



Northern Peninsula Area Regional Council

MINUTES OF NPARC ORDINARY MEETING

Notification Date: Tuesday 6th September 2011
Meeting Date: Monday 10th October 2011
Meeting Location: Bamaga Office
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
Director of Corporate Services	Michael Freeman
Secretary	Esme Newman

Welcome and Declare Meeting Open – Mayor

- Apologies
Cr Aniba
- Declaration of Conflicts of Interest
- Declaration of Material Interests

AGENDA

Agenda Item (1) - 9:00am to 10:30am

Housing Program Office

Cr Elu informed Council that this meeting was scheduled for New Mapoon but then moved to Bamaga with regards to the air conditioners not working there.

Cr Elu asked if the Housing program office are attending ?

CEO - No.

Morning Tea 10:30am - 10:45am

Agenda Item (2) - 10:30am. to 11:00am

Mr Russell Symons

Director of Community Services Report

CEO queried that post the Northern Pride Game and given that it was cost neutral exercise to this Council and if anyone had produced a finalised budget given that Council had employees claiming overtime during that day.

Director of Community Services is currently still waiting on that information.

Director of Community Services briefly informed Council about the current programs.

- Outcome based reporting for all services (goal: visual presentation of measurable outcomes)
- Establishment of Key Performance Indicators for all positions (goal: clearly defined priorities that are reported against)
- Improved synergy between services (seeking funding through Live Longer and Binge Drinking campaigns)

BMX Track Proposal

Director of Community Services handed out plans and the types of BMX tracks for Council's consideration.

Director of Community Services informed council of the current scope of the BMX track if council would request the more complex BMX Track then Council may need to consider the infrastructures -toilet facilities, shades; transport and what are we're designing it for?

CEO advised that Council would need to consider if we're building a single central BMX Track or one in each community.

Cr Elu stated that Council build 3 BMX Track. One track between Umagico and Injinoo; another between Seisia and New Mapoon, and then another for Bamaga.

Cr Bond – highlighted the cost involved to maintain the BMX tracks? And that one good BMX Track will be appropriate to run competitions.

Cr Williams requested that Community enterprises (BEL & Seisia Enterprises) should also be financially involved in constructing these BMX track in their community.

Cr Williams also stated that Council request support from local earthmoving contractor to assist develop the tracks.

CEO requested that the Director of Community Services liaise with Councillors with regards to potential BMX site.

Cr Lui will work with Cr Nona in planning one BMX track for the Umagico and Injinoo communities.

Cr Lui also informed Council of the proposed Bike Track through the LIPA project.

Cr Elu questioned the current situation with the bike track?

CEO mentioned that Main Roads currently have two priorities - The NPA Bike Track, and the NPA Cultural Centre at Injinoo Lookout.

Cr Bond queried the risks involve in terms of public liabilities and insurances?

CEO stated that the Cairns Tracks display signs that users enter the track at own risks.

Director of Community services mentioned of the importance of have these tracks designed by qualified people.

CEO requested that the Director of Community services examine the conditions of the Grants, and communicate with the Councillors in regards to each sites.

Events -Dan Ropeyarn Rugby League Cup 2011.

Cr Bond queried the date for the 2011 Dan Ropeyarn Cup and the perception around the event's name.

Director asked if Council consider adopting carnival as an event. Director of Community Services stated that no information was received from the original Dan Ropeyarn Cup committee.

Director of Community Services informed Council that the Name of carnival Dan Ropeyarn Cup also attracts WCCCA funding, and requested sponsorship by Council.

CEO advised that Council has previously endorsed \$20,000 annually support and that resolution has not been rescinded.

Cr Williams queried the involvement of PCYC?

CEO informed Council that PCYC had received a 3 year contract between State and PCYC.

Cr Lui stated that the previous Dan Ropeyarn carnival was run with financial assistance from each previous Community Councils, other sponsors, and from the team's registration fees.

Cr Lui agreed that the Dan Ropeyarn should be run under the Events Team for it to be consistent each year. Cr Lui stated that the Dan Ropeyarn Carnival was

previously a sporting carnival with the concept of running a range of sporting activities and not just rugby league.

CEO stated that the carnival needs to be sponsored it, to employ and carrying out decisions of the association to make it happen and this council does not particular wants to carry it.

Cr Lui stated that PCYC and Council's Events team would need to work together planning the annual calendar, and to look at utilising all our sporting facilities.

CEO requested if Council would consider appointing a delayed date for the Dan Ropeyarn Carnival; CEO mentioned that only 3 weeks left with only Council's contribution of \$20,000.

Cr Lui stated that to have the Carnival run at a later date in November will provide enough time. Cr Lui added that the games will start of Friday with the finals played off on a Sunday.

Cr Lui informed Council that the gazetted holiday on Friday is usually planned so that the competition can start on Thursday afternoon which leads to its final on Saturday.

CEO stated that the delayed date selected for the Dan Ropeyarn Cup will not be a public holiday and employees are required to work until 3.00pm that Friday.

Cr Bond stated that Rugby league players and teams have already made plans and applied for leave to attend the sporting carnival.

Cr Elu queried the forthcoming Rodeo.

Director of Community Services informed council that the Rodeo has been postponed to the 22nd October.

CEO asked if the Director is confident that the Event's team can successfully run the Rodeo and Dan Ropeyarn Carnival for 2011 given the intensity of the events.

Director of Community services – Yes.

Cr Nona informed Council that the committee had already meet with the events team to discuss the carnival date.

Cr Elu then stated that if Council Events Team will run the carnival then the committee would need follow and support.

CEO informed Council that the ABC Breakfast Show will be broadcasting live in NPA and on the 21st October.

Resolution.

That the Council accepts the report from the Director of Community Service.

Moved. Cr Bond

Seconded. Cr Williams

Dated. 11/10/2011

Voted. 5/0

Resolution number.

Agenda Item (3) – 10:30am. to 10:45am.

Minutes of previous Council Meeting 6th September 2011

Cr Elu informed Council of the ridged changes currently being made with regards to 'Conflict of Material Interest' with councils.

CEO mentioned that a part of this will be mentioned in the CEO's report.

CEO informed Council that the Queensland Police Commissioner and Sergeant Dave Rutherford from the Bamaga Police station will be joining Council for Lunch.

CEO advised of 'typo' on page 27 - 8th paragraph, Last Line should read 'and problem with mental illness which sometimes leads to suicides'

Cr Lui referred to his comment on page 27- 7th paragraph. Councillor requested that the 90% mentioned be removed and that it be amended to read 'that majority of the cannabis is coming from down south'

Cr Elu – re support letter to JCU?

CEO – yes.

Resolution.

That the Council accepts the Minutes of 6th September 2011.

Moved. Cr Lui

Seconded. Cr Bond

Dated. 11/10/2011

Vote. 5/0

Resolution number.

Matters arising – Nil.

Agenda Item (4) – 10:45am to 11:00 am.

Chief Executive Officer's Report

CEO informed Council of the major matters in the CEO's report.

1. Council Election.

CEO stated that the Conduct of elections is now the responsibility of the Queensland Electoral Commission and not the Council.

Ceo advised that Council is still liable for some or all of the cost of the election, and believed to be 50% in 2012, or \$23,000 which will be included into the budget.

CEO also stated that the Electoral Commission must also appoint a returning officer, who cannot be the CEO of Council and that the election will be held on the fourth Saturday in March 2012, being 25th March 2012.

CEO mentioned that the Nomination Day must be between 21 and 42 days prior to the Election Day.

CEO stated that under the new act, a candidate must be an Australian citizen and reside in the local government area and not have committed various offences; and this now allows non-indigenous people to run for Council.

CEO informed Council that a candidate cannot be nominated for Mayor and as a councillor and a nomination must be accompanied by a \$250 cash deposit.

CEO advised that the voting is optional preferential system and that the voting is compulsory for electors, and that candidates must file returns after the elections on gifts and loans received and election expenses.

2. Community Forums.

CEO informed Council of the amendments in the 2009 Local Government Act regarding Community forums and stated that there is now no requirement to have Community Forum to be established in a community.

CEO stated that a Community Forum, if one exists, is to be appointed, not elected which makes it a more relaxed system. CEO mentioned that the appointments are made by the Council following a transparent advertising process and merit consideration of potential persons.

CEO stated that the Community Forum is chaired by the Divisional Councillor and Forum members are not paid. CEO advised that council have had difficulties with the lease arrangement when the trustees forwards the lease to the forum who need to convey into a land panel, and if the forum does not exist then Council can proceed working with the lease applicant correctly.

CEO mentioned that Council will need to ensure that it builds activities around the lease application and process and that it is well supported by the local community.

3. Caretaker Period.

CEO advised that the period between the giving of notice of an election and the finish of the election is known as a caretaker period. During this period Council cannot make a major policy decision. CEO stated that a major policy decision includes any decision about the employment or remuneration of the CEO, and contracts over \$150,000.

4. Conflict of Interests.

CEO stated that this refers to the changes have been made to the conflict of interest provisions in the LGA and COBA to simplify the processes and to enable councillors to be involved in a range of community organisations without their membership unduly affecting their ability to carry out their obligations as a councillor.

CEO advised that a councillor with a real or perceived conflict of interest must inform the meeting and then decide how the councillor intends to deal with the conflict of interest. There is no requirement now for the other councillors at the meeting to decide whether a councillor has a conflict of interest in the matter. The decision on how to deal with the conflict of interest is for the councillor to decide. However, the

obligation on councillors to notify the person presiding over a meeting of a suspicion of a conflict of interest on the part of another councillor remains.

CEO mentioned that a failure to deal with a conflict of interest in a transparent and accountable way is now classified as misconduct. Regional conduct review panels (RCRPs) and the Local Government Remuneration and Discipline Tribunal (the Tribunal) now have jurisdiction to hear these matters. RCRPs and the Tribunal are able to impose a range of suitable penalties in cases where a councillor is found to have engaged in misconduct.

The amendments make it clear that while a councillor can deal with a conflict of interest by not participating in debate on the issue, this is not the only way the councillor may deal with their conflict.

Cr Elu requested the date for the Notifying period?

CEO stated 21 – 42 days prior to the election date.

Resolution.

That Council accepts the Chief Executive Officer's Report.

Moved. Cr Nona

Seconded. Cr Bond

Dated. 11/10/2011

Vote. 5/0

Resolution number.

Lunch 12.:00pm – 1: 00pm

Agenda Item (5) – 11:00am to 11:15 am.

Director of Corporate Services Report

CEO also informed Council of the list of item for auction being added into the current NPARC Newsletter.

1. Local Laws & Subordinate Laws.

Director of Corporate Services refers to pages 59 to 95 – next step in the process of the local laws.

Director of Corporate Services advised that council is currently doing the second step with consulting the public. The Local Laws will be circulated among various departments to get their feed back

Director of Corporate Services stated that the other part to his report is the Public Interests Test which is a document to ensure that it is not stopping anyone from operating private or commercial activities.

Director of Corporate Services stated that it needs to be adopted and made available to the public for their comments.

Cr Elu – how is it made available to the public?

Director of Corporate Services stated that it will be made available at every office, on notice boards, and through community forums.

2. Media.

Director of Corporate Services refers to page 66 and requested that council note the article that will be published in the Torres News.

Director highlighted that the articles published in the media in recent weeks concerning Council is about the transporting of alcohol through the Post Office.

Director also informed Council of the announcement made at the recent Community Cabinet Meeting about handing the management of the Seisia Wharf back to this council.

Director of Corporate Services informed Council of the redevelopment of the Council website www.nparc.qld.gov.au has nearly finished for external viewers and an internal Intranet for staff to access policies and procedures in an easy manner will then commence.

Resolution.

That the proposed Model of Local Laws and Subordinate Local Laws to this agenda be made available to public for consultation between this meeting and the 3rd November 2011 for the purpose of gathering feedback.

Moved. Cr Bond

Seconded. Cr Williams

Dated. 11/10/2011

Vote. 5/0

Resolution number.

Resolution.

That the Public Interest Test document for the Local Laws 1,2,3 and 5 are approved and made available to the public for consultation between this meeting and Thursday 3rd November 2011 for the purpose of gathering feedback.

Moved. Cr Lui

Seconded. Cr Bond

Dated. 11/10/2011

Vote. 5/0

Resolution number.

Resolution.

That the Council accepts the Director of Corporate Services Report

Moved. Cr Nona

Seconded. Cr Lui

Dated. 11/10/2011

Vote. 5/0

Resolution number.

Agenda Item (6) – 11:15am to 11:30am

Director of Engineering Report

CEO advised that there are no exception to the Director of Engineering report and draws Council of the lists of items to be auctioned. CEO requested a resolution from Council to support the list. CEO also stated that there are some items that will go to auction on pallets and these are bits and pieces that are excess.

Cr Elu requested the Auction's date?

CEO – 29th October.

Resolution.

That Council approve the Sale by Auction the list of items contained in this report.

Moved. Cr Williams

Seconded. Cr Bond

Dated. 11/10/2011

Vote. 5/0

Resolution number.

Resolution.

That the Council accepts the Director of Engineering Report.

Moved. Cr Lui

Seconded. Cr Bond

Dated. 11/10/2011

Vote. 5/0

Resolution number.

Agenda Item (7) – 11:30am to 11:45am

Director of Finance Report.

CEO informed council of the recent Audit. CEO mentioned that the audit was done from our Cairns office this year 2011, and had taken them two weeks compared to last year. CEO advised that because of this, the audit fee was reduced.

CEO stated that there were a few matters pending which will not change the statement and the accounting treatment for the Housing 40year leasing and the accounting treatment for the Enterprise divestment.

CEO mentioned that Council previous years had ongoing issue with unfunded liabilities, and CEO advised that Council will expect an Unqualified Audit for 2010-11 and no going concerns.

CEO informed Council of the financial forecast and 10 year financial projection with QTC. CEO advised that QTC has requested to update their figures with Councils to improve Council's current position by \$1.4 m.

Cr Elu queried if Council had received further information around the Infrastructure funding.

CEO advised that Mayor Elu did received a letter from the State Government offering an additional funding of \$3.5 m towards infrastructure. CEO mentioned that he will now write to the State and request that \$500 -\$800k be quarantined for Council use in upgrade council buildings.

CEO refers to page 137 'write off'. CEO stated that these figures are sitting in council's aged debtors and council has no chance of recovering it.

Cr Bond queried if Council will keep a list of the names of the bad debtors for future reference.

CEO stated that the names will be kept.

Resolution.

That the Council write -off the Debts detailed and listed in item 7.1 totalling \$70,535.62

Moved. Cr Williams

Seconded. Cr Bond

Dated. 11/10/2011

Vote. 5/0

Resolution number.

Resolution.

That the Council accepts the Director of Finance Report

Moved. Cr Lui

Seconded. Cr Bond

Dated. 11/10/2011

Vote. 5/0

Resolution number.

Agenda Item (8) – 11:45am to 12:00 pm.

Director of Economic Employment Development Unit Report

CEO informed Council that there are no exceptional to the directors' report.

Cr Elu asked if the position for the Farm Manager is advertised and when is the closing date?

Director of Corporate Services stated that the position is advertised and will be closed in November 2011.

CEO informed Council that Minister Macklin had taken interest in the Council farm during her recent visit.

Resolution.

That the Council accepts the Director of Economic Employment Development Unit Report.

Moved. Cr Williams

Seconded. Cr Nona

Dated. 11/10/2011

Vote. 5/0

Agenda Item (9) – 1:00pm to 1:15pm.

Mail Register

Resolution.

That the Council received the report from the Mail register.

Moved. Cr Williams

Seconded. Cr Nona

Dated. 11/10/2011

Vote. 5/0

Resolution number.

Agenda Item (10) – 2:15pm – 2:00pm.

Other Business

Community Forums.

The Dceo informed Council of a concern for Council to note, that was raised by the New Mapoon Community forum. Currently the new houses are being allocated to a tenant that already owes Council in huge rental arrears and these tenants have moved houses without paying off their arrears.

Cr Lui queried the Forums request?

Cr Elu stated that the Forum is raising a concern.

CEO advised that if tenants owe council money then he need to pay; CEO advised that Council will now need to complete entries and exits? And all allocation must also comply with the waitlists.

Cr Lui stated that the allocation process with each individual housing officer needs to be fed into one mainstream data.

CEO advised Council that the Stores and the Housing officers, will now be managed by the Director of Corporate services. CEO also advised that these housing allocation issues will need to be considered when the new houses are constructed.

1. Other Business/Matters Outstanding
2. NPARC Newsletter Issue 30

Cr Elu stated that any correction and amendments would need to be provided to Dceo or Director of Corporate Services before Friday 14th October 2011.

Afternoon Tea 3.:00pm – 3: 30pm

Meeting Close

Next Meeting – Tuesday 8th November 2011