

LOCKHART RIVER ABORIGINAL SHIRE COUNCIL

ABN 55 631 460 952



Minutes of Ordinary Council Meeting

Date: 19 November 2014

Venue: Boardroom – Cairns Office
Suite 8, 7 Anderson Street
Manunda, QLD 4870

1. **Attendance**

Cr. Wayne Butcher – Mayor
Cr. Norman Bally
Cr. Rebecca Elu
Cr. Paul Piva
Cr. Veronica Piva

A/CEO David Clarke
Deputy CEO Dora Accoom

2. **Opening**

The meeting was declared open by Cr Butcher at 09:20 am

3. **Apologies**

Nil

4. **Issue**

4.1 Minutes of the ordinary meeting of the 22nd of October 2014.

The minutes were reviewed with the following follow-up commentary provided:

- CEO to write to the Department of Aboriginal and Torres Strait Islander Multi-Cultural Affairs seeking advice on trusteeship of all government reserves in Lockhart River, particularly those previously used for old DATSIMA staff housing.
- That workers for Bank, Post Office, Rubbish, and Sewerage be identified and confirmed as the responsible parties to ensure these services are provided over the Council close down period.
- That the “Expression of Interest” for interested parties to make application to lease the old “Putchiwu Fishing” site be displayed publicly for 28 days and be constrained to permanent residents.
- That the Mayor and CEO will inspect the Putchiwu Fishing site in the week commencing the 24th of November.

Resolution 1: That the minutes as tabled are a true and accurate record of the proceedings of that meeting.

Moved: Cr Paul Piva

Seconded: Cr W Butcher

Motion carried: All in favour motion passed

4.2 Housing design and allocation

Council discussed the current process for design and tenancy allocation of new housing. Council made three important observations in relation to this matter:

- Design and dwelling size appears to be based solely on static data gathered by the tenancy management team of the Department of Housing. In other words they use data that captures today's demand leading to the design of small houses with no allowance for family growth. Council is concerned that even in the short to mid-term overcrowding will become a feature of the new subdivision. [(EG) 2015/6 allocation 4 two bedroom dwellings].
- Allocation of new rental stock does not fully consider family tenant history, stage of life proximity (putting noisy people in quiet areas and vice-versa), family connectivity, or the prospective tenants' work ethic.
- Council does not understand the linkage between current design and allocation methodology and the provision of home ownership options noting that home ownership will be enhanced if prospective owners were involved in design and location of new housing stock.

In Council's opinion, the design and allocation of housing is an important part of developing a livable, vibrant township that encourages aspiration and functionality. In recent times the community has become an irrelevant party to these important decisions. Community input would add value and ownership to the process providing a mature understanding of the societal nuances of Lockhart River.

Resolution 2: That the CEO and Cr Norman Bally as the Councilor with housing portfolio responsibility draft a letter to Minister Mander seeking greater community input into the design and allocation of new housing as it becomes available.

Moved: Cr Rebecca Elu
Seconded: Cr Veronica Piva

Motion carried: All in favour motion passed

4.3 Commercial lease application on trust lands Paul & Laney Piva

(NB) Cr Paul Piva declared his conflict of interest in relation to this matter and retired during discussions.

Cr Paul Piva has previously tabled a proposal to develop a Bird Watcher's "lodge" on Council trust lands. He has developed a business plan and privately paid for survey of the area in question. He is seeking Council's "in principal" endorsement for the issue of a commercial lease to him to support his negotiations with traditional owners.

Resolution 3: That Council provides a letter to Paul and Laney Piva granting “in principle” support to the project subject to successful ILUA negotiations with Traditional Owners. Further, that the proposal will be subject to a development application made to Council under its planning scheme and that this proposal will be assessed independently at that point.

Moved: Cr Rebecca Elu
Seconded: Cr Wayne Butcher

Motion carried: All in favour motion passed

4.4 On-going under performance of the Justice Group and succession planning for the Women’s Shelter.

Council discussed the need for Councilors themselves to continually play the family mediation role that a fully functional community Justice Group should lead. This was placing Councilors in a compromised position virtually forcing their hand to become involved in matters they would ordinarily not be party to.

There was a recognized need to assess the Women’s Shelter operations particularly in light of succession planning should the current long serving coordinator decide to leave.

It was decided Council should be provided copies of all service agreements with the Justice Group and the Women’s Shelter to guide further discussions and help in considering assist risk review options.

4.5 Cr Norman Bally incident

Cr Norman Bally acknowledged he was involved in an incident which was in breach of Council’s Code of Conduct. He apologized for his actions and pledged to not allow himself to get personally involved in similar matters in the future. It is noted that, although there was some “street level” knowledge of this incident, the Cr Bally self-declared his involvement to Council and expressed sincere regret in relation to his involvement in it.

Mayor Wayne Butcher gave Cr Norman Bally a formal warning consistent with the Code of Conduct and sought a renewed commitment from both him and all Councilors to lead by example and respect their position as the leaders of the Community. A formal reprimand under the Mayor’s signature will be provided to Cr Bally in relation to this matter.

Break for lunch 12:30 – 1:30pm

4.6 Queensland Reconstruction Authority attendance

Council received a delegation from QRA who provided a synopsis of current projects and the compliance detail required by Council to release QRA funding.

Dean Patchett and his team expressed concern Council have been conducting works on the Old Site road that are not consistent with approved variation 7.13 nor have they

received any requests for additional variations to be considered. This places Council in the precarious position of accruing significant project cost over runs which may not be funded by QRA. QRA advised have advised Council's Director of Engineering, Raja, of the correct process including the need to make submission for prior approval before conducting additional works or expanding the existing approved scope. QRA committed to working with Council collegiately with QRA's appointed auditors, BDO to try and help retrieve the situation but could not commit to covering all or any project over runs until all supporting evidence is to hand.

QRA are also concerned the claim for Emergent Works delivered early in the year remains outstanding. They advised they have discussed the matter with Council's Engineer who is yet to respond with a claim and supporting documentation. They advised this represented a further cost retrieval risk to Council particularly as current works could cover up the early Emergent Works provided making visual documentation difficult.

QRA made the general comment that there was a very clear demarcation in the quality of the submissions and Form 9 documentation pre and post April 2014. Prior to this date documentation was assembled and provided by Black and Moore and was considered industry best practice, after that date the same material was done by the newly recruited Council Engineer and habitually required redoing or significant amendment. They advised that under their funding rules costs for Black and Moore works on QRA related works are met by QRA not Council.

Council thanked the QRA delegation for informing them of the significant risk Council has been unwittingly accruing on our road works program.

4.7 The Financial Report for October was tabled for Councils' consideration by the Accountant along with a recommended review of financial delegations.

Stanley talked Council through their current position and risk profile and received questions which he responded to adequately. He tabled a review of financial delegations which required Council's consideration.

Resolution 4: That the Finance Report for October be accepted as a true and accurate record.

Moved: Cr Norman Bally
Seconded: Cr Wayne Butcher

Motion carried: All in favour motion passed

Resolution 5: That current financial delegation be amended as below:

Director Building services	from \$5000 to \$50000
Purchasing	from \$5000 to Nil
Engineer	from \$20000 to nil
Assistant Accountant	from \$5000 to nil
Store-man	from \$5000 to nil

Moved: Cr Paul Piva
Seconded: Cr Veronica Piva

Motion carried: All in favour motion passed

4.8 Council donations to support attendance by parents and carers at year twelve graduation ceremonies. Council was very pleased that seven Lockhart River people were graduating from year twelve up from a low of nil three years prior. Discussion revolved around support for these graduates both at graduation ceremonies and on return to the Community and access to jobs and opportunities.

(N.B.) Conflict of interest declaration Cr Norman Bally, Cr Paul Piva, and Cr Veronica Piva declared their conflict of interest in this matter as Cr Bally is carer for graduate Shandel Giblet-Sam; Cr Paul Piva is the father of graduate Brandon Piva; and Cr Veronica Piva is the grandmother of Brandon Piva. These councilors did not participate in discussions on the matter.

Council acknowledged the difficulty considering conflict of interest matters of this nature given the interconnectedness of the families of Lockhart River. Importance was again placed on the necessity to declare where Councilors think they may be conflicted. The Mayor requested Councilors to make sure they are familiar with Council's Conflict of Interest policy.

Resolution 6: That Council provide a \$1000.00 contribution towards parental / carer attendance at all year twelve graduations this year in recognition and acknowledgement of the value education brings to Lockhart River.

Norman Bally	Shandel Giblet-Sam
Nullum Pascoe	Arthur Pascoe
Margaret Pascoe	Ethan Pascoe
Ina Warradoo	Olive Pascoe
Celia Accoom	Alfred Johnson
Paul Piva	Brandon Piva

Moved: Cr Wayne Butcher
Seconded: Cr Rebecca Elu

Motion carried: All in favour motion passed

4.9 Request from Building Services Manager for a 20 liter of fuel per week to those tradespeople who use their own vehicles on the Council construction program. Regis Edmond made a compelling case for this support conditional that it can be charged back to our current construction program.

Resolution 7:	That Council endorses that the private vehicles used by Council carpenters be allocated 20 liters per week to support the efficiency of the program conditional that these costs can be allocated against construction revenue. This decision will be reviewed from time to time as necessary.
Moved:	Cr Wayne Butcher
Seconded:	Cr Norman Bally
Motion carried:	All in favour motion passed

5. Meeting closure

The meeting was closed by Cr Wayne Butcher at 6:45pm on Wednesday 19 November 2014.