
MINUTES OF THE SPECIAL MEETING OF MARANOA REGIONAL COUNCIL HELD AT ERNEST BROCK MEETING ROOM (ROMA CULTURAL CENTRE) ON 23 OCTOBER 2020 SCHEDULED TO COMMENCE AT 8.45AM

ATTENDANCE

Mayor Cr T D Golder chaired the meeting (via telephone) with Deputy Mayor Cr G B McMullen, Cr J R P Birkett (via telephone), Cr M C Edwards, Cr J L Guthrie, Cr J M Hancock (via telephone), Cr W L Ladbrook, Cr C J O'Neil (via telephone), Cr W M Taylor, Chief Executive Officer – Julie Reitano and Minutes Officer – Brittany Lafrenais in attendance.

AS REQUIRED

Deputy Chief Executive Officer/Director Development, Facilities & Environmental Services – Rob Hayward, Director Corporate & Community Services – Sharon Frank.

WELCOME

The Mayor welcomed all present and declared the meeting open at 8.59am with Cr Edwards not present at that time, returning to the meeting at 8.59am.

APOLOGIES

There were no apologies for the meeting.

DECLARATION OF CONFLICTS OF INTEREST

New legislation came into effect on Monday 12 October 2020 which changes how Councillors' Conflicts of Interest are managed.

Consistent with Council's resolution on 14 October 2020 Council dealt with Conflicts of Interest in the order of business.

Resolution No. OM/10.2020/04

That the [Councillor] 'Declaration of Conflicts of Interest' be declared as they happen [upon introduction of each Item by the Chair and prior to Council considering the introduced item].

BUSINESS

COUNCILLOR BUSINESS

The president of the Roma Historical Precincts Inc spoke to Councillors via telephone to provide them with additional information on the items they were wanting to purchase from the auction for the Roma Butter Factory. This gave Councillors an opportunity to ask questions and seek further information before voting on the first item (item 7.1).

After the conversation with the president of the Roma Historical Precincts and Councillors was finished, Mayor Golder asked to move a motion with some assistance with wording from the Chief Executive Officer, providing the content of the motion he was wanting to move.

After further discussion between the Councillors and the Chief Executive Officer, the following motion was moved:

Item Number: 7.1 **File Number:** D20/100735

SUBJECT HEADING: AUCTION OF HISTORICAL MEMORABILIA AND EQUIPMENT IN ROMA

Councillor's Title: Cr. Tyson Golder

Executive Summary:

At the Council meeting on 14 October, Cr Ladbrook tabled a proposal that a report be prepared for an upcoming meeting in relation to an auction of historical memorabilia and equipment in Roma.

The report wasn't able to be considered as time ran out for the listed agenda items – having regard to the prior resolution of Council to limit the meeting to 4 hours.

The Mayor had subsequently requested a special meeting as the auction was on Saturday 24 October 2020.

Resolution No. SM/10.2020/12

Moved Cr Golder

Seconded Cr Ladbrook

That Council approve the upfront amount of \$10,000 for the Roma Historical Precincts Inc for the purchase of historical items relevant to the Maranoa and any unspent Council funds to be returned within 7 days noting that the amount is available within Council's sponsorship budget.

CARRIED

9/0

Responsible Officer

Director - Corporate & Community Services / Executive Customer Service Officer – Office of the Mayor/CEO

The abovementioned resolution was amended on confirmation of these minutes at the Ordinary Meeting on 28 October 2020. This correction was made to provide clarity that any unspent Council should be returned to Council within 7 days.

DECLARATION OF CONFLICTS OF INTEREST

Item No.	Agenda item description	Name of the Councillor <i>Section 150FA (2)(a) Local Government Act 2009</i>	Type of conflict of interest	Particulars of interest <i>Section 150FA (2)(b) Local Government Act 2009</i>
C.1	Roma Saleyards Drafts	Cr Wendy Taylor	Part 3 - Declarable	<p>The agenda report pertains to the Roma Saleyards drafts.</p> <p>The report content included reference to the employer of the Councillor's child (related party) under the heading of organisations who stand to gain a benefit, or suffer a loss (either directly or indirectly).</p> <p>150EP Who is a <i>related party</i> of a councillor</p> <p>(1) A person is a <i>related party</i> of a councillor if the person is any of the following in relation to the councillor—</p> <ul style="list-style-type: none"> (a) an entity in which the councillor, or a person mentioned in paragraph (b), (c) or (d), has an interest; (b) a <i>close associate</i> of the councillor, other than an entity mentioned in section 150EJ(1)(f); (c) a parent, child or sibling of the councillor's spouse; <p>150EJ Who is a <i>close associate</i> of a councillor</p> <p>(1) A person is a <i>close associate</i> of a councillor if the person is any of the following in relation to the councillor—</p> <ul style="list-style-type: none"> (b) a parent, <u>child</u> or sibling; <p>Further details are included below.</p>

Cr Taylor advised as follows:

I Wendy Taylor inform the meeting that I have a declarable conflict of interest as a result of my daughter, Kylie Taylor working for the contractor AAM Operations Pty Ltd which is a contractor that may have an interest in the matter.

However my daughter Kylie is based in Brisbane and works in the finance area and has no involvement in the day to day operations of the Saleyards site in Roma.

The agenda item was initiated by a deputation with the Roma Livestock Agents representatives and pertains to the operational matters on site at the Saleyards in Roma.

Although I have a declarable conflict of interest of the matter, I do not believe a reasonable person could have a perception of bias for agenda item C.1.

Therefore, I will choose to remain in the meeting. However, I will respect the decision of the meeting on whether I can remain and participate in the decision.

Resolution No. SM/10.2020/13
Moved Cr Guthrie
Seconded Cr McMullen

That it is in the public interest that Cr Taylor participates and votes on Agenda Item C.1, because a reasonable person would trust that the final decision is made in the public interest.

CARRIED

9/0

The Chief Executive Officer explained to the Councillors that the process of going into closed is a bit different now after the new legislation has taken affect and the Chief Executive Officer asked the Mayor if he would like her to read out the wording to which he agreed.

The Chief Executive Officer stated:

That in accordance with the provisions of section 254J of the *Local Government Regulation 2012*, that the local government resolve that part of the meeting of the local government be closed to the public as it considers it necessary to close the meeting, to discuss the following matter: relevant sections of section 254J(3)(e) and (f), of the 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; AND matters that may directly affect the health and safety of an individual or a group of individuals.

Sections (e) and (f) is what permits Council to go into closed. In accordance with the Standing Orders (27.4) we now need to include a general overview. The matter contains legal advice and safety matters raised to Council in relation to the Roma Saleyards Drafts. That information has been included onto the public agenda as well.

Resolution No. SM/10.2020/14

Moved Cr McMullen

Seconded Cr Taylor

That we go into closed on that basis. [at 9.30am]

CARRIED

9/0

Cr Ladbrook left the meeting at 9.45am and returned at 9.47am.

Resolution No. SM/10.2020/15

Moved Cr O'Neil

Seconded Cr Taylor

That we open the meeting to the public [at 10.19am].

CARRIED

9/0

Item Number:

C.1

File Number: D20/100935

SUBJECT HEADING:

ROMA SALEYARDS DRAFTS

Officer's Title:

Chief Executive Officer

Executive Summary:

An item was initially tabled at the Council meeting on 14 October 2020 but was not considered. The matter has been discussed with Council's legal representatives and the attached formal advice was now tabled advising Council of the actions that will be undertaken.

Resolution No. SM/10.2020/16

Moved Cr O'Neil

Seconded Cr Taylor

That Council note the actions that will be taken by Council officers, including that:

1. Council has an obligation to investigate safety of the new drafts (in response to the concerns raised by the Roma Livestock Agents Association/Agents).
2. A qualified independent third party provider will be appointed/engaged to investigate the safety of the new drafts and the old drafts, with funding to be provided from the saleyards operating budget.
3. The Roma Livestock Agents Association and all Agents will receive correspondence to confirm:
 - a. the scope of the investigation, to ensure no health and safety concerns are omitted; and
 - b. that Council will continue to rely on the advice that the new drafts were designed with user safety as a priority, with the review to include any changes to the initial design.
4. The Roma Livestock Agents Association and all Agents will be provided with an opportunity to express their views during the investigation, including as to outcomes to form health and safety decisions regarding the drafts.
5. Provide a report from an independent third party to a future meeting of Council with recommendations to:
 - a. improve the management of any identified hazards at the Saleyards drafts in accordance with applicable risk management requirements under the WHS Act; and
 - b. where improvements cannot be immediately put in place, manage any identified hazards in the interim.

CARRIED

7/2

Cr. Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Birkett	Cr. Edwards
Cr. Guthrie	Cr. Golder
Cr. Hancock	
Cr. Ladbrook	
Cr. McMullen	
Cr. O'Neil	
Cr. Taylor	

Section 150FA (2)(e) of the Local Government Act 2009

For a matter to which the prescribed conflict of interest or declarable conflict of interest relates - the name of each eligible councillor who voted on the matter, and how each eligible councillor voted.

Name of each eligible councillor who voted on the matter:

Mayor Cr. Tyson Golder, Deputy Mayor Cr. Geoff McMullen, Cr. John Birkett, Cr. Mark Edwards, Cr. Julie Guthrie, Cr. Johanne Hancock, Cr. Wayne (George) Ladbrook, Cr. Cameron O'Neil, Cr. Wendy Taylor

How each eligible councillors voted:

Seven councillors voted in favour of the motion and two Councillors voted against the motion as reflected in the above division called.

Responsible Officer	Chief Executive Officer
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CLOSURE

There being no further business, the Mayor thanked Council for their attendance and declared the meeting closed at 10.23am.

These Minutes are to be confirmed at the next Ordinary Meeting of Council to be held on 28 October 2020, at 9.00am.

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Mayor.

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Date.