

**MINUTES OF YARRABAH ABORIGINAL SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE YARRABAH ABORIGINAL SHIRE COUNCIL CHAMBERS  
ON WEDNESDAY, 21 SEPTEMBER 2022 AT 9.00 AM**

**PRESENT:** Cr Lucrecia Willett (Acting Mayor), Cr David Baird, Cr Brian Underwood, Cr Kenneth Jackson

**IN ATTENDANCE:** Richard Wright (Acting CEO), Mike Mair (Director Corporate Services), Leona Worrell (Acting Director Human Resources, Risk and Regulations), Bernadette Joinbee (Acting Director Community Services), Colin Andrews (Acting Director Works and Infrastructure)

The Acting CEO reminded Council that as a result of the Special Meeting on 12 September 2022, The Mayor was presently on approved leave and Cr Willett was Acting Mayor, and as a result would be chairing this meeting.

### **1 MEETING OPEN**

Acting Mayor Willett declared the meeting open at 9:17am.

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

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

Councillor Cr David Baird opened with a word of Prayer.

### **2 ACKNOWLEDGEMENT OF COUNTRY**

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

Acknowledgment also offered to the other Trustees of this land (the PBCs), the stolen generations and for our historical descendants whose elders past present and emerging also call Yarrabah home and support progress in the Shire.

### **3 APOLOGIES**

Council noted the absence of Mayor Andrews, on leave. Approval of this leave was by resolution 01:12/09/2022.

#### 4 CONFIRMATION OF PREVIOUS MINUTES

Acting Mayor requested that the unconfirmed minutes for Resolution 13:17/08/2022 be amended at point 3 to read:- Investigate the relocating the Helipad next to the Health Centre. Amended accordingly.

**RESOLUTION 01:21/09/2022**

That the minutes of the Ordinary Council Meeting held on 17 August 2022 be adopted.

Moved: Cr Kenneth Jackson

Seconded: Cr Brian Underwood

**CARRIED 4/4**

**RESOLUTION 02:21/09/2022**

That the minutes of the Special Council Meeting held on 12 September 2022 be adopted.

Moved: Cr David Baird

Seconded: Cr Kenneth Jackson

**CARRIED 4/4**

#### 5 BUSINESS ARISING FROM PREVIOUS MINUTES

The Acting CEO advised that action items arising in general business from previous minutes have been addressed in report at Item 7.1

#### 6 DISCLOSURE OF INTEREST – COUNCIL / REGISTER UPDATES

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

The Acting Mayor declared a conflict of interest in relation to Agenda Item 7.13 – Naming of Female Facilities at Jilara Oval.

Acting CEO confirmed that the Acting Mayor had declared this conflict of interest prior to the meeting.

**7 MATTERS FOR DISCUSSION****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 September 2022.**

The Acting CEO advised that the next ordinary council meeting was scheduled for Wednesday 19 October 2022. Due to LGAQ conference in Cairns on this date, ordinary meeting would be re-scheduled to following Wednesday 26 October 2022. This date most suitable in consideration of Mayor and Acting CEO diaries. Relevant public notices will be provided.

The Acting CEO advised that a Trustee Meeting that had been scheduled would be postponed temporarily to allow a review of documents for consideration and further recommendations obtained from Councils planning consultant. A workshop would then be arranged with Councillors (as the Trustee) to discuss any issues identified. This would ensure systems were in place in line with legislative requirements of the Trustee under the Local Government Act 2009 and Lands Act 1994.

The Acting CEO then read to the report.

Council inquired as to processes under the Housing Policy in relation to deductions etc. Acting CEO to arrange workshop to allow Council to have clear oversight of systems in place and whether amendments to policy may be required.

**RESOLUTION 03:21/09/2022**

That Council accept the CEO Operational Report for the period to 16<sup>th</sup> September 2022.

Moved: Cr Kenneth Jackson

Seconded: Cr Brian Underwood

**CARRIED 4/4**

At 10:38 am, Meeting Adjourned

At 10:57 am, Meeting Reconvened

At 10:57 am, Director – Corporate Services entered the meeting

**7.2 YASC MONTHLY FINANCIAL REPORT****PURPOSE OF THE REPORT**

**Provide council with monthly financial report. This report covers the financial period 31 August 2022.**

Director – Corporate Services read to the report.

**RESOLUTION 04:21/09/2022**

That Council accept the 31 August 2022 Finance Reports as tabled.

1. Operating results
2. Current Debtors:
  - Trade Debtors & Creditors,
  - Housing Debtors
3. Capital works
4. Balance sheet
5. Cash position
6. Status of Commercial leases

Moved: Cr David Baird

Seconded: Cr Kenneth Jackson

**CARRIED 4/4**

At 11:48 am, Director – Corporate Services left the meeting

At 11:49 am, Acting Director – Human Resources, Risk & Regulations entered the meeting

**7.3 HUMAN RESOURCES - OPERATIONAL REPORT****PURPOSE OF THE REPORT**

**To report to Council the status/activities of Human Resources areas for the month up to 13 September 2022.**

Acting Director – Human Resources, Risk & Regulations read to the report

**RESOLUTION 05:21/09/2022**

That Council resolve to accept the report of the Acting Director, Human Resources, Risk & Regulations, tabled as read.

Moved: Cr Brian Underwood

Seconded: Cr David Baird

**CARRIED**

At 12:15 pm, Acting Director – Human Resources, Risk & Regulations left the meeting

At 12:20 pm, Meeting Adjourned

At 12:52 pm, Meeting reconvened

At 12:55 pm, Acting Director – Community Services entered the meeting

#### **7.4 COMMUNITY SERVICES - OPERATIONAL REPORT**

##### **PURPOSE OF THE REPORT**

**An overview of program activities organised and or undertaken within the Department of Community Services for the following period, August / September 2022.**

Acting Director – Community Services read to the report.

Council noted that a number of visitors/tours were coming into community and suggested Traditional Owners be engaged for “Welcome to Country”. Council also requested information be provided to them of any planned visits. Acting CEO advised that in future the PA will forward advice to all Councillors.

Council requested that the Acting Director convey their congratulations to Philomena Yeatman for her recent success at Awards in Darwin and nomination for upcoming awards.

##### **RESOLUTION 06:21/09/2022**

That Council accept the Director of Community Services Operational Report for June to August 2022.

Moved: Cr David Baird

Seconded: Cr Kenneth Jackson

**CARRIED 4/4**

At 1:13 pm, Acting Director – Community Services left the meeting

At 1:14 pm, Acting Director – Works & Infrastructure entered the meeting

#### **7.5 WORKS & INFRASTRUCTURE OPERATIONAL REPORT**

##### **PURPOSE OF THE REPORT**

**To report to Council the status/activities of Works & Infrastructure Department areas for the August / September 2022.**

Acting Director – Works & Infrastructure read to the report.

##### **RESOLUTION 07:21/09/2022**

That Council resolve to accept the report of the Director – Works & Infrastructure, tabled as read.

Moved: Cr Kenneth Jackson

Seconded: Cr David Baird

**CARRIED 4/4**

At 1:20 pm, Acting Director – Works & Infrastructure left the meeting

**7.6 PROPOSAL BY GINDAJA TREATMENT AND HEALING ON BEHALF OF JUSTICES SERVICES****PURPOSE OF THE REPORT**

To provide Council a proposal by Gindaja Treatment and Healing Centre for Yarrabah Justice Services in relation to options for relocation of a demountable building. (Deferred from Ordinary Council Meeting on 17 August 2022) – Report prepared by Nikki Huddy – Director of Planz Town Planning.

Acting CEO advised Council that actions taken from the Ordinary Meeting on 17 August 2022, resulted in consultation with the CVEO of Gindaja, followed by tasking of Planz Town Planning to review available options to assist in resolving this matter.

The Acting CEO read to the report and various options discussed. Council agreed to the recommended option on Muka Street, subject to identified conditions.

**RESOLUTION 08:21/09/2022**

That Council resolve to inform Gindaja that the Treatment and Healing Centre for Yarrabah Justice Services can be located in the area adjacent to the Community Hall (on the southern boundary) on Muka Street in the area generally shown on the image below, subject to the following:

1. Gindaja will be responsible for a survey to confirm that the building including building setbacks (fire separation areas), fencing and onsite effluent disposal area must be located outside the Gunggandji special interest area.
2. Gindaja will be responsible for the cost of:
  - a. The survey and preparation of a lease for the area of land to be utilised (including the area for on-site effluent disposal).
  - b. Fencing, connection to services including, water, electricity, drainage and septic / on-site effluent disposal.
3. The terms of the lease is to be 30 years, with the option to renew the lease. At the end of the lease the building may either:
  - a. Become council's asset
  - b. Be removed at Gindaja's expense.

Moved: Cr Brian Underwood

Seconded: Cr David Baird

**CARRIED 4/4**

**7.7 CONSIDERATION FOR PURCHASE OF FALSE CAPE.****PURPOSE OF THE REPORT**

**To further consider options for the possible purchase of False Cape Lot 108 RP712063. (Report prepared by Nikki Huddy, Director of Planz Town Planning)**

The Acting CEO read to the report.

**RESOLUTION 09:21/09/2022**

That Council resolve to:

1. Advise the Indigenous Land and Sea Corporation that it is:
  - a. Interested in working with the Indigenous Land and Sea Corporation and the Gunggandji PBC Aboriginal Corporation RNTBC with a view to making an offer to purchase Lot 108 RP712063, known as False Cape.
  - b. The Indigenous Land and Sea Corporation is requested to provide assistance in relation to options for the purchase including tenure (e.g. freehold, reserve) and whether the land could be jointly owned with the PBC.
2. Have preliminary discussions with the current owner of False Cape, in relation to the possibility of purchasing the land.

Moved: Cr Lucrecia Willett

Seconded: Cr Brian Underwood

**CARRIED 4/4**

**7.8 RECOMMENDATION FOR ANNUAL CLOSEDOWN - CHRISTMAS PERIOD 2022****PURPOSE OF THE REPORT**

**To report to Council proposed options for Annual Closure during Christmas & Festive Season – 2022.**

The Acting CEO read to the report.

Council agreed that the provision of 1 day paid shutdown to all staff was suitable, when considering current budgetary demands.

**RESOLUTION 10:21/09/2022**

That Council resolve to

1. In accordance with clause 19 of the *Queensland Local Government Industry (Streams A, B & C) Award – State 2017*, Council resolve to declare the Annual Closedown period for from close of business on Friday 23 December 2022 to Friday 30 December 2022 with staff returning to work on Tuesday 4 January 2023.
2. Council further resolves to provide 1 paid “Council Shutdown” day to all employees during this period.
3. Council further resolves that staff required to work as part of required service delivery during this period will accumulate the 1 paid “Council Shutdown” day and will be required to take this day in the first quarter of 2023.

Moved: Cr Lucretia Willett

Seconded: Cr Brian Underwood

**CARRIED 4/4**



**7.9 PUBLIC HOLIDAYS 2023 - HOLIDAYS ACT 1983****PURPOSE OF THE REPORT**

**To inform Council of dates for 2023 Special Holidays in accordance with the *Holiday Act 1983 – Local Governments*.**

The Acting CEO advised that due to timeframes required in applying for special holidays in 2023, consultation had occurred with the Mayor and Cr Willett and application had been made. Formal endorsement by Council was now requested.

**RESOLUTION 11:21/09/2022**

That Council resolve to endorse the public holiday dates for 2023, as submitted by the Acting CEO to the Office of Industrial Relations, as:-

Monday	19/06/2023	Yarrabah Foundation Day
Friday	07/07/2023	Yarrabah NAIDOC Day
Friday	21/07/2023	Cairns Show
Monday	30/10/2023	Yarrabah DOGIT Day

Moved: Cr David Baird

Seconded: Cr Kenneth Jackson

**CARRIED 4/4**

**7.10 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM: AVRIL YEATMAN****PURPOSE OF THE REPORT**

**Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Avril Anne Yeatman.**

Acting CEO advised that due to urgent request by the Applicant, Councillors Willett and Baird had confirmed and signed the application. Formal resolution now sought. It is further recommended that this action is moved and seconded by the signing Councillors.

**RESOLUTION 12:21/09/2022**

That Council accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Avril Anne Yeatman

Moved: Cr Lucrecia Willett

Seconded: Cr David Baird

**CARRIED 4/4**

**7.11 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:  
LAYLA MALONEY****PURPOSE OF THE REPORT**

**Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Layla Madge Maloney.**

**RESOLUTION 13:21/09/2022**

That Council accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Layla Madge Maloney

Moved: Cr Brian Underwood

Seconded: Cr Kenneth Jackson

**CARRIED 4/4**

**7.12 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:  
TAMARA STOCKDALE****PURPOSE OF THE REPORT**

**Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Tamara Deanne Stockdale.**

**RESOLUTION 14:21/09/2022**

That Council accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Tamara Deanne Stockdale

Moved: Cr David Baird

Seconded: Cr Lucrecia Willett

**CARRIED 4/4**

At 2:30 pm, Cr Lucrecia Willett left the meeting – declared conflict of interest

**7.13 NAMING OF FEMALE FACILITIES - JILLARA OVAL****PURPOSE OF THE REPORT**

To seek Council endorsement for the naming of the Female Facilities – Jillara Oval

**RESOLUTION 15:21/09/2022**

That Council resolve to name the new female facilities at Jilara Oval, *“The Gillian Bann Female Facility”*.

Moved: Cr Brian Underwood

Seconded: Cr David Baird

**CARRIED 3/3**

At 2:32 pm, Cr Lucrecia Willett returned to the meeting.

**8 CORRESPONDENCE****8.1 CORRESPONDENCE FROM DILGP CONFIRMING DELIVERY ARRANGEMENTS FOR ICCIP PROJECTS IN COMMUNITY.****PURPOSE OF THE REPORT**

To advise Council of correspondence received from the Director-General, Department of State Development, Infrastructure, Local Government and Planning (DILGP), confirming delivery arrangements for ICCIP projects in community.

**RESOLUTION 16:21/09/2022**

That Council resolve to note the correspondence tabled as read.

Moved: Cr Kenneth Jackson

Seconded: Cr David Baird

**CARRIED 4/4**

**8.2 CORRESPONDENCE FROM THE CHAIRPERSON OF THE QUEENSLAND LOCAL GOVERNMENT GRANTS COMMISSION - 2022-2023 FAGS****PURPOSE OF THE REPORT**

To advise Council of correspondence received from The Chairperson of the Queensland Local Government Grants Commission of recommendations for the financial year 2022- 2023.

**RESOLUTION 17:21/09/2022**

That Council resolve to note the correspondence tabled as read.

Moved: Cr Lucrecia Willett

Seconded: Cr Brian Underwood

**CARRIED 4/4**

### 8.3 CORRESPONDENCE FROM THE ACTING SENIOR DIRECTOR, COMMUNITY SERVICES FUNDING BRANCH, QUEENSLAND HEALTH

#### PURPOSE OF THE REPORT

To advise Council of correspondence received from the Acting Senior Director, Community Services Funding Branch, Queensland Health in relation to a funding increase for the Aboriginal and Torres Strait Islander Public Health program.

#### RESOLUTION 18:21/09/2022

That Council resolve to note the correspondence tabled as read.

Moved: Cr David Baird

Seconded: Cr Kenneth Jackson

CARRIED 4/4

### 8.4 ACBF/YOUPLA EMERGENCY GRANTS PROGRAM INFORMATION SESSIONS

#### PURPOSE OF THE REPORT

To provide Council of correspondence received from the Indigenous Consumer Assistance Network (ICAN) with update information regarding the government's response to the collapse of the ACBF/Youpla

#### RESOLUTION 19:21/09/2022

That Council resolve to note the correspondence tabled as read.

Moved: Cr Brian Underwood

Seconded: Cr Kenneth Jackson

CARRIED 4/4

### 9 STRATEGIC PORTFOLIO UPDATE

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

### 10 CONFIDENTIAL MATTERS

Nil

### 11 CLOSE OF MEETING

Date for the next Council Ordinary Meeting is Wednesday 26 October 2022.

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

Meeting closed at 2:46 pm.



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ACTING MAYOR