



*Minutes of the Community and Corporate
Standing Committee of the Council
12 February 2008
commencing at 9:40 am*

PRESENT

Councillors – J Sciacca (Chair), M P Berwick (Mayor), D P Egan (Deputy Mayor), W J Bellerio, M J Cox and D G Pitt.

Staff – B W Ede (Acting Chief Executive Officer), P M Hoye (Acting General Manager Development & Environment) and S K Andrews (Corporate Support).

SUSPENSION

Cr Davis was not in attendance due to suspension from the meeting.

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration, Ian Barton, attended the meeting at 9:41 am.

**EMERGENT ISSUE – CR DAVIS ATTENDANCE AT MEETINGS OF
12 FEBRUARY 2008**

The Mayor, Cr Berwick, informed the Council of an emergent issue requiring a decision of the Council – Cr Davis Attendance at Meetings of 12 February 2008:

Moved Cr Berwick

Seconded Cr Cox

08/0212/06A

“That Cr Davis be allowed to attend the Council and Committee meetings held on 12 February 2008 as a member of the public so long as he does not interject.”

For: Cr Berwick, Cox

Against: Cr Egan, Bellerio, Pitt, Sciacca

Lost

08/0212/06 DECLARATIONS OF INTEREST

There were no declarations of interest presented to the meeting.



08/0212/07 CONFIRMATION OF MINUTES – 22 JANUARY 2008

Moved Cr Egan

Seconded Cr Berwick

“That the minutes of the Community & Corporate Standing Committee Meeting held on 22 January 2008 be confirmed.”

For: Cr Egan, Berwick, Bellerio, Pitt, Sciacca

Against: Cr Cox

Carried

REPORTS

08/0212/08 LOT 126 SR868 – REQUEST TO CONSENT TO MORTGAGE OF TRUSTEE LEASE

Moved Cr Cox

Seconded Cr Berwick

1. *“That the Committee consents to the mortgage of trustee lease 602825953 on Lot 126 on CP SR868, situated in the County of Solander, Parish of Salisbury, being land contained in Title Reference 49023081 by the lease holder being Meridien Marinas Port Douglas Pty Ltd in accordance with the terms provided in the Trustee’s Consent to Mortgage of Lease document;*
2. *that the Trustee’s Consent to Mortgage of Lease document be signed and sealed; and*
3. *that it be a condition of this consent that the Council’s costs in consenting to this request be required to be met by the leaseholder, Meridien Marinas Port Douglas Pty Ltd.”*

Carried unanimously



08/0212/09 DE0208M – GENERAL MANAGER REPORT FROM LEGAL ADVICE

Moved Cr Egan

Seconded Cr Pitt

“That the Committee resolves this issue on the next 12 February 2008 Committee Meeting. So the Committee will make a final decision on the contract and also resolve the alterations done to the same contract of the General Manager Community & Corporate, David Carey.”

With the agreement of the mover and seconder the Committee resolved to close the meeting to the public before considering the matter:

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Pitt

Seconded Cr Bellerio

08/0212/09A *“That pursuant to Section 463(1)(h) of the Local Government Act 1993, the meeting be closed to the general public to seek in confidence legal advice and discuss staff issues on contracts.” (9:55 am)*

Carried unanimously

ATTENDANCE/WITHDRAWAL

At the closure of the meeting to the public, all staff and members of the gallery present withdrew from the meeting.

The Acting Chief Executive Officer, Bruce Ede, remained in the meeting.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Sciacca

Seconded Cr Egan

08/0212/09B *“That the meeting be re-opened to the public.” (11:48 am)*

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration, the Acting General Manager Development & Environment, Paul Hoye, and the Corporate Support Officer, Susanna Andrews, re-attended the meeting at 11:48 am. The General Manager Community & Corporate, David Carey, attended the meeting at this time.



The following recommendation was forthcoming from discussions held while the meeting was closed to the public, however it was not resolved as the original motion had not yet been dealt with:

Moved Cr Egan

Seconded Cr Pitt

"That the alteration to the contract employees' contracts to delete clause 9.1.6 are considered to be unauthorised and therefore illegal, and such clause be re-inserted into the contracts."

ATTENDANCE/WITHDRAWAL

The General Manager Engineering, Bob Baade, attended the meeting at 11:54 am.

With the agreement of the mover and the seconder of the above motion, the original motion – item 08/0212/09 – General Manager Report from Legal Advice, was brought back to the table for further discussion and the following procedural motion moved in relation to it:

PROCEDURAL MOTION

Moved Cr Pitt

Seconded Cr Berwick

"That item 08/0212/09 – General Manager Report from Legal Advice, lies on the table until the Committee gets further advice and until a later date to be determined by the Committee."

With the agreement of the meeting and the approval of the mover and the seconder the motion was withdrawn.

A further motion was moved in relation to item 08/0212/09 – General Manager Report from Legal Advice:

Moved Cr Pitt

"That the final decision on the contracts for the General Managers will be determined at a later date."

Lapsed for want of a seconder



An amendment to item 08/0212/09 – General Manager Report from Legal Advice, was moved:

Moved Cr Pitt

Seconded Cr Sciacca

08/0212/09C

“That the Committee resolves the matter of the alterations done to the contracts and that further matters lie on the table.”

For: Cr Pitt, Sciacca, Bellerio, Cox

Against: Cr Berwick, Egan

Carried

The amendment became the motion and was put:

For: Cr Pitt, Sciacca, Bellerio, Cox

Against: Cr Berwick, Egan

Carried

The following motions were moved in relation to item 08/0212/09 – General Manager Report from Legal Advice:

Moved Cr Egan

Seconded Cr Pitt

08/0212/09

“That the alteration to the contract employees’ contracts to delete clause 9.1.6 is considered to be unauthorised, and therefore illegal, and such clause be re-inserted into the contracts.”

For: Cr Egan, Pitt, Sciacca, Bellerio

Against: Cr Berwick, Cox

Carried

Moved Cr Egan

Seconded Cr Sciacca

08/0212/09(i)

“That the matter of the unauthorised alteration of contracts be investigated with a view to pursuing disciplinary action if necessary.”

For: Cr Egan, Sciacca, Bellerio, Pitt

Against: Cr Berwick, Cox

Carried



**08/0212/10 CONTRACT OF EMPLOYMENT – GENERAL MANAGER
COMMUNITY & CORPORATE**

“That the Committee discontinues pursuing a further legal opinion on the ability of the Council to terminate the contract of employment of the General Manager Community & Corporate, David Carey.”

The motion was withdrawn

NOTICES OF MOTION

There were no notices of motion submitted to the meeting.

TERMINATION OF THE MEETING

The meeting was closed at 12:27 pm.

Presented to and confirmed by the Community & Corporate Standing Committee of the Council on the *fourth* day of *March* 2008.

**J Sciacca
Chair**