



**MINUTES OF YARRABAH ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE YARRABAH ABORIGINAL SHIRE COUNCIL CHAMBERS
ON WEDNESDAY, 15 JULY 2020 AT 9:00AM**

PRESENT: Cr Ross Andrews (Mayor), Cr David Baird, Cr Brian Underwood, Cr Lucesia Willett, Cr Kenneth Jackson

IN ATTENDANCE: Leon Yeatman (CEO), Jemma Lichtenfeld (Director Corporate Services), Avril Yeatman (Director Policy and Governance).

1 MEETING OPEN

Mayor Andrews declared the meeting open at 09:12am.

The councillors and staff members present were welcomed to the meeting.

2 WELCOME TO COUNTRY

Mayor acknowledged traditional owners and elders in community, recognising Ngappi Bumma – Burri Gumin “Many people, one fire”

Cr Baird opened in prayer for the meeting.

Councillors observed one minute silence to respect those who have recently departed.

Mayor Andrews acknowledged Cr. Baird Deputy Mayor, who performed the Acting Mayor role between 26/6/20 and 10/7/20.

3 APOLOGIES

Nil

4 CONFIRMATION OF PREVIOUS MINUTES

RESOLUTION 01:15/07/2020

That the minutes of the Ordinary Council Meeting held on 24 June 2020 be adopted.

Moved: Cr Brian Underwood

Seconded: Cr David Baird

CARRIED

5 BUSINESS ARISING FROM PREVIOUS MINUTES

Question taken on notice regarding the process to securing land in the shire for purpose of development. CEO acknowledged the process has stalled in recent years, due to lack of certainty for development. Review of current processes identified unused pathway which is contained in the ILUA (section 5, 53 Capital Works Forum). This options was designed to offer certainty and inclusion of all parties to deal specifically with this matter. Forward actions will include operationalising section 5 and associated process by engaging PBC in planning activities.

Child safety – question taken on notice regarding child safety facility for community. CEO initial comment identified ‘Potters House’ as the facility in community for this purpose. Due consideration required by council to return this infrastructure back to its original purpose. Note this facility was changed due to lack of sustainable planning. CEO identified the need for a clear business case as part of any future consideration. Family Support or Child Safety funding to be investigated. Mayor noted, other existing resources in community should also be considered. Cr. Baird acknowledged wrap around support is needed. Key issue is kids being removed from community. Cr. Baird recommended the matter be referred to YLF – high level conversation required with registered service providers.

Additional agenda items for YLF Meeting include

- Child Safety,
- Noise,
- Animals,
- Motor Bikes.

Items above to also be included in council existing Communication strategy. Note there are gaps in programs which warrant attention (related local issues - e.g. noise, animal management, motorbike safety etc.). Planning process requires collaborative framework, due to funding divested to agencies for service delivery. Acknowledge there are agencies who are funded to deliver services – these agencies need to be the lead in discussions and associated planning activities (YLF members to assist with facilitation or planning). Items produced via the YLF process to be promoted under organisation banner. Messages need to be uniform and supported by agencies.

Question taken on notice regarding court arrangements. Acknowledged that court arrangements are not council business. CEO to follow-up with ATSILS CEO regarding local matters and discuss regional service arrangements for Yarrabah (on Court days).

At 9:52 am, Cr David Baird left the meeting.

At 9:53 am, Cr David Baird returned to the meeting.

Animal Management – questions taken on notice regarding the Animal Management (AM) issues in community. CEO advised that YASC has one AM Officer to service community. This role is a very demanding position which deals with very complex matters. Mayor Andrews commented about YASC approach to the Minister for additional Environmental Health funding. CEO to liaise with the ATSI Public Health unit and report back to council.

At 10:10 am, Cr Brian Underwood left the meeting.

At 10:12 am, Cr Brian Underwood returned to the meeting.

At 10:18am, the meeting was adjourned.

At 10:28am, meeting reconvened.

6 DISCLOSURE OF INTEREST – COUNCIL / REGISTER UPDATES

The Mayor reminded councillors of their duty to maintain personal interest registers and where appropriate declare any conflicts (material or personal) as required for items in the meeting.

7 MATTERS FOR DISCUSSION**7.1 CEO OPERATIONAL REPORT JUNE 2020**

CEO Report submitted and Mayor and Councillors and read using exceptions. Recommendation for CEO Report to be endorsed as read.

Key reference points:

- Short turn around, since last council's meeting and annual leave.
- Continued focus on productivity and reiterating this to staff.
- Community engagement plan required to support council deliver its program objectives and services.
- Land leasing, (Yarrabah ILUA) – need for a working group. Copy of ILUA to be distributed.

RESOLUTION 02:15/07/2020

That Council resolve to endorse the CEO Report for the Month of June 2020. Report is tabled as read.

Moved: Cr Kenneth Jackson

Seconded: Cr Lucrecia Willett

CARRIED

At 10:40am Jemma Lichtenfeld entered meeting to present financial report to Council.

7.2 YASC MONTHLY FINANCIAL REPORT

The Monthly Financial report is delivered using the following:

LGR 2012 s204 financial report (1) the local government must prepare a financial report. (2) the chief executive officer must present the financial report — (a) if the local government meets less frequently than monthly—at each meeting of the local government; or (b) otherwise—at a meeting of the local government once a month. (3) the financial report must state the progress that has been made in relation to the local government’s budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.

Director of Corporate Services delegated to present the council with the financial report. Councillors note the short turnaround from the last meeting and thanked the Director for supplying the details presented for this meeting.

Action Item:

- Housing Maintenance program – TWG meeting to provide reference of operational issues. Also not a need to review property maintenance policy with aim to address issues about tenant damage and program funding.
- Project List – Director Councillors request a list of current projects be tabled at the meeting. List to reflect start date, end dates, status and whether it is under/over. List to be included as a specific table for the meeting.
- Management focus on area of financial concerns
 - Pool: cost benefit required to determine the going concern of this business unit. Review to consider adapting current infrastructure to appropriate use arrangements, engagement of users to identify viable options and adaptation strategies for future.
 - Stores: the prevailing issues about stock control needs urgent and lasting attention. Management have initiated performance management on staff with aim to address issues.
- Councillors site visit and staff introductions – Governance Director to organise site visit and introduce new councillors to staff.
- Asset management policy – policy for plant and equipment to be reviewed. Current service has moved toward hire of machinery. Clear reference required to the following:
 - Hire arrangements
 - Purchase of priority machinery
 - Personal accountability (drivers to sign out vehicles / machines) for damages
 - Single use criteria (pride in equipment – pre-starts etc.)

RESOLUTION 03:15/07/2020

That Council resolve to accept the finance report June 2020 as submitted by the Director for Corporate Services. Report contained financial information relating to the following:

1. Finance Report June 2020
2. Grant Report June 2020
3. Areas of concern June 2020

Moved: Cr Brian Underwood

Seconded: Cr David Baird

CARRIED

At: 11:30 Jemma Lichtenfeld left meeting.

7.3 COMPLAINTS POLICY REVIEW - VERSION #2.

Director of Governance provided the council with a report which contained advice from the Office of the Ombudsman relating to the review of Complaints policy. The review incorporated the following amendment which has been included into the new draft policy:

On 1 January 2020, all provisions of the human rights act 2019 (HRA) were enacted in full. Section 58(1) of the HRA places substantive and procedural obligations on all public Entities, including councils:

(A) to act and make decisions in a way that is compatible with human rights; and

(B) give proper consideration to relevant human rights when making decisions.

Section 65 of the HRA sets out requirements for making human rights complaints to the Human rights commissioner. This section implies an obligation for public entities to Receive and manage human rights complaints.

In order to meet these obligations, councils need to understand and consider human Rights when delivering services, developing policies and procedures, designing projects, Managing risks, making decisions, managing complaints and creating new laws.

The actions contained in this report reflect the adoption of the recommendation and amendments included in the draft information submitted to council.

RESOLUTION 04:15/07/2020

That Council resolve to adopt Version 2 of the Complaints Policy. Council acknowledge the advice provided by the Director of Governance which included the Ombudsman's Office review which captures aspects that now covers the Human Rights Act.

Moved: Cr Lucrecia Willett

Seconded: Cr Kenneth Jackson

CARRIED

The meeting was adjourned at 12:10pm for lunch.

Meeting reconvened at 12:35pm.

Question without notice – COVID Pandemic representation and leadership. Mayor Andrews shared with councillors his disillusionment about community attitudes to COVID – 19. The blatant disregard for public safety demonstrated by sections of community is offensive and challenging. The lack of understanding of process and lack of consideration for vulnerable members in community is taxing – negligent.

CEO counselled councillors about the process contained within Queensland Disaster Management Act 2003. The roles and responsibilities ascribed afford the Council leadership clear points of reference. Despite what individuals may say, this is a mandate to lead the community through these challenging times – we may not please all, but we will serve.

The attitudes of some, do not reflect the key objective: keep vulnerable members safe from COVID. The second wave scenario has been discussed in recent times. The recurrence in Victoria and parts of New South Wales is a sobering account about the coronavirus and how virulent the virus is. The Pandemic is a new experience, which is throwing up learning experiences for all concerned.

Mayor and Councillors reassured that the responsibility rests with us and as a team we will manage the process – for the best interest of community. Action Item: QDMA Training – contact QFES to confirm dates training.

7.4 DIRECTOR HUMAN RESOURCES, RISK AND REGULATIONS MONTHLY OPERATIONAL REPORT.**RECOMMENDATION**

That Council resolve to adopt Director Human Resources, Risk and Regulations report, tabled as read.

Moved: Cr Brian Underwood

Seconded: Cr Kenneth Jackson

CARRIED

7.5 DIRECTOR POLICIES & GOVERNANCE MONTHLY OPERATIONAL REPORT

Director of Governance presented her report to the council. Note there was no specific recommendation contained and noted the report for exception. CEO commended about the works initiated by the Governance Director to review the council Delegations Register. Item flows from audit process and Director of Corporate Services has been assisting with matters. Consultants engaged to review the current register and their actions will seek to align current delegation arrangements with current standards – item to be presented to council at a future meeting for consideration and endorsement.

RECOMMENDATION

That Council resolve to adopt Director Policy and Governance report. Item tabled as read.

Moved: Cr David Baird

Seconded: Cr Kenneth Jackson

CARRIED

CEO briefed Council on the COVID19 repurposing of grant for 2019-20. DLGRMA provided an update and the outcome. Note that Council interpretation may not be compliant – repurposing was for projects and not wages. YASC interpreted the rule to allow wages and funds have been assigned to deployment of extra security personnel during COVID restrictions. Action Item: CEO to draft letter of response on behalf of Mayor Andrews to the Minister's office.

7.6 DIRECTORS OF WORKS & INFRASTRUCTURE - MONTHLY REPORT

Director of Works and Infrastructure report tabled for the council. Note there was no specific recommendation contained and noted the report for exception.

RECOMMENDATION

That Council resolve to adopt Director Works and Infrastructure report. Item tabled as read.

Moved: Cr Brian Underwood

Seconded: Cr David Baird

CARRIED

7.7 DIRECTOR COMMUNITY SERVICES OPERATIONAL MONTHLY REPORT

Director of Community Services report table for the council. Note there was no specific recommendation contained and noted the report for exception.

RECOMMENDATION

That Council resolve to accept the Director Community Services Operational reports. items tabled as read.

Moved: Cr Kenneth Jackson

Seconded: Cr Lucrecia Willett

CARRIED

8 CORRESPONDENCE

LGAQ Annual Convention on the 19TH – 21ST October. CEO advised the council that all councillors will be expected to attend this function. Intent to supply YASC with a business shirt and possible business jacket. Arrangements will be subject to COVID – 19 restrictions.

Action Item: CEO to facilitate fitting of Councillors for business attire to attend business and corporate functions (shirt and Jacket).

9 STRATEGIC PORTFOLIO UPDATE

Nil.

10 CONFIDENTIAL MATTERS

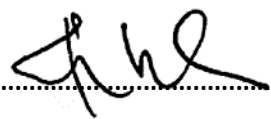
Nil

11 CLOSE OF MEETING

Date for the next Council Ordinary Meeting is Wednesday 19 August 2020.

The Mayor thanked the councillors and staff for their participation and attendance at the meeting.

Meeting closed at 1:25 pm.


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MAYOR