



*Minutes of the Special Meeting of Council  
2 August 2007  
commencing at 10:03 am*

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**PRESENT**

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

**Staff** – J F Leu (Acting Chief Executive Officer), D G Carey (General Manager Community & Corporate), I B Barton (General Manager Finance & Administration), P J Trotman (General Manager Development & Environment), R J Baade (General Manager Engineering), A M Rodgers (Manager Corporate Support) and S K Andrews (Corporate Support).

**APOLOGY**

An apology was received from Cr M J Cox of her inability to attend the meeting due to her attendance at the Australian Local Government Women's Association Conference.

**BUSINESS**

The Mayor, Cr Berwick, advised he had called the Special Meeting in accordance with Douglas Shire Council Local Law No 17 (Meetings), Section 7, Part 2a to discuss and finalise by resolution:

1. the 'Deed of Agreement' with respect of the former Chief Executive Officer, Mr Terence Melchert;
2. the outcome, and any actions resulting from, the Local Government Boundary Reform Commission Report; and
3. the Daintree River toilet block – review of appeal progress.

**ATTENDANCE/WITHDRAWAL**

Cr Sciacca attended the meeting at 10:04 am.

**07/0208/02A – SUSPENSION OF THE ORDER OF BUSINESS**

Moved Cr Berwick

Seconded Cr Egan

*"That the order of business be suspended to allow Council to consider items 07/0802/02 – Local Government Boundary Reform Commission Report and 07/0802/03 – Daintree River Toilet Block – Review of Appeal Process."*

**Carried** unanimously

07/0802/02      LOCAL GOVERNMENT BOUNDARY REFORM COMMISSION REPORT

Moved Cr Berwick

Seconded Cr Egan

07/0802/02      *"That Council requests support from Cairns City Council to make the existing Shire of Douglas a division in the new Council, should amalgamation occur. Douglas Shire suggests the following options to achieve this:*

- *a divisional electorate which provides for ten councillors, plus Mayor, in the new council with Douglas a division in its own right and the necessary amendments be made to the Local Government Act 1993 in relation to voter tolerances; or*
- *a divisional electorate which provides for twelve councillors, plus Mayor, in the new council.*

*That Council, while offering this position, remains opposed to the amalgamation of the two Councils."*

ATTENDANCE/WITHDRAWAL

Cr Davis attended the meeting at 10:23 am.

Cr Davis withdrew from the meeting at 10:50 am and re-attended at 10:51 am.

The General Manager Development & Environment, Paul Trotman, withdrew from the meeting at 10:58 am and re-attended at 10:59 am.

**Carried unanimously**

After further consideration of the Local Government Reform process, the following recommendations (07/0802/02B and 07/0802/02C) were forthcoming:

07/0802/02B      RESPONSE TO DOUGLAS SHIRE COUNCIL STAFF

Moved Cr Berwick

Seconded Cr Pitt

*"That Council expresses its appreciation to the staff and commits to helping them in every way it can."*

ATTENDANCE/WITHDRAWAL

The Acting Chief Executive Officer, Julia Leu, withdrew from the meeting at 11:17 am and re-attended at 11:24 am.

Cr Davis withdrew from the meeting at 11:34 am and re-attended at 11:35 am.

**Carried** unanimously

07/0802/02C DOUGLAS SHIRE COUNCILLORS OFFER TO RESIGN

Moved Cr Davis

*"That Council agrees to resign on the condition that Douglas Shire is not amalgamated with Cairns City Council."*

**Lapsed** for want of a seconder

07/0802/03 DAINTREE RIVER TOILET BLOCK – REVIEW OF APPEAL PROGRESS

The General Manager Development & Environment reiterated that he did not change his position and that Council should carry on with the appeal.

Moved Cr Bellerio

Seconded Cr Berwick

*"That Crs Berwick, Bellerio and the General Manager, Development & Environment, are prepared to put in an application on behalf of Council. Council wishes to resolve the matter out of court and seeks a meeting with the representatives of the Environmental Protection Agency with no legal representation present."*

ATTENDANCE/WITHDRAWAL

The Acting Chief Executive Officer withdrew from the meeting at 11:38 am. The Manager Corporate Services, Ann-Marie Rodgers, also withdrew at this time.

The General Manager Community & Corporate, David Carey, withdrew from the meeting at 11:41 am.

The Manager Corporate Services re-attended the meeting at 11:42 am.

The Acting Chief Executive Officer re-attended the meeting at 11:44 am.

**Carried** unanimously

**REASONS WHY THE COUNCIL DID NOT ACCEPT THE OFFICER'S RECOMMENDATION (S461(A) OF LOCAL GOVERNMENT ACT 1993)**

As required under S461(A) of the *Local Government Act 1993* the following statements were the grounds provided by the Councillors as their reasons for not accepting the Officer's recommendation:

1. Council believes things have changed and that the matter can be sorted out through negotiation.
2. The state government fighting with local government is wasting taxpayers' money.
3. Council believes it should approach the Local Government Association of Queensland and get the Association to support Council as a test case for all of North Queensland.

**07/0208/03A RESUMPTION OF THE ORDER OF BUSINESS**

Moved Cr Berwick

Seconded Cr Pitt

*"That the order of business be resumed."*

**Carried** unanimously

**CLOSURE OF THE MEETING TO THE PUBLIC**

Moved Cr Berwick

Seconded Cr Pitt

**07/0802/03B** *"That pursuant to Section 463(1)(a) of the Local Government Act 1993, the meeting be closed to the general public to allow in confidence discussion of the 'Deed of Agreement' with respect of the former Chief Executive Officer, Mr Terence Melchert." (12:03 pm)*

**Carried** unanimously

**ATTENDANCE/WITHDRAWAL**

At the closure of the meeting to the public all staff and members of the gallery present left the meeting.

**OPENING OF THE MEETING TO THE PUBLIC**

Moved Cr Berwick

Seconded Cr Sciacca

**07/0802/03C** *"That the meeting be re-opened to the public." (12:22 pm)*

**Carried** unanimously

ATTENDANCE/WITHDRAWAL

The Acting Chief Executive Officer, the Manager Corporate Support and the Corporate Support Officer, Susanna Andrews, re-attended the meeting at 12:22 pm.

The following recommendation was forthcoming from discussions held while the meeting was closed to the public:

07/0802/01 **DEED OF AGREEMENT WITH RESPECT OF THE FORMER CHIEF EXECUTIVE OFFICER, MR TERENCE MELCHERT**

Moved Cr Davis

Seconded Cr Berwick

*"That Council pays no more than the entitlements to the former Chief Executive Officer, Mr Terence Melchert, and supports the contents of the draft deed of agreement."*

An amendment to the motion was moved:

Moved Cr Pitt

Seconded Cr Sciacca

07/0802/01 *"That Council supports the contents of the draft deed of agreement with respect of the former Chief Executive Officer, Mr Terence Melchert, subject to all of point four (4) of the deed of agreement being removed and that 7.1 (a) and (b) are removed."*

For: Cr Pitt, Sciacca, Egan, Bellerio

Against: Cr Berwick, Davis

**Carried**

The amendment became the motion and was put:

For: Cr Pitt, Bellerio

Against: Cr Berwick, Egan, Sciacca, Davis

**Lost**

Moved Cr Davis

Seconded Cr Berwick

07/0802/01(i) *"That Council pays no more than the entitlements to the former Chief Executive Officer, Mr Terence Melchert, and supports the contents of the draft deed of agreement subject to all of point four (4) of the deed of agreement being removed."*

For: Cr Davis, Berwick

Against: Cr Egan, Sciacca, Pitt, Bellerio

**Lost**

Moved Cr Berwick

Seconded Cr Davis

07/0802/01(ii) *"That there be no ex-gratia payment, on top of the entitlements, to the former Chief Executive Officer, Mr Terence Melchert."*

For: Cr Berwick, Davis

Against: Cr Egan, Sciacca, Pitt, Bellerio

**Lost**

Moved Cr Bellerio

Seconded Cr Berwick

07/0802/01(iii) *"That Council pays no more than the entitlements to the former Chief Executive Officer, Mr Terence Melchert."*

For: Cr Bellerio, Berwick, Davis

Against: Cr Egan, Sciacca, Pitt

**Carried** on the casting vote of the Chair

Moved Cr Pitt

Seconded Cr Sciacca

07/0802/01(iv) *"That the draft deed of agreement with respect of the former Chief Executive Officer, Mr Terence Melchert, be amended by deletion of all of item four (4) and item 7.1 (a) and (b)."*

For: Cr Pitt, Sciacca, Egan, Bellerio

Against: Cr Berwick, Davis

**Carried**

#### **ADJOURNMENT OF THE MEETING**

The meeting was adjourned at 12:42 pm to resume at a time to be advised.

#### **RESUMPTION OF THE MEETING**

The meeting resumed at 1:46 pm on Tuesday, 7 August 2007, with the attendance of the Mayor, Cr Berwick; Cr Egan; Cr Davis; Cr Cox; Cr Pitt; the Acting Chief Executive Officer, Julia Leu; the General Manager Development & Environment, Paul Trotman; the General Manager Engineering, Bob Baade; the Manager Corporate Support, Ann-Marie Rodgers; and the Corporate Support Officer, Susanna Andrews; and without the attendance of the General Manager Community & Corporate, David Carey; the General Manager Finance & Administration, Ian Barton; Cr Bellerio; and Cr Sciacca.



**EMERGENT ISSUE – LOCAL TRANSITION COMMITTEE**

The Acting Chief Executive Officer advised the Council of the impending introduction of the Local Government Reform Implementation Bill 2007 and the necessity to consider the Council's representation on the Local Transition Committee:

**ATTENDANCE/WITHDRAWAL**

Cr Sciacca re-attended the meeting at 1:49 pm.

Cr Bellerio re-attended the meeting at 1:50 pm.

The General Manager Community & Corporate, David Carey, re-attended the meeting at 1:54 pm.

Cr Pitt withdrew from the meeting at 1:57 pm and re-attended at 2:00 pm.

**07/0802/01A APPOINTMENT OF DOUGLAS SHIRE COUNCIL REPRESENTATIVES TO THE LOCAL TRANSITION COMMITTEE**

Moved Cr Berwick

Seconded Cr Davis

*"That Council adopts the recommendation of the General Managers' group that the Mayor, Cr Berwick, and Cr Cox be appointed as Council's representatives on the Local Transition Committee."*

For: Cr Berwick, Davis, Cox, Pitt

Against: Cr Sciacca, Bellerio, Egan

**Carried**

**07/0802/01B LOCAL TRANSITION COMMITTEE – DIRECTION ON POLICY**

Moved Cr Davis

Seconded Cr Egan

*"That the elected Douglas Shire Council representatives, Crs Berwick and Cox, on the Local Transition Committee take their directives on all major policies from Council."*

**Carried** unanimously

**TERMINATION OF THE MEETING**

The meeting was terminated at 2:22 pm.

Presented to and confirmed by Council on the *twenty-seventh* day of August 2007.

**M P Berwick**  
**Chair**