

Cairns Board Room and Kowanyama Board Room (via
Videoconference)

Present

Mayor Michael Yam (Chair)

Cr Colin Lawrence

Cr Wendy Wust

Cr John Fry

Deputy Chief Executive Officer & Executive Manager Community Services Cameron Unwin

Katherine Wiggins, Executive Manager Governance and Operations

Helen Taylor, Executive Manager Finance

Chris Delaney Executive Manager Human Services

Apologies

Chief Executive Officer, Fabian Williams

Deputy Mayor Territa Dick

1) Welcome and Apologies

The Mayor welcomed Councillors to the meeting.

The Mayor stated that the CEO's wife had given birth in the early hours of the morning and so would not be present at the meeting. The Councillors passed on their congratulations and well-wishes.

RESOLUTION - Approved leave

Cr Territa Dick be granted approved leave for this meeting

Moved Mayor, Seconded Cr Fry

MOTION CARRIED

2) Updates to Councillor Register of Interest or Related Parties

No updates were provided.

3) Minutes from Previous Council Meeting

The Deputy Chief Executive Officer & Executive Manager Community Services Cameron Unwin presented the July Council meeting minutes, noting key actions.

RESOLUTION

Minutes for July Council Meeting

That the minutes of the July 2017 Council meeting be adopted as true and accurate.

Moved Cr Wust, Seconded Cr Lawrence

MOTION CARRIED

4) Departmental Updates

a) Office of the CEO

Katherine Wiggins, Executive Manager Governance and Operations, provided an update on behalf of the CEO.

Internal Audit - Fraud

Our Internal Auditors have now completed interviewing staff for the Fraud review. They are now seeking to interview two Councillors for their thoughts on the current fraud processes at Council. Two nominations are requested. Cr Fry and Cr Wust advised that they were keen to take part.

Topsy Creek

Council meet with the PBC and legal teams on 2 August to progress the Topsy Creek Project.

The PBC will be holding another meeting on the 22 August with their members to discuss the project in more detail and gain agreement from the Traditional Owners to proceed with the negotiations. The intention of this meeting is not to further the detailed negotiations between Council and the PBC – that will take place once the PBC membership endorse the project.

Health Lease

A productive meeting was held with Thomas Hudson, Chair, Apunipima Friday 11 August. It was agreed at that meeting that Council would proceed with the Health lease and Council will make contact with our lawyers to progress.

It is proposed that in addition to the lease, a Memorandum of Understanding is drawn up between Apunipima and Council, to gain agreement for the future investment in council services (such as vehicle hire), so that the capital works and ongoing operations have long term benefit to community.

Action Item

Executive Manager Governance and Operations to progress Apunipima lease.

River House Charges

At the meeting with Thomas Hudson on Friday 11 August, Mr Hudson also raised that the new charges (as stipulated in the 2017/2018 Council fees and charges) had not been charged to him before and that he requested for them to be waived or amended. This is being discussed at the Council meeting today in Closed Business.

General Service Levy being replaced with Tenancy Agreements

In order to comply with QAO recommendations the General Service Levy (GSL) is no longer collected by Council. Instead it has been replaced by tenancy agreements for staff in council accommodation, and utility charges for people in Katter leases. (Other Social Housing tenants who pay rent to the Department of Housing and public works are exempt from the charge).

The Executive are currently on working through the implications to staff and Katter lease holders. Further details as below:

Staff Housing

- The charge for a staff two bed unit is \$120pw – as this is more than the previous GSL charge (\$80pw), it is proposed that Council will need to cover the difference in cost for the duration of the terms stated in the impacted staff member's contracts, (i.e., single staff member in two bed properties) so they are not financially disadvantaged. As and when new contracts are negotiated, the subsidy will be removed.
- Staff tenancy agreements will need to be developed. Tenancy agreements will provide more rights to the staff (in regard to the Repair & Maintenance of the accommodation), but will also provide more responsibilities for the staff (in terms of reporting maintenance issues, paying rent and cleanliness on departure.)
- The Tenancy agreements will be linked to employment at Council so when a staff member departs Council they will not maintain any rights over the property

Katter Lease holders

- The weekly charge is approximately \$51.19 per week, calculation as below:

Garbage Collection - Residential	\$1,364.80
Water Annual Service Charge – Residential	\$1,197.90
Sewerage Annual Service Charge – Residential	\$1,197.90
<u>Total per year</u>	<u>\$2,662</u>

(Divided by 52 weeks = \$51.19)

- The primary lease holder will be responsible for paying this charge – 1 per household.
- Previously all tenants paid the GSL
- We are aware that the official lease holder may not be the same as the current tenant. We will therefore need to undertake some work to clarify who should be charged.
- Deputy Chief Executive Officer & Executive Manager Community Services Cameron Unwin will be working with his housing staff to communicate the changes to Katter Lease holders.
- Correspondence will then be sent to the tenant advising of the new charge.

The Executive Team is aiming to make these charges by 1 September 2017.

Local Government Association Queensland (LGAQ) Annual Conference

LGAQ are holding their annual conference on Monday 16 – Wednesday 18 October, 2017.

All Councillors and Mayor confirmed that they were keen to attend.

Action Item

Executive Assistant to progress LGAQ conference registration, travel and accommodation.

CEO Performance Report

Greg Newman, LGAQ, conducted the CEO performance review the week of 7 August 2017. As a result of that review the CEO has successfully completed the probation. The full report was due to be discussed today but will be postponed until the September 2017 Council meeting.

Action Item

CEO to forward the CEO performance report to Councillors and Mayor

Action Item Progress

There have been 17 Action Items from Council meetings (since we started to capture the Action Items). 4 Actions Items have been completed and 13 are still in progress.

Action Item Update – 4, Mitchell Creek

The Mayor recommended the review the local government boundaries as the area may be in Carpentaria Shire Council area.

b) Information Report – Executive Manager Finance

Helen Taylor, Executive Manager Finance presented the end of year finance report. The key points from the report are as follows:

- The 16/17 year to date budgeted (expected) income was \$27,244,026
- The 16/17 year to date actual income is \$23,536,832
- The 16/17 year to date budgeted (expected) expenditure was \$27,143,518
- The 16/17 year to date actual expenditure is \$15,143,518

Council's interim net result variance to budget is \$6,914,890 due to the capitalization of \$4.8m of asset related expenses, however Council is yet to process the year end entries for the recent comprehensive asset revaluation and depreciation expense.

Council fell short on its projected revenue due to the delay of NDRRA 16.16 works, Stage 2 Topsy Creek and Stage 2 National Partnership Agreement on Remote Indigenous Housing (NPARIH).

Action Item

Executive Manager Finance to work with Executive Manager Governance and Operations to develop and Agenda Report for the September Council meeting for the leasing of the Bakery.

The Mayor congratulated the continued achievements of the Finance department and thanked staff for all their work.

c) Information Report – Executive Manager Human Resources

Katherine Wiggins, Executive Manager Governance and Operations presented the report on behalf of the Executive Manager Human Resources. The key points from the report are as follows:

- Current Staff numbers: 135
- Current advertised Vacancies:
 - Aged Care Services
 - Women's and Children's Services Coordinator
 - Land and Sea Manager
 - Executive Assistant
- Current Workers Compensation Claims: 1
- HR Policies for Approval:
 - Staff Leave (being presented later today)
 - Staff Housing (being presented later today)

5) Agenda Reports

a) Asset Management Plans

Ms Wiggins, Executive Manager Governance and Operations presented the Asset Management Plan report. Ms Wiggins stated Asset Management Plans (AMP) review the assets and infrastructure that need replacing or upgrading and identify how much it will cost and when the expenditure will be needed. This ensures that essential infrastructure and assets, such as water and sewerage, are not missed when Council plans where expenses are needed - without an AMP these expenses can be missed as they are not always seen as much of a priority as other more visible projects that the community requests.

Ms Wiggins further detailed that in their Management Report the Queensland Audit Office (QAO) highlighted that Council did not have a current Asset Management Plan and that the lack of having a plan was impacting Council financial sustainability.

To remedy this risk in June 2017 Council engaged Maurice Evans from Innovative Facility Solutions (IFS) to develop our AMPs. Following a two day visit in Kowanyama and extensive discussions with Managers the following reports have been drafted:

- Buildings & Facilities
- Essential Services
- Buildings & Facilities
- Ancillary Assets (a range of individual assets that do not belong to an asset group)
- Transport and Drainage
- Plant and Equipment
- IT Assets

In addition to these in-depth reports an overall Strategic Asset Management Plan has also been drafted.

Each AMP has the following sections:

- What will it cost?
- What will we do?
- What we cannot do?
- Managing the Risks
- Next Steps
- Why is there a funding shortfall?
- What happens if we don't manage the shortfall?
- What can we do?
- What is being done?

Ms Wiggins stated that once the Asset Management Plans (AMPs) and Strategic Asset Management Plan (SAMP) are endorsed they will be used to inform future project proposals and assessment to ensure that Council sufficiently invests in asset replacement and repair. Further, the AMPs will be incorporated in to the Project Prioritisation Assessment tool.

Councillors and Mayor welcomed the plans and reiterated that they would provide a good basis for future asset and infrastructure planning.

Resolution – Asset Management Plans

That Council endorse the Asset Management Plans and Strategic Asset Management Plan as presented

Moved Cr Wust, Seconded Cr Fry

MOTION CARRIED

b) Asset Disposal Policy

Ms Wiggins, Executive Manager Governance and Operations presented the Asset Disposal Policy.

Ms Wiggins stated that the Queensland Audit Office (QAO) have highlighted that council does not have a current Asset Disposal Policy. Council is required to have a policy so that the process of disposing assets is completed with transparency and fairness.

To remedy this an Asset Disposal Policy has been drafted. The policy states when an asset is able to be disposed of (for example when it is surplus to requirement or it is no longer in working order) and how Expressions of Interest from community to purchase the items should be sought.

The policy also states that the employees involved in disposing the assets should not provide any confidential information to the public about the assets that could impact the assessment of the Expression of Interest process.

Resolution – Asset Disposal Policy

That Council endorse the Asset Disposal Policy as presented

Moved Cr Wust, Seconded Cr Fry

MOTION CARRIED

It was discussed that FNQROC had previously coordinated action in the east cape to remove scrap metal.

Action Item

Executive Manager Governance and Operations to work with CEO to investigate options for removing car bodies.

c) Staff Leave Policy

Chris Delaney, Executive Manager Human Resources presented the Staff Leave Policy. Ms Delaney stated that there is the ongoing Human resources policy development to support staff and managers, and that one of the key areas is staff leave. Ms Delaney stated that that the staff leave policy would provide relevant information to staff regarding their entitlements and the requirements of the particular industrial instrument.

The Mayor and Councillors agreed that there needs to be firmer and clearer procedures for how to manage staff absences, including the need for consequences and also rewarding good staff behaviours. There was also agreement that the Casual Pool of staff be increased so that there are more options for backfilling.

The Mayor and Councillors also agreed that it was vital for council services to be provided to a high standard and that unauthorized staff absences impacted this – as well as also having a detrimental impact to fellow staff and community members.

Ms Delaney also stated that she is looking at investigating rewarding staff attendance and capacity building, such as rotation opportunities across Council.

Resolution – Staff Leave policy

That Council endorse the Staff Leave Policy as presented

Moved Cr Lawrence, Seconded Mayor Yam

MOTION CARRIED

Ms Delaney noted that a further policy for Maternity / Paternity Leave is also being developed.

Action Item

Executive Manager Human Resources to coordinate development of Maternity / Paternity Leave policy.

d) Staff Housing Policy

Chris Delaney, Executive Manager Human Resources presented the Staff housing policy. Ms Delaney stated that the policy outlines conditions and obligations of Kowanyama Aboriginal Shire Council (“KASC”) staff residing in KASC staff housing. Key items in the policy include:

- A condition inspection of the proposed accommodation will be undertaken by the Executive Manager Human Resource or delegated person, prior to any accommodation being allocated.
- The principle staff tenant will sign a KASC Tenancy Agreement Form or the equivalent thereof
- The tenant will be provided with a Condition Report and Housing Inventory. Both documents are to be completed, signed by the tenant and returned to the Executive

Manager Human Resource or delegated person within one month of entering the property

- The rental cost is set in accordance with KASC's Schedule of fees and charges and may be reviewed annually. Rental is set according to the type of accommodation. Eg 2, 3 or 4 bedroom accommodation
- Guest(s) staying over 15 days without the written consent of KASC shall be considered a breach of this Policy. Only the approved tenants and/or approved animals, and no others, shall occupy the accommodation for more than 15 days unless the expressed written consent of KASC is obtained in advance.
- Council is required to:
 - Maintain the house in a safe and reasonable condition including structural, painting etc.
 - Ensure any unsafe item is repaired as quickly as possible e.g. broken stairs, electrical issues, leaking roofs
 - Undertake in a timely manner, normal repairs considered to be wear and tear.
 - KASC will provide mowers/whipper snippers on a shared arrangement for staff housing at no cost to the resident.
- The Tenant Agrees to:
 - Abide by the conditions of the Tenancy Agreement Form or the equivalent thereof.
 - Maintain the yard and the house in good condition.
 - Advise KASC of any repairs needed in the house or appliances provided.
 - Pay for electricity usage and purchase replacement gas as required. No reimbursement will be made for part full gas cylinders when a tenant vacates the premises.
 - Pay for any replacement keys

Resolution – Staff Housing Policy

That Council endorse the Staff Housing Policy as presented

Moved Cr Wust, Seconded Mayor Yam

MOTION CARRIED

e) Debt Recovery Policy

Ms Taylor, Executive Manager Finance, presented the Debt Recovery policy. Ms Taylor stated that Council is required to have a policy so that the process of collecting debt is managed with transparency and fairness

Resolution – Debt Recovery Policy

That Council endorse the Debt Recovery Policy as presented

Moved Mayor Yam, Seconded Cr Wust

MOTION CARRIED

Lunch Break – 1.30pm – 1.45pm

Cr Lawrence left the meeting at 1.30pm

6) Closed Business Agenda Reports 1.45pm

RESOLUTION

Move in to Closed Business 1.45pm

That in accordance with s275 of the Local Government Regulation 2012 it is resolved for the meeting to go into closed session to discuss:

- The local government's budget
- Other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage
- Any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act

Moved Mayor Yam, Seconded Cr Fry

MOTION CARRIED

RESOLUTION

Move out of Closed Business 2.15pm

Moved Mayor Yam, Seconded Cr Wust

MOTION CARRIED

a) RESOLUTION - Closed Business Agenda Report, Housing Allocation

That Council endorses the suggested Housing Allocation list for August as provided by the Department of Housing and Public Works.

Moved Cr Fry, Seconded Cr Mayor Yam

MOTION CARRIED

b) RESOLUTION - Closed Business Agenda Report, Housing Allocation - General Rates Equivalent Charges for Indigenous owned businesses.

That Council endorse the new provision to waive 75% of the "General Rates Equivalent charge" as noted in the "General Rates Equivalent & Utility Charges" for Indigenous owned businesses.

Moved Mayor Yam, Seconded Cr Wust

MOTION CARRIED

c) RESOLUTION – Change Application for the Development Permit, Riverhouse

Kowanyama Aboriginal Shire Council approves the Change Application for the Development Permit for Reconfiguring a Lot (1 lot into 2 lots – lease exceeding 10 years) and a Material Change of Use for Short Term Accommodation located at 9 Chapman Road, Kowanyama, dated 3 March 2014 (Application No. 2) as presented.

Moved Mayor Yam, Seconded Cr Wust

MOTION CARRIED

d) RESOLUTION – Pindi Street Subdivision

1. Council as Local Authority resolves to work with the Remote Indigenous Land and Infrastructure Program Office (RILIPO) to further subdivide the Kowanyama DOGIT as shown on plan SP296757.

2. Council as Local Authority also resolves to support any land administration actions incidental to and necessary to facilitate lodgment and registration of SP296757. This includes applying to the Minister responsible for administering the Land Act 1994 for the surrender of part of the DOGIT in terms of section 55 of the Land Act 1994 for the purpose of dedicating those surrendered areas as road in terms of section 94 of the Land Act 1994.

Moved Mayor Yam, Seconded Cr Fry

MOTION CARRIED

e) CEO Performance Report

Left matter until September Council meeting.

Action Item

CEO to present the CEO Performance Report at the September Council Meeting.

RESOLUTION – Move into Trustee Meeting

That in accordance with Section 83 of Local Government Act 2009 (Qld), the meeting of the Trustee of Community DOGIT be convened and conducted as separate meetings from the Indigenous Regional Council

Moved Mayor Yam, Seconded Cr Fry

MOTION CARRIED

7) Meeting as Trustee

a) RESOLUTION – Change Application for the Development Permit, Riverhouse

Council as Trustee approves the Change Application for the Development Permit for Reconfiguring a Lot (1 lot into 2 lots – lease exceeding 10 years) and a Material Change of Use for Short Term Accommodation located at 9 Chapman Road, Kowanyama, dated 3 March 2014 (Application No. 2) as presented.

Moved Mayor Yam, Seconded Cr Wust

MOTION CARRIED

b) RESOLUTION – Pindi Street Subdivision

1. Council as Trustee resolves to work with the Remote Indigenous Land and Infrastructure Program Office (RILIPO) to further subdivide the Kowanyama DOGIT as shown on plan SP296757.

2. Council as Trustee also resolves to support any land administration actions incidental to and necessary to facilitate lodgment and registration of SP296757. This includes applying to the Minister responsible for administering the Land Act 1994 for the surrender of part of the DOGIT in terms of section 55 of the Land Act 1994 for the purpose of dedicating those surrendered areas as road in terms of section 94 of the Land Act 1994.

Moved Mayor Yam, Seconded Cr Fry

MOTION CARRIED

RESOLUTION – Resume Council Meeting

That in accordance with Section 83 of Local Government Act 2009 (QLD) Management of Community Development of Grants in Trust, the meeting of the Trustee of Community DOGIT be concluded and the separate meeting of the Indigenous Regional Council resumed.

Moved Cr Wust, Seconded Cr Fry

MOTION CARRIED

Resumed as Local Council

General Business

Ms Wiggins presented two letters from Thomas Hudson received on 14 August 2017:

- Request to lease / hire 5 room accommodation block, contractors compound
- Hudson Hire utilising council compound, machinery and workshop

Councillors and Mayor agreed that more time was required to consider the request and the matter would need to be presented in more detail at the September Council meeting.

Cr Fry requested an update on the Working for Queensland Projects.

Action Item

CEO to coordinate an update on the Working for Queensland Projects.

Council Meeting Closed at 2.29pm