



KOWANYAMA ABORIGINAL SHIRE
COUNCIL

Council Meeting Minutes

18 November 20 10:06am – 1:25pm

Kowanyama Chambers Room and
Cairns Board Room

Present:

Councillors

Mayor Robbie Sands (Chair) – Kowanyama Boardroom

Cr Teddy Bernard (Councillor) – Kowanyama Boardroom

Cr Richard Stafford (Councillor) – Kowanyama Boardroom

Cr Jacob Elroy Josiah (Councillor) – Kowanyama Boardroom (entered meeting at 11:10am)

Executive

Gary Uhlmann, Chief Executive officer (CEO) – Kowanyama Boardroom

Dr. Chris McLaughlin, Acting Executive Manager Governance and Operations (A/EMGO) – via Teleconference VMR

Andrew Hay, Executive Manager Finance (EMF) – Cairns Boardroom

Jacqui Cresswell, Acting Executive Manager Roads, Infrastructure & Essential Services, (EMRIES) – Kowanyama Boardroom

Apologies

Deputy Mayor Cameron Josiah (Councillor)

Kevin Bell, Executive Manager Community Services (EMCS)

Christine Delaney, Executive Manager Human Resources (EMHR)

Meeting Commenced: 10:06am

1) Welcome & Apologies

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

RESOLUTION – Apologies That the council accepts apologies from Councillor Cameron Josiah.	Moved: Cr Bernard Seconded: Cr Stafford MOTION CARRIED: All
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RESOLUTION – Apologies That the council accepts apologies from Councillor Jacob Elroy Josiah	MOTION NOT CARRIED No mover.
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2) Minutes from previous meeting

RESOLUTION – Minutes Minutes from previous Council Meeting 29 October 2020 Minutes That the above minutes be adopted as true and accurate	Moved: Cr Sands Seconded: Cr Bernard MOTION CARRIED: All in favour
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3) Current and Ongoing Action Items

Dr Chris McLaughlin presented the action items from October council meeting.

- Public meeting to be organised for the 2nd week of December 2020.
- Action Items to be updated by Executive Team as some have been completed.

Action Item

Public Meeting to be organised for the 2nd week of December 2020. Street clean-up to be included on the list of items for discussion.

Action Item

All Executives – Action Items register to be updated

- Disability access to Post Office – to be organised when doing refurbishment

Executive Team to continue working on outstanding action items and updating for next meeting.

Action Item

Policy on use of the Men's Shed for temporary accommodation needs to be settled. Need funding for full-time coordinator.

4 a) Chief Executive Officer – Information Report

- Roads crew progress has been fantastic. The Mayor and CEO attended a BBQ lunch for the recognition of the work the roads crew have done
- QRA are extremely happy with progress and the quality of work that has been done
- Infrastructure programs – A lot of projects being worked on around town and all are progressing well
- Biggest issue at the moment is the dump and the Cattle Company

- This year has been a very successful year for the community
- Partnership with RISE – extra funding (\$405k) for second half of year

4 b) Executive Manager Governance and Operations

Cattle Company

The legal position with regard to the Cattle Company is now settled following the 2020 Supreme Court of Queensland decision – *Council is now the owner of all cattle and Cattle Company infrastructure and cash.*

Council management continues to work with the Cattle Company liquidators, Price Waterhouse Coopers (PWC), to ascertain transfer and registration processes for cattle in line with the Supreme Court of Queensland ruling and to ensure the wellbeing of livestock, for the benefit of the wider Kowanyama community.

Community Consultations

Governance and Operations is currently working with Community Services to design community consultations for:

- The relocation of the dump;
- Use of the swimming pool during sorry business; and
- Noise restrictions and local law.

Aviation Services Australia Lease

The Aviation Services Australia (ASA) lease over its current transmitter site has expired. Formal notice has been issued by Council to ASA seeking it to remove its improvements from the site and restore the land in question by 31 October 2020. ASA has been advised that no holding over period will be granted by Council. A detailed exit plan has been requested of ASA by Council. It is noted that the land has been earmarked for potential future social housing subdivision. Once more information is available in relation to the exit plan, details will be provided to Council.

Canteen Lease

Following Council's October 2020 resolution of a new strategy to resolve the Canteen lease with the incumbent operator (Kowanyama Sports and Rec), Council has received a favourable response. Update to be provided once negotiations progress further.

Residential Tenancy Agreements – Men's Shed

Two RTA's have been issued to two community members for occupancy of two rooms at the Men's shed.

Information Services & Records Management System

The move to the new records management system is on track, comprising:

- Physical Records Archiving Process.
- Develop plan for digitization of records.
- Continue Migrating teams to SharePoint – Community Services and Finance.
- Server replacement/installation.
- IT Assets Management (Tracking & Disposal).
- SharePoint and Office365 follow-on training.
- Active Directory Re-alignment.
- Multi-Factor Authentication (MFA) Roll-out.
- Whisper (Council Alerts) Implementation

Social Housing Tenancy Management

It has been identified that approximately 53 social housing lots, comprising 67 social houses are not presently being tenancy-managed by the Department of Housing and Public Works (HPW) under an Agency Agreement with Council. Note that an Assistance Agreement still exists between HPW and Council with regard to ongoing maintenance of the 67 social houses by HPW.

A lack of Agency Agreement means that HPW is not receiving rent on behalf of Council with respect to those 67 social houses. Council's current strategy is to seek to include those 67 houses under an Agency Agreement with HPW, so that they are appropriately managed in the best interests of the tenants. HPW has previously argued that this is not possible due to granted Katter Leases over these 53 lots. Council is seeking to resolve the 53 Katter Leases by June 2022 so that these will not be managed by Council.

Township Mapping Project

Judy Austin, Project Officer, is continuing to work with DATSIP on a mapping project which will identify current land uses in Kowanyama township, including social housing and vacant land. The mapping project also includes a set of maps identifying essential infrastructure (e.g. water, sewage and electricity) and Judy is coordinating a review of these with Council's Road, Infrastructure and Essential Services team.

New Social Housing Builds

Native Title consultation for 3 new builds occurred with the PBC in Kowanyama on Tuesday 3 November. DATSIP have been coordinating the process. Dr Chris McLaughlin and Judy Austin from Council's Governance and Operations team were also in attendance. 3 lots have been cleared for immediate builds (subject to cultural heritage clearances). One additional block has been approved for a future build program.

Native Title Training

Native Title training for the Mayor and Councillors occurred in Kowanyama on Wednesday 4 November. This session was conducted by DATSIP, Crown Law and Dr Chris McLaughlin, A/Executive Manager Governance and Operations.

Annual Report

Council's Annual Report is required to be endorsed by Council within 30 days of Council's audited financial statements for the previous financial year being endorsed by the Auditor General. It is expected endorsement will occur at the December 2020 Ordinary Meeting.

Annual Operational Plan Q1 Update

It is a requirement of the *Local Government Act 2009* (Qld) that Council receive quarterly updates of progress against its Annual Operational Plan. This was presented to Council at its November Ordinary Meeting covering the period July/ Aug/ September 2020.

Cr Bernard left meeting at 10:56am and returned at 11am

Action Item

EMRIES to show the Mayor specifications for the fit-outs of new builds.

- Cr Stafford mentioned that the bottom of high-set houses could be built in for extra rooms and could be a better use of money.
- CEO agreed that extensions to high-set houses for bigger families should be considered.
- When inspecting houses, talk with families to see if building extensions would be beneficial to them.

Action Item

EMGO to add building extensions to the Public Meeting agenda

- Families to then advise council on which houses extensions would be considered.
- Mayor advised the best option for land would be to exhaust Katter Lease blocks around town – aviation block to be used last.

Cr Jacob Elroy Josiah joined meeting at 11:10am

Operational Plan

Dr Chris McLaughlin presented the Operational Plan to councillors and asked for any questions or concerns.

- Cr Stafford mentioned that there seems to be more rubbish than usual around the streets of the community.
- The Roads crew and Parks & Gardens are starting to clean up around community. The Rangers will start to help as well once wet season arrives. Sweeper to be attached to bobcat to help clear rubbish from streets.
- Clean Up Australia campaign was used a few years ago and seemed to work well – could look at implementing again.
- Clean up Kowanyama day – community to help and council to provide BBQ lunch for community members.

- Look at putting more bins around community to stop rubbish ending up on the streets.
- IT plan for community – overall strategy to implement computers for residents use.
- The Mayor had spoken to Louise Hunter from State Library of Queensland at the LGAQ meeting. Would be good to re-implement a library into community. Arts and Knowledge centre.
- Telstra – is it possible to have unlimited wi-fi in community. Other Aboriginal communities have free wi-fi.

Matt Fox (IT – Records Management Officer) to talk to Councillor's regarding what is required to be added to IT plan and priorities.

Action Item

IT Plan to be developed by EMGO in conjunction with Councillors and Executive Management.

Short break taken at 11:33am and returned to meeting at 11:52am

<p>RESOLUTION</p> <p>That Council endorse the 2020-2021 Operational Plan Quarter 1 (Q1) review (01 July 20 to 30 September 20)</p>	<p>Moved: Cr Jacob Elroy Josiah Seconded: Cr Bernard</p> <p>MOTION CARRIED: All in favour</p>
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CEO Appraisal

Dr Chris McLaughlin presented the CEO performance appraisal proposal to Council on behalf of the Mayor.

<p>RESOLUTION</p> <p>That pursuant to section 12(4)(d) of the Local Government Act 2009 (Qld), Council resolve to engage Peak Services to assist the Mayor to facilitate the 2020 CEO performance appraisal</p>	<p>Moved: Cr Sands Seconded: Cr Bernard</p> <p>MOTION CARRIED: All in favour</p>
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4b ii) Agenda Report - Homeownership

Dr Chris McLaughlin presented the Agenda Report for the Katter Lease Options Paper.

As part of a review of Council's ongoing Indigenous Land Management projects, a concern has been raised in relation to the two (2) options presently made available by the State Government to enable homeownership for Katter Lease holders in Kowanyama, namely:

Option 1 – Transfer

Where a social house constructed on a Katter Lease site is transferred to the ownership of the Katter Lease holder (or beneficiary), where the Katter Lease holder then takes full responsibility for ongoing costs associated with homeownership (i.e. maintenance, insurance, rates and charges).

Option 2 - Surrender

Where a Katter Lease holder decides that they are unable/ unwilling to take full responsibility for the ongoing costs associated with homeownership, they are able to surrender the Katter Lease, with the interest in land then reverting back to Council DOGIT. Council is then able to grant a 40-year lease to the Department of Housing and Public Works (HPW) over the lot, which works as security for HPW to then construct a social house on the lot for the former Katter Lease holder (or beneficiary) to occupy under a Residential Tenancy Agreement (RTA).

The Issue

The issue is that where a Katter Lease holder presently occupies a social house, in order to continue to occupy that house post June 2022, they must make 1 of the 2 above decisions:

1. **To transfer** the social house to full homeownership; OR
2. **To surrender** the social house back to Council.

Homeownership is a multi-generational aspiration. Where Katter Lease holders without means today exercise option 2 to surrender their interests in land, they deprive future generations of the opportunity for homeownership (i.e. via Will). Furthermore, those with strong aspirations to own their own homes, by exercising option 1 this may force them into unserviceable debt with resulting unacceptably low standards of living and risk (i.e. underinsured and unmaintained property). This may exacerbate ongoing community health concerns caused by overcrowding.

Solution

A solution to the issue is an **option 3 (sublease)**.

This option cannot be unilaterally selected by Council as it does not presently represent State Government policy, however Council is at liberty to seek policy variation.

Option 3 (Sublease)

Where a social house constructed on a Katter Lease site is subleased by the Katter Lease holder to the Department of Housing and Public Works for 40 years.

The benefits include:

- The social house continuing to be maintained by HPW; and
- The Katter Lease holder not needing to surrender their leaseholder interest;
- Any works and/or dealings on the land whilst held as a Katter Lease not needing to deal with Native Title; and
- Gives the Katter Lease holder (or beneficiary) time to save to manage homeownership expenses.

The main disadvantage of this option is that the Katter Lease holder (or beneficiary) would need to sublease their occupation rights to the State Government for social housing purposes for 40 years and in turn enter into an RTA and pay ongoing rent to live there (as should presently be the case).

It is anticipated that an agreement would be reached with HPW that when the Katter Lease holder is ready (financially) to take on full homeownership, option 1 (transfer) may be exercised, resulting in the RTA and 40-year leases being surrendered and the house and land returning to the Katter Lease holder (or beneficiary), enabling homeownership.

To support the four (4) Katter Lease holders that have already surrendered their interests in land, Council may agree to reinstate the leasehold interests via an ALA 99-year lease on terms substantially similar to their original Katter Leases, to enable them to take advantage of option 3 (sublease).

<p>RESOLUTION</p> <p>That council advocate to the Queensland Government for the inclusion of an Option 3 (sub-lease) to achieve home-ownership.</p>	<p>Moved: Cr Sands Seconded: Cr Jacob Elroy Josiah</p> <p>MOTION CARRIED: All in favour</p>
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4c) Executive Manager Finance

Mr Andrew Hay presented the finance information report.

- Substantial amount of untied funds has been received
- Council is running in line with budget - \$349k ahead of budget. Budgets are being managed quite well
- Audit Committee meeting to be organised before the 30 November 2020
- Enterprises are showing a YTD loss of \$6,355 which is \$25,691 higher than budget. The Batching Plant profit is \$20,005 higher than budget due to higher sales volumes to date. Losses are higher than budget for the Bakery \$28,428 and Blue Cafe \$30,186, due to stock purchases in preparation for the wet season and higher costs than budget, and the Post Office \$28,918 mainly due to higher costs than budget. The Airport loss is \$38,194 less than budget however depreciation of circa. \$72,000 is yet to be processed.
- Blue Café and Bakery are not running at a profit. Need to recognise what is being sold and what is not.
- Post Office – more products to be sold at the Post office store, better stock is required

4d) Executive Manager Roads, Infrastructure and Essential Services

Ms Jacqui Cresswell presented information report on Roads, Infrastructure and Essential Services.

- This has been a very successful year for the road crew and local contractors as Kowanyama Aboriginal Shire Council will be the first council in Queensland to complete it's 2020 DRFAR works. This has been acknowledged in both QRA, NWRRTG and TMR Newsletters, along with Council newsletter Torres & Cape News and Koori Mail.
- Planning has already commenced on the 2021 roads program.
- Gravel will continue to be delivered to the stockpile at the Mitchell River until the wet season, as we still have 9000 tons of road base to be delivered.
- David Raymond has been acting in the position of Carpentry Supervisor, since 21/10/2020. During this time David has been mentored and supported by the Building Services Manager and is acquitting himself well.
- Council are currently looking at various opportunities to up skill Council staff in the Building Services area, through training and mentoring by Contractors, hopefully this will kick off in early 2021.
- Council's carpentry apprentices are undertaking apprenticeship training, while other Building Services Staff are undertaking various types of training.
- Stage 1 of Oriner's project has been completed.
- Successful funding procured from QRA for the capital project to have power and water delivered to the Men's Shed and Batching Plant, which is progressing, with the final engineering design approved and construction expected to commence before the wet.
- *Workshop compound* – Workshop renovation underway on site. Concrete slab & posts installed for new works with steel installation underway on site.

- *Family bistro/canteen renovation* – Contract signed & purchase order issued to successful tenderer. Procurement of materials and deliveries underway for the project works to commence shortly.
- *Wellness centre* - Stage 1 works progressing well on site – kitchen and internal linings underway. Stage 2 works awarded to successful tenderer. –New wall cladding, roofing, windows & toilet block to be installed in Stage 2.
- *Contractors camp/storage area* - Fencing compounds PO issued for behind workshop. Building Approval received & tender issued for Contractors Camp works. Tender recommendation to council before End of Year.
- *Aged Care* - Works to be completed; driveway, carport, storage cover & external fencing by 31/12/2020. All works progressing well.
- *Women’s meeting place* - Stage 1 Structural engineering, building approval & tender to be completed ASAP.
- *Staff house* - Drafting of houses underway, alterations may be required due to sewer line location on block.
- *Airport* - Refuelling truck service and parts replacement completed and working much better than previously. Training and certification still required for aviation refueling.
- *Essential Services* – Training for Essential Services staff to undertake fusion training is currently being researched. Work on the new solid waste space continues.
- *Rangers* – 3 rangers and 4 parks & gardens personnel attended snake handling course in Napranum. Viv Sinnamon and Anzac Frank attended the Mitchell River Watershed Management Group AGM with a Crimson Finch update presented.
- *Animal Management* – Vet visited 2-4 November and trained some of the rangers in procedures.

Cr Jacob Josiah suggested that fencing be put around Men’s Shed due to domestic violence concerns.

Action Item

EMRIES to try and utilize left over fencing for men’s shed from other projects

4e) Executive Manager Community Services

Mr Kevin Bell was an apology for the council meeting. The community services information report was included in papers for Councillors to look through.

Council did comment that the NAIDOC community night was a success and had positive feedback from community members.

4f) Executive Manager Human Resources

Ms Christine Delaney was an apology for the council meeting. The human resources information report was included in papers for the councillors to look through.

5) Other Business

The Mayor mentioned that travel allowances for staff were to be paid before they attend the meetings away from home. A better process to be introduced.

Action Item

CEO to review Travel Allowance procedures with EMF to ensure equity.

Public Meeting to be scheduled for Thursday 17 December 2020 at 10am.

Meeting Closed: 1:25pm