

**MINUTES OF YARRABAH ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE YARRABAH ABORIGINAL SHIRE COUNCIL CHAMBERS
ON WEDNESDAY, 15 MARCH 2023 AT 9:40AM**

PRESENT: Cr Ross Andrews (Mayor), Cr Brian Underwood, Cr Lucrecia Willett, Cr Kenneth Jackson, Cr Hezron Murgha

IN ATTENDANCE: Richard Wright (CEO), Mike Mair (Director – Corporate Services), Preston Andrews (Director – Building Services), Sam Bann (Director – Infrastructure), Terry Farrelly (Director –People & Communities) Leona Worrell (Minute Taker)

1 MEETING OPEN

Mayor Andrews declared the meeting open at 9.40am.

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

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

Councillor Murgha opened with a word of Prayer.

The Mayor reminded Council that this was an open meeting and members of the public may be present, unless the meeting went into a closed session in accordance with legislative requirements. The Mayor reminded Councillors of their legislative obligations in representing all of community in an equal manner and requested that the CEO update the Standing Orders for meetings and circulate to all Councillors.

2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledges the traditional custodians the Gunggandji People whose country this meeting is being held today, acknowledgement to their elders, past present and emerging.

Acknowledgment also offered to the other Trustees of this land the Northern & Southern 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

The Mayor advised Council that Councillor Jackson was delayed but would be attending shortly.

4 CONFIRMATION OF PREVIOUS MINUTES

RESOLUTION 01:15/03/2023

That the minutes of the Ordinary Council Meeting held on 23 February 2023 be adopted.

Moved: Cr Lucrecia Willett

Seconded: Cr Brian Underwood

4/4

5 BUSINESS ARISING FROM PREVIOUS MINUTES

CEO advised Council that a workshop with Gindaja Board members and Councillors had been arranged for Monday 20th March 2023 to discuss papers relating to Agenda Items 7.8 and 7.9 from February's meeting that had been deferred.

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 them now.

No declarations made.

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 months of February 2023 / March 2023.

The CEO read to the report.

The Mayor inquired as to the status of the LED sign at the front of Chambers. CEO reported that still awaiting delivery/ installation of the sign. This is expected in the next couple of weeks.

The Mayor commented that arrangements should be made for the family of Bishop Malcolm to unveil the signage for the park when opened. CEO will liaise with family with regards to this.

RESOLUTION 02:15/03/2023

That Council accept the CEO Operational Report for the period to 13 March 2023.

Moved: Cr Hezron Murgha

Seconded: Cr Brian Underwood

4/4

Meeting adjourned at 10.15am.

Meeting reconvened at 10.20am.

Director of Corporate Services entered the meeting at 10.20am.

Cr Kenneth Jackson entered meeting at 10.29am.

7.2 YASC MONTHLY FINANCIAL REPORT

PURPOSE OF THE REPORT

Provide council with monthly financial report. This report covers the financial period 28 February 2023.

The Director of Corporate Services read to the report.

The Mayor noted that Directors need to ensure they make appropriate decisions within their areas to address budget issues and financial sustainability. CEO advised that QTC would be providing a presentation to Councillors on the afternoon of Monday 20th March 2023 in relation to sustainability and budgeting. Mayor requested that all Directors attend this presentation. CEO to issue instructions accordingly.

Cr Jackson noted the ongoing costings for the pool and inquired as to the status of arrangements with Gurriny about leasing this. CEO advised that Council was still awaiting advice from Gurriny if they had secured funding for this and would follow up with Gurriny's CEO.

Mayor noted outstanding funds for CDP Like activities and suggested Councillors consider what type of projects could be undertaken within the necessary scope.

RESOLUTION 03:15/03/2023

That Council accept the 28 February 2023 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
7. Areas of Interest Report
8. Grants Report

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

5/5

Director of Corporate Services left the meeting at 11.00am.

Meeting adjourned at 11.00am

Meeting reconvened at 11.05am

Director of People & Communities entered the meeting at 11.05am.

7.3 PEOPLE & COMMUNITIES - OPERATIONAL REPORT**PURPOSE OF THE REPORT**

To provide Council an update on operational activities undertake within the Department of People and Communities for the period 1 February 2023 to 7 March 2023.

The Director of People & Communities read to the report.

Cr Jackson inquired whether rental arrears were part of ongoing discussions in person with tenants. Director advised that these discussions also occurred between housing staff and tenants at the time of any inspections.

Cr Willett noted that the school bus was regularly collecting students and other non-paying passengers at locations that were designated as bus stops. This could place Council in breach of its contract with TMR and cause a liability risk. Director to address this with bus staff.

Mayor inquired as to whether there was provision to charge a small admission for the Music Festival this year to help cover expenses. Director to check on funding guidelines and advise.

RESOLUTION 04:15/03/2023

That Council accept the Director of People and Communities Operational Report, tabled as read.

Moved: Cr Kenneth Jackson
Seconded: Cr Brian Underwood

5/5

Director of People & Communities left the meeting at 12.25pm.

Meeting adjourned at 12.25pm

Meeting reconvened at 1.08pm

Director of Building Services entered the meeting at 1.08pm.

7.4 BUILDING SERVICES - OPERATIONAL REPORT**PURPOSE OF THE REPORT**

To report to Council the status/activities of Building Services areas for the month of February 15TH up to March the 15th 2023

Director of Building Services read to the report.

RESOLUTION 05:15/03/2023

That Council accept the report of the Director – Building Services, tabled as read.

Moved: Cr Kenneth Jackson

Seconded: Cr Lucrecia Willett

5/5

Director of Building Services left the meeting at 1.27pm.

Director of Infrastructure entered the meeting at 1.30pm.

7.5 INFRASTRUCTURE - OPERATIONAL REPORT**PURPOSE OF THE REPORT**

To report to Council the status/activities of Infrastructure Department areas for the month up to 08 March 2023.

The CEO acknowledged the good work of the Water gang over the past few weeks, dealing with the water issues in the Community. Council requested the Director to pass on their thanks for these efforts. CEO is tracking costs associated with the water issues that were not budgeted for with a view of seeking financial aid to recoup these costs.

Director of Building Services read to the report.

RESOLUTION 06:15/03/2023

That Council accept the report of the Director – Infrastructure, tabled as read.

Moved: Cr Brian Underwood

Seconded: Cr Kenneth Jackson

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7.6 APPOINTMENT OF ACTING CEO**PURPOSE OF THE REPORT**

To brief Council of the status of the provisions of Section 195 of the Local Government Act 2009 – “Appointing an acting chief executive officer”.

The CEO confirmed, as per notice at the previous meeting, that in discussions with the Mayor the CEO would be taking leave from Easter Friday and returning on Monday 24th April. In accordance with legislation, Council are required to appoint an Acting CEO for periods when the CEO is on leave and / or not available.

The CEO read to the report.

RESOLUTION 07:15/03/2023

1. That Council appoint Mike Mair, Director of Corporate Services, as Acting Chief Executive Officer during any period, or all periods, when the chief executive officer is absent from duty or can not, for another reason, perform the chief executive officer’s responsibilities.

Moved: Cr Kenneth Jackson

Seconded: Cr Lucrecia Willett

5/5**7.7 ROTATION OF DEPUTY MAYOR****PURPOSE OF THE REPORT**

To inform Council of rotation provisions for position of Deputy Mayor.

The CEO reminded Council of their resolution on 21 April 2020 in relation to the rotation of the position of Deputy mayor annually.

The CEO read to the report.

The Mayor thanked the outgoing Deputy Mayor for his services.

RESOLUTION 08:15/03/2023

That Council resolve to

1. Note that Councillor Brian Underwood ceases in the position of Deputy Mayor, effective 18 March 2023.
2. Councillor Willett is appointed to the position of Deputy Mayor, effective 18 March 2023.

Moved: Cr Kenneth Jackson

Seconded: Cr Brian Underwood

4/4

7.8 POLICY REVIEW**PURPOSE OF THE REPORT****Review of Procurement Policy – Procurement Delegation limits.**

The CEO advised that due to the organisational restructure previously approved, title changes for Directors was required to align with the new structure.

The CEO read to the report.

RESOLUTION 09:15/03/2023

That Council resolve to endorse and adopt the recommend changes to Procurement Delegation limits of the Procurement Policy.

Council authorise the implementation action to be carried out by CEO and Director Corporate Services.

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

5/5

7.9 AWARD THE CONTRACT FOR THE QRA FUNDED BUDDABADOO BETTERMENT WORKS AT SITE 1 AND SITE 2**PURPOSE OF THE REPORT**

To seek Council endorsement and award the contract for the QRA funded Buddabadoo Betterment Works at site 1 and site 2.

The CEO read to the report.

Cr Willett advised that contractors need to ensure appropriate cultural protocols are implemented, including the engagement of cultural monitors where required when working on sites.

RESOLUTION 10:15/03/2023

That Council resolves to

1. award Buddabadoo Betterment Works Site 1 to Fleas Concreting for sum of \$225,800.00 excluding GST.
2. award Buddabadoo Betterment Works Site 2 to Fleas Concreting for sum of \$457,320.00 excluding GST.

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

5/5

7.10 W4Q4 PROJECTS**PURPOSE OF THE REPORT**

To seek Council endorsement of projects under W4Q4 funding, following Council review. To seek Council endorsement for variation to the funding agreement.

The CEO reminded Council that programs of works had now been workshopped with them and identified projects had been costed. This also included a proposed variation to remove the cattle grids and fibre optics from the program and have this reallocated. The proposed projects were returned to Council for endorsement.

The CEO read to the report.

RESOLUTION 11:15/03/2023

That Council endorse:-

1. Proposed Projects List; and
2. Authorise the CEO to seek a variation to the funding agreement by
 - (a) Removing the allocation of funding for the cattle grid and allocate to beautification/landscaping around community facilities and common areas.
 - (b) Removing the allocation of funding for the fibre optics extension and allocate to beautification/landscaping around community facilities and common areas.

Moved: Cr Lucrecia Willett

Seconded: Cr Brian Underwood

5/5

7.11 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM: ZIPPHORA SMITH**PURPOSE OF THE REPORT**

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

The CEO read to the report.

RESOLUTION 12:15/03/2023

That Council resolve, in relation to the application for confirmation of Aboriginality/Community Affiliation as submitted by Zipphora SMITH.

1. To accept the application as submitted

Moved: Cr Kenneth Jackson

Seconded: Cr Ross Andrews

5/5

**7.12 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
JILARA LYN MURGHA****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Jilara Lyn MURGHA.

The CEO read to the report.

RESOLUTION 13:15/03/2023

That Council resolve, in relation to the application for confirmation of Aboriginality/Community Affiliation as submitted by Jilara Lyn MURGHA.

1. To accept the application as submitted

Moved: Cr Kenneth Jackson

Seconded: Cr Ross Andrews

5/5

**7.13 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
HENRY MCKINELY JNR****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Henry McKinely Jnr.

The CEO read to the report.

RESOLUTION 14:15/03/2023

That Council resolve, in relation to the application for confirmation of Aboriginality/Community Affiliation as submitted by Henry McKinely Jnr.

1. To accept the application as submitted

Moved: Cr Kenneth Jackson

Seconded: Cr Ross Andrews

5/5

7.14 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM: KARA HOPE SMALLWOOD

PURPOSE OF THE REPORT

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Kara Hope SMALLWOOD.

The CEO read to the report.

RESOLUTION 15:15/03/2023

That Council resolve, in relation to the application for confirmation of Aboriginality/Community Affiliation as submitted by Kara Hope SMALLWOOD.

- 1. To accept the application as submitted

Moved: Cr Kenneth Jackson

Seconded: Cr Ross Andrews

5/5

8 CORRESPONDENCE

Nil

9 STRATEGIC PORTFOLIO UPDATE

Mayor advised that he would be travelling to Adelaide for the Referendum Engagement Group for the Voice on Friday 17 March 2023.

Presentation of The referendum on the First Nation’s Voice to Parliament organised by YLF Wednesday 22 March.

10 CONFIDENTIAL MATTERS

Nil

11 CLOSE OF MEETING

Date for the next Council Ordinary Meeting is Wednesday 19 April 2023.

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

Meeting closed at 2.55pm.



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MAYOR