

**MINUTES OF MORNINGTON SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MISSION ROAD, GUNUNA
ON WEDNESDAY, 20 OCTOBER 2021 AT 9AM**

1 OPENING OF MEETING

The meeting was opened by Mayor Yanner at 9.33am.

2 ACKNOWLEDGMENT OF COUNTRY

I would like to begin by acknowledging the Traditional Owners of the land on which we meet today, the Lardil people of Mornington Island and pay our respects to Elders past and present. We would also like to acknowledge the Kaiadilt and Yangkaal people who share our homelands

3 PRESENT

Mayor Kyle Yanner, Cr Dwayne Rogers, Cr Roxanne Thomas, Cr Bob Thompson

Graham King (Mr), Ronald Nichols (Mr), David Sechtig (Mr), Geoffrey Rewald (Mr), Elizabeth Mitchell (Ms (Minute Taker)), Tayla Wilson (Miss)

4 LEAVE OF ABSENCE

RESOLUTION 2021/50

Moved: Cr Bob Thompson

Seconded: Cr Roxanne Thomas

That the leave of absence received from Deputy Mayor David Barnes be accepted and leave of absence granted.

CARRIED 4/0

5 DISCLOSURE OF INTEREST – COUNCILLORS AND STAFF

Mayor Kyle Yanner declared a conflict of interest in relation to item 16.4.

Mayor Kyle Yanner declared a conflict of interest in relation to item 16.6.

Cr Roxanne Thomas declared a conflict of interest in relation to item 16.4.

Cr Roxanne Thomas declared a conflict of interest in relation to item 16.6.

Cr Bob Thompson declared a conflict interest in relation to item 16.2.

6 CONDOLENCES AND MEMORIALS

A one minute silence was observed on behalf of loved ones.

7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF MINUTES - COUNCIL MEETING - 8 SEPTEMBER 2021

RESOLUTION 2021/51

Moved: Cr Dwayne Rogers

Seconded: Cr Bob Thompson

1. That the Minutes of the Council held on Wednesday 8 September 2021 be confirmed.

CARRIED 4/0

7.2 CONFIRMATION OF MINUTES - COUNCIL MEETING - 15 SEPTEMBER 2021

RESOLUTION 2021/52

Moved: Cr Roxanne Thomas

Seconded: Cr Bob Thompson

1. That the Minutes of the Council held on Wednesday 15 September 2021 be confirmed with the amendment to add that a deputation from Mirabou Energy was received at the meeting.

CARRIED 4/0

7.3 CONFIRMATION OF MINUTES - COUNCIL MEETING - 11 OCTOBER 2021

RESOLUTION 2021/53

Moved: Cr Bob Thompson

Seconded: Cr Roxanne Thomas

1. That the Minutes of the Council held on Monday 11 October 2021 be confirmed.

CARRIED 4/0

8 DEPUTATIONS

Nil

9 ACTION SCHEDULE

Refer to Item 11.3

RECEPTION & CONSIDERATION OF OFFICERS REPORTS

10 MAYOR AND COUNCILLORS REPORTS

Nil

11 CHIEF EXECUTIVE OFFICER'S REPORTS

11.1 5 YEAR IMPLEMENTATION REPORT - PROGRESS REPORT

RESOLUTION 2021/54

Moved: Cr Bob Thompson

Seconded: Cr Roxanne Thomas

That Council receive and note the Report.

CARRIED 4/0

11.2 BARGE SERVICE REVIEW

RESOLUTION 2021/55

Moved: Cr Dwayne Rogers

Seconded: Cr Roxanne Thomas

That Council receive the Report and consideration be given to including the cost of the Barge Service Review at the 2021/22 six month budget review stage.

CARRIED 4/0

11.3 BUILDING OUR REGIONS ROUND 6

RESOLUTION 2021/56

Moved: Cr Dwayne Rogers

Seconded: Cr Bob Thompson

That Council receive and note the Report and that Council submit grant proposals for:

1. A Tertiary Treatment Sewerage system capable of supplying Class A+ recycled water and
2. Raising the spillway of the dam.

CARRIED 4/0

11.4 FISHERIES LICENCES GULF OF CARPENTARIA

RESOLUTION 2021/57

Moved: Cr Bob Thompson

Seconded: Cr Roxanne Thomas

That Council request both the Queensland and Federal Governments to, permanently close commercial fishing by creating a green zone covering the area from Leichhardt River back to Tully Inlet on the Northern Territory/Queensland border which covers Gangalidda, Yangkail, Kaiadilt and Lardil Indigenous Area and Sea Claim Area and extend the protected area to 20kms.

CARRIED 4/0

11.5 FUNERAL ARRANGEMENTS ASSISTANCE

RESOLUTION 2021/58

Moved: Mayor Kyle Yanner
Seconded: Cr Roxanne Thomas

That Council approve the actions of the ACEO in providing financial assistance for Sorry Day as outlined.

CARRIED 4/0

11.6 COUNCIL'S FUNERAL AND UNDERTAKING ROLE

RESOLUTION 2021/59

Moved: Cr Dwayne Rogers
Seconded: Cr Bob Thompson

That Council note and receive the Report and the ACEO will continue discussions with Invocare to obtain further information on Community funeral funds.

CARRIED 4/0

11.7 GOVERNMENT CHAMPIONS VISIT 22/23 SEPTEMBER 2021

RESOLUTION 2021/60

Moved: Cr Bob Thompson
Seconded: Cr Dwayne Rogers

That Council receive and note the Report.

CARRIED 4/0

Council's Community Development Officer entered the meeting at 9.49am

11.8 FUTURE LIQUOR LICENCE OPTIONS

RESOLUTION 2021/61

Moved: Cr Dwayne Rogers
Seconded: Cr Bob Thompson

That Council receive and note the report and further, that Council authorise the ACEO to advertise for a General Manager of the Lelka Murrin Tavern.

CARRIED 4/0

11.9 NORTH QLD SPORTS AWARD

RESOLUTION 2021/62

Moved: Cr Bob Thompson

Seconded: Cr Dwayne Rogers

That Council approve the Mayor's attendance at the North Queensland Sportstar Award in Charters Towers on Saturday 30th October 2021.

CARRIED 4/0

Council's Workplace Health and Safety Officer joined the meeting by audio link at 9.54am

11.10 WORKPLACE HEALTH AND SAFETY UPDATE

RESOLUTION 2021/63

Moved: Cr Bob Thompson

Seconded: Mayor Kyle Yanner

That Council receive and note Report.

CARRIED 4/0

Council's Workplace Health and Safety Officer left the meeting at the conclusion of his report at 9.55am

11.11 ELECTORAL COMMISSION ADVICE ON 2020 ELECTIONS

RESOLUTION 2021/64

Moved: Cr Bob Thompson

Seconded: Cr Roxanne Thomas

That Council receive and note the Report and that the ACEO will contact the Electoral Commission Queensland to request increased numbers of electoral officers to assist residents with polling to avoid high levels of informal votes as recorded on the 2020 elections.

CARRIED 4/0

11.12 VET VISIT UPDATE

RESOLUTION 2021/65

Moved: Cr Dwayne Rogers

Seconded: Cr Bob Thompson

That Council receives and notes Report

CARRIED 4/0**11.13 OCTOBER 2021 ACTION SCHEDULE****RESOLUTION 2021/66**

Moved: Cr Roxanne Thomas

Seconded: Cr Bob Thompson

That Council notes the report.

Further, with respect to security, Council requests that:

- 1.the Executive Manager, Finance and Human Services to call tenders for security services covering Council assets,
- 2.Council meets with Mornington Island Police to discuss the current break-ins and other security breaches in the township; and
3. that the ACEO make representations to the Government Champions regarding the hours of operations of the Mornington Island Police with the intention to increase the hours of operations to 24 hours.

Further, that Council call for a meeting of all relevant service providers on the Island in order to plan for the public show day in 2022.

CARRIED 4/0**11.12 NEW SUSTAINABILITY FRAMEWORK FOR QUEENSLAND COUNCILS****RESOLUTION 2021/67**

Moved: Cr Dwayne Rogers

Seconded: Cr Bob Thompson

That Council acknowledge the receipt of the Local Government Sustainability Framework Discussion Paper and submit any comments to the Department of State Development, Infrastructure, Local Government and Planning by 12 November 2021.

CARRIED 4/0**12 STAFF REPORTS - FINANCIAL SERVICES****12.1 FINANCIAL REPORT AS AT 30 SEPTEMBER 2021****RESOLUTION 2021/68**

Moved: Cr Dwayne Rogers

Seconded: Cr Bob Thompson

That Council receives and notes this report.

CARRIED 4/0

12.2 COMMUNITY DEVELOPMENT ACTIVITIES

RESOLUTION 2021/69

Moved: Cr Roxanne Thomas

Seconded: Cr Bob Thompson

That Council receive and notes this report.

CARRIED 4/0

Community Development Officer left the meeting at 10.04am.

13 STAFF REPORTS - GOVERNANCE AND COMMUNICATIONS

At 10.05am, Cr Roxanne Thomas left the meeting.

13.1 LONG TERM ASSET MANAGEMENT PLAN

RESOLUTION 2021/70

Moved: Cr Bob Thompson

Seconded: Mayor Kyle Yanner

That Council

1. Notes the report and a project plan be prepared and presented to Council.

CARRIED 3/0

13.2 CORPORATE PLAN 2023-28

RESOLUTION 2021/71

Moved: Cr Bob Thompson

Seconded: Cr Dwayne Rogers

That the Council notes the report and that a project plan be prepared and submitted for Council consideration.

CARRIED 3/0

At 10.06am, Cr Roxanne Thomas returned to the meeting.

13.3 ANNUAL OPERATIONAL PLAN 2021-22

RESOLUTION 2021/72

Moved: Cr Bob Thompson

Seconded: Mayor Kyle Yanner

That Council receives the report and adopts the Annual Operational Plan 2021-22 as tabled.

CARRIED 4/0

14 STAFF REPORTS - INFRASTRUCTURE & TECHNICAL SERVICES**14.1 HOUSING REPORT****RESOLUTION 2021/73**

Moved: Cr Dwayne Rogers

Seconded: Cr Bob Thompson

That Council receive and note this report

Further, in respect to the Mornington Island Nursing Home, that Council authorise the works as outlined, to be completed as part of the 2021/22 capital works expenditure and a review of the current capital expenditure priorities be made and submitted to Council for approval..

Further, that the Housing Manager discuss the proposed works with Gidgee Healing under the existing lease agreement.

CARRIED 4/0

14.2 INFRASTRUCTURE AND TECHNICAL SERVICES DEPARTMENT MONTHLY REPORT**RESOLUTION 2021/74**

Moved: Cr Dwayne Rogers

Seconded: Cr Bob Thompson

That Council receives and notes this report.

CARRIED 4/0

14.3 MSC WAREHOUSE SEPTEMBER 2021 REPORT**RESOLUTION 2021/75**

Moved: Cr Bob Thompson

Seconded: Cr Dwayne Rogers

That Council notes and receives this report

CARRIED 4/0

14.4 TRAFFIC CALMING REQUEST WARDIRKAN STREET**RESOLUTION 2021/76**

Moved: Cr Dwayne Rogers

Seconded: Cr Bob Thompson

That Council notes and receives this report, and;

that Council supports the installation of the traffic calming devices for Wardirkan Street Mornington Island from existing operational funding.

CARRIED 4/0

14.5 LIGHT VEHICLE MSC- RFQ 2122-ITS03

RESOLUTION 2021/77

Moved: Cr Dwayne Rogers

Seconded: Cr Bob Thompson

That Council notes and receives this report

CARRIED 4/0

15 STAFF REPORTS - HUMAN SERVICES

15.1 HR DEPARTMENT REPORT FOR THE MONTH OF SEPTEMBER AND OCTOBER 2021

Council's Manager, Human Resources joined the meeting by audio link at 10.40am

RESOLUTION 2021/78

Moved: Cr Dwayne Rogers

Seconded: Cr Bob Thompson

That Council receive and notes the content of this report and further

That Council approve the Housing Departmental Structure as tabled.

CARRIED 4/0

RESOLUTION 2021/79

Moved: Cr Bob Thompson

Seconded: Cr Roxanne Thomas

That Council make representations to the Director General of Department of Employment and Small Business for on-island training and further Council invite the Regional Manager of the Department of Employment and Small Business to the November Ordinary meeting to discuss strategies for improving apprenticeship completion rates

CARRIED 4/0

RESOLUTION 2021/80

Moved: Cr Dwayne Rogers

Seconded: Cr Bob Thompson

That the CEO investigates options for the potential of external training in Council with private industry for all apprentices to improve work experience and skill sets and provide an estimated cost to implement.

CARRIED 4/0

RESOLUTION 2021/81

Moved: Cr Bob Thompson

Seconded: Cr Dwayne Rogers

That Council approach the CEO of Century Mines to explore assistance with apprentice training and development and seek assistance of the WAANYI Joint Venture in this regard.

CARRIED 4/0

Council's Manager, Human Resources left the meeting at the conclusion of her report at 10.52am

Council broke for a coffee break 10.53am and resumed at 11.26am

16 CONFIDENTIAL REPORTS

RESOLUTION 2021/82

Moved: Cr Roxanne Thomas

Seconded: Cr Dwayne Rogers

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

16.1 CONTRACTORS' SUPERANNUATION PAYMENTS

This matter is considered to be confidential under Section 254J3 (b and g) of the Local Government Regulations 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with: industrial matters affecting employees; and 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;.

16.2 COUNCILLORS' FEES OVERPAYMENT

This matter is considered to be confidential under Section 254J3(e) of the Local Government Regulations 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with. legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;

16.3 RECEIVABLES RECOVERABILITY

This matter is considered to be confidential under Section 254J3(e) of the Local Government Regulations 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;

16.4 INDIGENOUS LAND USE AGREEMENTS (ILUA)

This matter is considered to be confidential under Section 254J3(e and g) of the Local Government Regulations 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government; and 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;

16.5 MIRABOU PTY LTD T/A MIRABOU ENERGY - MEMORANDUM OF UNDERSTANDING

This matter is considered to be confidential under Section 254J3 (e and g) of the Local Government Regulations 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;. And 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:

16.6 HOUSING FOR KYLE YANNER - 108 LARDIL ST, MORINGTON ISLAND

This matter is considered to be confidential under Section 254J3 (g) of the Local Government Regulations 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with 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;.

16.7 Proposed Bynoe and Council Workshop Agreement

This matter is considered to be confidential under Section 254J3 (g) of the Local Government

Regulations 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with 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;.

CARRIED 4/0

RESOLUTION 2021/83

Moved: Cr Roxanne Thomas

Seconded: Cr Dwayne Rogers

That Council moves out of Closed Council into Open Council.

CARRIED 4/0

16.1 CONTRACTORS' SUPERANNUATION PAYMENTS**RESOLUTION 2021/84**

Moved: Cr Dwayne Rogers

Seconded: Cr Bob Thompson

1. In respect of Contractor's Superannuation payments that Council make a voluntary disclosure to the ATO and confirm its intention to rectify the underpayments.
2. The Report and attachments be deemed a confidential document and be treated as such in accordance with local Government Regulation 2012, under S 254J3 (b and g) and that documents remain confidential unless Council decides otherwise.

CARRIED 4/0

At 12.13pm, Cr Bob Thompson left the meeting.

16.2 COUNCILLORS' FEES OVERPAYMENT**RESOLUTION 2021/85**

Moved: Cr Dwayne Rogers

Seconded: Cr Roxanne Thomas

1. That contact be made with the former Councillors to see if a payment plan can be agreed.

CARRIED 4/0

At 12.16pm, Cr Bob Thompson returned to the meeting.

16.3 RECEIVABLES RECOVERABILITY**RESOLUTION 2021/86**

Moved: Mayor Kyle Yanner

Seconded: Cr Roxanne Thomas

1. That, further information be obtained and the matter be tabled at the November 2021

Ordinary meeting.

CARRIED 4/0

16.4 INDIGENOUS LAND USE AGREEMENTS (ILUA)

RESOLUTION 2021/87

Moved: Cr Dwayne Rogers

Seconded: Cr Bob Thompson

1. That Council delegates the decision on the matter under section 257 (1) (b) of the Local Government Act 2009, to the Chief Executive Officer.

CARRIED 4/0

16.5 MIRABOU PTY LTD T/A MIRABOU ENERGY - MEMORANDUM OF UNDERSTANDING

RESOLUTION 2021/88

Moved: Cr Roxanne Thomas

Seconded: Mayor Kyle Yanner

1. That Council advise Mirabou Energy Pty Ltd that Council has reviewed the draft MOU and authorise the ACEO to advise the Company of Council's direction in regards to the draft MOU.

CARRIED 4/0

16.6 HOUSING FOR KYLE YANNER - 108 LARDIL ST, MORINGTON ISLAND

RESOLUTION 2021/89

Moved: Cr Bob Thompson

Seconded: Cr Dwayne Rogers

1. That Council table the report at the November Ordinary meeting of Council.

CARRIED 4/0

16.7 PROPOSED BYNOE AND COUNCIL WORKSHOP AGREEMENT

RESOLUTION 2021/90

Moved: Cr Bob Thompson

Seconded: Cr Dwayne Rogers

1. That Council notes and receives this report and that content of this report remain confidential

until such time as an agreement is in place.

2. That Council authorised the Chief Executive Officer, and the responsible Council Officer, in conjunction with a member or members of the Council to undertake further negotiations with Bynoe with an aim to formalising the proposed partnership, and;
3. A report is presented to Council once the details of the agreement are ready to be formalised.

CARRIED 4/0

16.8 WAGE INCREASE FOR ALL EMPLOYEES ON MINIMUM AWARD WAGE

RESOLUTION 2021/91

Moved: Mayor Kyle Yanner

Seconded: Cr Dwayne Rogers

1. That Council authorise a 10 per cent increase in gross wage rates of pay for all Council employees on minimum award rates to commence from the first pay period in November 2021.

CARRIED 4/0

16.9 MOVE BACK INTO OPEN SESSION

RESOLUTION 2021/92

Moved: Cr Dwayne Rogers

Seconded: Cr Bob Thompson

That Council move back into Open Session

CARRIED 4/0

17 NEXT MEETING

The next meeting will be held on 17 November 2021.

18 CLOSURE

Mayor Yanner closed the meeting at 12.28pm

Graham King
Acting Chief Executive Officer.

Minutes Confirmed:

Mayor

Date:

Graham King

Acting Chief Executive Officer

Initial: _____

