



Minutes of the Adjourned Special Meeting of Council of 24 May 2007 continuing at 8:37 am on 25 May 2007

RESUMPTION OF THE MEETING

The meeting resumed at 8:37 am with the attendance of the Mayor, Cr Berwick; Cr Egan; Cr Cox; Cr Davis; Cr Sciacca; the Acting Chief Executive Officer, Ian Barton; General Manager Community & Corporate, David Carey; General Manager Development & Environment, Paul Trotman; General Manager Engineering, Bob Baade; and Corporate Support Officer, Susanna Andrews. Visitors Alan Johnson, Manager, Mossman Central Mill; Bill Phillips-Turner, Chairman of the Board, Mossman Central Mill; and Dennis Wright, JRT Transport; were also in attendance.

ATTENDANCE/WITHDRAWAL

Cr Pitt attended the meeting at 8:38 am.

Cr Bellerio attended the meeting at 8:40 am.

07/0524/01A SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Pitt

"That standing orders be suspended and Council consider a proposal to haul cane from Julatten to Mossman Mill now."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Manager Community, Cultural & Economic, Julia Leu, and the Community Development Officer, Kelly Favas, attended the meeting at 8:56 am, during the presentation below.

PROPOSAL TO HAUL CANE FROM JULATTEN TO THE MOSSMAN MILL

Mr Alan Johnson, Manager, and Mr Bill Phillips-Turner, Chairman of the Board, Mossman Central Mill; and Mr Dennis Wright, Contractor, JRT Transport, addressed the meeting regarding a proposal to haul cane from Julatten to the Mossman Central Mill.

ATTENDANCE/WITHDRAWAL

The Chair thanked Mr Johnson, Mr Phillips-Turner and Mr Wright for their presentation and they withdrew from the meeting at 9:16 am.

07/0524/01B RESUMPTION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Cox

"That standing orders be resumed."

Carried unanimously

07/0524/01 DRAFT SUBMISSION TO THE LOCAL GOVERNMENT REFORM COMMISSION

Moved Cr Berwick

Seconded Cr Pitt

"That Council submits the submission prepared by Mr John Orange, Brisbane City Enterprises, to the Queensland Local Government Reform Commission."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Community Development Officer withdrew from the meeting at 9:18 am and re-attended at 9:20 am.

Cr Pitt withdrew from the meeting at 9:20 am and re-attended at 9:21 am.

The General Manager Community & Corporate withdrew from the meeting at 9:22 am.

The General Manager Finance & Administration withdrew from the meeting at 9:24 am.

EMERGENT ISSUE

The Manager Community Cultural & Economic advised the Council of an emergent issue requiring a decision of the Council. The issue related to requirements for the Council to submit an expression of interest to Disability Services Queensland for an All Abilities Playground.

SUSPENSION OF STANDING ORDERS

It was agreed standing orders be suspended to deal with this emergent issue and that therefore it be included in the agenda for determination.

07/0524/02 ALL ABILITIES PLAYGROUND PROJECT

Moved Cr Cox

Seconded Cr Bellerio

"That Council makes an Expression of Interest for a grant from Disability Services Queensland, All Abilities Playground Project, for an All Abilities Playground, with Council contributing \$50 000 net to be provided in the 2007/08 budget and agree that George Davis Park be the site for its construction."

Carried unanimously

EMERGENT ISSUE

Whilst standing orders were suspended the General Manager Community & Corporate advised the Council that a matter requiring its decision which was referred to in a report presented to the Council's Ordinary Meeting of 15 May 2007 had been overlooked for decision by the Council. The matter required the Council's urgent attention and related to establishing processes for the conduct of independent investigations into workplace health and safety complaints by staff.

It was agreed to deal with this emergent issue and that therefore it be included in the agenda for determination.

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Pitt

Seconded Cr Sciacca

07/0524/02A

"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 Workplace Health & Safety Complaints."

Carried unanimously

ATTENDANCE/WITHDRAWAL

At the closure of the meeting all staff withdrew.

CONFLICT OF INTEREST

The Mayor, Cr Berwick; Cr Davis; and the General Manager Community & Corporate, David Carey; had previously declared conflicts of interest the matter and reiterated this as they withdrew from the meeting.

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration re-attended the meeting at 9:35 am.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Egan

Seconded Cr Sciacca

07/0524/02B

"That the meeting be re-opened to the public."

Carried unanimously

ATTENDANCE/WITHDRAWAL

Corporate Services Officer, Susanna Andrews, re-attended the meeting at 9:44 am.

The General Manager Finance & Administration withdrew from the meeting at 9:46 am.

The Mayor, the General Manager Corporate & Community and Cr Davis returned to the meeting at 9:47 am.

The following item was left on the table at the Ordinary Meeting of Council on 15 May 2007 pending the return of Cr Sciacca on 18 May 2007 but not subsequently dealt with.

07/0515/27

WORKPLACE HEALTH & SAFETY COMPLAINTS

Moved Cr Sciacca

Seconded Cr Pitt

"That Council:

- 1. resolves that when complaints are lodged which involve Councillors, the Chief Executive Officer or Senior Officers (members of the General Managers' Group) the matters be referred to an independent external Investigations Manager (the Investigations Manager) with appropriate knowledge and experience in Local Government, appointed by the President of the Queensland Law Society and with the Investigations Manager having the power to appoint such independent investigators as are necessary to complete the task or tasks to hand;*
- 2. obtains the written consent of the Chief Executive Officer for the Council to proceed with the appointment of an Investigations Manager who is to be engaged to perform the tasks detailed in the document headed 'Task Summary – Investigations Manager' provided in confidence to the Council;*

3. *provides all the necessary assistance that the Investigations Manager may require in order to carry out the tasks detailed in the Task Summary, and the General Manager Finance & Administration be appointed as the Council officer to maintain administrative contact with the Investigations Manager;*
4. *determines that, in accordance with Section 486(3) of the Local Government Act 1993, it is satisfied that the services to be supplied by the Investigations Manager are of such a specialised and confidential nature that it would be impractical or disadvantageous for Council to invite tenders or quotations;*
5. *refers any formal report as to the findings in respect of any complaints referred to an independent Investigations Manager under Resolution One (1), to the Council; and*
6. *authorises the Investigations Manager to pursue and implement recommendations made by the Investigations Manager in respect of appropriate follow through action for dealing with Council employees who are a party to a complaint (excluding the Chief Executive Officer).*

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration re-attended the meeting at 9:48 am.

The Mayor, Cr Egan, Cr Pitt and Cr Cox withdrew from the meeting at 9:48 am.

The General Manager Engineering, Bob Baade, re-attended the meeting at 9:50 am. The Mayor, Cr Egan, Cr Pitt and Cr Cox also re-attended at this time.

RESUMPTION OF STANDING ORDERS

It was agreed standing orders be resumed.

DRAFT 2007/08 OPERATIONAL PLAN

The following item 07/0515/04, Draft 2007/08 Operational Plan, was left on the table at the Ordinary Meeting of Council on 15 May 2007 and was discussed at length.

ATTENDANCE/WITHDRAWAL

The Manager Community, Cultural & Economic re-attended the meeting at 9:59 am and withdrew at 10:00 am.

The General Manager Community & Corporate withdrew from the meeting at 10:19 am.

The General Manager Development & Environment, Paul Trotman, and the General Manager Community & Corporate, re-attended the meeting at 10:23 am.

The General Manager Development & Environment withdrew from the meeting at 10:36 am and re-attended the meeting at 10:37 am.

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

The General Manager Finance & Administration withdrew from the meeting at 10:55 am.

Cr Egan withdrew from the meeting at 11:03 am.

Crs Cox and Davis withdrew from the meeting at 11:04.

Crs Egan, Cox and Davis re-attended the meeting at 11:06 am.

The General Manager Finance & Administration re-attended the meeting at 11:08 am. The General Manager Engineering withdrew from the meeting at this time.

The General Manager Finance & Administration withdrew from the meeting at 11:11 am.

The Mayor withdrew from the meeting at 11:14 am and re-attended at 11:16 am.

The General Manager Finance & Administration re-attended the meeting at 11:17 am.

The General Manager Community & Corporate withdrew from the meeting at 11:25 am and re-attended the meeting at 11:34 am.

07/0515/04 DRAFT 2007/08 OPERATIONAL PLAN

Moved Cr Cox

Seconded Cr Berwick

"That Council adopts, in principle, the draft Operational Plan 2007/08 submitted to the Council's briefing of 16 May 2007 to facilitate the completion of the draft budget 2007/08."

An amendment to the motion was moved:

Moved Cr Bellerio

Seconded Cr Sciacca

07/0515/04

"That Council adopts, in principle, the draft Operational Plan 2007/08, removing any reference to the Daintree Gateway Master Plan, submitted to the Council's briefing of 16 May 2007, to facilitate the completion of the draft budget 2007/08."

For: Cr Bellerio, Sciacca, [Berwick](#), Egan, Pitt

Against: Cr Davis, Cox, [Berwick](#) (*Item 07/0605/03(v) 5 June 2007*)

Carried

The amendment became the motion and was put:

For: Cr Bellerio, Sciacca, [Berwick](#), Egan, Pitt

Against: Cr Davis, Cox, [Berwick](#) (*Item 07/0605/03(v) 5 June 2007*)

Carried

ATTENDANCE/WITHDRAWAL

Cr Davis withdrew from the meeting at 12:26 pm.

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Egan

Seconded Cr Sciacca

07/0515/04B

"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 a recommendation to appoint a temporary Chief Executive Officer."

Carried unanimously

ATTENDANCE/WITHDRAWAL

Cr Davis withdrew from the meeting at 12:26 pm and re-attended the meeting at 12:30 pm.

ADJOURNMENT OF THE MEETING

At 12:41 pm the Chair adjourned the meeting.



RESUMPTION OF THE MEETING

The meeting resumed at 12:55 pm and was still closed to the public.

The General Manager Finance & Administration was not in attendance when the meeting resumed.

ATTENDANCE/WITHDRAWAL

Cr Bellerio withdrew from the meeting at 12:58 pm and re-attended at 12:59 pm.

Cr Sciacca withdrew from the meeting at 12:59 pm and re-attended at 1:01 pm.

The General Manager Finance & Administration re-attended the meeting at 1:01 pm.

The General Manager Community & Corporate withdrew from the meeting at 1:05 pm and re-attended the meeting at 1:14 pm.

The Manager Community & Corporate re-attended the meeting at 1:16 pm.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Bellerio

07/0515/04C

"That the meeting be re-opened to the public."

Carried unanimously

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

07/0524/03

APPOINTMENT OF A TEMPORARY CHIEF EXECUTIVE OFFICER

Moved Cr Bellerio

Seconded Cr Berwick

"That Council appoints the Manager Community, Cultural & Economic, Julia Leu, to the position of Acting Chief Executive Officer effective at 5:00 pm on Friday, 25 May 2007."

Carried unanimously



ADJOURNMENT OF THE MEETING

At 1:30 pm the meeting was adjourned to 10:00 am on Wednesday, 30 May 2007.

Presented to and confirmed by Council on the *fifth* day of *June* 2007.

M P Berwick
Chair

Confirmed