



KOWANYAMA ABORIGINAL SHIRE
COUNCIL

Council Meeting Minutes

15th April 2020 10:03am –2:10pm

Kowanyama Chambers Room and
Cairns Board Room

Present:

Councillors

Mayor Robbie Sands (Chair) – Kowanyama Chambers

Cr Cameron Josiah (Deputy Mayor) – Kowanyama Chambers

Cr Richard Stafford (Councillor) – Kowanyama Chambers

Cr Jacob Josiah (Councillor) – Kowanyama Chambers

Cr Teddy Bernard (Councillor) – Kowanyama Chambers

Executives

Gary Uhlmann, Chief Executive Officer- Kowanyama Chambers

Andrew Hay, Executive Manager Finance (EMF) - Cairns Boardroom

Jacqui Cresswell, A/Executive Manager Infrastructure Works Projects, (A/EMIWP) - Cairns Boardroom

Kevin Bell, Executive Manager Community Services (EMCS) - Kowanyama Chambers

Christine Delaney, Executive Manager Human Resources (EMHR) - Kowanyama Chambers

Katherine Wiggins, Executive Manager Governance and Operations (EMGO) Cairns Boardroom

1) Welcome - CEO

The CEO welcomed the newly elected Mayor and Councillors to the meeting.

2) Swearing in of Councillors and Nominating Deputy Mayor – CEO

In accordance with the Local Government Act 2009 a councillor must not act in office until the councillor makes the declaration of office.

A person elected as a Councillor is to make a declaration in the prescribed form before acting in the office.

All Councillors making such declaration have been provided with a copy of the relevant forms.

A Declaration of office was made by the following from 10.05am:

Mr Robbie Sands - MAYOR

“I, Robbie Sands, having been elected as a councillor of the Kowanyama Aboriginal Shire Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles and code of conduct under the Local Government Act 2009, to the best of my judgment and ability.”

Mr Richard Stafford - COUNCILLOR

'I, Richard Stafford, having been elected as a councillor of the Kowanyama Aboriginal Shire Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles and code of conduct under the Local Government Act 2009, to the best of my judgment and ability.

Mr Cameron Josiah - COUNCILLOR

'I, Cameron Josiah, having been elected as a councillor of the Kowanyama Aboriginal Shire Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles and code of conduct under the Local Government Act 2009, to the best of my judgment and ability.

Mr Teddy Bernard - COUNCILLOR

'I, Teddy Bernard having been elected as a councillor of the Kowanyama Aboriginal Shire Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles and code of conduct under the Local Government Act 2009, to the best of my judgment and ability.

MR Jacob Josiah - COUNCILLOR

'I, Jacob Josiah, having been elected as a councillor of the Kowanyama Aboriginal Shire Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles and code of conduct under the Local Government Act 2009, to the best of my judgment and ability.

Ms Delaney exited room at 10:08 and returned at 10:10

At 10.10 am the CEO called for Nominations for the position of Deputy Mayor:

The Mayor nominated CR Cameron Josiah

CR Richard Stafford nominated himself

CR Teddy Bernard nominated himself

At 10.11am - 3 votes for CR Cameron Josiah (3:5)

The CEO declared that Councillor Cameron Josiah is elected to the office as Deputy Mayor.

3) Mayor Overview

The Mayor asked all newly elected Councillors to introduce themselves to the Executive Team after himself.

The Mayor states why he ran for Mayor and gives his vision for while he is in office:

- Empowering the indigenous people of Kowanyama
- To work closely with the CEO for Employment opportunities for Indigenous people and change of structure for government funded projects
- Working with the school - Traineeships for indigenous people
- To grow the Men's Group & Women's Group

Councillors all introduce themselves and give their vision for their time in office.

- Mayor asked for the Executive Team to describe what they understood by self-determination and also to explain why they sought employment at Kowanyama Aboriginal Shire Council.

Executive Team all introduce themselves and explain their reasons as to why they are working with the Kowanyama Aboriginal Shire Council.

The Mayor was pleased with council comments regarding empowerment of the Kowanyama Indigenous people. The Mayor provided the following additional comments:

- CEO to work with him to change the corporate structure and identify positions only Indigenous people can apply for (25% target).
- When contracts are due for renewal they can look at employing more Indigenous people.
- Training is key i.e.: Local Disaster Management Group (LDMG), installation of solar – local people to be trained to do these jobs.
- Contractors do not have high rates of local employees which needs to be rectified
- Infrastructure Building Services – preferred supplier list for new contractors. The Mayor would like to see the local Indigenous people employed
- Perception in community is that there are no opportunities for the local people. The local people should be given first go. For example, there are no local indigenous people employed at the airport.
- Men's Group – The Mayor would like them to be involved in decision making for the community and asks if Mr Bell would attend the meetings.
- Culture – The Mayor would like to see a Council of Elders re-established to advise on cultural and native title matters. PBC to nominate elders.
- Recreation Activities – Local Grants Scheme for football team, cultural activities and cultural festivals. NAIDOC Week Funding.
- PBC and Traditional Owners – to increase membership base to PBC for better representation of Traditional Owners.
- RISE – giving work opportunities to all young people i.e.: apprenticeship grants.
- Set up a P&C for school and to do fundraising concerts etc.
- Media – Perception from the community is that there is not enough information shared with the public. The Mayor would like to keep people updated by the KASC Facebook page, weekly radio interviews, and newsletters to be distributed to the community.

- Crime and Corruption Commission investigations into councils in recent years – The Mayor and Councillors want to ensure council is compliant with all policy and regulation.
- The Mayor shares his vision provided by a whiteboard chart presentation.

Executive Team located in Cairns office requested a snapshot be taken of the whiteboard chart.

10.53am – Darryl congratulates Mayor and Councillors and left the meeting.

4) Information Reports

a) Overview by CEO

Mr Uhlmann expressed his desire to achieve that Kowanyama be the best community on the cape.

- He asked to work in partnership with the Mayor and Councillors to help build the community
- Employ local Indigenous people
- Happiness, health and sustainability is a key factor
- Council has the opportunity to build their own legacy
- Department of Social Housing Program – housing for local residents
- The court has decided to hand back cattle assets to the council – how to make this work for the community.
- The canteen cannot re-open without the permission of the government. There has been a request to do take away alcohol while the Canteen is shut.
- Sly alcohol and homemade brew are becoming an issue
- Have discussed closing Topsy Creek to commercial fishing with Department of Agriculture & Fisheries
- Roads program – local team to make the road more passable in the wet season. Mayor requested for future meeting to speak about road funding (Transport Infrastructure Development Scheme (TIDS)).
- Building and Infrastructure – old carpenters shed to be renovated and used as a community centre. Councillors to decide how to utilise i.e.: cultural activities
- Women’s Meeting Place – Money to be used and how to spend effectively
- Workshop Compound, new carpenters shed looking at extension
- Renovation of Old Contractors Camp – how to utilise effectively for community
- How do we best utilise the Men’s Centre?
- Challenges for councillors will be the CoVid19 – possible health & economic impacts, noting that EMF has stated that it will lead to possible recession which will flow to our funding.
- Risk planning is essential
- Express what community priorities are and conduct regular reviews. Priorities driven by members of the community and are outcome based.
- The role of PBC and Council needs to be clarified– working together
- Business Enterprises – each enterprise to develop skill sets for example: workshop apprenticeships to eventually manage the workshop.
- Renew car and plant fleet – issue has been raised with Government.

The Mayor states that after hour use of council vehicles for private/public use is unacceptable (CEO exempt).

- Insurance – the cost of insurance is doubling (\$1.4million per 9 months). Decisions of what assets are to be insured needs to happen as cost is too high.
- Canteen/Sports & Recreation – Need a clear repayment plan to be set up.
- Cairns Office is fundamental and plays a critical part for the Kowanyama Aboriginal Shire Council.

Mayor dismissed meeting for a short break at 11:35

Meeting resumed at 11:53am

Action Item

CEO to add cattle company project plan to next council meeting.

b) Overview of Local Council process and publications - EMGO

Ms Wiggins presented an overview of Local council processes and publications as follows:

- Information Report – 4B – Overview Roles/Structure – training to commence in May.
- Responsibilities of Councillors Local Govt Act 2009
- Role and Responsibility of Mayor
- Organisational Structure
- Decision making during the year
- Operational plan for the next 12 months
- Key policies for councillors
- Next month (May) training for councillors
- Code of Conduct
- Model Meeting procedures
- Communications and Social Media Policy
- Councillor Remuneration

Action Item

EMGO to organise Councillor workshop for 2020-2021 Operational Plan

Ms Wiggins explained the one of the items contained within the Annual Report is the Annual Operational Plan and the percentages of goals completed, which she can go through with Mayor.

5) Agenda Reports

a) Key Policies – EMGO

Ms Wiggins stated that due to Crime and Corruption Commission investigations into council's across QLD, in recent years and months there has been increased interest in council decision making and behaviours of councillors. Because of this it is vital that councillors are aware of key Council policies.

In May 2020 (date to be determined) the Department of Local Government, Racing and Multicultural Affairs will be providing training to Kowanyama Aboriginal Shire Councillors on key policies. However, in the interim of that training being provided it is important that councillors are aware of the key policies. Ms Wiggins then presented the policies and sought comments and questions.

<p>RESOLUTION – That Council endorse the noted Key Policies:</p> <ul style="list-style-type: none"> • Code of Conduct for Councillors in Queensland • Councillor Expense and Reimbursement Policy • Model Meeting procedures • Communications and Social Media Policy • Councillor Remuneration 	<p>Moved: Cr J. Josiah Seconded: Cr Bernard</p> <p>MOTION CARRIED: All in favour</p>
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Mayor dismissed meeting for lunch break at 12:35pm

Meeting resumes at 12:55pm

b) Register of Interest and Related Parties - EMGO

Ms Wiggins continues –
Register of Interest Form

As mandated by the Department of Local Government, Racing and Multicultural affairs, councillors must declare all financial and non-financial interests, including the interests of persons related to the councillor (including spouses, dependent children or anyone whose affairs are so closely connected with the councillor that they could share any benefits received).

Each local government's chief executive officer must keep a register of the interests of each councillor and their related persons.

All councillors must ensure that their registers of interests and those of all related persons are accurate and up-to-date at all times.

A councillor who fails to update any of the registers of interests for themselves or their related persons may be guilty of an offence.

Related Party Form

As stipulated by the Department of Local Government, Racing and Multicultural Affairs, local governments (councils) must disclose related party relationships, transactions and outstanding balances, including commitments, in the annual financial statements

Related parties include Key Management Personnel (KMP), their close family members and any entities that they control or jointly control. Related parties are likely to include the mayor, councillors, chief executive officers (CEO), senior executives, their close family members and any entities that they control or jointly control.

Any transactions between council and these parties, whether monetary or not, needs to be identified and disclosed. This information is audited as part of the annual external audit by Queensland Audit Office.

In order to meet this requirement all new Executive Team members (including the CEO) and Councillors (including the Mayor) must complete a related parties form and provide it to the nominated delegate(s) of the CEO. Executive Team members and Councillors must also update their related parties form if there is a change to their related parties. The current delegates of the CEO for the purpose of the related party reporting is the Executive Manager Governance and Operations and Executive Manger Finance.

All councillors are required to fill out forms.

Action Item

EMGO to arrange meeting for 1pm tomorrow for forms to be filled out by Councillors

c) Superannuation – EMGO

Ms Wiggins presented the report.

In recent months it has been queried whether councillors should be paid superannuation. As confirmed by Preston Law Councillors are not regarded as employees and generally speaking, there is no entitlement to superannuation. A Council may, however, resolve that they be considered an eligible local government body for superannuation purposes in accordance with the *Taxation Administration Act 1953* (Cwlth) (part 446-5 of Schedule 1) (“Act”).

The Executive has reviewed previous council meeting minutes from 2013 and has not located any resolution that agrees to pay councillors superannuation.

According to Preston Law, a council can agree to pay superannuation to councillors however council is not able to backdate superannuation. Therefore, Council should decide whether, going forward, Councillors should be paid superannuation.

RESOLUTION – That Council endorse they are an eligible local government body for superannuation purposes in accordance with the Act	Moved: Cr Sands Seconded: Cr C. Josiah MOTION CARRIED: All in favour
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d) LDMG chair appointment – CEO

The Kowanyama Aboriginal Shire Council coordinates a Local Disaster Management Group. It is usual that the Mayor of the Council is the Chairperson of the LDMG, ad Deputy Mayor and Deputy Chair.

<p>RESOLUTION – That Council endorse Mayor Sands as the Chairperson and Cr Cameron Josiah as the Deputy Chairperson for the Local Disaster Management Group (LDMG).</p>	<p>Moved: Cr Sands Seconded: Cr J. Josiah</p> <p>MOTION CARRIED: All in favour</p>
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<p><u>Action Item</u> CEO and EMCS to organise LDMG training for Councillors.</p>

e) Waiving of fees and charges – EMGO

Ms Wiggins presented the report and stated that each year council endorses a Fees and Charges register as part of the annual budget. If requests to waive or discount the Fees and Charges are provided by a third party, an Agenda Report is provided to council with the requests for council's endorsement.

As there is only one meeting per month, fees and charges are unable to be amended in a short time frame.

During this Covid 19 pandemic, it is likely that council will receive requests from third parties to amend the fees and charges to assist businesses to survive. It will be important that any requests are evaluated within a few days rather than waiting for the next council meeting.

It is therefore recommended that during the Covid 19 pandemic period, requests to waive or discount fees and charges are assessed and approved by the Mayor and CEO.

The requests would then be presented at the next council meeting for noting by the council.

<p>RESOLUTION – That Council delegate waiving and discount of fees during the Covid 19 to CEO and Mayor jointly.</p>	<p>Moved: Cr Sands Seconded: Cr Stafford</p> <p>MOTION CARRIED: All in favour</p>
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6) Additional Information Reports

a) Governance and Operations

Ms Wiggins (EMGO) presented an update on governance and operations

- Digital based records management
- Records officer has commenced with council

b) Community Services

Mr Bell (EMCS) presented an update on Community Services

- All vacant positions have been filled
- Women's shelter had first audit and was fully compliant
- All reports are up to date
- Building strong relationships

CEO congratulated Mr Bell on the Aged Care centre works

c) Infrastructure Works & Projects

Ms Cresswell (acting EMIWP) presented an update on Infrastructure Works & Projects

- QBuild programs – 9 upgrades to be finished this year and 24 upgrades by next financial year
- \$10M funding to improve water and sewerage. A range of projects underway including a new water chlorinator.
- Roads – Kowanyama was first to complete works for TIDS. Additional funding coming from TMR as a result.
- Workshop – The new mechanic is currently concentrating on all council vehicles
- Lands Office – Continued pest control and turtle monitoring
- Airport Terminal is almost complete.
- Market Garden – Trees were planted in 2018 which once established will supply fruit and vegetables to the community.

The Mayor questioned why contractors work is being repaired by the local carpenter/plumbing crew. Training Centre plumbing work had some issues with the piping.

Ms Creswell replied that new procedures are in place and work is inspected and signed off by the Building Services Manager before contractors are paid.

CEO confirmed that new checks and policies are in place for contractor's work.

d) Human Resources

Ms Delaney presented an update on Human Resources

- An 8-day pandemic leave was paid to all employees including casuals
- 3 new appointees have been employed for positions of Co-Vid19 Co-Ordinator, Centrelink Support and Women's Health Co-Ordinator
- Due to Covid-19 restrictions it has been hard to do any training due to no travel and social distancing rules
- Ms Delaney is looking into online training courses for security which will in turn have employment opportunities for the local Indigenous people. Police checks have to be done before employment.

e) Finance

Mr Hay presented an update on Finance

- An interim audit was conducted and there were only 4 minor deficiencies.
- 3 out of 4 of the deficiencies will be completed by August/September
- Assets in the community are required to be revalued

Virtual Meeting Room (VMR) call dropped out from Cairns Office at 1:56pm

Cairns Office was back online at 1:57pm

Mr Hay continued with his update:

- Budget Workshop to be conducted in May with Councillors
- There was a loss of \$6M due to the depreciation expense of assets deteriorating each year.
- \$4M has been quarantined for projects
- \$2M in grants is expected to be received
- \$1.1M above budget as it stands

The Mayor thanks the Councillors and Executive Team for attending.

Council meeting closed at 2:10pm