



**MINUTES  
OF THE  
SPECIAL MEETING**

**HELD IN THE BOARDROOM  
DOOMADGEE ABORIGINAL SHIRE COUNCIL  
275 Sharpe Street  
Doomadgee Qld 4830**

**On Friday 31<sup>st</sup> August 2018**

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CONFIRMED MINUTES

## 01. OPENING

The Acting Mayor welcomed members and declared the meeting Opened at 08.00am

Attendance: Garry Jeffries out of meeting 08.02 am returned 08.06 am

Attendance: Garry Jeffries out of meeting 08.06 am returned 08.07 am

## 02. RECORD OF ATTENDANCE

### Elected Members

Acting Mayor Jason Ned

Cr Dean Jupiter

Cr Veron Ned

### Staff

Juanita Holden – Acting Chief Executive officer

Garry Jeffries – Director of Engineering

Trudy Mellor – Governance Officer

## 03. CONSIDERATION OF APPLICATIONS FOR LEAVE OF ABSENCE

Cr Scharrayne Foster

### Recommendation:

That Council accept the leave of absence from Cr Scharrayne Foster.

### Resolution No SM1-08/18

Moved Cr Jason Ned

Seconded Cr Vernon Ned

That Council receives the apology and leave of absence for Cr Scharrayne foster for the Special Council Meeting held 31st August 2018. **Carried**

## 04. DISCLOSURE OF INTERESTS

Nil

## 05. CLOSED SESSION

### Resolution No SM2-08/18

Moved Cr Vernon Ned

Seconded Cr Dean Jupiter

That Council close the meeting to the public at 08.04 am under section 275 Local Government Regulations 2012. **Carried**

(a) The appointment, dismissal or discipline of employees; or

(e) Contracts proposed to be made by it; or

(h) Other business for which a public discussion would be likely to prejudice the interest of the Local Government or someone else, or enable a person to gain a financial advantage

Attendance: Juanita Holden out of meeting 08.12 am returned 08.15 am

Attendance: Steve Jones entered the meeting at 8:15am

Attendance: Dean Jupiter out of meeting 9.05 returned 9.06

Attendance Vernon Ned left the meeting at 9.45 am and returned at

Attendance: Steve Jones left the meeting at 08.45 am.

Attendance: Trudy Mellor left the meeting at 9.17 am and returned at 10.10am

Attendance: Council broke for morning tea at 10.05am and resumed at 10.17am

**Resolution No SM3-08/18**

**Moved** Cr Jason Ned

**Seconded** Cr Vernon Ned

That Council opening the meeting to the public at 10.17am, under section 275 Local Government Regulations 2012 for the taking of resolutions. **Carried**

Agenda Reference: 05.01

Title: Regional Express - Contract

**Resolution SM4-08/18**

**Moved** Cr Jason Ned

**Seconded** Cr Vernon Ned

That Council authorise a letter to REX Airlines to negotiate the return of the contracted services to Doomadgee Aboriginal Shire Council. **Carried**

Agenda Reference: 05.02

Title: Doomadgee Water Park Project – Australian Waterslides & Leisure

**REPORT AUTHOR(S)** Juanita Holden  
**REPORT APPROVED BY** Juanita Holden  
**DEPARTMENT** Corporate Services

**PURPOSE**

The purpose of this report is to update Council on the current status of the funded Water Park Project. Based on the current circumstances, Council may wish to consider its position regarding this project.

**ISSUES**

Council was successful in the following funded project:

<b>Project Description:</b>	Doomadgee Water Park Playground
<b>Funding Body</b>	Department of Local Government, Racing and Multicultural Affairs
<b>Funding Program</b>	2017-2019 Local Government Grants and Subsidies Program
<b>Total Project Cost:</b>	\$399,600
<b>Approved Funding:</b>	\$359,640

A contract was entered into with Australian Waterslides and Leisure (AW&L) on 7/3/18 to a value of \$610,544.00 (incl-GST). To date, there have been a number of issues arising from this contract, which are summarised below:

- There appears not to have been a valid procurement process to appoint AW&L (contracts over \$220,000 [incl-GST] require tenders);
- When Council approved the contract with AW&L at a meeting on 28 February 2018, there appears not to be a valid grounds or exemption from calling tenders under the *Local Government Regulation 2012*;
- Initial legal advice indicates the contract could in fact be void and unenforceable;
- The cost to construct the water park, through AW&L, substantially increases when Council costs are taken into account (ie. Plumbing fitout and pipework, steel towers to hold tubing, civil works for slab and groundwork);
- The scope of the project appears to have increased significantly from a contribution of \$39,960 to approximately \$200,000 and no budget variation has been made for this;
- The funding body, the Department of Local Government, Racing and Multicultural Affairs is awaiting a progress report on this project.

Other issues relative to the contract with AW&L is that they have not met the established timelines for delivery of various components and are chasing up a progress payment of \$305,272 (incl-GST).

Based on current discussions and ongoing legal advice, Council has directed AW&L to cease incurring further costs for this project until such time as Council has had the opportunity to review the procurement process and discuss the matter with Council.

Council may wish to consider the following options:

- Void the current contract and recall tenders for the same type of water park; or
- Void the current contract, change specifications to a more basic water park, call tenders and proceed with the funded project.

#### REFERENCE TO CORPORATE PLAN

Goal 1: Key Governance – Financial Management Outcome: To achieve maximum community benefit from available financial resources

#### CONSULTATION

Consultation has occurred with the Auditor.

#### ATTACHMENTS

Nil

#### RECOMMENDATIONS:

**Void the current contract and recall tenders for the same type of water park; or  
Void the current contract, change specifications to a more basic water park, call tenders and proceed with the funded project.**

#### Resolution SM5-08/18

**Moved** Cr Dean Jupiter

**Seconded** Cr Jason Ned

That Council void the current contract with Australian waterslides and leisure (AW&L), change specifications to a more basic waterpark, call tenders and proceed with the funded project. **Carried**

Agenda Reference: 05.03

Title: Staffing

#### Resolution SM6-08/18

**Moved** Cr Jason Ned

**Seconded** Cr Dean Jupiter

That Council endorse the appointment of Juanita Holden to the position of Acting Chief Executive Officer as per the discussion in the July 2018 Ordinary Closed session, furthermore that the powers be delegated to the position of the Chief Executive Officer, as per the Delegations Register – Council to CEO. **Carried**

#### Resolution SM7-08/18

**Moved** Cr Jason Ned

**Seconded** Cr Dean Jupiter

That Council accept the withdrawal of the Resignation of Director of Engineering Garry Jeffries. **Carried**

## 06. ACTING CHIEF EXECUTIVE OFFICER REPORT

Agenda Reference: 06.01  
Title: Approved Contractor List

**REPORT AUTHOR(S)** Juanita Holden  
**REPORT APPROVED BY** Juanita Holden  
**DEPARTMENT** Corporate Services

### PURPOSE

The purpose of this report is to advise Council that invitations have been released for an Approved Contractor List pursuant to section 231 of the *Local Government Regulation 2012*.

### ISSUES

In establishing an Approved Contractor List, Council is able to enter into contracts for various goods and services without first calling tenders or quotes. An approved contractor is a person appointed by Council following expressions of interest being called, allowing 21-days for advertising and choosing persons for the establishment of the list.

The benefit of having such a list is that persons have provided a schedule of rates and other relevant information so they can be evaluated. The schedule of rates is fixed for 2-years and Council may simply choose a relevant contractor to complete a task or service at the set rates, subject to issuing a Purchase Order. Persons who make it onto the list have been evaluated not only in terms of price, but other important criteria such as insurances, qualifications, safety standards, references and other competencies.

There are sixteen (16) service categories included in the expression of interest, made up of activities such as air-conditioning, asbestos, building, painting, plumbing, consultancy, electrical, plant operators, metal fabrication, pest control, ICT/technical services.

Once submissions have been received and evaluated, a further report will be presented to Council for approval.

### REFERENCE TO CORPORATE PLAN

Goal 1: Key Governance – Financial Management Outcome: To achieve maximum community benefit from available financial resources

### CONSULTATION

Consultation has occurred with relevant Council Staff and Local Buy and the Mead Perry Group.

### ATTACHMENTS

Nil

### RECOMMENDATIONS

*That Council endorse the establishment of an Approved Contractor List pursuant to section 231 of the Local Government Regulation 2012.*

### Resolution SM8-08/18

**Moved** Cr Vernon Ned

**Seconded** Cr Jason Ned

That Council endorse the establishment of an Approved Contractor List pursuant to section 231 of the Local Government Regulation 2012. **Carried**

Attendance: Paul Synott entered the meeting at 10.30 am

Agenda Reference: 06.02  
Title: My Pathway Joint Venture

**REPORT AUTHOR(S)** Juanita Holden  
**REPORT APPROVED BY** Juanita Holden  
**DEPARTMENT** Governance

**PURPOSE**

To discuss the Joint Venture between DASC and My Pathway

**ISSUES**

Concerns have been raised in relation to the full understanding of the Joint Venture and what responsibilities each party has.

Paul Synott – CEO of My Pathway has been invited to the Council meeting to discuss the JV with Council.

**CONSULTATION**

Consultation has occurred with relevant Council, Council Staff and My Pathway.

Attendance: Juanita Holden out of meeting 10.57 am returned 10.59 am  
Attendance: Dean Jupiter out of meeting 11.16 am returned 11.20 am

**RECOMMENDATIONS**  
*For Council Discussion.*

*Noted*

Agenda Reference: 06.03  
Title: Budget

**Resolution SM9-08/18**

**Moved** Cr Dean Jupiter  
**Seconded** Cr Jason Ned

That Council authorise the Acting CEO to call for a full Forensic Audit, obtain quotes and report to September Council meeting, as per previous Council endorsement. **Carried**

**07. CLOSURE OF MEETING**

The Meeting closed 12.05pm

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**Jason Ned**  
**Acting Mayor**  
**Doomadgee Aboriginal Shire Council**