



*Minutes of the Ordinary Meeting of Council
9 October 2007
commencing at 11:02 am*

PRESENT

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

Staff – J F Leu (Acting Chief Executive Officer), D G Carey (General Manager Community & Corporate), M Grenfell (Sustainability Officer) and S K Andrews (Corporate Support).

APOLOGY

An apology was received from Cr Cox for her inability to attend the meeting due to a leave of absence.

EMERGENT ISSUE

At the opening of the meeting the Council was advised by the Mayor, Cr Berwick, of an emergent issue requiring the Council's consideration – that being a proposed Deed of Agreement to settle an unfair dismissal claim by the former Chief Executive Officer, Terence Melchert.

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Davis

07/1009/27A

“That pursuant to Section 463(1)(h) of the Local Government Act 1993, the meeting be closed to the general public to allow an in confidence teleconference with Council's legal representatives about the proposed Deed of Agreement to settle an unfair dismissal claim by the former Chief Executive Officer, Terence Melchert.”

For: Cr Berwick, Davis

Against: Cr Egan, Pitt, Sciacca, Bellerio

Lost

ADJOURNMENT OF THE MEETING

The meeting was adjourned at 11:05 am.

RESUMPTION OF THE MEETING

The Chair declared the meeting open at 1:03 pm.

ATTENDANCE/WITHDRAWAL

There were no staff in attendance when the meeting resumed at 1:03 pm.

EMERGENT ISSUE

Upon resumption of the meeting the Council was advised by the Mayor, Cr Berwick, of an emergent issue requiring the Council's consideration – that being a proposed Deed of Agreement to settle an unfair dismissal claim by the former Chief Executive Officer, Terence Melchert.

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Sciacca

07/1009/27C

“That pursuant to Section 463(1)(h) of the Local Government Act 1993, the meeting be closed to the general public to allow an in confidence teleconference with Council's legal representatives about the proposed Deed of Agreement to settle an unfair dismissal claim by the former Chief Executive Officer, Terence Melchert.” (1:05 pm)

Carried unanimously

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

07/1009/27D

“That the meeting be re-opened to the public.” (1:59 pm)

Carried unanimously

ATTENDANCE/WITHDRAWAL

The meeting re-opened at 1:59 pm with the attendance of the Acting Chief Executive Officer, Julia Leu, the General Manager Finance & Administration, Ian Barton, the General Manager Development & Environment, Paul Trotman, the Acting General Manager Engineering, Peter Cymbala, the Acting Manager Planning, Louise Stayte, and the Sustainability Officer, Maree Grenfell.

There were no recommendations forthcoming from discussions held while the meeting was closed to the public.

07/1009/27 CONDOLENCES

Cr Berwick referred to the recent deaths of John Booth, Rita Blain, William Dwyer and Ruth O'Bryan. The Council stood and observed one minute's silence.

Moved Cr Berwick

Seconded Cr Egan

"That Council sends letters of condolence to the next of kin."

Carried unanimously

07/1009/28 DECLARATIONS OF INTEREST

There were no declarations of interest presented to the meeting.

07/1009/29 CONFIRMATION OF MINUTES – 18 SEPTEMBER 2007

Moved Cr Berwick

Seconded Cr Pitt

"That the minutes of the Ordinary Council Meeting held on 18 September 2007 be confirmed."

Carried unanimously

07/1009/29A SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

"That standing orders be suspended to facilitate a briefing of the Council on the Daintree Ferry Dredging and the Douglas Shire Council Developing Sustainable Communities Awards." (2:01 pm)

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

Against: Cr Egan

Carried

BRIEFING SESSION

A briefing of the Council was presented on the Daintree Ferry Dredging, by the Acting General Manager Engineering, Peter Cymbala; and on the Douglas Shire Council Developing Sustainable Communities Awards, by the Sustainability Officer, Maree Grenfell.

ATTENDANCE/WITHDRAWAL

The General Manager Community & Corporate, David Carey, re-attended the meeting at 2:07 pm.

The Acting Chief Executive Officer, Julia Leu, withdrew from the meeting at 2:29 pm and re-attended at 2:31 pm.

07/1009/29B RESUMPTION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Egan

"That standing orders be resumed." (2:31 pm)

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Acting Manager Planning and the Sustainability Officer withdrew from the meeting at 2:32 pm.

REPORTS

07/1009/29C ADOPTION OF RECOMMENDATIONS

Moved Cr Berwick

Seconded Cr Pitt

"That the Council adopts the recommendations of the Council officers for items 07/1009/31 – Details of Use of the Council Seal; and 07/1009/32 – Decisions of Council Status Report; namely:

07/1009/31 DETAILS OF THE USE OF THE COUNCIL SEAL

OFFICER'S RECOMMENDATION

"That Council receives the report providing details of the use of the council seal and endorses the actions of the Mayor and Acting Chief Executive Officer in executing on its behalf, under seal, the documents detailed therein."

07/1009/32 DECISIONS OF COUNCIL STATUS REPORT

OFFICER'S RECOMMENDATION

"That Council receives and notes the Decisions of Council Status Report."

Carried unanimously

07/1009/30 2007/08 OPERATIONAL PLAN QUARTERLY REPORT

Moved Cr Berwick

Seconded Cr Davis

"That Council notes the September 2007 quarterly report against the 2007/08 Operational Plan."

Carried unanimously

NOTICES OF MOTION

OFFICER COMMENT PROVIDED

07/1009/33 MB0707M – ESTABLISHMENT OF A COMMUNITY TRUST FUND

Moved Cr Berwick

Seconded Cr Davis

"That Council explores the option of selling sufficient land (say \$10 000 000 worth) and use the money to establish a community trust fund and the administrative arrangements required for ongoing community engagement and capacity building. That Council requests the Acting Chief Executive Officer to report back to Council in nine (9) weeks."

For: Cr Berwick, Davis

Against: Cr Egan, Bellerio, Sciacca, Pitt

Lost

OFFICER COMMENT NOT PROVIDED – Received after agenda deadline

07/1009/34 RD5807M – PORT DOUGLAS POLICE STATION TO RELOCATE AS PROMISED

"That Council writes to the State, saying it objects to the seeming shift in policy that would have the Port Douglas Police Station rebuilt on existing recreation ground, urging the Police to move the Port Douglas Police Station away from the prime waterfront site that it currently owns."

The motion was withdrawn

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Egan

07/1009/34A *"That pursuant to Section 463(1)(h) of the Local Government Act 1993, the meeting be closed to the general public to allow in confidence discussion of item 07/1009/35 – RD5707M – Staff Contracts." (3:01 pm)*

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

Against: Cr Sciacca

Carried

ATTENDANCE/WITHDRAWAL

At the closure of the meeting to the public, members of the gallery present and all staff with the exception of the Acting Chief Executive Officer, the General Manager Community & Corporate and the Corporate Services Officer, Susanna Andrews, withdrew from the meeting.

PROCEDURAL MOTION – OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

07/1009/34B *“That the meeting be re-opened to the public.”* (3:04 pm)

Carried unanimously

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

07/1009/35 **RD5707M – STAFF CONTRACTS**

Moved Cr Davis

“That Council reviews and changes by negotiation, all staff contracts, to ensure that these contracts do not disadvantage the few contracted staff when compared to other employees, particularly in terms of job security.”

Lapsed for want of a seconder

REPORTS – ACTING CHIEF EXECUTIVE OFFICER

There were no reports presented to the meeting.

07/1009/35A ADJOURNMENT OF THE MEETING

Moved Cr Berwick

Seconded Cr Egan

“That Council adjourns the meeting until 2:00 pm on Thursday, 11 October 2007.” (3:07 pm)

Carried unanimously

RESUMPTION AND SUBSEQUENT ADJOURNMENT OF THE MEETING – THURSDAY, 11 OCTOBER 2007

At 2:30 pm (being thirty (30) minutes after the appointed resumption time) the meeting was opened by the Acting Chief Executive Officer with no Councillors in attendance. Under Section 449(2)(c) of the Local Government Act, the Acting Chief Executive Officer adjourned the meeting until 1:30 pm on Monday, 15 October 2007.

RESUMPTION OF THE MEETING – MONDAY, 15 OCTOBER 2007

The Chair declared the meeting resumed at 1:35 pm.

PRESENT

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

Staff – J F Leu (Acting Chief Executive Officer) and S K Andrews (Corporate Support).

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Cox

07/1009/35C

“That pursuant to Section 463(1)(h) of the Local Government Act 1993, the meeting be closed to the general public to allow an in confidence teleconference with Council’s legal representatives about the proposed Deed of Agreement to settle an unfair dismissal claim by the former Chief Executive Officer, Terence Melchert.” (1:36 pm)

Carried unanimously

ATTENDANCE/WITHDRAWAL

At the closure of the meeting to the public the Corporate Services Officer withdrew from the meeting.

Cr Davis attended the meeting at 1:46 pm.

Cr Sciacca attended the meeting at 2:03 pm.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Cox

07/1009/35D

“That the meeting be re-opened to the public.” (2:30 pm)

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Corporate Services Officer re-attended the meeting at 2:30 pm.

Cr Egan withdrew from the meeting at 2:32 pm.

Cr Bellerio withdrew from the meeting at 2:35 pm and re-attended at 2:36 pm.

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

DEED OF AGREEMENT – FORMER CHIEF EXECUTIVE OFFICER, TERENCE MELCHERT

Moved Cr Berwick

Seconded Cr Cox

07/1009/35E

“That Council:

- 1. offers an ex gratia payment of \$60 000 to the former Chief Executive Officer, Terence Melchert; and*
- 2. if accepted, this payment be expedited by the Mayor, Cr Berwick.”*

With the agreement of the seconder the motion was withdrawn

Moved Cr Pitt

Seconded Cr Berwick

07/1009/35F

“That Council does not change its existing offer to the former Chief Executive Officer, Terence Melchert, and allows the court to settle the matter.”

ATTENDANCE/WITHDRAWAL

Cr Bellerio withdrew from the meeting at 2:45 pm and re-attended at 2:46 pm.

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

Against: Cr Davis

Carried

TERMINATION OF THE MEETING

The meeting was closed at 2:50 pm.

Presented to and confirmed by Council on the *thirtieth* day of *October* 2007.

M P Berwick
Chair