

**MINUTES OF MORNINGTON SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, MISSION ROAD, GUNUNA  
ON WEDNESDAY, 18 NOVEMBER 2020 AT 9:00AM**

**1 OPENING OF MEETING**

The meeting was opened by Mayor K Yanner at 9.07am.

**2 ACKNOWLEDGEMENT OF COUNTRY**

Mayor K Yanner acknowledged the traditional custodians of the land on which the meeting took place.

**3 PRESENT**

Mayor Kyle Yanner, Deputy Mayor Dwayne Rogers, Councillor Roxanne Thomas, Councillor David Barnes, Councillor Robert Thompson

Peter Stewart (Acting Chief Executive Officer), David Sechtig (Executive Manager Infrastructure and Technical Services), Owen Jensen (Acting Executive Manager, Finance and Human Services), Darren Foster (Acting Executive Manager, Governance and Communications), Fiona Robertson (Acting Finance and Administration Manager), Deb Woolfenden (Minute Taker)

**4 APOLOGIES**

Nil.

**5 DISCLOSURE OF INTEREST – COUNCILLORS AND STAFF**

**5.1 Prescribed Conflicts of Interest**

Pursuant to section 150EL of the Local Government Act 2009, the following declarations were raised:

Mayor K Yanner and Councillor R Thomas informed the meeting of a Prescribed Conflict of Interest for item 16.4 as the item relates to GRAC and they are currently Directors on the Board of GRAC.

Councillor R Thomas informed the meeting of a Prescribed Conflict of Interest for item 14.6 as the item relates to Mirndiyan Gununa Aboriginal Corporation in which she is an employee and a Director.

At 9.13am Deputy Mayor D Rogers left meeting.

At 9.17am Deputy Mayor D Rogers returned to the meeting.

**6 CONDOLENCES AND MEMORIALS**

A minute silence was undertaken for the late Mr Cecil Goodman.

**7 CONFIRMATION OF MINUTES**

*Resolution 20-11/01*

That the minutes of the Ordinary Meeting held on 21 October 2020 and the Special Meeting held on 11 November 2020 be confirmed.

Moved: Deputy Mayor D Rogers  
Seconded: Mayor K Yanner  
Carried: 5/0

At 9.28am Councillor B Thompson left the meeting

Mr Tom Atu – Adviser and Ms Tessa Keane – Senior Adviser of Mount Isa, Lower Gulf and Surrounds, North Queensland Region, Eastern Division of National Indigenous Australian Agency (NIAA) entered the meeting at 9.28am.

Tom and Tessa discussed the current investment under the NIAA's Advancement Strategy delivered in Mornington Island with Council.

At 9.29am Councillor B Thompson returned to the meeting

At 9.32am Councillor B Thompson left the meeting

At 9.32am Mayor K Yanner left the meeting. Deputy Mayor D Rogers assumed the Chair

At 9.33am Councillor B Thompson returned to the meeting

At 9.34am Mayor K Yanner returned to the meeting . Mayor K Yanner reassumed the Chair

At 9.39am Councillor B Thompson left the meeting

At 9.41am Councillor B Thompson returned to the meeting

At 9.57am Deb Woolfenden left the meeting

At 9.59am Deb Woolfenden returned to the meeting

At 10.01am Mayor K Yanner left the meeting. Deputy Mayor D Rogers assumed the Chair

At 10.05am Mayor K Yanner returned to the meeting and reassumed the Chair

At 10.08am Peter Stewart left the meeting

At 10.10am Peter Stewart returned to the meeting

At 10.11am Deb Woolfenden left the meeting

At 10.13am Deb Woolfenden returned to the meeting

At 10.25am Councillor R Thomas left the meeting

At 10.28am Councillor R Thomas returned to the meeting

At 10.37am Darren Foster left the meeting

At 10.39am Darren Foster returned to the meeting

Mr Tom Atu and Ms Tessa Keane left the meeting at 10.53am

The meeting was adjourned at 10.54am

The meeting resumed at 11.16am, with Mayor, all Councillors and all Officers present with the exception of Councillor B Thompson and Darren Foster

At 11.24am Darren Foster returned to the meeting

**8 BUSINESS ARISING****9 ACTION SCHEDULE****9.1 ACTION SCHEDULE**

*Resolution 20-11/02*

1. That Council note and receive the Mornington Shire Action Schedule as tabled; and
2. That Council endorse the removal of all completed items from the schedule as tabled.

Moved: Deputy Mayor D Rogers  
Seconded: Councillor D Barnes  
Carried: 4/0

**10 CALL FOR ITEMS OF GENERAL BUSINESS**

Nil.

**RECEPTION & CONSIDERATION OF COMMITTEE REPORTS****11 COMMITTEE REPORTS**

Nil.

**RECEPTION & CONSIDERATION OF OFFICERS REPORTS****12 MAYOR AND COUNCILLORS REPORTS****12.1 YOUTH PROGRAMS TO SUPPORT RESTORATIVE JUSTICE FOR YOUTH OFFENDERS**

*Resolution 20-11/03*

That the Deputy Mayor be authorised to further investigate and undertake possible site visits of service deliverers of youth restorative justice programs both on island and in nearby communities and report back to a future meeting of Council.

Moved: Councillor R Thomas  
Seconded: Councillor D Barnes  
Carried: 4/0

**12.2 WILSEED RANGER INVITATION**

*Resolution 20-11/04*

That Council invite the Head Ranger – Mr Tommy Wilson to the next meeting of Council on 9 December 2020 to discuss an update on the Ranger's Program.

Moved: Councillor D Barnes  
Seconded: Mayor K Yanner  
Carried: 4/0

At 12.10pm Councillor B Thompson returned to the meeting

**13 CHIEF EXECUTIVE OFFICER'S REPORTS****13.1 ANIMAL MANAGEMENT - HORSES IN THE TOWNSHIP**

At 12.31pm Councillor R Thomas left the meeting

At 12.34pm Councillor R Thomas returned to the meeting

*Resolution 20-11/05*

That Council call a Community Meeting on Wednesday 25 November 2020 at 9.30am to be held at the Festival Grounds, to ascertain ownership of horses and discuss a program of removal of horses from the town area.

Moved: Councillor D Barnes  
Seconded: Deputy Mayor D Rogers  
Carried: 5/0

The meeting adjourned at 12.56pm

The meeting resumed at 1.11pm with Mayor, all Councillors and all Officers present

**13.2 COUNCILLOR PORTFOLIO POLICY**

*Resolution 20-11/06*

1. That Council adopt the Councillor Portfolio Policy.
2. That the allocation of portfolios be considered for adoption at the December Ordinary meeting.

Moved: Mayor K Yanner  
Seconded: Councillor R Thomas  
Carried: 5/0

At 1.35pm Councillor R Thomas left the meeting

At 1.39pm Councillor R Thomas returned to the meeting

**13.3 REVIEW OF COMMUNITY GRANTS POLICY**

*Resolution 20-11/07*

That Council endorse the Mornington Shire Council's Community Grants Policy for the operations and procedure of providing community grants with a further review of 30 June 2021.

Moved: Mayor K Yanner  
Seconded: Councillor B Thompson  
Carried: 5/0

At 1.44pm Councillor D Barnes left the meeting

At 1.45pm Councillor D Barnes returned to the meeting



**13.4 ACTING CHIEF EXECUTIVE OFFICER'S REPORT***Resolution 20-11/8*

That Council receives and note this report.

Moved: Mayor K Yanner  
Seconded: Deputy Mayor D Rogers  
Carried: 5/0

**13.5 FUNDING PROGRAMS REPORT***Resolution 20-11/9*

That Council notes and supports this report and the planned works.

Moved: Mayor K Yanner  
Seconded: Councillor B Thompson  
Carried: 5/0

**13.6 MORNINGTON ISLAND TECHNICAL WORKING GROUP MEETING***Resolution 20-11/10*

That Council

1. Notes and supports this report and the planned works.
2. Requests all State Department representatives attend the meeting in person for future TWG meetings due to the technical difficulties experienced.
3. Writes to the Department of Housing and Public Works to advise the need for the reinstatement of an on-island representative for Mornington Island.
4. Writes to the Department of Housing and Public Works asking for a response in relation to:
  - a. The survey detailing 32 vacant houses in the community – outlining the current status of vacant houses, how many and what is the timeframe for each to be available for occupation.
  - b. Requesting a review of how rent is charged that does not penalise people who open their homes to more people and as a result are living in extreme conditions. This is causing a skew in the reportable numbers of people residing in a home.
  - c. Requesting details of the departments plans to resolve the issue of the community not knowing who they can call for repairs to their home and emergencies.
  - d. Requesting that an audit is done on all houses on the island to identify structural, termite, asbestos, health issues and that the tenants are requested to provide a list of issues they may be experiencing to inform the audit.
  - e. Requesting that rectification works are planned to bring all houses on the island up to an acceptable level.

- f. Requesting that all works undertaken on houses on the island takes into consideration the age and ability of the tenant as well as NDIS recommendations from the Hospital.
- 5. Include the school pool project for possible future funding opportunities where Council could advocate for the project.

Moved: Deputy Mayor D Rogers  
Seconded: Councillor B Thompson  
Carried: 5/0

### 13.7 SPECIAL PROJECTS REPORT

#### *Resolution 20-11/11*

That Council notes and supports this report and the planned works.

Moved: Deputy Mayor D Rogers  
Seconded: Mayor K Yanner  
Carried: 5/0

## 14 STAFF REPORTS - FINANCIAL SERVICES

### 14.1 FINANCIAL REPORT AS AT 31ST OCTOBER 2020

#### *Resolution 20-11/12*

That Council receives and notes the information in this report.

Moved: Councillor D Barnes  
Seconded: Mayor K Yanner  
Carried: 5/0

### 14.2 QUARTERLY BUDGET REVIEW TO 30 SEPTEMBER 2020

#### *Resolution 20-11/13*

That Council approves the 1st quarter budget adjustments reflected in the associated table attached to the report resulting in a revised net result of \$8,839,474, and an operating capabilities before capital grant's and contributions of a deficit of (\$1,086,106).

Moved: Deputy Mayor D Rogers  
Seconded: Councillor B Thompson  
Carried: 5/0

At 2.25pm Deputy Mayor D Rogers left the meeting  
At 2.26pm Deputy Mayor D Rogers returned to the meeting

At 2.26pm Councillor R Thomas left the meeting

At 2.32pm Mayor K Yanner left the meeting. Deputy Mayor D Rogers assumed the Chair.  
At 2.36pm Mayor K Yanner returned to the meeting and reassumed the Chair.

At 2.38pm Councillor R Thomas returned to the meeting

#### **14.3 MORNINGTON SHIRE COUNCIL - 2020 FINAL AUDIT MANAGEMENT REPORT**

*Resolution 20-11/14*

That Council receive and note the 2020 Final Audit Management Report.

Moved: Councillor B Thompson  
Seconded: Councillor D Barnes  
Carried: 5/0

#### **14.4 DISASTER RECOVERY FUNDING ARRANGEMENTS - KOPPENS DEVELOPMENTS PTY LTD - 2019 EVENT CLAIM NUMBER 7 FOR APPROVAL**

*Resolution 20-11/15*

That Council approves the DRFA progress claim number 7 from Koppens Developments Pty Ltd for the sum of \$526,450.62 GST exclusive as tabled.

Moved: Mayor K Yanner  
Seconded: Councillor B Thompson  
Carried: 5/0

#### **14.5 CREDIT CARD POLICY**

*Resolution 20-11/16*

That Council adopt the draft Credit Card Policy as its Credit Card Policy including amendments inclusion of Group Manager, Infrastructure and Warehouse Manager and also the removal of Human Resources Manager and Housing Manager as outlined in the amended tabled, appended to the minutes.

Moved: Councillor B Thompson  
Seconded: Mayor K Yanner  
Carried: 5/0

At 2.57pm Councillor D Barnes left the meeting

At 2.58pm Councillor D Barnes returned to the meeting

#### **14.6 GENERAL SERVICE CHARGE CONCESSION REQUESTS**

Councillor R Thomas declared a Prescribed Conflict Of Interest in item 14.6 General Service Charge Concession Requests being an employee and Director of an applicant for concession. Councillor R Thomas left the meeting at 2.57pm and did not participate in this item.

*Resolution 20-11/17*

That Council resolve to undertake the following:

1. Approve under financial hardship the request applications for general service charge concessions of Mirndiyan Gununa Aboriginal Corporation in the sum of \$36, 720 and Junkuri Laka Justice in the sum of \$18,360;
2. Approve under financial hardship the request for general service charge concessions of Australia Post agent a part concession in the sum of \$3,000 and;
3. Not approve the request for general service charge concession by Mission Australia.

Moved: Mayor K Yanner  
Seconded: Councillor D Barnes  
Carried: 4/0

At 3.02pm Councillor R Thomas returned to the meeting  
At 3.03pm Deputy Mayor D Rogers left the meeting

**15 STAFF REPORTS - GOVERNANCE AND COMMUNICATIONS****15.1 GOVERNANCE AND COMMUNICATIONS NOVEMBER 2020 MONTHLY REPORT***Resolution 20-11/18*

That Council note and receive the Acting Executive Manager Governance and Communications November 2020 report.

Moved: Mayor K Yanner  
Seconded: Councillor B Thompson  
Carried: 4/0

At 3.07pm Deputy Mayor D Rogers returned to the meeting

**16 STAFF REPORTS - INFRASTRUCTURE & TECHNICAL SERVICES****16.1 HOUSING REPORT***Resolution 20-11/19*

That Council review and note this report.

Moved: Mayor K Yanner  
Seconded: Councillor R Thomas  
Carried: 5/0

**16.2 EXECUTIVE MANAGER INFRASTRUCTURE AND TECHNICAL SERVICES REPORT***Resolution 20-11/20*

That the Council note and receive the Infrastructure and Technical Services Department's report for the November 2020 Council meeting.

Moved: Councillor B Thompson  
Seconded: Mayor K Yanner  
Carried: 5/0

### 16.3 DISPOSAL OF MACHINERY - SURPLUS TO COUNCIL

*Resolution 20-11/21*

1. That Council accept the staff request of additional time to enact resolution 20-10/16 to allow a further review of plant identified for disposal.
2. Upon determining the revised equipment disposal list, Council seek advice from an appropriately qualified person for indicative market values of the equipment.

Moved: Mayor K Yanner  
Seconded: Councillor B Thompson  
Carried: 5/0

Mayor K Yanner adjourned the meeting at 3.13pm.  
Meeting re-opened at 4.03pm with all being present excluding Councillor B Thompson and D. Sechtig.

Upon the re-opening of the meeting and consideration of the next item would see Council fail to have a quorum without the presence of Councillor B Thompson, the order of business was changed to commence at item 17.1.

At 4.10pm David Sechtig returned to the meeting

## 17 STAFF REPORTS - HUMAN SERVICES

### 17.1 ACTING EXECUTIVE MANAGER FINANCE AND HUMAN SERVICES

*Resolution 20-11/22*

That Council receives and notes the information in this report.

Moved: Mayor K Yanner  
Seconded: Councillor R Thomas  
Carried: 4/0

### 17.2 MORNINGTON ISLAND NEWSLETTER PUBLICATION

*Resolution 20-11/23*

That Council receives and notes the information in this report.

Moved: Mayor K Yanner  
Seconded: Councillor D Barnes  
Carried: 4/0

At 4.15pm Councillor B Thompson returned to the meeting



**17.3 GUNUNA TOWNSHIP COMMUNITY BUS SERVICE***Resolution 20-11/24*

That Council receives and notes the information in this report.

Moved: Mayor K Yanner  
Seconded: Councillor R Thomas  
Carried: 5/0

**17.4 DONATION & SUPPLY TELEVISIONS - KUBA NATHA AGED PERSONS HOSTEL***Resolution 20-11/25*

That Council receives and notes the information in this report and Council supplies the remaining room with a television.

Moved: Councillor B Thompson  
Seconded: Mayor K Yanner  
Carried: 5/0

**17.5 WORKPLACE HEALTH AND SAFETY RISK AUDIT AND COMPLIANCE REPORT - OCTOBER 2020***Resolution 20-11/26*

That Council receives and notes the information in this report.

Moved: Deputy Mayor D Rogers  
Seconded: Mayor K Yanner  
Carried: 5/0

The change to the order of business to consider 16.4 – Ceremonial Grounds Structure was now brought back to the table for consideration.

**16.4 CEREMONIAL GROUNDS STRUCTURE**

Mayor K Yanner and Councillor R Thomas declared a Prescribed Conflict Of Interest in item 16.4 Ceremonial Grounds Structure as they are both Directors of GRAC. Mayor K Yanner and Councillor R Thomas left the meeting at 4.24pm and did not participate in this item.

In the absence of the Mayor, the Deputy Mayor assumed the Chair.

*Resolution 20-11/27*

That Council does not support the allocation of funding (\$34,163.00 inc. GST) for construction of the ceremonial shade structure, however Council will support consulting Junkuri Laka and other possible funding opportunities as they become available.

Moved: Councillor D Barnes  
Seconded: Councillor B Thompson  
Carried: 3/0

At 5.00pm Mayor K Yanner and Councillor R Thomas returned to the meeting.  
Mayor K Yanner re-assumed the Chair.

## 18 GENERAL BUSINESS

### *Resolution 20-11/28*

That Council reconfirms with Transport and Main Roads Department that it has an interest in the Principal Cycle Networks program.

Moved: Councillor R Thomas  
Seconded: Deputy Mayor D Rogers  
Carried: 5/0

## 19 CONFIDENTIAL REPORTS

### *Resolution 20/11/29*

That Council move into closed session

Moved: Councillor B Thompson  
Seconded: Deputy Mayor D Rogers  
Carried: 5/0

Council moved into closed session at 4.50pm.

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 254J (3) of the Local Government Regulation 2012:

### **19.1 Procurement of a suitable second-hand Prime Mover for the purpose of heavy freight and plant transfer works**

This matter is considered to be confidential under Section 254(J)(3)(g) of the Local Government Regulation 2012, which provides for a local Government to resolve that a meeting be closed to the public if its Councillor's consider it necessary to discuss - (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

### **19.2 Replacement of the Council's Construction Class Grader**

This matter is considered to be confidential under Section 254(J)(3)(g) of the Local Government Regulation 2012, which provides for a local Government to resolve that a meeting be closed to the public if its Councillor's consider it necessary to discuss - (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

### **19.3 Gulf Lynx Dynamic Pty Ltd - Trading as Carpentaria Electrical**

This matter is considered to be confidential under Section 254(J)(3)(g) of the Local Government Regulation 2012, which provides for a local Government to resolve that a meeting be closed to the public if its Councillor's consider it necessary to discuss - (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

That Council moves out of Closed Council into Open Council.

*Resolution 20-11/30*

Moved: Councillor D Barnes  
Seconded: Councillor Thompson  
Carried: 5/0

Council moved out of closed session at 5.18pm.

**19.1 PROCUREMENT OF A SUITABLE SECOND-HAND PRIME MOVER FOR THE PURPOSE OF HEAVY FREIGHT AND PLANT TRANSFER WORKS**

*Resolution 20-11/31*

1. That the Acting Chief Executive Officer be authorised to undertake preliminary Investigations into the purchase of a prime mover within the limits of the Executive Manager-Infrastructure and Technical Services Report.
2. That upon due diligence being undertaken and Council being in a position to review the Infrastructure and Technical Services 2020-2021 Budget, a further report be provided to Council to undertake necessary budget revisions to effect the purchase of a prime mover.
3. That conditional on recommendation 1 and the ability to identify budget reallocations outlined in recommendation 2, Council authorise the Acting Chief Executive Officer - by Resolution, and delegation in reference to the Local Government Regulation 2012 Section 235 (a,e) - Contracting and Section 238 - Entering into a contract under a delegation, to undertake negotiations and the procurement of a second-hand Prime Mover.
4. That the report and attachments be deemed a confidential document and be treated as such in accordance with Local Government Regulation 2012, under Section 254J(3)(g) and that the document remain confidential unless Council decides otherwise by resolution.

Moved: Councillor B Thompson  
Seconded: Deputy Mayor D Rogers  
Carried 5/0

**19.2 REPLACEMENT OF THE COUNCIL'S CONSTRUCTION CLASS GRADER**

*Resolution 20-11/32*

1. That the Acting Chief Executive Officer be authorised to undertake preliminary investigations into the purchase of a grader within the limits of the Executive Manager-Infrastructure and Technical Services Report.
2. That upon due diligence being undertaken and Council being in a position to review the Infrastructure and Technical Services 2020-2021 Budget, a further report be provided to Council to undertake necessary budget revisions to effect the purchase of a grader.
3. That conditional on recommendation 1 and the ability to identify budget reallocations outlined in recommendation 2, Council authorise the Acting Chief Executive Officer - by Resolution, and delegation in reference to the Local Government Regulation 2012 Section 235 (a,e) - Contracting and Section 238 - Entering into a contract under a delegation, to undertake negotiations and the procurement of a second-hand Grader.

4. That the report and attachments be deemed a confidential document and be treated as such in accordance with Local Government Regulation 2012, under Section 254J(3)(g) and that the document remain confidential unless Council decides otherwise by resolution.

Moved: Mayor K Yanner  
Seconded: Councillor B Thompson  
Carried: 5/0

### 19.3 GULF LYNX DYNAMIC PTY LTD - TRADING AS CARPENTARIA ELECTRICAL

#### *Resolution 20-11/33*

1. That Council resolves to support Gulf Lynx Dynamic Pty Ltd T/A Carpentaria Electrical by continuing to utilise this service where it suits the organisation's needs, and that by continuing that operational support based on the Council's needs, helps the business fulfil its commitments to Council under its leasing agreements.
2. That Council utilises its current Vendor Panel Agreement as a method of engagement for its local contractors and suppliers.
3. In relation to Recommendation 2 above, Council note registration to this service is free to any of Council's contractors and suppliers (as part of Council's Vendor Panel subscription) and fulfills all pre-qualifying requirements under Council's procurement policies.
4. That the report and attachments be deemed a confidential document and be treated as such in accordance with Local Government Regulation 2012, under Section 254J(3)(g) and that the document remain confidential unless Council decides otherwise by resolution.

Moved: Councillor B Thompson  
Seconded: Councillor D Barnes  
Carried 3/2

### LATE ITEM – SOIL CONTAMINATION

#### *Resolution 20-11/34*

That under emergent expenditure, Council accepts the proposal from Environmental Earth Sciences to undertake a material contamination analysis at a cost of \$12,350.05 (inc. GST).

Moved: Mayor K Yanner  
Seconded: Councillor D Barnes  
Carried: 5/0

### LATE ITEM - DEPUTY MAYOR'S USE OF VEHICLE

#### *Resolution 20-11/35*

That consideration of this matter be deferred to the December meeting of Council.

Moved: Councillor D Barnes  
Seconded: Councillor B Thompson  
Carried: 5/0

**20 NEXT MEETING**

The next meeting will be held on 9 December 2020.

**21 CLOSURE**

Mayor K Yanner closed the meeting at 5.41pm.

Minutes Confirmed:

Mayor  .....

Date:

Peter Stewart  
Acting Chief Executive Officer





**MORNINGTON  
SHIRE COUNCIL**

## **MORNINGTON SHIRE COUNCIL**

### **Credit Card Policy**

## **APPENDIX 1 –ALLOCATION OF CREDIT CARDS**

This Policy authorises issue of Credit Cards to the holder of the positions and with the limits stated below:

<b>POSITION</b>	<b>CREDIT LIMIT</b>
Mayor	\$5,000
Chief Executive Officer	\$10,000
Executive Manager Finance & Human Services	\$5,000
Executive Manager Governance and Communications	\$5,000
Executive Manager Infrastructure and Technical Services	\$5,000
Facilities Manager	\$5,000
Finance and Administration Manager	\$5,000
Infrastructure Services Group Manager	\$5,000
Project Accountant	\$5,000
Systems Accountant	\$5,000
Warehouse Manager	\$5,000

The Chief Executive Officer may approve issue of additional Credit Cards with a limit not exceeding \$5,000 each card provided that the combined limit of additional Cardholders does not exceed \$60,000, as authorised in clause 3.1b) of this Policy and total card limits remain within the overall facility limit.