



KOWANYAMA ABORIGINAL SHIRE  
COUNCIL

**Council Meeting Minutes**

16 November 2021 10:03am – 2:11pm

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Kowanyama Chambers Room and  
Cairns Board Room

**Present:**

**Councillors**

Deputy Mayor Cameron Josiah (Councillor) – Kowanyama Boardroom

Cr Teddy Bernard (Councillor) – Kowanyama Boardroom

Cr Jacob Elroy Josiah (Councillor) – Kowanyama Boardroom

**Executive**

Gary Uhlmann, Chief Executive Officer (CEO) – Kowanyama Boardroom

Chris McLaughlin, Acting Executive Manager Governance and Operations (A/EMGO) – Cairns Boardroom

Kevin Bell, Executive Manager Community Services (EMCS) – Kowanyama Boardroom (10:07am)

Jacqui Cresswell, Executive Manager Roads, Infrastructure & Essential Services, (EMRIES) – Kowanyama Boardroom

Nicola Strutt, Acting Executive Manager Finance (A/EMF) – Cairns Boardroom (12:14pm – 1:19pm)

Caroline Smith, Acting Executive Manager Human Resources (A/EMHR) – Cairns Boardroom (1:45pm – 1:53pm)

**Other**

Viv Sinnamon – Oral Presentation – Update on Cultural Centre (10:04am – 10:32am)

**Apologies:**

Cr. Richard Stafford (Councillor)

Mayor Robbie Sands (Councillor)

**Meeting Commenced: 10:07am**

**1) Welcome**

The Deputy Mayor welcomed Councillors and Executive Team to meeting.  
Deputy Mayor also welcomed Viv Sinnamon to meeting.

**2) Presentation – Update on Cultural Centre – Viv Sinnamon**

Viv Sinnamon presented an oral presentation update on the cultural centre.

**Action Item:** EMCS to check with Building supervisor on cultural centre being cyclone proof

**Apologies**

<p><b>RESOLUTION – Cr Robbie Sands</b> That Council accept the apologies of Cr Sands</p>	<p><b>Moved: Cr Cameron Josiah</b> <b>Seconded: Cr Jacob Elroy Josiah</b>  <b>All in favour</b> <b>MOTION CARRIED:</b></p>
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<p><b>RESOLUTION – Cr Stafford Apologies</b> That Council accept the apologies for Cr Stafford</p>	<p><b>None in favour</b> <b>MOTION NOT CARRIED:</b></p>
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### 3) Minutes from previous meeting

Gary Uhlmann CEO presented previous Council Meeting minutes:

<p><b>RESOLUTION - Minutes</b> Minutes from Ordinary Council meeting 19 October 2021 be adopted as true and accurate.</p>	<p><b>Moved: Cr Cameron Josiah</b> <b>Seconded: Cr Bernard</b></p> <p><b>All in favour</b> <b>MOTION CARRIED:</b></p>
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### 4) Action Items

Gary Uhlmann presented Action Items - In Progress. Action Items register is ongoing and progressing.

### 5) Reports

#### a) Chief Executive Officer

Gary Uhlmann, CEO presented a verbal information report:

- Kate Hams has commenced as the Business Enterprise Manager
- Visit scheduled for the 24 November 21 from the Director General of Tourism. Will visit Oriner’s Station.
- Covid19 – statistics are looking promising – 75% 1<sup>st</sup> dose and 55% 2<sup>nd</sup> dose
- Borders will open on the 17<sup>th</sup> December
- CoVid will most likely get into Queensland once the borders have opened
- 9 out of 10 people who have died have been unvaccinated
- Even with an 80% vaccination rate, hospitals/health clinics will be very busy. Only 11 ICU beds in Cairns Hospital.
- Local Disaster Management Group (LDMG) meeting on this Friday 19 November 21 and will discuss.
- Contractors – what position will Council take on contractor’s who aren’t vaccinated?
- A/EMGO – Council can not make their own mandate laws/rules unless also backed by the Chief Health Officer (CHO)
- Queensland Police, Aged Care & Disability, Queensland Health have all been mandated – workers are to be vaccinated.
- After 17 December 21 the unvaccinated will have no access to licenced venues including the canteen.
- Police to do security for canteen and vaccination checks.
- Unvaccinated are not allowed to visit hospitals, aged care or prisons.
- Cattle Muster – Muster has had great progress – a few weeks left before complete.
- Ten (10) local have been trained to help with the mustering.
- Cattle company has helped the youth of community for work, money etc.
- Capitol program – PBC partnership – need to work together so combined we are helping community as a whole.

- Roads crew and building program are progressing and doing well.
- Inspection of Canteen – fantastic results. A few issues with presentation: Toilets are not being cleaned regularly and rubbish is being left behind the building. Require better cleans on toilets and grounds. The grass is dying off and needs to be watered regularly. Need to add conditions into lease. Self-flushing toilets have now been installed.
- Congratulations to Mayor Sands who is now the Chair of Torres Cape Indigenous Council Alliance (TCICA)
- Sly grog – impact on cultural, health, education etc. Justice group to be a main support.
- Law and order Justice workshop forum to be organised before Christmas.
- Carriage Limit – issues with police not understanding how the limit works – has now been sorted.
- Carriage limit – 12 pack – if you have 10 at the canteen you can only take 2 away not another 12.
- Organisational Structure implementation – Union has now given the go ahead to move forward.
- Position of Executive Manager Corporate Services to be advertised along with Human Resources Manager and Governance etc.
- Have met with Cairns office employees and all is OK
- Proposed structures to be implemented for EMRIES and EMCS. Line manager's to be informed.

EMCS stated that the Land and Sea offices will now be included in community services which is good.

EMRIES advised all line manager's will be organised for a meeting next week.

Cr Teddy Bernard asked what is happening with the Blue Café and the Bakery?

CEO advised that there were 2 x responses to Expression of Interest for the Blue Café and an application for the bakery. Need to review applications and negotiate.

Cr Jacob Elroy Josiah asked if any locals were on the Airport refuelling course?

EMRIES advised that they need to pass a police check and training is booked for early December. Position for Admin support for the airport to be advertised.

CEO asked if there was a self-serve fuelling solution?

EMRIES advised that it is on hold for now as Airport Manager has been on leave. Will chase up next week.

Airport fuel tanks to be tested for contamination and to be cleaned.

Cr Jacob Elroy Josiah asked if Council could get pump and blower for tyres back at the workshop.

EMRIES advised that they are locked in the workshop as the connections kept getting stolen.

**Action Item:** EMRIES to check connectors for pump and blowers at the workshop

*Short Break – 11:40am to 11.55am*

## **b) Executive Manager Governance and Operations (Acting)**

### **i) Information Report**

Chris McLaughlin, A/EMGO presented information report:

- Flood Study has been completed with consultants to identify risk areas in Kowanyama.
- Canteen Lease – the drafted lease is currently with Kowanyama Sports and Recreation Association (KSRA) for signoff.
- Cattle Company – Cattle muster is currently underway. Council continues negotiations with Abm Elgoring Ambung Aboriginal Corporation RNTBC regarding land use.
- The Audit and risk committee met on 07 October and endorsed our financial statements and external audit closing management letter which has given us an unmodified result, which is great for Council.

- Following negotiations with Telstra, Council is upgrading our current network which will provide great speeds and security. Implementation will occur in the coming weeks.

EMCS was asked by Thomas Hudson to explore the potential for housing for KSRA manager and add to the lease?

CEO advised that the request has been noted.

- Apunipima – Council received a proposal and plans for accommodation/housing on the current lease site. Trustee meeting to be done for next Council meeting.
- Air Services Australia (ASA) – tower still standing and is required to be removed by the end of the year. 50% loading penalty month by month not on a new lease.
- Cairns Office – current lease until 02 December. There are some issues with the current site. Meeting to be organised with current office manager and also property managers. Possible move for the Cairns office.

## ii) Agenda reports

Chris McLaughlin, A/EMGO presented the following Agenda Reports:

### - Annual Report

Pursuant to section 182(2) of the Local Government Regulation 2012 (Qld), each Queensland local government must adopt its annual report within one (1) month after the day the auditor-general gives the auditor-general's audit report about the local government's financial statements for the financial year to the local government.

<p><b>RESOLUTION – Annual Report</b> That pursuant to section 182(2) of the Local Government Regulation 2012 (Qld), Council resolve to adopt its Annual Report 2020/2021</p>	<p><b>Moved: Cr Bernard</b> <b>Seconded: Cr Jacob Josiah</b></p> <p><b>All in favour</b> <b>MOTION CARRIED:</b></p>
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### **Lunch Break – 12:14pm – 12:52pm**

*Nicola Strutt joined meeting at 12:52pm*

### - Councillor Vacancy

Richard Lee Stafford was elected to the Kowanyama Aboriginal Shire Council as Councillor on 28 March 2020.

Cr Richard Stafford has not attended the last two (2) Ordinary Meetings in September, and October 2021. No apology was provided, and Council did not accept the apology. Leave was not approved for the absence. The following additional facts are relevant to Council's reference, namely:

1. Cr Richard Stafford informed Mayor Sands verbally during the week of 2 August 2021 of his intention to formally resign from the office of Councillor at the August 2021 Ordinary Meeting. No formal resignation was ever tabled.
2. Cr Richard Stafford has been absent from 8/11 total ordinary meetings in the 2021 calendar year.

S162(1)(e) of the Local Government Act 2009 (Qld) states that:

A Councillor's office becomes vacant if the councillor...

...(e) is absent from 2 or more consecutive ordinary meetings over a period of at least 2 months....

Cr Richard Stafford has been absent without Leave of Absence for two (2) consecutive meetings over more than the 2-month period.

The LGA is clear on the automatic nature of the vacancy when the above occurs and the exceptions (i) – (iii) are not applicable. The Council has no discretion.

In terms of the Act, a vacancy is therefore deemed to have occurred.

Section 163 of the LGA requires the vacancy to be filled as it has become vacant more than three (3) months before the next election. Pursuant to section 166 of the LGA, the vacancy occurred in the “middle” of the local government’s term, being the 24-month period that begins exactly one year following the quadrennial election (28 March 2021) and ends the day before the third anniversary of the quadrennial election (27 March 2023).

Bi-election is required to fill the vacancy.

It is anticipated that the holding of a by-election will cost the Council between \$30,000 - \$50,000, conducted independently by the Electoral Commission of Queensland (ECQ).

Report noted by Council – no resolution required.

- Looking at an election for new Councillor in January

**Action Item:** A/EMGO to get dates from Electoral Commission for new councillor election

**c) Executive Manager Finance (Acting)  
i) Information Report**

Nicola Strutt, A/EMF presented information report:

A monthly Finance report for the month of October 2021 has been prepared.

Key points from the October 2021 YTD report are as follows:

- net operating result is a \$3,598K profit, this is \$1,467K better than budget
- actual net operating income is \$8,854K this is \$524K better than budget
- actual operating expenditure is \$5,256K this is \$944K better than budget
- Net Profit is \$758K, this is \$1,370K better than budget
- Untied Cash Funds balance is \$3,406K

Please note these comparisons are to the Budget 2021-22 as adopted at the June 2021 Special Meeting.

- QAO Final Management Report letter to Mayor has been received confirming they have not identified any significant issues.

**d) Executive Manager Roads, Infrastructure and Essential Services  
i) Information Report**

Jacqui Cresswell, EMRIES presented information report:

- Road trains are currently delivering gravel to sections of Pomp Rd from the stockpile at the Mitchell River. We have 17,000t to move and have moved 8500t to date.
- The road crew has had to relocate to Shelfo Rd and has completed 15km of heavy formation grading until the bulk of the gravel has been delivered to Pomp Rd. All gravel has now been delivered for Shelfo Rd. We expect the road trains to finish carting around the 20th November for all materials.
- We expect to have the road crew back on Pomp Rd on the week beginning 15th November.

- Gravel is currently also being stockpiled at the airport for next years gravel resheeting project so not to delay the project due to roads being closed over the wet season. This gravel is part of the additional funding we received as part of the NWQRRG.
- Works have been completed on Kowanyumvl road and 20km of heavy formation grading has been completed on Pomp Rd.
- As the wet season is approaching the crews are working as quickly as possible to complete all grant funded programs.
- The town streets and the Kowanyama-Dunbar Rd pavement works have been completed by Koppens.
- We have water trucks working 24 hours a day in the National Park to protect the road surface during the gravel cart through this area.
- Plumbers and carpenters are continuing with BAS maintenance works, although timeframes are still problematic. Water mains to the dump and dog pound are complete. Plumbers are currently attending Oriners to undertake works.
- Duplexes Construction - Recommendation on tender for 278 Pindi Street is included in this meeting.

Family bistro/canteen renovation:

- Final inspection with building Certifier completed, final paperwork to be submitted to finalise project
- floor grinding and coatings underway on site
- defect list completed and provided to builder for rectification
- expected completed end of month November
- 27 Kowanyama staff houses
- carports on site and install pending
- internal plastering completed
- cabinetry, fitout and painting to be completed in November
- practical completion due end of December
- Women's meeting place
- community consultation completed
- floor plan agreed and design in progress
- works proposed to commence May 2022 after wet season
- ICCIP
- The redesign of the dump is now complete, depending on how the wet season impacts the area, further works may need to be undertaken.
- External fencing to area now complete
- Car crushing is continuing
- Tender documents for lining of sewage ponds to be advertised by end November.

Request for a design and construct of a new water testing lab at the water tower will be issued shortly so we can do more comprehensive water testing

Electrical

- Airconditioning installation at Oriners completed
- Generator service technician(Adam Mansey) carried out annual maintenance on KASC generators as part of pre cyclone season preparations
- Knuckle boom-EWP serviced it also had its annual inspection and certification
- Repairs to water bore which supplies water to football field sprinklers
- Organising new generator for Oriners to be delivered to site pre wet season-still waiting confirmation
- Organising water bore to be drilled at Oriners-still waiting for confirmation of drilling dates but should be before wet season
- Airport

- ARO training was completed 2 weeks ago with 5 new staff now being qualified to work airside. Refuelling course is being investigated and hopefully undertaken pre Christmas.
- The airport manager has been on sick leave and the other airport officer on sorry business which left the airport space vulnerable, many thanks to Mark Forrest for stepping in for call outs and refuelling duties.
- Workshop
- Contractor currently undertaking works in workshop with 2 local labourers, there have been a number of vehicles repaired and back in commission in the last month.

## ii) Agenda Reports

Jacqui Cresswell, EMRIES presented the following Agenda Reports:

### Contract Award – TKASC2021-07 Social Housing Lot 278

Tenders were called for the supply and installation of Construction Works for Social Housing Lot 278 as funded by Department of Housing and Public Works. Tenders were advertised in the Cairns Post on 16th October with an online campaign. Tenders Closed at 4pm on 8th November 2021. One (1) offer was received from HCCM PTY LTD T/A H.C BUILDING & CONSTRUCTION

Award tender to HC Building and Construction for reasons:

1. Only submission to tender
2. Engagement with DATSIP to write IEOP and detailed understanding of requirements and Indigenous business owner
3. Satisfaction of key tender criteria
4. Delivery of Kowanyama airport project and experienced working within the region

Kowanyama Aboriginal Shire Council will internally charge all concrete, sand associated with the project & dump fees associated with this project.

<p><b>RESOLUTION – Contract Award – TKASC2021-07 Social Housing Lot 278</b></p> <p>Pursuant to section 226 of the Local Government Regulation 2012 (Qld), Council resolves to award contract ref TKASC2021-07 for the supply &amp; installation of Social Housing Lot 278 to HCCM PTY LTD T/A H.C BUILDING &amp; CONSTRUCTION.</p>	<p><b>Moved: Cr Cameron Josiah</b>  <b>Seconded: Cr Jacob Josiah</b></p> <p><b>All in favour</b>  <b>MOTION CARRIED:</b></p>
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### Specialised Services – Plumbing and Gas Fitting – Pumping Irrigation & Machinery Services

In 2018, Council advertised for companies to go on their Prequalified Supplier register (PSA). PIMS were successful in this process and became registered under Council's PSA in December 2018 – Prequalified Supplier Arrangement. This, in part, was due to the local knowledge and experience PIMS have with all our pump stations as they were the initial installers. The Prequalified Supplier Arrangement expired 11 January 2021.

In 2020, Council again advertised for companies to qualify under the PSA. As PIMS were already on this register and no end date was specified to it, PIMS did not tender.



PIMS are an essential supplier to community essential services area, due to their knowledge and experience with Council pump stations and bores. These services are of a specialised nature and it would be disadvantageous/ impractical for council to seek to engage alternate services at this time.

<p><b>RESOLUTION – Specialised Services – Plumbing and Gas Fitting – Pumping Irrigation &amp; Machinery Services</b></p> <p>That pursuant to section 235(b) of the Local Government Regulation 2012 (Qld), Council engage Pumping Irrigation &amp; Machinery Services to undertake works on their water supply system, including 3 x triplex pumps water bores and filters due to the specialised nature of the services, and their 20-year history servicing Council’s water needs, meaning it would be impractical and/or disadvantageous for Council to invite quotes or tenders for the work.</p>	<p><b>Moved: Cr Elroy Josiah Seconded: Cr Bernard</b></p> <p><b>All in favour MOTION CARRIED:</b></p>
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**e) Executive Manager Community Services**

**i) Information Report**

Kevin Bell, EMCS presented information report

- Dual manager positions have been offered for Aged Care.
- Australia Post manager position has been accepted
- CoVid vaccination statistics are pretty good – 1<sup>st</sup> dose at 75% and 2<sup>nd</sup> dose at 55%
- 137 doses had been administered last week
- Cyclone preparedness – BBQ for storm preparation meeting on 17 November.
- Aged Care – new kitchen staff commenced. Training continues with TAFE north (Cert III in Individual Support)
- Position advertised for Playgroup Manager. Exploring different venues for playgroup.

**f) Executive Manager Human Resources**

**i) Information Report**

Caroline Smith, A/EMHR presented information report:

- Four (4) current vacancies for Council positions- Playgroup team leader, Airport Administration Officer, Executive Manager Finance (on hold), Executive Manager Human Resources (on hold).
- Five (5) new appointments for November – Business Enterprises Manager, Post Office Manager, Junior Support Worker, Disability and Aged Care Support Worker, Cultural Advisor.
- Training – Airport Reporting Officer (ARO) training took place week commencing 01 November.
- Cert III Plumbing – David Paul and Leon “Scotty” Gilbo are currently attending their first block at TAFE and have completed their first week.
- A second Cert II in Security Operations is being held this week in co-operation with RISE.

## 6) Closed Business

In accordance with the provisions of section 254J of the Local Government regulation 2012, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

<p><b>RESOLUTION – Closed Business (1:55pm)</b> That the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with Section 254J of the Local Government Regulation 2012, for the reasons indicated:</p> <ul style="list-style-type: none"><li>- Local Government Regulation 254J (f) matters that may directly affect the health and safety of an individual or a group of individuals</li></ul>	<p><b>Moved: Cr Bernard</b> <b>Seconded: Cr Jacob Josiah</b></p> <p><b>All in favour</b> <b>MOTION CARRIED:</b></p>
<p><b>RESOLUTION – Closed Business</b> That Council moved out of Closed Business at 2:11pm</p>	<p><b>Moved: Cr Bernard</b> <b>Seconded: Cr Jacob Josiah</b></p> <p><b>All in favour</b> <b>MOTION CARRIED:</b></p>
<p><b>RESOLUTION – Xtra Co Contracts exceeding \$200,000</b> That in line with Council’s financial delegations Council endorse payment of \$220,675.00 excl GST to Xtra Co.</p>	<p><b>Moved: Cr Cameron Josiah</b> <b>Seconded: Cr Bernard</b></p> <p><b>All in favour</b> <b>MOTION CARRIED:</b></p>
<p><b>RESOLUTION – Tenancy Management Cultural Approval</b> That Council endorse the suggested change to social housing allocation as requested by the Aboriginal and Torres Strait Islander Housing Unit</p>	<p><b>Moved: Cr Cameron Josiah</b> <b>Seconded: Cr Jacob Josiah</b></p> <p><b>All in favour</b> <b>MOTION CARRIED:</b></p>

*NOTATION: That Council advise the TSI Housing Unit that this is an interim approval pending identification of more appropriate premises/ location for this family.*

**Council Meeting closed at 2:11pm**

## 7) Trustee Meeting

<b>RESOLUTION – Trustee Meeting</b> That Council moved into Trustee meeting.	<b>Moved: Cr Bernard</b> <b>Seconded: Cr Cameron Josiah</b>  <b>All in favour</b> <b>MOTION CARRIED:</b>
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<b>RESOLUTION –Closed Business</b> That the Trustee moved into Closed Business.  Pursuant to section 254J(3)(e) and s84(1) of the Local Government Regulation 2012 (Qld), Council resolves to close the meeting of the Trustee as this report contains privileged legal advice obtained by the trustee and is therefore likely to prejudice the interests of the trustee should the meeting remain open to the public	<b>Moved: Cr Cameron Josiah</b> <b>Seconded: Cr Bernard</b>  <b>All in favour</b> <b>MOTION CARRIED:</b>
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<b>RESOLUTION – Closed Business</b> That Council moved out of Trustee Meeting, Closed Business at 2:30pm	<b>Moved: Cr Bernard</b> <b>Seconded: Cr Jacob Josiah</b>  <b>All in favour</b> <b>MOTION CARRIED:</b>
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END