



**MINUTES OF YARRABAH ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE YARRABAH ABORIGINAL SHIRE COUNCIL CHAMBERS
ON WEDNESDAY, 15 DECEMBER 2021 AT 3:00PM**

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

IN ATTENDANCE: Leon Yeatman (CEO), Mike Mair (Director Corporate Services), Richard Wright (Director Human Resources, Risk and Regulations), Pauline Browne (PA to CEO & Mayor – Minute Taker)

1 MEETING OPEN

Mayor Andrews declared the meeting open at 3.29pm.

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

One minute silence was observed to respect those who have passed away.

Councillor David Baird opened with a word of Prayer.

2 WELCOME TO COUNTRY

The Mayor acknowledged the traditional custodians from both Gunggandji and Mandingalbay Yidinji nations also he acknowledged the South Sea Islanders, whose elders, past present and emerging still reside in Yarrabah, on whose country the meeting is being held today.

Acknowledgment also offered for our historical elders past present and emerging who also call Yarrabah home and support progress in the Shire.

3 APOLOGIES

Nil

4 CONFIRMATION OF PREVIOUS MINUTES

RESOLUTION 01:15/12/2021

That the minutes of the Ordinary Council Meeting held on 17 November 2021 and the Special

Council Meeting held on 2 December 2021 be adopted.

Moved: Cr Brian Underwood

Seconded: Cr David Baird

CARRIED

5 BUSINESS ARISING FROM PREVIOUS MINUTES

Aboriginal Corporation for Women – CEO provide update from Lawyers.

Mayor and Council recognise the requirement to re-visit the variation for Malcom Park project.

The Jetty project completion date – concerns about security and risks (sharks, crocodiles, vandalism). Meeting required with Department of Transport and Main Roads to discuss the Asset Transfer process and technical report relating to the Infrastructure Management. Council advised to consider costs.

6 DISCLOSURE OF INTEREST – COUNCIL / REGISTER UPDATES

The Mayor reminded the Councillors of the requirement to declare their conflicts of interest to the CEO prior to the meeting and called on all councillors to re-declare then now.

No declarations made

7 MATTERS FOR DISCUSSION**MEETING ADJOUNED – 5 MINUTES BREAK****7.1 CEO OPERATIONAL REPORT****PURPOSE OF THE REPORT**

Monthly Council meeting report on the operational and strategic performance of council business for month of December 2021.

RESOLUTION 02:15/12/2021

That Council accept the CEO Operational Report for the period to 14th December 2021. Market garden scoping study recommendations endorsed as follows:

1. That YASC accepts the consultation report and notes 'overwhelming' community support for the Yarrabah Market Garden Project.
2. *Feasibility Study* by determining YASC's appetite and support for the following:
 1. YASC formulate policy position to support establishment and delivery of gardening projects such as:
 - a. Backyard 'Pride of Place'
 - b. 'One off' projects such as Native, Cultural and/or Healing gardens
 - c. A Community Market Garden(s) for non-commercial purposes
 - d. A nursery to provide ongoing support for gardening projects within Yarrabah
 2. Work with stakeholder partners to determine what roles they could play directly in supporting YASC or other gardening projects (E.g. WFTD activities provided by Wugu Nyambil).
 3. Working with other key stakeholder organisations in Yarrabah and establishing their practical commitment to the Yarrabah Market Garden Project.
 4. An examination of the available land for Market Gardens (non-commercial and commercial) at Yarrabah, including:
 - a. YASC's responsibilities when considering land availability and leasing;
 - b. The role of the two Prescribed Bodies Corporate;
 - c. Impact of relevant legislation; and
 - d. The delivery of a process map.
 5. Examine funding opportunities.
 6. Other considerations as raised by YASC.
3. That the YASC provides regular community updates through its website/social media and at community meetings on the progress of the Yarrabah Market Garden Project.

Moved: Cr Lucrecia Willett

Seconded: Cr Brian Underwood

CARRIED

At 6:15 pm, Cr Ross Andrews left the meeting.

At 6:17 pm, Cr Ross Andrews returned to the meeting.

7.2 YASC MONTHLY FINANCIAL REPORT

PURPOSE OF THE REPORT

Provide council with monthly financial report. This report covers the financial period 30 November 2021.

RESOLUTION 03:15/12/2021

That Council accept the November 2021 Finance Reports.

1. Operating results
2. Current Debtors:
 - Trade Debtors & Creditors,
 - Housing Debtors
3. Capital works
4. Balance sheet
5. Cash position
6. Status of Commercial lease
7. Areas of Concern Report
8. Grants Report

Moved: Cr David Baird

Seconded: Cr Kenneth Jackson

CARRIED

At 6:26 pm, Cr Kenneth Jackson left the meeting.

At 6:27 pm, Cr Kenneth Jackson returned to the meeting.

At 6:29 pm, Cr Lucrecia Willett left the meeting.

At 6:30 pm, Cr Lucrecia Willett returned to the meeting.

At 6:41 pm, Cr Brian Underwood left the meeting.

At 6:42 pm, Cr Brian Underwood returned to the meeting.

At 6:42 pm, Cr David Baird left the meeting.

At 6:48 pm, Cr David Baird returned to the meeting.

**7.3 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM
APPLICANT: THOMAS LEE THOMAS****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Thomas Lee Thomas.

RESOLUTION 04:15/12/2021

That Council resolve to endorse the recommendation provided by the Mr Richard Wright Director of Human Resources Risk and Regulation to accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Thomas Lee Thomas

Council recognises this person as a resident of Yarrabah and confirms their identity as an Aboriginal Person with connections (via council records and family history) to Yarrabah

Moved: Cr Kenneth Jackson

Seconded: Cr Brian Underwood

CARRIED

**7.4 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM
APPLICANT: ORLANDO STAFFORD****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Orlando Stafford

RESOLUTION 05:15/12/2021

That Council resolve to endorse the recommendation provided by the Mr Richard Wright Director of Human Resources Risk and Regulation to accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Orlando Stafford

Council recognises this person as a resident of Yarrabah and confirms their identity as an Aboriginal Person with connections (via council records and family history) to Yarrabah

Moved: Cr Kenneth Jackson

Seconded: Cr David Bair

CARRIED

**7.5 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM
APPLICANT: TASMA LOUISE GARLING****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Tasma Louise Garling.

MOTION

That Council note the recommendation provided by the Mr Richard Wright Director of Human Resources Risk and Regulation to accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Tasma Louise Garling

As this Applicant is non-resident of this Local Government area, this matter is to be referred to the Gungahlin PBC. The CEO is to notify the applicant accordingly.

Moved: Cr Kenneth Jackson

Seconded: Cr Brian Underwood

CARRIED

**7.6 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM
APPLICANT: HOLLY SHAQUILLE SMITH****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Holly Shaquille Smith

RESOLUTION 06:15/12/2021

That Council resolve to endorse the recommendation provided by the Mr Richard Wright Director - Human Resources, Risk & Regulations, to accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Holly Shaquille Smith

Council recognises this person as a resident of Yarrabah and confirms their identity as an Aboriginal Person with connections (via council records and family history) to Yarrabah

Moved: Cr David Baird

Seconded: Cr Kenneth Jackson

CARRIED

**7.7 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM
APPLICANT: BIANCA LEE CANENDO****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Bianca Lee Canendo.

RESOLUTION 07:15/12/2021

That Council resolve to endorse the recommendation provided by the Mr Richard Wright, Director - Human Resources, Risk & Regulations to accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Bianca Lee Canendo

Council recognises this person as a resident of Yarrabah and confirms their identity as an Aboriginal Person with connections (via council records and family history) to Yarrabah

Moved: Cr Brian Underwood

Seconded: Cr Lucrecia Willett

CARRIED

**7.8 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM
APPLICANT: JAIDYN BEVAN MARK YEATMAN****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Jaidyn Bevan Mark Yeatman.

RESOLUTION 08:15/12/2021

That Council resolve to endorse the recommendation provided by the Mr Richard Wright Director of Human Resources Risk and Regulation to accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Jaidyn Bevan Mark Yeatman

Council recognises this person as a resident of Yarrabah and confirms their identity as an Aboriginal Person with connections (via council records and family history) to Yarrabah

Moved: Cr Ross Andrews

Seconded: Cr Brian Underwood

CARRIED

8 CORRESPONDENCE**8.1 CORRESPONDENCE FROM THE DIRECTOR-GENERAL STATE DEVELOPMENT, INFRASTRUCTURE LOCAL DEPARTMENT AND PLANNING****PURPOSE OF THE REPORT**

Table correspondence from the Director-General, Department of State Development, Infrastructure Local Government and Planning in relation to the Local Government Grants and Subsidies Program (LGGSP).

RESOLUTION 09:15/12/2021

That Council note the correspondence from the Director-General, Department of Agriculture and Fisheries in relation to the Regional Drought Resilience Planning Program, as read.

Moved: Cr Ross Andrews

Seconded: Cr Kenneth Jackson

CARRIED**8.2 CORRESPONDENCE FROM EXECUTIVE DIRECTOR – INDUSTRIAL RELATIONS OFFICE (QLD) IN RELATION TO SPECIAL HOLIDAYS 2022.****PURPOSE OF THE REPORT**

Table correspondence from Executive Director – Industrial Relations Office of Industrial Relations in relation to Special Holidays for Yarrabah Local Government area for 2022, as declared under the Provisions of the Holidays Act 1983.

RESOLUTION 10:15/12/2021

That Council note the correspondence from the Executive Director – Industrial Relations Office of Industrial Relations in relation to Special Holidays for Yarrabah Local Government area for 2022, as read.

Moved: Cr Brian Underwood

Seconded: Cr Kenneth Jackson

CARRIED

9 STRATEGIC PORTFOLIO UPDATE

Councillors to provide updates on Meetings and Trips and other information for the meeting.

10 CONFIDENTIAL MATTERS

MEETING MOVED INTO CLOSED SESSION TO CONSIDER CONFIDENTIAL MATTERS AT 7.03PM

CEO DEPARTED AT 7.05PM / DIRECTOR HR ENTERS ROOM AT SAME TIME

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2012:

9.1 CEO Contract

This matter is considered to be confidential under Section 275 - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the appointment, dismissal or discipline of employees.

9.2 Appointment of Acting CEO

This matter is considered to be confidential under Section 275 - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the appointment, dismissal or discipline of employees.

Council moved out of Closed Session 7.45pm.

MOTION

That both confidential matters 9.1 and 9.2 be deferred to the next Council meeting on 19 January 2022 for decision.

The Mayor is to liaise with an independent consultant to provide a brief to the next Council meeting in relation to Item 9.1

Moved: Cr Lucrecia Willett

Seconded: Cr David Baird

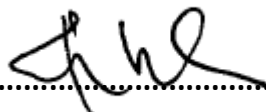
CARRIED

11 CLOSE OF MEETING

Date for the next Council Ordinary Meeting is Wednesday 19 January 2022.

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

Meeting closed at 7.46pm.

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MAYOR