



GLADSTONE
REGIONAL COUNCIL

GENERAL MEETING AGENDA

**TO BE HELD AT THE GLADSTONE ENTERTAINMENT CONVENTION
CENTRE, 56 GOONDOON STREET, GLADSTONE**

On 1 September 2020

Commencing at 9.00am

Notice *Section 277E Local Government Regulation 2012*: This meeting will be closed to the public, due to health and safety reasons associated with the public health emergency involving COVID-19.

Live streaming will be available on Council's website.

**Leisa Dowling
CHIEF EXECUTIVE OFFICER**

Table of Contents

ITEM	PAGE
G/1. MAYORAL STATEMENT OF CURRENT ISSUES.....	3
G/2. CONFIRMATION OF MINUTES	4
G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 18 AUGUST 2020 ..	4
G/3. OFFICERS' REPORTS.....	5
G/3.1. CAMPGROUND FEE WAIVER - ISLAND CAMPGROUNDS	5
G/3.2. REVISED RISK MANAGEMENT POLICY	8
G/3.3. CENTRAL QUEENSLAND REGIONAL ORGANISATION OF COUNCILS (CQROC) INCORPORATION.....	11
G/4. DEPUTATIONS	14
G/5. COUNCILLORS REPORT	14
G/6. URGENT BUSINESS.....	14
G/7. NOTICE OF MOTION	14
G/8. CONFIDENTIAL ITEMS	14

G/1. MAYORAL STATEMENT OF CURRENT ISSUES

Nil.

G/2. CONFIRMATION OF MINUTES

G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 18 AUGUST 2020

Responsible Officer: Chief Executive Officer

Council Meeting Date: 1 September 2020

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the General Meeting held on 18 August 2020.

Officer's Recommendation:

That the minutes of the General Meeting of Council held on 18 August 2020 be confirmed.

Attachments:

1. Minutes of the General Meeting of Council held on 18 August 2020.

Tabled Items:

Nil.

Report Prepared by: Executive Secretary

G/3. OFFICERS' REPORTS

G/3.1. CAMPGROUND FEE WAIVER - ISLAND CAMPGROUNDS

Responsible Officer: General Manager Finance Governance & Risk

Council Meeting Date: 1 September 2020

File Ref: PR9.1

Purpose:

For Council to consider the waiving of fees associated with campgrounds provided by Council on both Curtis and Facing Islands.

Officer's Recommendation:

That:

1. Council confirm and endorse the action of the Chief Executive Officer to reopen campgrounds from 28 August 2020 with the following amendments to fees and charges required to facilitate the reopening of Island Campgrounds:
 - a. Camping Fees – Island Grounds – Family (2 Adults and 2 Children under 17 years) - \$ Nil;
 - b. Camping Fees – Island Grounds – Per Person - \$Nil;
 - c. School Groups – attending an approved school excursion - \$Nil.
2. Delegate to the Chief Executive Officer the negotiation of a booking management fee to be paid to Gladstone Area Promotion and Development Limited (GAPDL) for the 2020/2021 financial year, with this service to be incorporated into the agreed GAPDL work plan from 1 July 2021.

Background:

Council as part of the implementation of the Public Health Direction issued by the Chief Health Officer on 10 July 2020 (“the Direction”) made an operational decision to temporarily close all Council managed campgrounds whilst the direction with respect to campground operations was fully outworked.

The Direction notes that the operation of campgrounds is a restricted activity and states that campgrounds (as a restricted activity) must be operated:

- on the basis that occupant density is:
 - no more than one person per 2 square metres (up to a total of 50 people) for venues or spaces of 200 square metres or less; or
 - no more than one person per 4 square metres for venues or spaces of 200 square metres or more; and
- in accordance with the COVID SAFE Framework inclusive of comprehensive contact tracing; and
- public health controls.

Whilst the campgrounds that were closed, were largely free, it recognised that the adopted CoVid Safe industry plan for these campgrounds were the same as for commercial campgrounds and placed a significant impact on operational requirements that Council did not have the staffing or financial resources to service the operational requirements that would be necessary to comply with the Public Health Direction COVID Safe requirements.

Council has since the release of the Direction lobbied all parties, Queensland Health, District Disaster Management Group and LGAQ as to the impractical nature of the plan for free campsites and sought some practical direction as to how these sites could be reopened in a manner that was both and safe practical recognising the diverse and sometimes remote nature of these sites and balancing the safety and economic benefits that these Council managed campgrounds provide.

Council received a determination from Queensland Health through the State Disaster Co-Ordination Centre that advised that "free campgrounds that do not have shared amenities (other than toilets) are not required to operate under an Approved COVID Safe Plan due to the nature of these sites. However, Councils should have in place measures to encourage physical distancing, occupant density limits, hand and respiratory hygiene and regular cleaning."

Since receipt of this advice on 21 August 2020, Council has developed an operational strategy for these campgrounds around appropriate signage, inclusive of QR Codes to facilitate contact tracing, and ensured that these facilities are cleaned regularly.

The campgrounds on the Harbour Islands, located on Facing Island at The Oaks and on Curits Island at South End are currently subject to a nightly fee which was most recently adopted with the current budget on 7th July 2020.

In order to facilitate re-opening of these campgrounds, in the most expedient manner it would be necessary to waive the adopted nightly fee thus ensuring that the campgrounds are opened in a manner which balances safety, compliance as well as providing an economic stimulus.

The booking of Island Campgrounds is administered through Gladstone Area Promotion and Development Limited (GAPDL) on their website for which Council pays a commission of 16%, based on activity over the past four years this commission could range from between \$1,200 - \$2,000 p.a.

After discussions with GAPDL the organisation is supportive of the amendment to both the administrative arrangement with respect to bookings and the broader support for economic activity afforded through application of a fee waiver.

Given the activity that GAPDL perform for Council underneath its Annual Work Plan has previously excluded this activity, it is recommended for completeness that this activity be added into the 2021/2022 work plan.

There has been a commitment made to reopen these facilities from 28 August 2020.

Options, Risk and Opportunity Analysis:

Council can elect not to waive the fee for Island Campgrounds and as such the reopening of these facilities would need to await the endorsement of a CovidSafe Plan for these campgrounds.

Communication and Consultation:

Local Government Association Queensland, Queensland Health, Queensland Police Service, Gladstone Area Promotion and Development Limited, Communications and Operations Staff and Elected Members.

Legal Strategy and Policy Implications:

Council is required to comply with *Local Government Act 2009* from which Section 262 (3)(c) provides Council an ability to set fees for commercial activities.

Further, Council is legally obliged to comply with directives issued by the Chief Health Officer under the *Public Health Act 2005*.

Financial and Resource Implications:

The waiver of fees with respect to Island Campgrounds would be an income reduction of approximately \$7,500 per annum.

Currently the 16% Commission retained by GAPDL as a booking fee equates to between \$1,200 and \$2,000 per annum dependant on the number of bookings taken per financial year.

Summary:

This report seeks to waive fees for Island Campgrounds which will ensure compliance with the relevant Public Health Directives and see all Council managed campgrounds open in a consistent manner.

Anticipated Resolution Completion Date:

4 September 2020.

Attachments:

Nil.

Tabled Items:

Nil.

Report Prepared by: General Manager Finance Governance & Risk

G/3.2. REVISED RISK MANAGEMENT POLICY

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 1 September 2020

File Ref: CM28.2

Purpose:

To allow Council to consider a revised policy on Risk Management.

Officer's Recommendation:

That Council:

1. Repeal the existing Council Policy P2017-23 Risk Management Policy; and
2. Adopt the Risk Management Framework Policy (P2020-13) in Attachment 1 of the report.

Background:

Council's current P2017-23 Risk Management Policy (the Current Policy) was adopted on 6 June 2017 and was due for review on 6 June 2020.

Officers have undertaken a review of the Current Policy and identified a number of concerns:

- The Current Policy contains details on the function of the Audit Risk and Improvement Committee. This detail is captured within Council's P2018-28 Audit Risk and Improvement Committee Policy and does not require restating.
- The Current Policy does not provide strategic direction for the management of risk within the business.
- The Current Policy does not align with the international standard for risk management AS ISO31000:2018 Risk Management – Principles and Guidelines.

The proposed P2020-13 Risk Management Policy (Proposed Policy) demonstrates Council's commitment to the development, implementation and continual improvement of a comprehensive enterprise wide risk management framework.

It is intended that the Proposed Policy will apply to all employees and councillors and extend to contractors, consultants and volunteers engaged in the provision of Council services or the management of Council's facilities and assets unless expressly excluded. The Proposed Policy will apply to risk across the entire business but more specifically, risk will be managed at three levels:

1. Corporate Risk – the effect of uncertainty on objectives associated with the sustainability of Council or its ability to deliver on the objectives of the Corporate Plan;
2. Operational Risk – the effect of uncertainty on objectives associated with Council's business units and operational activities;
3. Project Risk - the effect of uncertainty on objectives associated with a specified project, initiative or activity.

The Proposed Policy establishes:

- Principles that govern the Risk Management Framework;
- Council's Risk Appetite; and
- The governance of the Risk Management Framework.

The Proposed Policy, if adopted by Council will be supported by a Risk Management Framework Corporate Standard and both the Proposed Policy and Corporate Standard will be implemented

through a Risk Management Framework Implementation Plan. Risk Management within the business will be aided by Council's new Beakon software which will streamline monitoring and reporting risk activities.

Options, Risk and Opportunity Analysis:

By adopting the Proposed Policy, Council has the opportunity to establish a consistent approach to risk across the business.

The Risk Appetite Statement within the Proposed Policy reflects Council's conservative approach to risk. Risk appetite refers to the amount of residual risk that an organisation is willing to pursue, retain or take in the pursuit of its objectives.

The Risk Appetite Statement illustrated in the Proposed Policy has been endorsed by the Executive Team and Council's Audit Risk and Improvement Committee (subject to Council's final determination) and does not represent any change to Council's current position. Council is however at liberty to either increase or decrease its appetite for risk in a particular category.

Communication and Consultation:

Feedback was obtained from the business throughout the development of the Proposed Policy.

In addition to internal consultation, officers held a workshop with Council's Audit Risk and Improvement Committee (ARIC) to review the Proposed Policy. Feedback was obtained from ARIC and has been incorporated in the Proposed Policy.

A summary of feedback received in relation to the Proposed Policy is included in Attachment 3.

While risk management must be tailored to each individual organisation, a review of risk management policies of other local governments suggests that the Proposed Policy is not inconsistent with the management of risk in other local governments.

Legal Strategy and Policy Implications:

Council has various obligations to document and manage risk and the Proposed Policy will provide the strategic direction for the management of risk across Council.

Financial and Resource Implications:

The implementation and embedding of the principles of risk management contained in the Proposed Policy will be a process of continual improvement however funds have been allocated in 2020/21 Operating Budget to assist with the initial implementation.

The implementation will be led by Council's Manager Governance and Risk and Insurance Officer supported by external consultants where necessary.

There is the potential for significant negative financial consequences should Council not manage its risks effectively.

Summary:

Nil.

Anticipated Resolution Completion Date:

The Risk Management Policy will take effect immediately upon adoption and will be communicated to the business by 4 September 2020.

Attachments:

1. Current Policy - P2017-23 Risk Management Policy
2. Proposed Policy – P2020-13 Risk Management
3. Consolidated Feedback on Proposed Policy

Tabled Items:

Nil.

Report Prepared by: Manager Governance

G/3.3. CENTRAL QUEENSLAND REGIONAL ORGANISATION OF COUNCILS (CQROC) INCORPORATION

Responsible Officer: Chief Executive Officer

Council Meeting Date: 1 September 2020

File Ref: GR9.1

Purpose:

This report seeks to implement the actions required to incorporate the Central Queensland Regional Organisation of Councils (CQROC) as a corporation limited by guarantee. This process also requires that nominations be confirmed for the appointment of directors and delegates to represent Council at general meetings of the corporation.

Officer's Recommendation:

That Council:

1. Resolves to conduct a beneficial enterprise by forming, with Banana Shire Council, Central Highlands Shire Council, Livingstone Shire Council, Rockhampton Regional Council and Woorabinda Aboriginal Shire Council ("Member Councils"), a company limited by guarantee that is not listed on a stock exchange.
2. Resolves to:
 - (a) approve the constitution for the company as tabled in Attachment 1;
 - (b) approve the name of the company, being Central Queensland Regional Organisation of Councils Limited; and
 - (c) authorise King and Company to lodge the application for registration as a corporation limited by guarantee under the *Corporations Act 2001*, subject to provision and completion of all relevant application details from all Member Councils.
3. Resolves to appoint:
 - (a) Councillor _____ as the Primary Director on behalf of Gladstone Regional Council;
 - (b) Councillor _____ as the Alternate Director on behalf of Gladstone Regional Council, to act in place of the Primary Director;
 - (c) Councillor _____, Councillor _____ and Leisa Anne Dowling, Chief Executive Officer, as Delegates of Gladstone Regional Council, to represent Gladstone Regional Council at general meetings (noting that only two delegates can represent Council at any one general meeting);

of Central Queensland Regional Organisation of Councils Limited;

Background:

The Central Queensland Regional Organisation of Councils (CQROC) is currently comprised of representatives from Banana Shire Council, Central Highlands Regional Council, Gladstone Regional Council, Livingstone Shire Council and Woorabinda Aboriginal Shire Council. Rockhampton Regional Council was also a member of CQROC until withdrawing on 27 June 2019 however Rockhampton Regional Council resolved on 14 July 2020 to seek to re-join CQROC. Members formalised acceptance of this request at the CQROC meeting held on 13 August 2020.

CQROC was formed following the winding up of the Central Queensland Local Government Association (CQLGA) in 2013 as an alternative entity to continue collaboration for the enhancement of regional economic growth, social capacity and environmental sustainability. CQROC currently has no legal structure or status and cannot hold funds independently, engage staff or consultants or apply for grants.

CQROC has resolved to become incorporated to facilitate progress in the delivery of its objectives as a company limited by guarantee. In order to pursue incorporation there are several legal processes that need to be followed by both CQROC and the member Councils.

It is proposed each council will be an equal member and that each council appoint:

- 2 to 3 delegates to be able to attend meetings on behalf of the council, 1 of whom must be council's CEO and the other 1 to 2 to be councillors (only 2 may attend a general meeting)
- 1 primary director who may be the CEO or a councillor
- 1 alternate director who can act as director when the primary director is unavailable and may be the CEO or a councillor

Options, Risk and Opportunity Analysis:

The structure of CQROC as a company limited by guarantee is a low risk to Council. Charitable and not for profit groups can incorporate as companies limited by guarantee. The *Local Government Act 2009* only allows Councils to participate in beneficial enterprises where individual Council liability is limited. A nominal sum of around \$20 will be agreed on as the limit of the guarantee. An appropriate legal structure is essential to enable collaborative projects to progress, along with the employment of staff.

Communication and Consultation:

Council's Senior Legal Advisor has reviewed the advice provided to CQROC by King and Company on the steps required to incorporate. The Local Government Association of Queensland (LGAQ) has also provided advice in relation to other Regional Organisations Of Councils successfully operating under the same legal framework.

Legal Strategy and Policy Implications:

Section 40 of the *Local Government Act 2009* provides Council with a broad power to conduct beneficial enterprises in order to pursue its objectives in the formation, operation or management of an association. Recommendations in this report are in accordance with legislative provisions.

Directors will have a duty of care under the *Corporations Act 2001* and Councillors will need to be mindful of their obligations under the *Local Government Act 2009* and general law in relation to conflicts of interest.

Financial and Resource Implications:

The incorporation process will incur legal fees of \$4,400 and company registration fees of \$408, to be shared amongst the CQROC members. Councillors should be aware however that CQROC is pursuing the potential employment of an Executive Officer, with members required to contribute to these currently unconfirmed costs.

Summary:

Incorporation of CQROC will provide a fit for purpose legal structure to advance the collective priorities of member Councils.

Anticipated Resolution Completion Date:

25 September 2020.

Attachments:

1. Central Queensland Regional Organisation of Councils Proposed Constitution

Report Prepared by: Chief Executive Officer.

G/4. DEPUTATIONS

Nil.

G/5. COUNCILLORS REPORT

Nil.

G/6. URGENT BUSINESS

Nil.

G/7. NOTICE OF MOTION

Nil.

G/8. CONFIDENTIAL ITEMS

Nil.

ATTACHMENTS