

**MINUTES OF YARRABAH ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE YARRABAH ABORIGINAL SHIRE COUNCIL CHAMBERS
ON WEDNESDAY, 26 APRIL 2023 AT 9:00AM**

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), Leona Worrell (Minute Taker)

1 MEETING OPEN

Mayor Andrews declared the meeting open at 9.17am.

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

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

Councillor Cr Murgha opened with a word of Prayer.

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

Nil

4 CONFIRMATION OF PREVIOUS MINUTES

RESOLUTION 01:26/04/2023

That the minutes of the Ordinary Council Meeting held on 15 March 2023 and the Special Council Meeting held on 4 April 2023 be adopted.

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

5/5

5 BUSINESS ARISING FROM PREVIOUS MINUTES

Cr Underwood asked as to status of Gindaja DA for Mukka Street. CEO advised matter was in progress.

Cr Murgha asked about implementation of findings from the QTC workshop. CEO advised that these related to strategic planning and budget input by Council and were being implemented for the preparation of the 2023 – 2024 budget.

Mayor commented on participation at ANZAC ceremony in community and thanked the Deputy Mayor for also attending.

CEO mentioned the attendance today of Hon Tony Burke MP due to arrive at 10.30am. Council may wish to adjourn the meeting at this time to meet with the Minister.

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.

Cr Underwood advised that he would update his register of interests during a break due to recent changes.

7 MATTERS FOR DISCUSSION

MOTION

The Mayor requested that in accordance with 254J (3)(a) Council move into closed session so he could brief Councillors of a matter. The matter related to a complaint by another staff member against actions taken by the CEO.

RESOLUTION 02:26/04/2023

That under legislative principles of Section 254J(1), the meeting would move into closed session .

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

CARRIED 5/5

EA left the meeting at 9.30am

CEO left the meeting at 9.35am

CEO and EA returned to the meeting at 9.49am

MOTION

The Mayor requested that Council move out of closed session .

RESOLUTION 03:26/04/2023

That Council move out of closed session.

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

CARRIED 5/5

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 March 2023 / April 2023.

The CEO read to the report.

RESOLUTION 04:26/04/2023

That Council accept the CEO Operational Report for the period to 20 April 2023.

Moved: Cr Lucretia Willett

Seconded: Cr Brian Underwood

5/5

Meeting adjourned at 10.24am

Council met with Hon Tony Burke MP, Federal Minister for Employment and Workplace Relations and Minister for the Arts.

Meeting reconvened at 12noon

Director Corporate Services entered at 12noon

Cr Willett noted that due to the Ministerial visit, there would be an impact on the expected completion time today that had not been planned for. CEO advised that with the exception of the Finance Report, the CEO could read to all other operational reports and take questions on notice for the relevant Directors. Councillors agreed.

7.2 YASC MONTHLY FINANCIAL REPORT

PURPOSE OF THE REPORT

Provide council with monthly financial report. This report covers the financial period 31 March 2023.

Director Corporate Services read to the report.

CEO thanked the Director for acting in CEO role over the last couple of weeks whilst CEO on leave. Mayor and Councillors commended the Director for his actions during this time.

RESOLUTION 05:26/04/2023

That Council accept the 31 March 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 Kenneth Jackson

Seconded: Cr Ross Andrews

CARRIED 5/5

Meeting adjourned at 12.55pm

Meeting reconvened at 1.40pm

Cr Underwood not in attendance

Cr Underwood entered at 1.43pm

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 8 March 2023 to 4 April 2023.

The CEO read to the report.

Cr Murgha inquired as to eviction process for tenants not paying rent. CEO advised process of breach notices / payment plans and if not complied with, eviction notice would be issued. Processes were in accordance with Rental Tenancy Act.

RESOLUTION 06:26/04/2023

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

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

CARRIED 5/5

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 March 15TH up to April the 26th 2023

The CEO read to the report.

The Mayor noted completion percentages need to be accurate. In particular noting demolition/rebuild. CEO advised that the percentage reflected related to the design phase of the project, not the complete project. CEO would discuss with Director to ensure accurate percentage rates were reported clearly as to work.

RESOLUTION 07:26/04/2023

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

Moved: Cr Kenneth Jackson

Seconded: Cr Brian Underwood

CARRIED 5/5

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

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

The CEO read to the report.

RESOLUTION 08:26/04/2023

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

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

CARRIED 5/5

7.6 AWARD BUDDABADOO BRIDGE PROJECT TO FLEAS CONCRETING**PURPOSE OF THE REPORT**

To seek Council endorsement to award Buddabadoo Bridge Project to Fleas Concreting for sum of \$212,250 (Ex GST)

CEO read to the report.

CEO advised Council that this report was withheld from last meeting to ensure offers to quote were made to other parties. This was now completed and compliance to Procurement Policy was ensured.

RESOLUTION 09:26/04/2023

That Council resolve to award the Buddabadoo Bridge Project to Fleas Concreting for sum of \$212,250 (Ex GST).

Moved: Cr Brian Underwood

Seconded: Cr Lucrecia Willett

CARRIED 5/5

**7.7 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
MOIRIN MULLEN SMITH****PURPOSE OF THE REPORT**

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

CEO read to the report.

RESOLUTION 10:26/04/2023

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

To accept the application as submitted

Moved: Cr Hezron Murgha

Seconded: Cr Kenneth Jackson

CARRIED 5/5

**7.8 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
ANTHONY SEXTON****PURPOSE OF THE REPORT**

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

CEO read to the report.

RESOLUTION 11:26/04/2023

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

To accept the application as submitted

Moved: Cr Hezron Murgha

Seconded: Cr Kenneth Jackson

CARRIED 5/5

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

Inform Council of correspondence received from the Director General, Department of State Development, Infrastructure, local Government & Planning in relation to the challenges faced by councils in dealing with inappropriate conduct matters referred to councils by the Office of the Independent Assessor (OIA).

CEO read to the report.

RESOLUTION 12:26/04/2023

Council note the correspondence tabled as read.

Moved: Cr Ross Andrews

Seconded: Cr Kenneth Jackson

CARRIED 5/5

8.2 CORRESPONDENCE - LOCAL GOVERNMENT REMUNERATION COMMISSION COUNCIL CATEGORY REVIEW**PURPOSE OF THE REPORT**

The Local Government Remuneration Commission (the Commission) is required under the Local Government Regulation 2012 to establish remuneration categories for local governments and undertake a review of the established categories once during each local government term ('a category review').

CEO read to the report.

RESOLUTION 13:26/04/2023

Council note the correspondence tabled as read.

Moved: Cr Brian Underwood

Seconded: Cr Kenneth Jackson

CARRIED 5/5

Cr Jackson declared his interest and left the meeting – 2.48pm

8.3 CORRESPONDENCE - YARRABAH JETTY PLAQUE REQUEST

PURPOSE OF THE REPORT

Muriel Brown has requested a plaque be placed at the Yarrabah Jetty for her grandfather, Harold Jackson to be remembered and recognised for his service to the Yarrabah community and his dedication to the sea vessels from the early 1900's.

Including the men who provided a transport service from the community to Cairns and transporting medical patients to Cairns as well as the delivery of food supplies and other cargo back to Yarrabah.

Deputy Mayor Willett has taken this matter to the Gunggandji PBC Aboriginal Corporation RNTBC previously. A plaque will be organised by Council to recognise all skippers with ties to Yarrabah. Mayor and Deputy Mayor to liaise with CEO in design and wording.

CEO read to the report.

RESOLUTION 14:26/04/2023

- 1. Council note the correspondence tabled as read. Councillors instruct the CEO to organise a plaque & consult with Mayor & Deputy Mayor on the wording.

Moved: Cr Brian Underwood

Seconded: Cr Lucrezia Willett

CARRIED 4/4

Cr Jackson re-entered the meeting at 3.06pm

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 17 May 2023.

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

Meeting closed at 3.12pm pm.



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MAYOR