



KOWANYAMA ABORIGINAL SHIRE
COUNCIL

Council Meeting Minutes

28 June 2021 10:14am – 12:25pm

Kowanyama Chambers Room and
Cairns Board Room

Present:

Councillors

- Mayor Robbie Sands (Chair) – Cairns Boardroom
- Deputy Mayor Cameron Josiah (Councillor) – Kowanyama Boardroom
- Cr Teddy Bernard (Councillor) – Kowanyama Boardroom

Executive

- Gary Uhlmann, Chief Executive Officer (CEO) – Kowanyama Boardroom
- Katherine Wiggins, Executive Manager Governance and Operations (EMGO) – Cairns Boardroom
- Andrew Hay, Executive Manager Finance (EMF) – Cairns Boardroom
- Jacqui Cresswell, Executive Manager Roads, Infrastructure & Essential Services, (EMRIES)

Apologies

- Cr Richard Stafford (Councillor) – Kowanyama Boardroom
- Cr Jacob Elroy Josiah (Councillor) – Kowanyama Boardroom

Meeting Commenced: 10:14am

1) Welcome

The Mayor welcomed the Councillors and Executive team to the meeting.

2) Apologies

<p>RESOLUTION – Cr Stafford Apologies That Council accept the apologies for Cr Stafford.</p>	<p>MOTION NOT CARRIED</p>
---	----------------------------------

<p>RESOLUTION – Cr E Josiah Apologies That Council accept the apologies for Cr J Josiah.</p>	<p>MOTION NOT CARRIED</p>
---	----------------------------------

3) Declarable Conflict of Interests

Mayor asked the Council if there were any declarable conflicts of interests with any of the matters on the agenda, all attendees confirmed there were none.

4) Closed Business

RESOLUTION – That Council moved into Closed Business at 10:17am	Moved: Cr Bernard Seconded: Cr Cameron Josiah All in favour MOTION CARRIED:
---	--

RESOLUTION – That Council moved out of Closed Business at 11:55am	Moved: Cr Sands Seconded: Cr Bernard All in favour MOTION CARRIED
---	--

i) Annual Budget 2021-22

Andrew presented Annual Budget 2021-22 Agenda report to Council (Closed Business).

RESOLUTION – Pursuant to section 170A of the Local Government Act 2009 and sections 169 and 170 of the Local Government Regulation 2012, Council's Budget for the 2021-22 financial year. Pursuant to section 98 of the Local Government Act 2009, the Register of Fees and Charges for the 2021-22 financial year are adopted by Council. Reports as presented, include the following: <ul style="list-style-type: none">• Operating Statements – Whole of Council Budget 2021-22• Capital Budget 2021-22• Operating Statements – Executive Portfolios – Budget 2021-22 (Appendix.2)• 2021-22 Fees and Charges• 2021-22 General Rate Equivalents• Debt Policy• Investment Policy• Revenue Statement• Revenue Policy• Procurement Policy• Statement of Financial Position – 10-year forecast• Statement of Cashflow – 10-year forecast• Statement Income and Expenditure – 10-year forecast	Moved: Cr Sands Seconded: Cr Bernard All in favour MOTION CARRIED:
--	---

ii) Insurance Renewal 2021-2022

Andrew Hay presented Insurance Renewal 2021-2022 (Closed Business).

RESOLUTION – That Council resolve to re-appoint Aon as Council’s insurance broker on a sole supplier arrangement for the 2021-2022 financial year, at a cost of \$1,090,967.32 GST inclusive for 65% ISR coverage	Moved: Cr Sands Seconded: Cr Cameron Josiah All in favour MOTION CARRIED
---	---

5) Agenda Report – Town Roads DRFA Tender Award

Jacqui Cresswell presented Town Roads DRFA Tender Award agenda report to council.

A request for tenders for the construction of Kowanyama Aboriginal Shire’s 2020 and 2021 Town Roads DRFA works (Contract TKASC 2021-03) closed on 21 June 2021 with two (2) tenders received. The tenders were assessed against both price (80%) and non-price (20%) criteria.

RESOLUTION – That Council award the tender to Koppens Construction Pty Ltd for their conforming tender of \$1,540,507.34 excluding GST	Moved: Cr Cameron Josiah Seconded: Cr Bernard All in favour MOTION CARRIED
--	---

Short break commenced at 12pm and meeting resumed at 12:16pm

Mayor requested that a community meeting be organised for next Thursday 08 July 2021 @ 10am.

Action item: EMGO to advise community on social media re: community meeting

6) Trustee Meeting

RESOLUTION – That Council open Trustee Meeting at 12:20pm	Moved: Cr Sands Seconded: Cr Cameron Josiah All in favour MOTION CARRIED:
---	--

i) Native Title Consultation Airport Beacon Site

Katherine Wiggins presented Native Title Consultation Airport Beacon Site Agenda Report to Council.

A block of land that is currently being used by Air Services Australia has been earmarked by Council officers as a site for a new Subdivision. The subdivision is being proposed to provide an area for new homes using funds that are being allocated by the Federal Government. In order to build on that site Council will need to address Native Title.

The site is covered by the Kowanyama Part C Native Title Determination, therefore native title is required to be addressed for the construction of the subdivision.

There are two options available to Council:

- A. Undertaking a Social Housing Indigenous Land Use Agreement (ILUA)
- OR
- B. Issuing a section 24JAA notice under the *Native Title Act 1993*.

Option A

An Indigenous Land Use Agreement (ILUA) is an agreement between that can be made between PBCs and Council’s to address construction in Native Title areas and may involve compensation. An ILUA can take up to one year to negotiate.

Option B

If ILUA aren’t possible, an alternative is to issue a 24JAA notice. Section 24JAA of the *Native Title Act 1993* sets out the processes that must be followed for the construction, maintenance and use of public housing and infrastructure on Indigenous-held land that is, or may be, subject to native title. Section 24JAA requires government bodies undertaking the public infrastructure development to notify relevant native title parties of the acts to be done and consult with those parties about the proposed acts. The process for a 24JAA usually can take approximately 4-6 months.

Recommendation

To assist in increasing the supply of housing in community by 2023 it is recommended that Council proceed with Option B and adopt the proposed resolution. Following resolution Council will work with Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships to develop the notice and coordinate the consultation.

<p>RESOLUTION: Kowanyama Aboriginal Shire Council as Trustee of the Kowanyama DOGIT resolves to seek assistance from the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP) with:</p> <ul style="list-style-type: none"> - Issuing notices under s.24JAA of the Native Title Act 1993 for a subdivision and construction of staff houses and social houses on Lot 81 on SP272069; and - The drafting of 40-year social housing lease instruments over the social housing lots (if required). 	<p>Moved: Cr Bernard Seconded: Cr Cameron Josiah</p> <p>All in favour MOTION CARRIED:</p>
--	---

Meeting closed at 12:25pm