

**MINUTES OF YARRABAH ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE YARRABAH ABORIGINAL SHIRE COUNCIL CHAMBERS
ON TUESDAY, 24 SEPTEMBER 2024 AT 9.00AM**

PRESENT: Cr Daryl Sexton (Mayor), Cr Michael Sands (Deputy Mayor), Cr Amy Neal, Cr Brian Underwood, Cr Hezron Murgha

IN ATTENDANCE: Richard Wright (CEO), Director - Corporate Services Mike Mair, Director - People and Communities Richard Fitowski, Director - Infrastructure Sam Bann, Director - Building Services Wayne Douglas, Executive Assistant Leona Worrell (Minute taker)

1 MEETING OPEN

Mayor Sexton declared the meeting open at 10.02am.

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

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

Councillor Neal opened with a word of Prayer.

2 ACKNOWLEDGEMENT TO COUNTRY

The Mayor acknowledged 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 all Yarrabah people 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 01:19/09/2024

That the minutes of the Ordinary Council Meeting held on 22 August 2024 be adopted.

Moved: Cr Daryl Sexton

Seconded: Cr Brian Underwood

5/5 CARRIED

5 BUSINESS ARISING FROM PREVIOUS MINUTES**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.

Councillor Underwood declared a conflict of interest in relation to item 8.1 Request for Sponsorship, due to close family ties.

Councillor Murgha declared a conflict of interest in relation to 8.1 Request for Sponsorship and item 7.13 Confirmation of Aboriginality for Cossette Murgha both due to close families ties.

CEO confirmed to the Mayor that Councillor Brian Underwood and Councillor Hezron Murgha had declared this conflict of interest prior to the meeting.

CEO advised that Confirmation of Aboriginality 7.13 had been endorsed by Councillors without a declarable conflict prior to this meeting. Formal endorsement was sought by way of resolution. Council may consider that under these circumstances that Councillor Hezron Murgha may stay in chambers during this formality, but refrain from voting where an interest has been declared. Council agreed.

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 August / September 2024.

CEO read to the report.

RESOLUTION 02:19/09/2024

That Council accept the CEO Operational Report for the period to 12 September 2024.

Moved: Cr Daryl Sexton

Seconded: Cr Brian Underwood

5/5 CARRIED

10.43am meeting adjourned

10.59am Meeting reconvened

11.00am 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 31st August 2024.

Director Corporate Services read to the report.

RESOLUTION 03:19/09/2024

That Council accept the 31st August 2024 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 Brian Underwood

Seconded: Cr Michael Sands

5/5 CARRIED

7.3 POLICY REVIEW - PROCUREMENT

PURPOSE OF THE REPORT

Review of Procurement Policy – Section 8. PURCHASES UNDER \$15,000 (GST Exclusive)

Director Corporate Services read to the report.

RESOLUTION 04:19/09/2024

That Council resolve to endorse and adopt the recommend changes to Section 8 of the Procurement Policy.

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

Moved: Cr Michael Sands

Seconded: Cr Amy Neal

5/5 CARRIED

7.4 POLICY REVIEW - COUNCILLORS EXPENSES**PURPOSE OF THE REPORT**

Review of Reimbursement of Councillors Expenses Policy – Section 1.2 Accommodation

Director Corporate Services read to the report.

RESOLUTION 05:19/09/2024

That Council resolve to endorse and adopt the recommended changes to Section 1.2 of the Reimbursement of Councillors Expenses Policy by removal of the paragraph:-

“Unless the CEO is satisfied special circumstances apply, accommodation expenses will not be paid in connection with attendance at events in the Cairns, Tablelands and Innisfail areas as travel to and from these areas in one day would normally be possible.”

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

Moved: Cr Michael Sands

Seconded: Cr Brian Underwood

5/5 CARRIED

11.29am Director Corporate Services left the meeting

11.30am Meeting adjourned

11.50 am Meeting reconvened

7.5 RECOMMENDATION FOR ANNUAL CLOSEDOWN - CHRISTMAS PERIOD 2024**PURPOSE OF THE REPORT**

To report to Council proposed options for Annual Closure during Christmas & Festive Season – 2024.

CEO read to the report.

The Deputy Mayor proposed that the Council should cover all annual leave days. The CEO indicated that this would result in a cost of over \$200,000 in wages for the Council. Notice allowed staff to ensure they had sufficient leave entitlements at the time of closedown. Mayor advised that Council must continue to ensure fiscal responsibility in determining matters and supported the recommendation of the CEO.

RESOLUTION 06:19/09/2024

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 Thursday 19 December 2024 to Friday 3 January 2025 with staff retuning to work on Monday 6 January 2025.
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 2025.

Moved: Cr Hezron Murgha

Seconded: Cr Brian Underwood

4/5 CARRIED

7.6 COUNCIL ENDORSEMENT - YARRABAH PROPOSED SOCIAL HOUSING ACCOMMODATION CONSTRUCTION PROGRAM**PURPOSE OF THE REPORT**

To seek Council endorsement of proposed Capital Strategy with Queensland Housing for delivery program of new constructions 2024 – 2031.

CEO read to the report.

RESOLUTION 07:19/09/2024

That Council resolve to endorse the Yarrabah Proposed Social Housing Accommodation Construction Program.

Moved: Cr Hezron Murgha

Seconded: Cr Amy Neal

5/5 CARRIED

Unconfirmed

7.7 AMMENDMENT TO PREVIOUS RESOLUTION - SUPPLY, DELIVERY AND INSTALLATION OF SHORT-TERM ACCOMMODATION

PURPOSE OF THE REPORT

To seek Council endorsement to amend Resolution 10:26/07/2024 relating to the awarding of the tender to "Supply, Delivery and Installation of Short-Term Accommodation".

CEO read to the report.

RESOLUTION 08:19/09/2024

That Council resolve to

1. Amend Resolution 10:26/07/2024 relating to relating to the awarding of the tender to "Supply, Delivery and Installation of Short-Term Accommodation"
2. Council notes the initial contract for the supply, delivery, and installation of 5 cabins has been awarded based on the previous tender process. Council acknowledges the advice from the Department of Housing regarding additional funding available for the procurement of 2 more cabins, bringing the total to 7 cabins.
3. Council accepts the updated proposal from the preferred tenderer for the supply, delivery, and installation of the 7 cabins, broken down as follows:
 - 4 x 3-bedroom homes at \$422,565 (inclusive of GST) per home.
 - 3 x 4-bedroom homes at \$554,180 (inclusive of GST) per home.
 - Total contract value: \$3,352,800 (inclusive of GST).
4. Council authorises the CEO to provide a new contract to reflect the updated scope and cost.

Moved: Cr Daryl Sexton
Seconded: Cr Hezron Murgha

5/5 CARRIED

7.8 LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND LTD'S ANNUAL CONFERENCE AND ANNUAL GENERAL MEETING**PURPOSE OF THE REPORT**

To advise Council of correspondence received in relation to the annual LGAQ conference and Annual General Meeting

CEO read to the report.

RESOLUTION 09:19/09/2024

That Council resolve to:-

1. Confirm attendance of all Councillors and CEO at the LGAQ annual conference.
2. Council nominates its two delegates for the AGM as the Mayor and CEO.
3. Authorise the CEO to complete the delegate voting form accordingly and return to LGAQ.
4. Council also notes the attendance of Councillor Murgha and the CEO at the Reef Guardian Councils executive meetings in Brisbane on 22 and 23 October 2024.

Moved: Cr Daryl Sexton

Seconded: Cr Michael Sands

5/5 CARRIED

12.35pm Meeting adjourned

1.40pm Meeting reconvened

Deputy Mayor Michael Sands not in attendance

1.41pm Director People and Communities entered the meeting

1.58pm Deputy Mayor Michael Sands entered the meeting

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

To provide Council an update on operational activities undertaken within the Department of People and Communities.

Director People and Communities read to the report.

RESOLUTION 10:19/09/2024

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

Moved: Cr Daryl Sexton

Seconded: Cr Amy Neal

5/5 CARRIED

2.10pm Director People and Communities left the meeting

2.12pm Director Infrastructure entered the meeting

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

To report to Council the status/activities of Infrastructure Department areas for the month of August 2024 up to 08 September 2024.

Director Infrastructure read to the report.

RESOLUTION 11:19/09/2024

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

Moved: Cr Michael Sands

Seconded: Cr Brian Underwood

5/5 CARRIED

2.48pm Director Infrastructure left the meeting

2.50pm Meeting adjourned

3.16pm Meeting reconvened

3.17pm Director Building Services entered the meeting

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

To report to Council the status/activities of Building Services areas for the months of August - September 2024

Director Building Services read to the report.

RESOLUTION 12:19/09/2024

That Council resolve to accept the report of the Director - Building Services, tabled as read.

Moved: Cr Michael Sands

Seconded: Cr Hezron Murgha

5/5 CARRIED

4.05 pm Director Building Services left the meeting

7.12 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM: ISAIAH SCHRIEBER**PURPOSE OF THE REPORT**

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

CEO read to the report. CEO further recommended that resolution is moved and seconded by the signing Councillors.

RESOLUTION 13:19/09/2024

That Council resolve to endorse the recommendation provided by the CEO to accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Isaiah SCHRIEBER

Moved: Cr Michael Sands

Seconded: Cr Brian Underwood

5/5 CARRIED

**7.13 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
COSETTE MURGHA****PURPOSE OF THE REPORT**

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

CEO reminded Council that Cr Murgha had declared a conflict of interest with regards to this matter and as the application had already been signed by other Councillors, Council had agreed that Cr Murgha could remain in Chambers but would refrain from voting.

CEO read to the report. CEO further recommended that resolution is moved and seconded by the signing Councillors.

RESOLUTION 14:19/09/2024

That Council resolve to endorse the recommendation provided by the CEO to accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Cosette MURGHA

Moved: Cr Daryl Sexton

Seconded: Cr Michael Sands

4/4 CARRIED

**7.14 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
KIESHON HUNTER-FLANDERS****PURPOSE OF THE REPORT**

Present information to council from community resident seeking Confirmation of Aboriginality endorsement consideration. Applicant – Kieshon HUNTER-FLANDERS.

CEO read to the report. CEO further recommended that resolution is moved and seconded by the signing Councillors.

RESOLUTION 15:19/09/2024

That Council resolve to endorse the recommendation provided by the CEO to accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Kieshon HUNTER-FLANDERS

Moved: Cr Michael Sands

Seconded: Cr Brian Underwood

5/5 CARRIED

**7.15 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
JANALI JOHNSTON****PURPOSE OF THE REPORT**

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

CEO read to the report. CEO further recommended that resolution is moved and seconded by the signing Councillors.

RESOLUTION 16:19/09/2024

That Council resolve to endorse the recommendation provided by the CEO to accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Janali JOHNSTON

Moved: Cr Daryl Sexton

Seconded: Cr Michael Sands

5/5 CARRIED

**7.16 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
MURIEL BOND****PURPOSE OF THE REPORT**

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

CEO read to the report. CEO further recommended that resolution is moved and seconded by the signing Councillors.

RESOLUTION 17:19/09/2024

That Council resolve to endorse the recommendation provided by the CEO to accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Muriel BOND

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

5/5 CARRIED

**7.17 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
BERNICE YEATMAN****PURPOSE OF THE REPORT**

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

CEO read to the report. CEO further recommended that resolution is moved and seconded by the signing Councillors.

RESOLUTION 18:19/09/2024

That Council resolve to endorse the recommendation provided by the CEO to accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Bernice YEATMAN

Moved: Cr Brian Underwood

Seconded: Cr Hezron Murgha

5/5 CARRIED**7.18 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
MALIHA HASTIE****PURPOSE OF THE REPORT**

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

CEO read to the report. CEO further recommended that resolution is moved and seconded by the signing Councillors.

RESOLUTION 19:19/09/2024

That Council resolve to endorse the recommendation provided by the CEO to accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Maliha HASTIE

Moved: Cr Michael Sands

Seconded: Cr Brian Underwood

5/5 CARRIED

**7.19 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION APPLICANT FORM:
NAYSHARN NOBLE****PURPOSE OF THE REPORT**

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

CEO read to the report. CEO further recommended that resolution is moved and seconded by the signing Councillors.

RESOLUTION 20:19/09/2024

That Council resolve to endorse the recommendation provided by the CEO to accept the application for confirmation of Aboriginality community affiliation as submitted by the following person:

- Naysharn NOBLE

Moved: Cr Michael Sands

Seconded: Cr Brian Underwood

5/5 CARRIED

At 4.09pm - As declared conflict of interest to item 8.1 at the beginning of the meeting, Councillor Brian Underwood and Councillor Hezron Murgha left the meeting

8 CORRESPONDENCE**8.1 CORRESPONDENCE - REQUEST FOR SPONSORSHIP - SURVIVAL DAY KNOCKOUTS
RECONCILIATION RUGBY LEAGUE CARNIVAL****PURPOSE OF THE REPORT**

To advise Council of correspondence received, requesting sponsorship for the Survival Day Knockouts Reconciliation Rugby League Carnival.

CEO read to the report.

RESOLUTION 21:19/09/2024

That Council:-

1. Note the correspondence tabled as read.
2. Authorise the CEO to make payment in accordance with the Community Grants Policy to the amount of \$1,000.

Moved: Cr Daryl Sexton

Seconded: Cr Amy Neal

3/3 CARRIED

At 4.14pm Councillor Brain Underwood and Councillor Hezron Murgha returned to the meeting, and were informed of the outcome.

8.2 CORRESPONDENCE - GOVERNMENT HOUSE QUEENSLAND

PURPOSE OF THE REPORT

Tabling of correspondence from Government House Queensland, dated 27 August 2024.

CEO read to the report.

RESOLUTION 22:19/09/2024

That Council note the correspondence tabled, as read.

Moved: Cr Daryl Sexton

Seconded: Cr Amy Neal

5/5 CARRIED

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 16 October 2024.

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

Meeting closed at 4.16 pm.

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MAYOR