

MINUTES – SPECIAL COUNCIL MEETING

10 MAY 2024 – 10:00 AM

McNAMARA BOARDROOM



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Cr Kelly A Carter
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Cr Kerry Wells
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Cr Peter Fornasier
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Cr Shane McCarthy
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Cr Kim Middleton
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Acting Chief Executive Officer
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Director of Engineering
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Director of Corporate & Financial Services
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Director of Community Services & Wellbeing
Barbra Smith
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Meeting commenced at 10:05am

1. OPENING BUSINESS

Cr Kate Peddle (Mayor) opened the meeting with the Council Prayer

Lord,
Please guide and direct us,
In that the decisions to be made,
Will be for the benefit,
Of our whole community
Amen

1.1 PRESENT

Councillors

Mayor Kate Peddle
Nicole Flute
Kelly Carter
Kerry Wells
Peter Fornasier
Shane McCarthy – via teleconference
Kim Middleton

Staff

Melanie Wicks – Acting Chief Executive Officer and Director of Corporate & Financial Services
Bruce Davidson – Interim Chief Executive Officer
Jackie Coleman – Executive Support Officer

School Students

Nil

1.2 APOLOGIES

Nil

1.3 LEAVE OF ABSENCE

Nil

1.4 CONFIRMATION OF MINUTES

Not required

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1.5 OBLIGATIONS OF COUNCILLORS

1.5.1 Prescribed Conflict of Interest - Sections 150EG, 150EH & 150EI Local Government Act 2009

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a council or committee meeting (other than ordinary business matters).

When dealing with a Prescribed Conflict of Interest, Councillors must abide by the following procedures:

- A Councillor who has notified the Chief Executive Officer of a Prescribed Conflict of Interest in a matter to be discussed in a council meeting must also give notice during the meeting.
- A Councillor who first becomes aware of a Prescribed Conflict of Interest in a matter during a council meeting must immediately inform the meeting of the conflict of the interest.
- When notifying the meeting of a Prescribed Conflict of Interest, the following details must be provided:
 - if it relates to a gift or loan given by an entity - state the details of gift or loan
 - if it relates to a sponsored travel or accommodation benefit - state the benefit details
 - if it relates to a contract between the Councillor and Local Government or close associate of the Councillor – state details
 - if it relates to an application or submission - state the subject of the application or submission
 - if it relates to appointment/employment matters of Chief Executive Office position - state conflict details

The Councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject Councillor has written notice from the Minister to participate in the matter.

Once the Councillor has left the area where the meeting is being conducted, the council can continue discussing and deciding on the matter at hand.

1.5.2 Declarable Conflict of Interest - Section 150EN Local Government Act 2009

Councillors are ultimately responsible for informing of any Declarable Conflict of Interest on matters to be discussed at council or committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

A Councillor may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors prior to deciding to declare a conflict of interest. If the other Councillors suspect the personal interest might be a conflict of interest, the Councillor may disclose their suspicion and the processes under section 150EW of the LGA.

When dealing with a Declarable Conflict of Interest, Councillors must abide by the following procedures:

- A Councillor who has notified the Chief Executive Officer of a Declarable Conflict of Interest in a matter to be discussed at a council meeting must also give notice during the meeting.
- A Councillor who first becomes aware of a Declarable Conflict of Interest in a matter during a council meeting must inform the meeting of the conflict of interest
- When notifying the meeting of a Declarable Conflict of Interest or it could be reasonably presumed that a conflict exists, Councillors should provide sufficient detail to allow the other Councillors to make an informed decision about how best to manage the Declarable Conflict of Interest in the public interest. The following details must be provided:
 - the nature of the Declarable Conflict of Interest
 - if it arises because of the Councillors relationship with a related party:
 - i. the name of the related party to the Councillor
 - ii. the nature of the relationship of the related party to the Councillor
 - iii. the nature of the related party's interest in the matter
 - if it arises because of a gift or loan from another person to the Councillor or a related party:
 - i. the name of the other person
 - ii. the nature of the relationship of the other person to the Councillor or related party
 - iii. the nature of the other person's interest in the matter
 - iv. the value of the gift or loan and the date the gift or loan was made.

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After a Councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.

1.5.3 Procedure if no Quorum for Deciding Matter because of Prescribed Conflicts of Interest of Declarable Conflicts of Interest – Section 150EU Local Government Act 2009

(1) This section applies in relation to a meeting if:

- (a) a matter in which 1 or more councillors have a prescribed conflict of interest or Declarable Conflict of Interest is to be decided at the meeting; and
- (b) there is less than a quorum remaining at the meeting after any of the councillors mentioned in paragraph (a) leave, and stay away from, the place where the meeting is being held.

(2) The local government must do 1 of the following:

- (a) delegate deciding the matter under section 257, unless the matter cannot be delegated under that section;
- (b) decide, by resolution, to defer the matter to a later meeting;
- (c) decide, by resolution, not to decide the matter and take no further action in relation to the matter.

(3) The local government must not delegate deciding the matter to an entity if the entity, or a majority of its members, have personal interests that are, or are equivalent in nature to, a prescribed conflict of interest or Declarable Conflict of Interest in the matter.

(4) A councillor does not contravene section 150EK(1), 150EM(2), 150EQ(2)(a) or (3)(a) or 150ES(5) by participating in a decision, or being present while the matter is discussed and voted on, for the purpose of delegating the matter or making a decision under subsection (2)(b) or (c).

1.5.4 Closed Meeting Discussion Items – Section 254J Local Government Regulation 2012

Council and standing committee meetings may resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss any of the following matters:

- appointment, dismissal or discipline of the CEO
- industrial matters affecting employees
- the council's budget
- rating concessions
- legal advice obtained by the council, including legal proceedings that may be taken by or against the council
- matters that may directly affect the health and safety of an individual or a group of individuals
- negotiations relating to a commercial matter involving the council for which a public discussion could prejudice the interests of the council
- negotiations relating to the taking of land by the council under the *Acquisition of Land Act 1967*
- a matter that the council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or state.

A Council or committee meeting cannot resolve that a meeting be closed where the meeting is informed of a Councillors personal interest in the matter by another person and the eligible Councillors at the meeting must decide whether the Councillor has a Declarable Conflict of Interest or Prescribed Conflict of Interest in the matter.

Further, the meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the meeting and the council must;

- delegate the matter
- decide by resolution to defer to a later meeting
- decide by resolution to take no further action on the matter.

Note: None of the above will be considered, discussed, voted on or made during a closed session.

If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.

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To take a matter into a closed session the council must abide by the following:

- pass a resolution to close the meeting
- the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered
- if the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated
- not make a resolution while in a closed meeting (other than a procedural resolution).

1.6 PETITIONS

Nil

1.7 CONDOLENCES

Nil

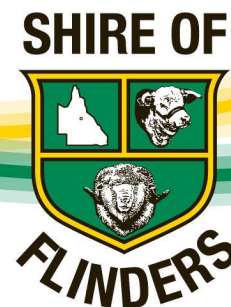
1.8 RECOGNITIONS

Nil

1.9 ACKNOWLEDGEMENT OF COUNTRY

The Flinders Shire Council would like to acknowledge our Local First Nations People as well as the Yirendali people as the Traditional Owners and the oldest living culture of the Land on which our Council operates, and pay respect to Elders past, present and emerging.

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2. REPORTS

2.01 ACTING CHIEF EXECUTIVE OFFICER

2.01.01 APPOINTMENT OF INTERIM CHIEF EXECUTIVE OFFICER

Background – A Special Meeting of Council has been called to appoint Mr Bruce Davidson as Interim Chief Executive Officer until further notice.

Officer's Recommendation – That Council appoint Mr Bruce Davidson to the position of Interim Chief Executive Officer until further notice, as discussed.

Resolution No: 3941

Moved Mayor Kate Peddle

Seconded Cr Kerry Wells

That Council appoint Mr Bruce Davidson to the position of Interim Chief Executive Officer until further notice, as discussed.

CARRIED 7/0

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3. CLOSED BUSINESS

That Council close the meeting to the public at under section 254J Local Government Regulations 2012.

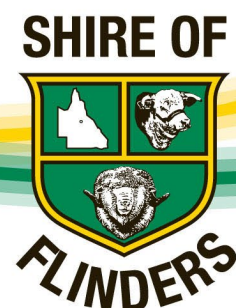
- Nil to Report

Confirmed Minutes

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4. PROPOSED MEETING CALENDAR

| DATE | TIME | MEETING VENUE | TOPIC |
|-----------------------------|------------------|------------------|-----------------|
| Monday 15 January 2024 | 9:00am – 2:00pm | Council Chambers | Briefing |
| Tuesday 16 January 2024 | 9:00am – 12:30pm | Council Chambers | Council Meeting |
| Monday 19 February 2024 | 9:00am – 2:00pm | Council Chambers | Briefing |
| Tuesday 20 February 2024 | 9:00am – 12:20pm | Council Chambers | Council Meeting |
| Monday 18 March 2024 | 9:00am – 2:00pm | Council Chambers | Briefing |
| Tuesday 19 March 2024 | 9:00am – 12:20pm | Council Chambers | Council Meeting |
| Wednesday 17 April 2024 | 9:00am – 2:00pm | Council Chambers | Briefing |
| Wednesday 24 April 2024 | 9:00am – 12:30pm | Council Chambers | Council Meeting |
| Wednesday 15 May 2024 | 9:00am – 2:00pm | Council Chambers | Briefing |
| Wednesday 22 May 2024 | 9:00am – 12:30pm | Council Chambers | Council Meeting |
| Wednesday 19 June 2024 | 9:00am – 2:00pm | Council Chambers | Briefing |
| Wednesday 26 June 2024 | 9:00am – 12:30pm | Council Chambers | Council Meeting |
| Wednesday 17 July 2024 | 9:00am – 2:00pm | Council Chambers | Briefing |
| Wednesday 24 July 2024 | 9:00am – 12:30pm | Council Chambers | Council Meeting |
| Wednesday 21 August 2024 | 9:00am – 2:00pm | Council Chambers | Briefing |
| Wednesday 28 August 2024 | 9:00am – 12:30pm | Council Chambers | Council Meeting |
| Wednesday 18 September 2024 | 9:00am – 2:00pm | Council Chambers | Briefing |
| Wednesday 25 September 2024 | 9:00am – 12:30pm | Council Chambers | Council Meeting |
| Wednesday 16 October 2024 | 9:00am – 2:00pm | Council Chambers | Briefing |
| Wednesday 23 October 2024 | 9:00am – 12:30pm | Council Chambers | Council Meeting |
| Wednesday 20 November 2024 | 9:00am – 2:00pm | Council Chambers | Briefing |
| Wednesday 27 November 2024 | 9:00am – 12:30pm | Council Chambers | Council Meeting |
| Wednesday 11 December 2024 | 9:00am – 2:00pm | Council Chambers | Briefing |
| Wednesday 18 December 2024 | 9:00am – 12:30pm | Council Chambers | Council Meeting |

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The meeting closed at 10:08am

Kate Peddle
Mayor
Flinders Shire Council

Confirmed Minutes