



MINUTES

General Meeting

24 May 2023

**MINUTES OF NORTH BURNETT REGIONAL COUNCIL
GENERAL MEETING
HELD AT THE GAYNDAH BOARDROOM
ON WEDNESDAY, 24 MAY 2023 AT 9.00AM**

1 WELCOME/HOUSEKEEPING

The Mayor declared the meeting open at 9.00am and welcomed all attendees.

2 ATTENDEES

COUNCILLORS: Cr Leslie Hotz (Mayor)
Cr Robert Radel (Deputy Mayor)
Cr Dael Giddins
Cr Kingsley Mesner
Cr Melinda Jones^{^*}
Cr Michael Dingle
Cr Susan Payne

OFFICERS: Margot Stork (CEO)[^]
Anna Scott (General Manager - Works)
Garry Sharman (Strategic Relationships Manager)
Kat Bright (Senior Executive Assistant to the CEO)[^]
Kelly Houston (Media Officer)^{^*}
Marlene Carstens (Executive Assistant to the General Manager - Works)
Michelle Burns (Senior Accountant)^{*}
Michael Cartwright (Governance, Policy and Risk Advisor)[^]
Michael Wallace (Contract and Leasing Officer)^{^*}
Rachael Duncan (Acting Planning and Environment Manager)^{^*}
Simon Eager (Team Leader - Compliance & Biosecurity)^{^*}
Taylor Applewaite (Administration Officer – Executive Services)
Tegan Bauer (Executive Assistant to the Mayor)

[^] attended the meeting via Microsoft Teams ^{*} attended part of the meeting only

3 APOLOGIES/LEAVE OF ABSENCE

Margot Stork (CEO) noted an apology for Andrew Knight (Interim General Manager – Corporate and Community).

4 ACKNOWLEDGEMENT OF COUNTRY

On behalf of Council, the Mayor extended an Acknowledgement of Country.

5 MOMENT OF SILENCE AND REFLECTION

The Mayor called for a moment of silence to pay respects to those who have passed in our region.

<i>Delphine Banfield</i>	<i>Biggenden</i>
<i>Graham Griggs</i>	<i>Biggenden</i>
<i>Troy Williams</i>	<i>Eidsvold</i>
<i>Craig McGilvery</i>	<i>Gayndah</i>
<i>Edna & Noel Hunter</i>	<i>Gayndah</i>
<i>Geteno George (Kit)</i>	<i>Gayndah</i>

<i>Lillian Ball</i>	<i>Monto</i>
<i>Daniel McLennan</i>	<i>Mount Perry</i>
<i>Frederic Larner</i>	<i>Mundubbera</i>
<i>Jennifer Brown</i>	<i>Mundubbera</i>

At 9:04am, Cr Melinda Jones left the meeting due to technical difficulties.

6 DEPUTATIONS/PETITIONS

There were nil deputations for this meeting.

7 DECLARATIONS OF INTEREST

I Mayor Leslie Hotz, inform the meeting that pursuant to *Section 150EQ of the Local Government Act 2009*, that I have a declarable conflict of interest with regards to Item 14.2.

As a result of this conflict of interest, I will leave the room whilst the matter is considered and voted on.

8 CONFIRMATION OF MINUTES

8.1 MINUTES OF THE GENERAL MEETING HELD ON 26 APRIL 2023

OFFICERS RECOMMENDATION

That the Minutes of the General Meeting held on 26 April 2023 be confirmed.

RESOLUTION 2023/65

Moved: Cr Michael Dingle

Seconded: Cr Dael Giddins

That the Minutes of the General Meeting held on 26 April 2023 be confirmed.

In Favour: Crs Leslie Hotz, Robert Radel, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 6/0

9 OFFICE OF THE CHIEF EXECUTIVE OFFICER

9.1 CURRENT OUTSTANDING COUNCIL RESOLUTIONS REPORT

OFFICERS RECOMMENDATION

That Council receive the Current Outstanding Council Resolutions Report from July 2020 to April 2023.

RESOLUTION 2023/66

Moved: Cr Michael Dingle

Seconded: Cr Robert Radel

That Council receive the Current Outstanding Council Resolutions Report from July 2020 to April 2023.

In Favour: Crs Leslie Hotz, Robert Radel, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 6/0

9.2 COUNCILLOR PARTICIPATION AT UPCOMING LGAQ CONFERENCES AND PROPOSED CHANGE TO THE JULY 2023 ORDINARY COUNCIL MEETING DATE

OFFICERS RECOMMENDATION

That Council, in accordance with Statutory Policy 1003 *Reimbursement and Provision of Facilities for Mayor and Councillors*

1. Appoint two (2) Councillors and the CEO as formal representatives to attend the Bush Councils Convention 2023 at Goondiwindi from 25-27 July 2023.
2. Appoint two (2) Councillors and the CEO as formal representatives to attend the Local Government Association Queensland Annual Conference in Gladstone from 16-18 October 2023
3. Agree to pay for the necessary costs directly associated with representation at conferences. Such expenses may include registration fees, travel costs, accommodation, parking and meals.

That Council, in accordance with the provision of section 254B(4) of the *Local Government Regulation 2012*:

1. Change the scheduled Ordinary Meeting of Council from Wednesday 26 July 2023, to 31 July 2023; and
2. Confirm that Ordinary Meeting of Council will be held in the Council Boardroom, 36 Moreton Street, Eidsvold QLD 4627, commencing at 9.00am.

At 9:23 am, Cr Melinda Jones returned to the meeting.

RESOLUTION 2023/67

Moved: Cr Dael Giddins
Seconded: Cr Kingsley Mesner

That Council, in accordance with Statutory Policy 1003 *Reimbursement and Provision of Facilities for Mayor and Councillors*

1. Appoint three (3) Cr Dingle, Cr Payne, Cr Giddins and the CEO as formal representatives to attend the Bush Councils Convention 2023 at Goondiwindi from 25-27 July 2023.
2. Appoint three (3) Cr Mesner, Cr Radel, Cr Jones and the CEO as formal representatives to attend the Local Government Association Queensland Annual Conference in Gladstone from 16-18 October 2023
3. Agree to pay for the necessary costs directly associated with representation at conferences. Such expenses may include registration fees, travel costs, accommodation, parking and meals. The three (3) Councillors pay 1/3 of their attendance at the events including registration fees, travel costs, accommodation, parking and meals.

That Council, in accordance with the provision of section 254B(4) of the *Local Government Regulation 2012*:

1. Change the scheduled Ordinary Meeting of Council from Wednesday 26 July 2023, to 31 July 2023; and
2. Confirm that Ordinary Meeting of Council will be held in the Council Boardroom, 36 Moreton Street, Eidsvold QLD 4627, commencing at 9.00am.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0

9.3 STOCK ROUTE MANAGEMENT POLICY AND PROCEDURE**OFFICERS RECOMMENDATION**

That Council endorse the 2273 Stock Route Management Policy and the PRO-2273 Stock Route Management Procedure.

RESOLUTION 2023/68

Moved: Cr Dael Giddins
Seconded: Cr Michael Dingle

That Council endorse the 2273 Stock Route Management Policy and the PRO-2273 Stock Route Management Procedure.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0

9.4 UNREASONABLE CUSTOMER CONDUCT - ADMINISTRATIVE DIRECTIVE**OFFICERS RECOMMENDATION**

That Council resolves to adopt Administrative Direction 3309 – Unreasonable Customer Conduct.

RESOLUTION 2023/69

Moved: Cr Michael Dingle

Seconded: Cr Kingsley Mesner

That Council resolves to adopt Administrative Direction 3309 – Unreasonable Customer Conduct.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0

202305_1 ITEM 9.4 QON

Cr Jones queried if 1116 – Administrative Action Complaints Statutory Policy should be included as a related document. Through the Chair, Michael Cartwright (Governance, Risk & Policy Advisor) responded to Cr Jones confirming that 1116 – Administrative Action Complaints Statutory Policy would be included as a related document.

10 CORPORATE AND COMMUNITY**10.1 FINANCE REPORT TO 30 APRIL 2023****OFFICERS RECOMMENDATION**

That in accordance with section 204 *Local Government Regulation 2012 (Qld)*, Council receives the Finance Report for the period ended 30 April 2023.

RESOLUTION 2023/70

Moved: Cr Dael Giddins
Seconded: Cr Kingsley Mesner

That in accordance with section 204 *Local Government Regulation 2012 (Qld)*, Council receives the Finance Report for the period ended 30 April 2023.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0**10.2 WANDERING LIVESTOCK POLICY AND PROCEDURE****OFFICERS RECOMMENDATION**

That Council:

1. Note the community feedback undertaken, and any potential recommendations for Policy changes resulting from the public display period.
2. Endorse the 2274 Wandering Livestock Policy and PRO-2274 2274 Wandering Livestock Procedure.

RESOLUTION 2023/71

Moved: Cr Michael Dingle
Seconded: Cr Robert Radel

That Council:

1. Note the community feedback undertaken, and any potential recommendations for Policy changes resulting from the public display period.
2. Endorse the 2274 Wandering Livestock Policy and PRO-2274 2274 Wandering Livestock Procedure.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0

11 WORKS

Nil

12 COUNCILLOR REPORTS

12.1 MAYOR AND COUNCILLORS REPORTS

OFFICERS RECOMMENDATION

That the Councillor Reports be received for the period of 1 April 2023 to 30 April 2023.

RESOLUTION 2023/72

Moved: Cr Dael Giddins
Seconded: Cr Michael Dingle

That the Councillor Reports be received for the period of 1 April 2023 to 30 April 2023.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0

13 URGENT BUSINESS

Nil.

14 CONFIDENTIAL REPORTS**OFFICERS RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275(1) of the *Local Government Regulation 2012*:

14.1 Mundubbera Land Disposals

This matter is considered to be confidential under 254J - 254J(3)(g) of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

14.2 Councillor Conduct Investigation

This matter is considered to be confidential under 254J - 254J(3)(e) of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

RESOLUTION 2023/73

Moved: Cr Robert Radel

Seconded: Cr Kingsley Mesner

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275(1) of the *Local Government Regulation 2012*:

14.1 Mundubbera Land Disposals

This matter is considered to be confidential under 254J - 254J(3)(g) of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

14.2 Councillor Conduct Investigation

This matter is considered to be confidential under 254J - 254J(3)(e) of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0

THE MEETING MOVED INTO A CLOSED SESSION AT 10.04AM.

At 10:25 am, Mayor Leslie Hotz left the meeting having declared a conflict of interest in relation to Item 14.2.

At 10:25am, Cr Radel (Deputy Mayor) took over as Chair with Mayor Hotz departure.

I Cr Susan Payne, inform the meeting that pursuant to *Section 150EQ of the Local Government Act 2009*, that I have a personal interest with regards to Item 14.2, however I do not believe that there is any personal gain by me remaining in the room for the discussion and voting.

As a result of the declaration made earlier by Mayor Hotz, I will leave the room whilst the matter is considered and voted on.

At 10.32am, Cr Payne left the meeting.

NOTE: During the confidential closed session, Councillors discussed the content in the confidential report/s listed above.

RESOLUTION 2023/74

Moved: Cr Kingsley Mesner

Seconded: Cr Dael Giddins

That Council moves out of Closed Session into Open Session.

In Favour: Crs Robert Radel, Melinda Jones, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 5/0

THE MEETING MOVED BACK INTO AN OPEN SESSION AT 11.06AM.

Deputy Mayor requested that Item 14.2 was brought forward and addressed while Mayor Hotz and Cr Payne were not in the room having earlier declared conflicts of interests in relation to this item.

14.2 COUNCILLOR CONDUCT INVESTIGATION

OFFICERS RECOMMENDATION

That Council:

1. Receive the Councillor Conduct Investigation Report, and note the contents.
2. By Resolution, pursuant to section 150AG of the *Local Government Act 2009*, the Council has decided that the Councillor has/has not engaged in inappropriate conduct.
3. Subject to point 2 above, the Council orders that pursuant to section 150AH of the *Local Government Act 2009*:
 - (a) no action be taken against the Councillor; or
 - (b) make 1 or more of the following orders —
 - i. an order that the councillor make a public admission that the councillor has engaged in inappropriate conduct;
 - ii. an order reprimanding the councillor for the conduct;
 - iii. an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense;
 - iv. an order that the councillor be excluded from a stated local government meeting;
 - v. an order that the councillor is removed, or must resign, from a position
 - vi. an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct;
 - vii. an order that the councillor reimburse the local government for all or some of the costs arising from the councillor's inappropriate conduct.
4. Make the Councillor Conduct Investigation Report public and be included in the Minutes OR that the Councillor Conduct Investigation Report is to be treated as a confidential document of Council pursuant to section 254D(3) of the *Local Government Regulation 2012*.
5. The Chief Executive Officer update the Councillor Conduct Register to record the complaint.
6. The Chief Executive Officer formally advise the complainant and the respondent regarding the outcome of the investigation.
7. The Chief Executive Officer formally advise the Office of the Independent Assessor about the outcome of the investigation.
8. The Chief Executive Officer arrange a workshop, externally facilitated, for Councillors collectively to clarify and agree their realistic expectations in relation to working together and what is and isn't acceptable behaviour.

MOTION

Moved: Cr Kingsley Mesner

Seconded: Nil

That Council:

1. Receive the Councillor Conduct Investigation Report, and note the contents.
2. By Resolution, pursuant to section 150AG of the *Local Government Act 2009*, the Council has decided that the Councillor has not engaged in inappropriate conduct.
3. Subject to point 2 above, the Council orders that pursuant to section 150AH of the *Local*

Government Act 2009:-

(a) no action be taken against the Councillor; or

LOST DUE TO NO SECONDER

RESOLUTION 2023/75

Moved: Cr Melinda Jones

Seconded: Cr Michael Dingle

That Council:

1. Receive the Councillor Conduct Investigation Report, and note the contents.
2. By Resolution, pursuant to section 150AG of the *Local Government Act 2009*, the Council has decided that the Councillor has engaged in inappropriate conduct.
3. Orders that pursuant to section 150AH of the *Local Government Act 2009:-*
 - (a) no action be taken against the Councillor.
4. That the Councillor Conduct Investigation Report is to be treated as a confidential document of Council pursuant to section 254D(3) of the *Local Government Regulation 2012*.
5. The Chief Executive Officer update the Councillor Conduct Register to record the complaint.
6. The Chief Executive Officer formally advise the complainant and the respondent regarding the outcome of the investigation.
7. The Chief Executive Officer formally advise the Office of the Independent Assessor about the outcome of the investigation.
8. The Chief Executive Officer arrange a workshop, externally facilitated, for the Complainant and Respondent collectively, and a separate workshop for all Councillors collectively to clarify and agree their realistic expectations in relation to working together and what is and isn't acceptable behaviour.

In Favour: Crs Melinda Jones, Dael Giddins and Michael Dingle

Against: Crs Robert Radel and Kingsley Mesner

CARRIED 3/2

At 11.21am, Mayor Hotz returned to the meeting.

At 11.21am, Cr Payne returned to the meeting.

At 11.21am, Mayor Hotz requested that Cr Radel (deputy Mayor), continue as Chair for the remainder of the meeting.

14.1 MUNDUBBERA LAND DISPOSALS

OFFICERS RECOMMENDATION

That Council:

1. Note the contents of the Mundubbera Land Disposals report.
2. Resolve to rescind reference (b) in Resolution 2020/99 (i.e. endorse the remaining vacant allotments being made available for disposal in accordance with the Local government Regulations 2012, by open tender).
3. Resolve to dispose of Lots 69, 70, 71, 72, 73, 74, 80, 81, 82, 83 SP199370, Elizabeth Street Mundubbera; by way of a public Auction.
4. Authorise the Chief Executive Officer to determine reserve prices for the disposal of Lots 69, 70, 71, 72, 73, 74, 80, 81, 82, 83 SP199370, Elizabeth Street Mundubbera.
5. Resolve that in the instance that any lot is not sold at Auction, that the Chief Executive Officer be authorised to dispose of the lot pursuant to Local Government Regulation 2012, on terms in the best interests of Council.
6. Resolve to stay the sale of Lots 8, 9, 10, 11 RP224858, Jack Parr Street Mundubbera; and that the matter lay on the table, pending consideration of operational requirements.
7. Receive a future report, to be tabled before Council, addressing Stage's 2A and 2B Charles Street Mundubbera.

RESOLUTION 2023/76

Moved: Cr Kingsley Mesner

Seconded: Cr Michael Dingle

That Council:

1. Note the contents of the Mundubbera Land Disposals report.
2. Resolve to rescind reference (b) in Resolution 2020/99 (i.e. endorse the remaining vacant allotments being made available for disposal in accordance with the Local government Regulations 2012, by open tender).
3. Resolve to dispose of Lots 69, 70, 71, 72, 73, 74, 80, 81, 82, 83 SP199370, Elizabeth Street Mundubbera; by way of a public Auction.
4. Authorise the Chief Executive Officer to determine reserve prices for the disposal of Lots 69, 70, 71, 72, 73, 74, 80, 81, 82, 83 SP199370, Elizabeth Street Mundubbera.
5. Resolve that in the instance that any lot is not sold at Auction, that the Chief Executive Officer be authorised to dispose of the lot pursuant to Local Government Regulation 2012, on terms in the best interests of Council.
6. Resolve to stay the sale of Lots 8, 9, 10, 11 RP224858, Jack Parr Street Mundubbera; and that the matter lay on the table, pending consideration of operational requirements.
7. Receive a future report, to be tabled before Council, addressing Stage's 2A and 2B Charles Street Mundubbera.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones, Susan Payne, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 7/0

15 CLOSURE OF MEETING

The Meeting closed at 11.25am.

The minutes of this meeting were confirmed at the General Meeting held on 28 June 2023.


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CHAIRPERSON