



**MINUTES OF YARRABAH ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE YARRABAH ABORIGINAL SHIRE COUNCIL CHAMBERS
ON WEDNESDAY, 19 AUGUST 2020 AT 9:00AM**

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

IN ATTENDANCE: Leon Yeatman (CEO), Jemma Lichtenfeld (Director Corporate Services), Shanara Andrews

1 MEETING OPEN

Mayor Andrews declared the meeting open at 9:23 am.

The councillors and staff members present were welcomed to the meeting. Mayor acknowledged the traditional owners, on whose land we meet, community elders past, present and emerging.

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

2 WELCOME TO COUNTRY

3 APOLOGIES

Nil

4 CONFIRMATION OF PREVIOUS MINUTES

RESOLUTION 01: 19/08/2020

That the minutes of the Ordinary Council Meeting held on 15 July 2020 and the Special Council Meeting held on 30 July 2020 be adopted.

Moved: Cr David Baird

Seconded: Cr Brian Underwood

CARRIED

The meeting was adjourned at 10:20 am.
The Meeting was reconvened at 11:17 am.

5 BUSINESS ARISING FROM PREVIOUS MINUTES

Noisy parties, motorbike safety and animals. Councillors raised concern about the level of noise being amplified music and the social impacts this is having on community. COVID stimulus funding into community has seen an increase in the stereo's and parties – there are numerous parties in community and the lack of a venue in community is seeing events being held in yards and the overflow is permeating into the rest of community.

Road safety is being compromised by motor bikes and quads being ridden by youth who are not observing road rules nor concerned about personal safety (helmet, speeding, multi-passenger etc.). Councillors are concerned that there will be a serious incident and this will be too late. Motor bikes are also responsible for loud noise and riders are seen speeding through public areas and destroying grass areas.

Animals remain an issue. Dogs and Horses still pose a risk to personal safety.

Mayor requested an update on the funding for Animal Management programs – particularly Animal Management funding secured via Tropical Public Health Unit. CEO advised that funding secured for Animal Management program incorporating service from AMRIC. The program includes a number of vets and support staff who visit community and perform a treatment and medical procedures for pets and animals. Note the program was schedule to roll out prior to COVID pandemic.

Community requires key message about personal safety, risks and harm. Communication with police note a number of key gaps. The main issue is the safety of riders and to person. Councillors asked why on Palm Island, vehicles after a number of offences get confiscated and crushed. CEO to liaise with OIC to refocus attention to resetting the protocols for community.

6 DISCLOSURE OF INTEREST – COUNCIL / REGISTER UPDATES

The Mayor reminded the councillors of the need to declare their conflicts of interest as required for items in the meeting.

7 MATTERS FOR DISCUSSION**7.1 CEO OPERATIONAL REPORT JULY 2020**

Report presented by Chief Executive Officer and covered operational performance between July 15th July and 18th August 2020.

A list of action items from previous meeting embedded into the report for council information.

Report tabled as read.

RESOLUTION 02: 19/08/2020

That Council resolve to endorse the CEO Report for the period to 18th August 2020.

Moved: Cr Kenneth Jackson

Seconded: Cr Lucrecia Willett

CARRIED

At 11:40 am CEO left the Meeting

At 11:47 am, Cr Lucrecia Willett left the meeting.

At 11:48 am, Cr Lucrecia Willett returned to the meeting

At 11:48 am, Cr David Baird left the meeting.

At 11:51 am CEO returned to the meeting

At 11:51 am, Cr David Baird returned to the meeting.

At 12:05 pm, Cr Ross Andrews left the meeting.

At 12:06 pm, Cr Ross Andrews returned to the meeting.

7.2 YASC MONTHLY FINANCIAL REPORT

Report presented to the council by the Director of Corporate Services. This report covers the financial period 31 July 2020.

The information provided in this report reflects the financial accounts and statements for the month end.

Grant report included covering active grants.

RESOLUTION 03: 19/08/2020

That Council resolve to accept the Finance Report July 2020. The report incorporated regulation Financial Statements and Grant Report.

Moved: Cr Brian Underwood

Seconded: Cr Kenneth Jackson

CARRIED

7.3 YASC PROCUREMENT POLICY - VERSION #9.

Report submitted by the Director of Corporate Services for council consideration and endorsement - new version of the Procurement Policy.

Edits made to the procurement policy. Item 27 – schedule 1, Holders of Corporate Purchasing Cards. The proposed changes contained in this report was noted as part of discussions which took place in the budget meeting. The actions seek to improve business efficiency and promote trust in the executive directors of council. Associated risks will be managed in line with council finance, operational and corporate policies.

RESOLUTION 04: 19/08/2020

That Council resolve to adopt YASC Procurement Policy Version #9.

Moved: Cr David Baird

Seconded: Cr Brian Underwood

CARRIED

At 12:34 pm, Cr David Baird left the meeting.

7.4 LGAQ ADDITIONAL SUPPORT FOR MEMBERS.

Report presented to the council covering the action to pay invoice for LGAQ.

Annual subscription and membership fee. Note the fee has increased due to YASC pursuing savings for insurance - LGS

Invoice received from the local government association for service and subscriptions. Total amount - \$51,370.50 (include GST) to LGAQ for the following:

- Annual membership subscription – 01 July 2020 to 30 June 2021
- LGAQ services (including LG Online) – 01 July 2020 to 30 June 2021
- Conference levy - – 01 July 2020 to 30 June 2021
- Qld water directorate membership - – 01 July 2020 to 30 June 2021

RESOLUTION 05: 19/08/2020

That Council resolve to accept 2020-21 Local Government Association of Queensland membership fee covering:

- Annual membership subscription – 01 July 2020 to 30 June 2021
- LGAQ Services (including LG Online) – 01 July 2020 to 30 June 2021
- Conference levy - – 01 July 2020 to 30 June 2021
- Qld water directorate membership - – 01 July 2020 to 30 June 2021

Moved: Cr Kenneth Jackson

Seconded: Cr Lucrecia Willett

CARRIED

At 12:37 pm, Cr David Baird returned to the meeting.

7.5 TENDER AWARD - YASC 2020-002 PROVISION OF OCCASIONAL PLANT & QUARRY MATERIALS 2020-2022.

Report presented to council and contained a summary of the results of the evaluation of the request for tender (RFT) for the establishment of YASC 2020-002 provision of Occasional Plant & Quarry Materials 2020-2022).

As per Local Government Regulations 2012 and council's procurement policy, council put out a tender for the establishment of a panel of YASC 2020-002 provision of occasional plant & quarry materials 2020-2022. Tender was advertised in cairns post 23rd may 2020 and posted in LG Tenderbox. Tenders closed 5pm on 15th June 2020.

Council undertook a RFT process to select appropriate suppliers for the provision of professional services

RESOLUTION 06: 19/08/2020

That Council resolve to accept the list of suppliers for YASC 2020-002 Provision of Occasional Plant & Quarry Materials 2020-2022. Companies accepted are as follows:

- PSA Plant & Machinery
- Allens Excavation and Truck Hire
- Brooks Hire Services Pty Ltd
- BUGEJA Earthmoving
- Eclipse Civil
- Froggy's Dry Hire
- Global Foliage Managers
- Hastings Deering Australia
- Heaths excavations
- Kingsley Earthmoving Contractors
- Marinos Excavation
- MPDT
- NQ Civil Services
- Sharpe Bros (Aust) Pty Ltd
- Sherrin Rentals

Moved: Cr Kenneth Jackson

Seconded: Cr Brian Underwood

CARRIED

7.6 DJENGLI RESIDENTIAL SUBDIVISION. STAGE 6B & 7.

Report presented to the council. Project information (linked to planned works) for consideration and approval.

Proposed development, construction of 5 new residential allotments in Djenghi residential subdivision. Works include site clearing, bulk earthworks, sewer, water and stormwater connections. Approval sought to commence operational works.

Construction site address: 44 Back Beach road, Djenghi Yarrabah.

Funding provided for development of 5 lots in stage 6b & 7a Djenghi estate, up-grade link infrastructure at Balamba & undertake consultation & negotiation activities with key community stakeholders.

RESOLUTION 07: 19/08/2020

That Council resolve to approve scope of work for the construction of 5 houses at Djenghi, Stage 6B & 7 Civil Operational Works

Moved: Cr David Baird

Seconded: Cr Lucrecia Willett

CARRIED

7.7 ERGON ENERGY AUTHORITY TO RELEASE FORM.

Report presented to council relating to the Yarrabah Micro-grid project. CEO advised the council of a request from the recent briefing seeking council approval to access for the project officers to source YASC electrical account information.

To authorise a third party (the Micro-grid Project) to obtain information relating to council's electricity accounts (Ergon Energy – authority to release information form).

The project team will obtain the information on all separate electricity account numbers, and this information will be provided either on the one ergon energy – authority to release information form, or as an attachment.

Project identified as council approved activity.

RESOLUTION 08: 19/08/2020

That Council resolve to allow the Micro Grid Project Team to obtain information from ERGON for all separate electricity account numbers, for both metered and unmetered accounts. This authorisation is provided by signing the Ergon Energy – Authority to Release Information Form. Council Authorised CEO to sign.

Moved: Cr Brian Underwood

Seconded: Cr Lucrecia Willett

CARRIED

7.8 REEF GUARDIAN COUNCIL PROGRAM

Note that a presentation was proposed as part of the engagement on the matter. Current restrictions limited opportunity. Scope exists to revisit a presentation at a later date

RESOLUTION 09: 19/08/2020

That Council resolve support recommendation from the CEO to join the Reef Guardian Council Program.

That Council endorses the Memorandum of Understanding with the Great Barrier Reef Marine Park Authority.

That Council invites a representative from the Authority to give a presentation about the program and its implementation.

CEO authorised to signed the Memorandum of Understanding on behalf of council.

Moved: Cr David Baird

Seconded: Cr Brian Underwood

CARRIED

7.9 LOCAL GOVERNMENT REQUEST SPECIAL HOLIDAYS FOR 2021.

Report presented to the council for consideration and endorsement. The actions associated with the Holidays Act 1983, is an annual process whereby local governments are invited to request special holidays to be observed for 2021.

Council are presented with the calendar dates which historically align with key dates for Yarrabah.

RESOLUTION 10: 19/08/2020

That Council resolve to accept the proposed 2021 dates for Special (Bank) Holidays:

- Yarrabah Foundation Day – Thursday 17th June
- Yarrabah NAIDOC Day – Friday 09th July
- Cairns Show – Friday 16th July
- Yarrabah DOGIT Day – Tuesday 26th October

Moved: Cr Kenneth Jackson

Seconded: Cr Ross Andrews

CARRIED

7.10 DEED OF VARIATION - INDIGENOUS HOUSING AND HOMELESS PROGRAMS FOR THE DELIVERY OF SOCIAL HOUSING.

Report presented for council consideration. Council had previously secured funding from the state government for investment into social housing in Yarrabah. Under the deed of construction associated works included new dwellings. Included in the deed is a process for variation.

Council is committed to indigenous housing and homeless programs for delivery of social housing under the deed between state of Queensland and Yarrabah aboriginal shire council - ABN 30 977 526 871 ('council'). The deed covers the following schedule of works:

- 32 workshop road;
- 7 beach street;
- 19 smith street;
- 14a smith street
- 14b smith street
- 4 Dabah Close

Item identified as proposed works supported by the Technical Working Group process.

RESOLUTION 11: 19/08/2020

Council resolve to agree to the Deed of Construction and to the Deed of Variation, with two copies to be executed and witnessed by appropriate Council officials, and returned to the Department of Housing and Public Works to be executed by the Deputy Director-General.

Schedule of works assigned in the deeds:

- 32 Workshop Road;
- 7 Beach Street;
- 19 Smith Street;
- 14 Smith Street and
- 4 Dabah Close

Moved: Cr Brian Underwood

Seconded: Cr David Baird

CARRIED

7.11 ALCOHOL MANAGEMENT PLAN (AMP) - RESTRICTED AREA PERMIT.

Report provided by CEO on matter raised via the Yarrabah Local Disaster Management Group – Alcohol Management Plan sub group. Issue about alcohol supply surfaced – sly grog – during the period where community was in lock down and a solution presented was to address supply via the Restricted Area Permit process managed by Department of Justice and Attorney General.

For council consideration was an outstanding application by Dindarr bus service. The application was originally rejected by council – noting the issue rests with the local Community Justice Group. This decision was pre-COVID and circumstances supported a change. DJAG advised they require support for the application. A restricted area permit identified as the appropriate action to address the issue at hand. If approved, Dindarr bus service could assist community approved supply arrangement (increase the option for service to per passenger versus per vehicle).

First Wave restriction where sever and aligned to the Commonwealth Bio-security Act Determination. Yarrabah has since been aligned to Queensland Chief Health Officer Directives. There is still no short or long term fix and a decision will afford community residents who use the Dindarr bus opportunity to access approved alcohol (as per Yarrabah AMP).

Supporting the process as part of the Yarrabah Local Disaster Management Group. Community Justice Group remains the lead agent and our position will support their decision making framework.

Council's position cannot be seen or interpreted as supplanting any decision made by the Yarrabah CJG.

RESOLUTION 12: 19/08/2020

Council resolve to approve the application for Restricted Area Permit for Dindarr bus service.

The approval aligns with YLDMG endorsement – AMP supply issue experienced during COVID restrictions in Yarrabah. This aim is to ensure regulated supply of alcohol into Yarrabah whilst there is no approved business nor supply arrangement in community.

This approval relates only to Dindarr bus service and supports the special condition for this permit to apply to per ticketed adult on the bus (versus the per vehicle limit, applicable) in Yarrabah.

This approval is conditional to Yarrabah Community Justice Group approval for the same.

Moved: Cr Lucretia Willett

Seconded: Cr David Baird

CARRIED

At 1:10 pm, Cr Lucretia Willett left the meeting.

At 1:12 pm, Cr Lucretia Willett returned to the meeting.

The meeting was adjourned at 1:12pm.

The Meeting reconvened at 1.33pm

7.12 ANNUAL CHRISTMAS CLOSEDOWN.

Report presented to the council for their consideration and endorsement. Director Human Resource, Risk and Regulations reported that *'under the provisions of clause 19 of the Queensland Local Government Industry (streams a, b & c) Award – State 2017, where a local government seeks to impose a closure of the service, there is a legislative requirement to provide employees with 90 days' notice. The report also presents council with two options for closure period:*

Option 1. will require Stream A employees to apply for 6.5 days and Stream B & C employees to apply for 6 days annual leave.

Option 2. will require Stream A employees to apply for 3.5 days and Stream B & C employees to apply for 3 days annual leave.

Recommendation from Director is for option 1. on the basis that the Coronavirus pandemic has impacted the organisation, yet staff have remained focused and demonstrated commitment to the business of council. Council also asked to consider the 28 casual employees who may be affected during the proposed closure.

The report detailed - council may also wish to consider the payment to all employees for days declared as paid "council shutdown" days.

Council resolved for 1 x day "council shutdown" paid for the 2018 shutdown period.

Council resolved for 2 x days "council shutdown" paid for the 2019 shutdown period.

It is estimated for the 2020 period, if council resolves to provide for a paid "council shutdown" day, it will incur a wage cost of approximately \$18,000 per day.

The post office is required to remain open on all days not declared public holidays. One other day during this period will be determined by postal services to be closed. This date is yet to be determined. The director – corporate services will arrange for rostering of a staff member to cover this period.

A skeleton crew consisting of staff from Essential Services is maintained during the closedown period to check / maintain water quality and testing. Waste collection is rostered on for normal collection days. The Director – Works & Infrastructure will arrange rostering of necessary staff to cover this period.

RESOLUTION 13: 19/08/2020

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 Monday 21 December 2020 to Thursday 31 December 2020 with staff returning to work on Monday 4 January 2021.

Council further resolves to provide 2 paid "Council Shutdown" days to all employees during this period.

Staff required to work as part of required service delivery during this period will accumulate the 2 paid "Council Shutdown" days and will be required to take these days in the first quarter of 2021.

Moved: Cr Lucrecia Willett
Seconded: Cr Kenneth Jackson

CARRIED

**7.13 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM.
APPLICANT: [REDACTED]**

CEO supplied council with request from community residents who requires the confirmation for work purposes. Applicants identified as a community member and recommended approval on the basis that that family live in community and person identifies with Yarrabah.

RESOLUTION 14: 19/08/2020

That the following documents be executed under the Common Seal of the Council:

Council resolve to accept the application submitted by [REDACTED] for confirmation of aboriginality / community affiliation. Council acknowledges and supports the applicant and recognises this applicant as a community member.

Moved: Cr Brian Underwood
Seconded: Cr David Baird

CARRIED

**7.14 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM.
APPLICANT: [REDACTED]**

Council discussed the application seeking Confirmation of Aboriginality. Members around the table could not confirm the persons seeking confirmation as the information available was an email only. The content did make reference to local family names, however council are mindful of the need to have appropriate information at hand to make a decision.

CEO instructed to obtain photo identification and confirmation from families referred in the request ([REDACTED]). *Item deferred.*

RECOMMENDATION

That the following documents be executed under the Common Seal of the Council:

Council resolve to accept the application for confirmation of aboriginality / community affiliation as requested by the following persons who Council acknowledge and support as a recognised community member.

[REDACTED]

**7.15 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM.
APPLICANT: [REDACTED]**

Actions linked to this request is contained in comments for item 7.14.

RECOMMENDATION

That the following documents be executed under the Common Seal of the Council:

Council resolve to accept the application for confirmation of aboriginality / community affiliation as requested by the following persons who Council acknowledge and support as a recognised community member.

[REDACTED]

**7.16 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM.
APPLICANT: [REDACTED]**

Actions linked to this request is contained in comments for item 7.14.

RECOMMENDATION

That the following documents be executed under the Common Seal of the Council:

Council resolve to accept the application for confirmation of aboriginality / community affiliation as requested by the following persons who Council acknowledge and support as a recognised community member.

[REDACTED]

**7.17 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM.
APPLICANT: [REDACTED]**

Actions linked to this request is contained in comments for item 7.14.

RECOMMENDATION

That the following documents be executed under the Common Seal of the Council:

Council resolve to accept the application for confirmation of aboriginality / community affiliation as requested by the following persons who Council acknowledge and support as a recognised community member.

[REDACTED]

**7.18 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM.
APPLICANT: [REDACTED]**

Actions linked to this request is contained in comments for item 7.14.

RECOMMENDATION

That the following documents be executed under the Common Seal of the Council:

Council resolve to accept the application for confirmation of aboriginality / community affiliation as requested by the following persons who Council acknowledge and support as a recognised community member.

[REDACTED]

**7.19 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM.
APPLICANT: [REDACTED]**

Actions linked to this request is contained in comments for item 7.14.

RECOMMENDATION

That the following documents be executed under the Common Seal of the Council:

Council resolve to accept the application for confirmation of aboriginality / community affiliation as requested by the following persons who Council acknowledge and support as a recognised community member.

[REDACTED]

**7.20 CONFIRMATION OF ABORIGINALITY / COMMUNITY AFFILIATION FORM.
APPLICANT: [REDACTED]**

CEO supplied council with request from community residents who are local claimants in the Stolen Wages case. Applicants approved and endorsed as affiliated residents in Yarrabah.

RESOLUTION 15:19/08/2020

That Council resolve to accept [REDACTED] confirming their identity as local residents– [REDACTED] verification for Aboriginal and Torres Strait Islander people that are registered claimants under the stolen wages settlement distribution scheme.

Moved: Cr Kenneth Jackson
Seconded: Cr Brian Underwood

CARRIED

7.21 DIRECTOR COMMUNITY SERVICES - MONTHLY OPERATIONAL REPORT.

Report tabled. Council acknowledge the activities performed during the period in line with YASC operational plan.

RESOLUTION 16:19/08/2020

That Council resolve to accept the report provided by Director Community Service's Report on the monthly operational performance of the department. Item tabled as read.

Moved: Cr Kenneth Jackson
Seconded: Cr Brian Underwood

CARRIED

7.22 DIRECTOR WORKS AND INFRASTRUCTURE MONTHLY OPERATIONAL REPORT.

Report tabled. Council acknowledge the activities performed during the period in line with YASC operational plan.

RESOLUTION 17:19/08/2020

That Council resolve to accept the report provided by the Director Works and Infrastructure on the monthly operational performance of the department. Item tabled as read.

Moved: Cr Kenneth Jackson
Seconded: Cr David Baird

CARRIED

7.23 DIRECTOR HUMAN RESOURCES, RISK AND REGULATIONS MONTHLY OPERATIONAL REPORT.

Report tabled. Council acknowledge the activities performed during the period in line with YASC operational plan.

RESOLUTION 18:19/08/2020

That Council resolve to accept the report provided by the Director of Human Resources, Risk and Regulations on the monthly operational performance of the department. Item tabled as read.

Moved: Cr Brian Underwood
Seconded: Cr David Baird

CARRIED

7.24 DIRECTOR POLICIES & GOVERNANCE MONTHLY OPERATIONAL REPORT

Report tabled. Council acknowledge the activities performed during the period in line with YASC operational plan.

RESOLUTION 19:19/08/2020

That Council resolve to accept the report provided by the Director of Governance on the monthly operational performance of the department. Item tabled as read.

Moved: Cr Lucrecia Willett

Seconded: Cr Brian Underwood

CARRIED**8 CORRESPONDENCE**

Nil

9 STRATEGIC PORTFOLIO UPDATE

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

10 CONFIDENTIAL MATTERS

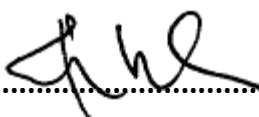
Nil

11 CLOSE OF MEETING

Date for the next Council Ordinary Meeting is Wednesday 16 September 2020.

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

Meeting closed at 2.20 pm.



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MAYOR