

**MINUTES OF MORNINGTON SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MISSION ROAD, GUNUNA
ON WEDNESDAY, 14 DECEMBER 2022 AT 9:00AM**

1 OPENING OF MEETING

The meeting was opened by Mayor, Kyle Yanner at 9:09am.

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, Yangkaal, Waanyi, Gangalidda and Garawa people who share our homelands.

3 PRESENT

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

Officers: ACEO Graham King, Executive Manager Housing and Facilities Geoffrey Rewald.

4 LEAVE OF ABSENCE

Nil

5 DISCLOSURE OF INTEREST – COUNCILLORS AND STAFF

Mayor Kyle Yanner, Cr Thomas, Cr Rogers and Cr Thompson declared a conflict of interest in respect to Item 11.8.

6 CONDOLENCES AND MEMORIALS**7 CONFIRMATION OF MINUTES****7.1 CONFIRMATION OF MINUTES – COUNCIL MEETING – 23 NOVEMBER 2022****RESOLUTION 2022/241**

Moved: Deputy Mayor David Barnes

Seconded: Cr Dwayne Rogers

That the Minutes of the Ordinary Council Meeting held on Wednesday 23rd November 2022, be received and the recommendations therein adopted.

CARRIED 5/0

8 DEPUTATIONS

Mrs Jane Ah Kit had a deputation in respect to correspondence forwarded to Council for consideration.

9 ACTION SCHEDULE**9.1 ACTION ITEMS AS AT WEDNESDAY 21 SEPTEMBER 2022****RESOLUTION 2022/242**

Moved: Mayor Kyle Yanner

Seconded: Deputy Mayor David Barnes

That the Action Schedule be tabled at the next council meeting.

CARRIED 5/0

RECEPTION & CONSIDERATION OF OFFICERS REPORTS**10 MAYOR AND COUNCILLORS VERBAL REPORTS****10.1 DEPUTY MAYOR – DISCUSSOIN ABOUT PUBLIC POST OFFICE BANK****RESOLUTION 2022/243**

Moved: Cr Roxanne Thomas

Seconded: Cr Robert Thompson

That due to the lack of face-to-face banking services on Mornington Island, that Council support the establishment of a government post office bank to guarantee face-to-face banking services.

CARRIED 5/0

10.2 STEPHENIE ALEXANDER KITCHEN GARDEN PROGRAM**RESOLUTION 2022/244**

Moved: Cr Dwayne Rogers

Seconded: Cr Robert Thompson

That Council receive and note the Report

CARRIED 5/0

10.3 DEPUTY MAYOR UPDATE ON THE RENAL PROGRAM ON MORNINGTON ISLAND**RESOLUTION 2022/245**

Council received a verbal report from the Deputy Mayor on the Program including the status of construction, employment of trained staff and the return of Renal patients to the Island.

11 CHIEF EXECUTIVE OFFICER'S REPORTS**11.1 VEHICLE POLICY****RESOLUTION 2022/246**

Moved: Deputy Mayor David Barnes

Seconded: Cr Dwayne Rogers

That Council adopt the Vehicle Policy as presented; and

Further, that Council approve the full unrestricted use of a Council vehicle to the Mayor, Chief Executive Officer, Executive Managers, or a manager equivalent to an executive manager at the discretion of the Chief Executive Officer; and

Further, that the Policy be reviewed in six months' time; and

Further, that a Vehicle Hire Policy be developed for Council's consideration.

CARRIED 5/0

11.2 PUBLIC AND SPECIAL HOLIDAYS 2023**RESOLUTION 2022/247**

That Council note that the following Public Holidays and Special days have been approved pursuant to Section 4 of the Holidays Act 1983:

- 16 June 2023, a holiday for the Shire of Mornington for the purpose of the Mount Isa Agricultural Show (Public Holiday); and
- 8 September 2023, a holiday for the Shire of Mornington for the purpose of the Gununa Local Show (Special Holiday); and
- 24 November, 2023, a holiday for the Shire of Mornington for the purpose of Memorial Day (Special Holiday).

CARRIED 5/0

11.3 FARESHARE QLD MEAL POLICY**RESOLUTION 2022/248**

Moved: Mayor Kyle Yanner

Seconded: Deputy Mayor David Barnes

That Council note and accept FaresShare Meal Policy as presented.

CARRIED 5/0

11.4 CHANGES TO KUBA NATHA RESIDENTIAL AGED CARE MANAGEMENT ARRANGEMENTS**RESOLUTION 2022/249**

Moved: Deputy Mayor David Barnes

Seconded: Cr Robert Thompson

That Council receive and note the Report, and further, that a meeting be arranged with the Service Delivery Division, Aging and Aged Care Group, Australian Department of Health and Aged Care in regard to the changes to Kuba Natha Residential aged Care Management Arrangements.

CARRIED 5/0

11.5 AURECON FINAL GUNUNA GROWTH OPTIONS STUDY AND RUNWAY REALIGNMENT STUDY**RESOLUTION 2022/250**

Moved: Deputy Mayor David Barnes

Seconded: Cr Dwayne Rogers

That Council receive and note the Report and that a strategy be developed for representations to the Australian and Queensland State Government with the highest priority to address the urgent need for additional residential land in Gununa.

CARRIED 5/0

11.6 LOCAL GOVERNMENT SUSTAINABILITY FRAMEWORK**RESOLUTION 2022/251**

Moved: Cr Dwayne Rogers

Seconded: Cr Deputy Mayor David Barnes

That Council receive and note the Report.

Further, that Council object to the category of Indigenous Councils, being Category 8, on the basis that Indigenous Council's inability to funding depreciation.

Further, that a Council's Own Source Revenue as a proportion of Total Operating Revenue should be included in the Measures of Sustainability.

Further, that Council call on the Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning for an Independent Audit of the State Government Grants Commission Methodology due to:

- The lack of transparency of the methodology used by the Commission to determine the grant outcomes; and
- The per capita general purpose financial assistance outcomes being in complete contravention of the Principles of Horizontal Fiscal Equalisation as shown in the Acting CEO Report on the 2021/22 and 2022/23 General Purpose Grant Outcomes as produced by the State Grants Commission.

Further, that the Mayor seek a meeting with the Deputy Premier, with Council's Government Champions, to discuss Council's concerns in regard to the distribution of the Financial Assistance Grants to Indigenous Councils.

CARRIED 5/0

11.6A INDIGENOUS LEADERS FORUM

RESOLUTION 2022/252

Moved: Cr Dwayne Rogers

Seconded: Cr Robert Thompson

That Council write to the CEO of the Local Government Association of Queensland advising of its objection to having these separate Forums which only serve to create unnecessary divisions between Indigenous and Non-Indigenous local governments. Council considers issues that impact the sustainability of Indigenous Council should be conducted in the open Annual Conference where all local governments can be informed and take action accordingly.

CARRIED 5/0

11.7 STAFF RECOGNITION AWARDS AND PAYMENTS

RESOLUTION 2022/253

Moved: Deputy Mayor David Barnes

Seconded: Cr Robert Thompson

That Council endorse the Acting CEO proposal for Staff Recognition Awards as set out in the Report.

CARRIED 5/0

11.8 OFFICE OF INDEPENDENT ASSESSOR INVESTIGATION – INAPPROPRIATE CONDUCT MAYOR KYLE YANNER

RESOLUTION 2022/254

The following Councillors declared a conflict of interest:

- Mayor Kyle Yanner due to subject of inappropriate conduct
- Cr Roxanne Thomas related person to Mayor Kyle Yanner
- Cr Robert Thompson being a Board Member of Junkuri Laka Wellesley Island Aboriginal Law Justice and Governance Corporation and interviewed as part of the Investigation.
- Cr Dwayne Rogers being a Board Member of Junkuri Laka Wellesley Island Aboriginal Law Justice and Governance Corporation.

The matter could not be dealt with due to lack of forum.

12 STAFF REPORTS - WORKPLACE HEALTH AND SAFETY

Nil

The Group Manager Infrastructure Services and the Manager Water and Sewerage joined the meeting.

13 STAFF REPORTS – INFRASTRUCTURE & TECHNICAL SERVICES VERBAL REPORT**13.1 STAFF REPORT – TECHNICAL SERVICES****RESOLUTION 2022/255**

Moved: Cr Robert Thompson

Seconded: Cr Dwayne Rogers

That Council welcome Daniel Dixon, Group Manager Technical Services and that Council receive and note the Report as presented.

CARRIED 5/0

14 STAFF REPORTS – INFRASTRUCTURE SERVICES**14.1 INFRASTRUCUTRE SERVICES****RESOLUTION 2022/256**

Moved: Cr Robert Thompson

Seconded: Cr Roxanne Thomas

That Council receive and note the Report.

CARRIED 5/0

15 STAFF REPORTS – HOUSING**15.1 HOUSING REPORT****RESOLUTION 2022/257**

Moved: Cr Robert Thompson

Seconded: Cr Dwayne Rogers

That Council receive and note the Report.

CARRIED 5/0

16 STAFF REPORTS – FACILITIES**16.1 FACILITIES REPORT****RESOLUTION 2022/258**

Moved: Cr Dwayne Rogers

Seconded: Cr Robert Thompson

That Council receive and note this Report.

CARRIED 5/0

17 STAFF REPORTS – FINANCIAL SERVICES**17.1 FINANCE REPORT****RESOLUTION 2022/259**

Moved: Mayor Kyle Yanner

Seconded: Cr Robert Thompson

That Council receive and note this Report.

CARRIED 5/0

17.2 PROCUREMENT POLICY REVISION**RESOLUTION 2022/260**

Moved: Deputy Mayor David Barnes

Seconded: Cr Robert Thompson

That Council receive and note this Report.

That Council adopt the financial delegations as presented in the Procurement Policy as presented.

CARRIED 5/0

17.3 CORPORATE AND COMMUNITY SERVICES REPORT**RESOLUTION 2022/261**

Moved: Cr Dwayne Rogers

Seconded: Mayor Kyle Yanner

That Council receive and note this Report.

CARRIED 5/0

18 STAFF REPORTS – COMMUNITY DEVELOPMENT**18.1 COMMUNITY DEVELOPMENT REPORT****RESOLUTION 2022/262**

Moved: Cr Dwayne Roger

Seconded: Cr Robert Thompson

That Council receive and note this Report.

CARRIED 5/0

19 STAFF REPORTS – HUMAN RESOURCES**19.1 HUMAN RESOURCES REPORT****RESOLUTION 2022/263**

Moved: Deputy Mayor David Barnes

Seconded: Cr Dwayne Rogers

That Council receive and note this Report.

CARRIED 5/0

20 CONFIDENTIAL REPORTS**RESOLUTION 2022/264**

Moved: Cr Dwayne Rogers

Seconded: Cr Roxanne Thomas

That Council considers the confidential reports listed below in a meeting closed to the public in accordance with Section 254J of the Local Government Regulations 2012.

20.1 REGIONAL EXPRESS COMMERCIAL AGREEMENT

This matter is considered confidential under Section 254J(3)(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 interest of the local government.

20.2 ENGAGEMENT OF ASHURST AUSTRALIA TO UNDERTAKE AN INDIGENOUS LAND USE AGREEMENT (ILUA)

This matter is considered to be confidential under Section 254J3(c) of the Local Government Regulation 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 interest of the local government.

20.3 LETTER TO MRS JANE AH KIT

This matter is considered to be confidential under Section 254J3(g and i) of the Local Government Regulation 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 interest of the local government.

CARRIED 5/0

RETURN TO OPEN MEETING**RESOLUTION 2022/265**

Moved: Cr Dwayne Rogers
Seconded: Cr Roxanne Thomas

That Council moves out of closed session and into open session.

CARRIED 5/0

20.1 REGIONAL EXPRESS COMMERCIAL AGREEMENT**RESOLUTION 2022/266**

Moved: Cr Dwayne Rogers
Seconded: Cr Robert Thompson

That Council delegates to the Mayor and Acting CEO the power to negotiate and finalise the appropriate commercial agreement with Regional Express Holdings Limited in relation to its use of the Mornington Island Airport.

CARRIED 5/0

20.2 ENGAGEMENT OF ASHURST AUSTRALIA TO UNDERTAKE AN INDIGENOUS LAND USE AGREEMENT (ILUA)**RESOLUTION 2022/267**

Moved: Deputy Mayor Cr David Barnes
Seconded: Mayor Kyle Yanner

That Council confirm the Acting CEO's action in appointing Ashurst Australia to assist Council in the preparation and registration of an ILUA.

CARRIED 5/0

20.3 LETTER TO MRS JANE AH KIT

RESOLUTION 2022/268

Moved: Cr Dwayne Rogers
Seconded: Cr Robert Thompson

That Council receive the letter from Mrs Jane Ah Kit and advise Mrs Ah Kit that Council will make representations to the Director General of the Department of Employment, Small Business and Training for Departmental Officers to conduct a workshop Mornington Island on what programs and/or assistance is available to existing or new businesses from the State Government. Further that Council develop a policy to encourage the establishment of small businesses and include what assistance Council may be able provide as incentives to Mornington Island small business.

Further that Council will also request that the Gulf Regional Economic Development Trust undertake a workshop on Mornington Island setting out how the Trust funds small business in order to encourage more local community ownership.

CARRIED 5/0

21 NEXT MEETING

The next meeting will be held on 25th January, 2023.

22 CLOSURE

Mayor Yanner closed the meeting at 3.09pm.

Minutes Confirmed:

Mayor

Date:

Graham King
Acting Chief Executive Officer
25th January 2023

Initial: _____