



Northern Peninsula Area Regional Council

AGENDA and NOTICE OF NPARC ORDINARY MEETING NUMBER 14 - Bamaga

Notification Date:	Monday 25 th May 2009
Meeting Date	Tuesday 2 nd June 2009
Meeting Location	NPARC Office - Bamaga
Time	9:00am
Catering	Morning Tea and Lunch will be provided

Mayor and Councillors

Cr Joseph Elu	(Mayor)
Cr Gina Nona	(Division 1)
Cr Peter Lui	(Division 2)
Cr Reg Williams	(Division 3)
Cr Michael Bond	(Division 4)
Cr Jeffrey Aniba	(Division 5)

CEO	Stuart Duncan
Deputy CEO	Danny Sebasio
Secretary	Esme Newman

Welcome and Declare Meeting Open - Mayor Elu 9:20am

- Apologies

Cr. Reg Williams

- Declaration of Conflicts of Interest

Cr. - I will be making a recommendation in General Business for the NPARC to support the Bamaga High School Principle (Education Queensland) in the engagement of a professional consultant to investigate school attendance issues with the NPA youth. I am the Chairman of the Ngurpai Ikama Ikya Council (Education Council) who works closely with Education Queensland on these matters.

- Declaration of Material Interests

AGENDA

Agenda Item 1 - 9:00am to 10:30am Minutes of previous meeting dated the 5th May 2009 are true and correct

Recommendation 1 – Council requested the CEO to re-draft the meeting minutes of the 5th May 2009 and remove names and other private content.

Recommendation 2 – Council requested that the councillor project table be reintroduce to the meeting minutes to track tasks and issues raised by councillors.

Council endorsed the accuracy of the information in the minutes but will re-endorse the re-drafted minutes at the next meeting

Moved Cr. Aniba

Seconded Cr. Nona

Carried 5/0

Resolution 1-02.06.09

Agenda Item 2 – 9:30am to 10:00am Chief Executive Officers’ Report

CDEP Changes

Councils understanding of the current transitional arrangements being brought into force on the 1st July for CDEP in the NPA are:

- existing participants will continue on CDEP subject to maintaining their eligibility for CDEP;
- eligibility includes an income test of \$5,100 per quarter of non CDEP earnings for an individual and \$10,200 for a family;
- eligibility also includes a requirement that the participant is an indigenous person; and
- existing participants who continue with CDEP post 1 July 2009 will be subject to the same requirements as new participants in relation to their participation in CDEP.

The implications of this for the NPARC are significant. As council will know, the income and indigenous person eligibility tests have not been applied to CDEP in Bamaga and Seisia communities under the existing arrangements. A consequence of this has been that a significant proportion of Council employees in Bamaga and Seisia are on CDEP with top up payments. These individuals are effectively Council employees undertaking a local government role, but with their wages subsidised by the CDEP Program.

Council have analysed the impact of the income test on the existing CDEP participants and have found that all but one of the “top-up” participants undertaking Council roles will be ineligible. The base rate of pay for a Council employee from 1 July 2009 will be \$33,864 per annum. For those employees on “top-up”, their remuneration will comprise \$13,022 in CDEP wages, \$2,573 in top-up payments and \$18,269 wages for their Council hours.

The number of Council employees who are affected is **109** with CDEP wages of \$1.42m.

Regardless of the circumstances which gave rise to this situation, the reality is that the Council is, at the present time, dependent on the CDEP wages continuing to be available to the NPARC to support these employees. Added to this is the loss of any access to CDEP funds to pay the top-up amounts. The top-up payments being made by Council to CDEP participants is \$470,000 per year. If the CDEP eligibility criteria are rigidly applied from 1 July 2009, Council will either need to secure at least an additional \$1.42m in funding or reduce head count by a minimum of 37 employees based on an average salary of \$38,370 (not taking into account the loss of top-up funding).

The latter option would result in the Council being unable to meet its fundamental obligations to the community and would have an immediate detrimental impact on indigenous disadvantage in the Region.

The challenge for Council is even more significant than these figures indicate as there is a substantial amount of core Council activity that is currently being undertaken by other CDEP participants and there is a realistic possibility that application of the new CDEP policies will reduce the extent of these activities into the future.

Until last week, the Council had been relying on the grandfathering commitments that had been announced by the Federal Government. This had led us to believe that we had a two year period in which to design and implement the changes to our organisational structures that would allow us to continue to meet our community commitments with a significantly smaller workforce. It is clearly not feasible to achieve such a major change in time for the 2009 – 2010 year. It is also not possible to reduce our workforce by the required numbers and at the same time comply with the employment guarantee made by the Queensland Government in association with the Council mergers.

Besides these issues for the Council, the other host agencies in the region will also be significantly affected. They have relied on CDEP to support the establishment of profitable and sustainable businesses. An absence of any transitional grandfathering period will result in substantial reductions in their employment numbers and a consequent increase in unemployment in the region with a further detrimental impact on indigenous disadvantage.

We see a number of options that would allow us to continue to meet our community obligations while maintaining the integrity of the CDEP policies:

- Have two separate CDEP contracts in the Region, one applying to Umagico, Injinoo and New Mapoon to commence from 1 July 2009, the other applying to Bamaga and Seisia which would commence from 1 July 2010 (in line with the delayed start for the Torres Strait). This would provide us with a year in which to complete and implement the workforce planning and would move us closer to the end of the employment guarantee.
- Allocation of a special grant that would be used in place of the CDEP wages that would have been payable to the “top-up” CDEP participants over the next two years. Under this option, the CDEP value of wages for the existing CDEP participants would be reimbursed from this grant. This would provide

us with a full two year period to reduce and then eliminate our reliance on the CDEP funding. This option would also allow take us past the termination of the State government employment guarantee in March 2011.

We are also in the process of compiling a list of CDEP participants with other host agencies with some estimate of the possible impact of the income and indigenous eligibility tests for their existing participants.

Council has provided the Commonwealth with detailed information relating to CDEP and how the previous councils were permitted to manage CDEP Program funds through the Torres Strait Regional Authority during the past 8 to 12 years, and clearly articulated the potential poor outcomes and negative impact to the Council and Community should sudden negative changes be forced upon this council.

Negotiation with the Commonwealth continues.

Cr. Lui - I am very concerned about the “now tenuous” financial viability of our Council.

CEO - Based on the information to-hand it would appear that there is ongoing debate between the State and Commonwealth on the matter of CDEP changes, local government compliance with the State Government Code of Practice (three year employment guarantee) and responsibilities of both sides of government. Signals leaking from this debate combined with ‘other’ information would indicate that the future employee establishment for the NPARC will reduce from 296 employees to between 160 to 180 employees.

Additionally it is unclear how the council is expected to meet the requirement of the three (3) year employee guarantee and, ‘if’ the employee guarantee was not in effect, would council be expected to terminate 40 employees based on income changes announced by the federal government with only six (6) weeks advanced notice?

Mayor Elu - A major issue for council is the position of the council and community post CDEP decision; and the signing of the Local Indigenous Partnership Agreement (LIPA) which was a State initiative to coordinate and seek commitment from all levels of government to priority projects for our community. This combined with the Federal Government commitment to “Closing the Gap” between Indigenous and non-Indigenous peoples is nothing but words.

Mayor Elu - Indigenous Community Volunteers will be engaged to promote external business e.g. The Bamaga community farm, Tourism and other technologies that may create local jobs.

Mayor Elu - Led council discussion on the future of the region (on the white board) and explained the new CDEP arrangements

Cr. Bond - Cairns Chamber of Commerce visited recently, they own their businesses, and during a meeting with these business owners; I asked if they could take NPA job seekers. The chamber of commerce members welcomed any assistance they could provide.

Corporate Plan

CEO - Provided the council with a A3 flow-chart and A4 process diagram of the proposed NPARC Corporate Plan to be discussed and endorse the planning framework.

The Corporate Plan will consist of two (2) parts being the

1. Corporate Plan, and
2. Service Delivery Strategy for all areas of council business

The Corporate Plan will be a very high-level document with the service delivery strategy to consist of multiple sub-plans for each area of council business containing: -

1. Performance Management
2. Daily, weekly and monthly log sheets
3. Reporting requirements, and
4. Budget

Recommendation - Council to endorse the draft Corporate Plan Framework and Implementation Strategy

Moved Cr. Bond

Seconded Cr. Aniba

Carried 5/0

Resolution 2-02.06.2009

Agenda Item on Notice (Mayor Elu) - CEO Contract

The CEO, Deputy CEO and Secretary were asked leave the council chambers to allow an off-camera session for the councillors to discuss the CEO's contract which will fall-due on September 2009.

Discussion not recorded

Council unanimously endorsed the continuation of the CEO to 1st September 2011

Moved - Jeff

Seconded - Lui

Carried 5/0

Resolution 2 – 2.06.2009

Agenda Item 3 - 10:00am to 10:30am Director of Engineering Report

Director of Engineering Services entered the chambers at 11:11AM

- Ongoing Sewer system pump-stations are a major concern, a new “standby” pump has arrived and we are continuing to modify the existing pump-stations, I don't anticipate any future sewer over-flows.
- Regional Dump – Proposed new regional dump-site, Council needs to have some debate on the new site, at present the proposal is located west of the airport road and is supported by the Deputy Mayor, Councillor Williams.
- Turfing of Umagico and Injinoo sports field, the contractor who is to install the sub-surface irrigation will be on site in two weeks.
- Bamaga basketball court – we need clear weather for a period of 4 weeks and this will be completed.
- Umagico – John Mansfield will complete the Umagico Sports Complex.

- **Cr. Bond** – I have been informed that the Art & Craft building is out-of-square, can the Director of Engineering please investigate. – Ron Flecknoe will be on site next week and I will investigate this claim with him.
- The roads to recovery projects are absorbing all of council's civil works resources, once some of these projects are completed and resources are freed-up; we will get to the Injinoo Cemetery and complete the landscape renovation

Speed Signs – The recent adjustment to the open-road speed limit in the NPA was set at 100kph, council resolved to reduce the open speed limit to 80 kph; and residential is be set at 40 kph. These considerations are made due to the large amount of cattle and horses on the unfenced open roads; and children playing on the community streets

Recommendation: That council set the open speed limit within its Local Government Area to 80 Kph, and community streets to 40 Kph

Moved – Cr. Bond

Seconded – Cr. Nona

Carried 6/0

Resolution 3-02.06.2009

Umagico Campground – Electrical contractor will be on-site to review the power need of the budget lodge, campground and to ensure the adequate supply of power to the AAA House.

Queensland Police Housing – The QPS will submit a proposal to Council at the next meeting for the building of the four (4) Police houses in little Lui Street..

Black-water creek bridge (Sommerset) has collapsed; council have installed a large culvert to repair the creek crossing, the road to Sommerset is nearing completion.

Mayor Elu – Rubbish collection is a little intermittent and we continue to have the issue of the drivers compacting the rubbish in front of houses which spills foul liquid onto the roads.

- *Director of Engineering to review the Kerb-side rubbish collection practices*

Mayor Elu – Councils needs to standardise the type of machinery we purchase to make it more manageable for council diesel fitters and to increase council purchasing power when ordering parts. Standardising on vehicle and machinery will also allow council to import machinery repair specialists to conduct highly technical service activities as training projects for our tradesmen and apprentices.

JM – Where value for money can be demonstrated, council will purchase Caterpillar machinery, Toyota vehicles and Kubota tractors. These are the most dominant machinery types; and what the mechanics are most familiar with.

Cr. Bond – what is the cost benefit of Lease vs. Purchase of council's vehicles?

CEO – Leased vehicles have their place but where possible council will purchase all of its vehicles e.g. a Toyota 4WD Tray-back will have a three year lease contract for approximately \$1,300 per month or \$47,000 for the term of the contract; and then council is liable to pay for the repair of the vehicle when it is returned if there is damage which cannot be considered

“normal wear and tear”. The cost to purchase the same vehicle is around \$60,000 and if council maintains the vehicle in good working order will have a residual value of around \$25 - \$30,000 after three years.

JM – Discussed the GE Constructions Contract (*this was an off-camera discussion and not be recorded in the meeting minutes*)

Mayor – mentioned the change to State Government housing policy – The State will require 40 year leases over any new properties that are constructed. Council will be provided with additional information once it is available.

Recommendation – That Council endorse the Engineering and Housing report

Moved Cr. Aniba

Seconded- Cr. Lui

Carried 5/0

Resolution 4-02.06.2009

Morning Tea 10:45AM – 11:00AM

Agenda Item 4 - 10:45am to 11:15am Accountant Stores & Assets Manager Report

No report received on time

Moved

Seconded

Carried

Resolution

Agenda Item 5 – 11:15am to 11:45am Enterprise Manager Report

Recommendation – That Council endorse the Enterprise Managers Report

Moved – Cr. Lui

Seconded – Cr. Aniba

Carried 5/0

Resolution 5-02.06.09

Agenda Item 6 – 11:45am to 12:15pm Director of Community Service Manager Report

Mayor Elu – commented to council that he and the CEO had met with the Police Citizens Youth Club (PCYC) to endorse the introduction of the program into the NPA

Recommendation: That council endorse the report from the Director of Community services

Moved Cr. Aniba

Seconded – Cr. Nona

Carried 5/0

Resolution 6-02.06.09

Lunch 12:40pm - 1:15pm

Agenda Item 7 - 1:15pm to 1:45pm Economic Employment Development Unit Manager Report

1:20 PM

Mayor Elu - I am the newly appointed chair of the Sustainable Resource Management Group, Cape York. The Northern Cape has not had a regional natural resource board. This submission / application aim to establish a single body to administer Commonwealth funding for NRM activities in Cape York.

Cr. Lui -what is the geographical area of the board - Mayor, this will be determined by the management body once it is established with a view to multi-skilling the rangers across all of the natural resource disciplines.

Alex Barker - announced a submission by the NPARC to the Federal Government under the Working on Country Program. The program will be called the NPARC & Apudthama Land Trust Ranger program; the submission has a total value of \$2.4M over 3 years. A decision should be known within the next 4 weeks.

Mayor Elu - requested that Sustainable Futures be invited to the next meeting

Alex Barker - I am a little concerned with regards to the Summerset campground 'abolition block' development, who will maintain it and who will mind the facility during the wet-season when the road is blocked by seasonal flooding. CEO- This is an issue for the funding agency and the owner of the asset

Alex Barker - Mentioned an invitation by the school to the Mayor to open the Careers Market. The Mayor agreed, but needed to know the date of the market.

Recommendation: That Council accept the report from the Manager of the Economic and Employment Development Unit

Moved Cr. Nona

Seconded. Cr. Lui

Carried 5/0

Resolution 7-02.06.09

Agenda Item 8 - 1:45pm to 2:15pm Cairns Office Managers Report

The Cairns Office Manager prepared a report which was inadvertently omitted from the meeting papers; the secretary left the chambers to prepare copies of the report for the councillors. Councillors were provided a copy of the report.

The Cairns Officer manager presented a letter from the NPARC Technical Advisory Group with regards to the Enterprise Divestment submission from New Mapoon Enterprises.

Mayor Elu - The complexity and barrier to progressing the transfer of assets is more to do with the building as an asset, the management rights can transferred immediately.

CEO - commented that the management rights for NME businesses are not an issue for Council, as the businesses are already managed by private interests. The issue is the request by NME to hold the leases for the business .i.e. that NPARC will establish a lease agreement with NME for the properties that the businesses sit upon; replacing the existing Authority to Occupy Agreements established by the previous Councils.

CEO- Reiterated that the direction for the enterprise divestment process is in the Local Government Act (1993) and states that councils wishing to divest enterprises and/or assets must clearly demonstrate compliance with, the following:-

- Open and effective competition
- Value for money
- Enhancement of the capabilities of local business and industry
- Environmental practice
- Ethical behaviour; and
- Fair dealing

Decisions made by this council must not financially or operationally 'stress' the council and all divestment activities will be audited by the Queensland Audit Office. One of the main areas of concern is the lack of clarity in the *Act* relating to 'cash' and 'asset value' transfer, the fact that the *Act* falls silent on these matters creates additional problems when looking to move these assets off Council's books.

Mayor Elu - The divestment process is taking too long, we need these enterprises divested back to the communities they came from now.

Jeff Jenkins - The Technical Advisory Group is waiting for a response to a letter sent to Seisia Community Torres Strait Islander Corporation and the transfer process can only progress if both sides of the transfer activity do their bit to help.

Mayor Elu - The members of this TAG Group are too close to the NPARC and may be bias toward Council and too "risk adverse"

Cr. Lui - I am also concerned about the ability of non-Indigenous interests who may be able to secure ownership of our community assets, should additional amalgamations be realised.

Resolution: That the Management rights of all Seisia Enterprise activities and essential operating resources transfer to the Seisia Community Torres Strait Island Corporation.

Moved Cr. Aniba

Seconded Cr. Bond

Carried 5/0

Resolution 8-02.06.09

Recommendation - that the Council endorse the Cairns Managers Report

Moved Cr. Lui

Seconded Cr. Bond

Carried 5/0

Resolution 9-02.06.09

Agenda Item 9 – 2:15pm to 2:45 pm Strategic Finance Coordinator Report

Held over until 5:00 PM

Peter Anderson (NPARC Senior Finance Officer)
Anthony Wright (Contract Internal Audit Accountant)

Recommendation: That council accept the finance presentation

Moved Cr. Lui

Seconded Cr. Nona

Carried 5/0

Resolution 10-02.06.09

Visitors 3:20PM – Bamaga Enterprises Limited

Robert Poi Poi (Chairman of Bamaga Enterprises Limited)
Chris Forde (General Manager of Bamaga Enterprises Limited)

BEL provided a presentation / report to Council being:-

1. Old Catholic Church Land Wasiu Street Bamaga
2. CBD Shop Front Lot 223 Adidi Street
3. Transfer of Assets

Mayor Elu – It is my understanding that ninety nine (99) year leases were created to support and encourage home ownership within Indigenous communities. Council needs to check the issue relating to commercial entities requesting 99 year leases for domestic property.

CEO - While council acknowledges some of the arrangements, agreements and endorsements made and entered into by the former Bamaga Island Council with BEL, it is incumbent upon this council to ensure that any commercial arrangement entered into, or inherited by this council are in accordance with current legislation; and are of fair value. If need be, the NPARC may need to investigate rescinding past resolutions made between these parties. Any leases established by the NPARC will be established at market value and/or commensurate with the outgoings attached to the conditions of the lease agreement.

BEL - Explained the equity difficulties for BEL and all commercial enterprises have when making application for loans when the assets (Buildings) are not owned by the enterprise.

Mayor Elu - suggested BEL contact the NPARC Cairns Officer Manager to submit a proposal to the Enterprise Divestment Technical Advisory Group.

Council – Supported the review of all agreements between the former Bamaga Island Council and Bamaga Enterprises Limited.

4:17pm - Northern Peninsula Area College

Ken Mclean (Bamaga High school Principle)

- Ongoing refurbishment to the three campuses is progressing well;
- Injinoo – New toilet block, the Cape York Land council will be in the NPA within 2 weeks to gain signatories to the Indigenous Land Use Agreement.

Cr. Bond – The transfers of the teaching staff have been received and we can expect a 20% movement in teaching staff.

Cr. Aniba - We have been working with Ibama Ikya Education Council and have been liaising with the community. It would seem that the parents do not have a clear understanding of the correlation between attendance and learning outcomes. Possible Strategies are

1. a truancy officer (potential)
2. possible actions against parents through the courts

Cr Elu – is there a warning for the offenders. **Ken Mclean** - 5 warning letters are issued one week apart and then the matter is handed to the Police

Cr Lui –Parents do know the importance of education but fail to enforce attendance of their children.

Cr. Lui – we need to target younger children to compete for jobs and the highest level including university options.

Recommendation– Councils position is to support the firm action by Education Queensland against NPA truants for the trial period of 6 months by utilising the provisions under *Education Act*.

Moved by Cr. Lui
Seconded Cr. Aniba
Carried 5/0
Resolution 11-02.06.09

Ken Maclean – The NPA submission for the development of a Trade Centre is going to be presented in 2 weeks

Agenda Item 10 Mail Registers

The review of the mail registers was passed over to the next meeting

Agenda Item 11 Other Business

Cr Bond – Men's shed, the New Mapoon Aboriginal Shire Council had endorsed the use of the old canteen in New Mapoon.

- Revert to Land Panel – location and land for farming.
- CEO to talk with Cr. Bond

Cr. Aniba – Education Queensland is seeking Council’s assistance to fund a joint project to engage a specialist consultant to investigate the issues surrounding NPA poor school attendances. The total cost of the consulting fee is \$15,000.

Recommendation: That council contribute an amount of \$7,500 as a 50% contribution with Education Queensland to fund the NPA Truancy investigation project.

Moved Cr. Bond

Seconded Cr. Nona

Carried 5/0

Resolution 12-02.06.09

Council Ordinary Meeting Closed at 5:25PM - Next Meeting – 7th July 2009

NPARC Trustee meeting declared Open – 5:33PM

Agenda Item 1

Draft Lease agreement between Education Queensland and the NPARC for the construction of the Injinoo Prep school

Recommendation: That council agree to the terms of the draft lease between Education Queensland and the NPARC

Moved Cr. Aniba

Seconded Cr. Bond

Carried 5/0

Resolution 12-02.06.09

NPARC Trustee meeting declared Closed – 5:35PM