



**MINUTES OF THE  
SPECIAL MEETING OF COUNCIL  
24 APRIL 2020**

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**MINUTES OF THE SPECIAL COUNCIL MEETING OF  
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 24 APRIL 2020 IN THE  
WARWICK TOWN HALL PALMERIN STREET, WARWICK AT 10:00AM**

**ACKNOWLEDGEMENT TO COUNTRY**

10:01am The Mayor adjourned the meeting until all Councillors were present.

10:03am The Mayor reopened the meeting.

**1. ATTENDANCE**

Present: Crs Pennisi (Chair), Bartley, Gale, Giori, Gow, McDonald, McNally, Tancred and Windle

Officers: Jane Stroud (Director Sustainable Development), Joanne Morris (Director Corporate and Community Services), Seren McKenzie (Director Infrastructure Services) and Marion Seymour (Minute Secretary)

Troy Wild from Peak Services joined the meeting via Teleconference

**2. APOLOGIES**

Nil

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

The Mayor called for any Conflicts of Interest from Councillors.

*The Director Sustainable Development suggested that the Director Corporate and Community Services should leave the meeting due to a conflict of interest due to the direction of discussions regarding Conflicts of Interest.*

*The Director Corporate and Community Services left the meeting at 10:10am.*

Item No	Item Precis	Nature of Conflict
4.1	Staff Issues	Cr Pennisi declared that a perceived conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i> ), may exist due to his position on prior discussions regarding the extension of the Chief Executive Officer's contract. Cr Pennisi dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Pennisi participated in the discussion

		and voting on this matter.
4.1	Staff Issues	Cr Pennisi declared that a perceived conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i> ), may exist due to a number of complaints lodged against him and that he is unaware of who any of the complainants were. Cr Pennisi dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Pennisi participated in the discussion and voting on this matter.
4.1	Staff Issues	<p>Cr McNally, in accordance with section 175G of the <i>Local Government Act 2009</i> declared that she believed that Cr Gale had a real conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to Cr Gale's relationship with Donna Cecil, a former Executive Member of the Range Group, whose partner is a former employee of Council, and who have lodged a number of complaints against the Council, and due to the real conflict of interest Cr Gale should leave the room and take no part in the debate or decision on the matter.</p> <p>Cr Gale responded to Cr McNally that his perceived interest was his Executive membership of the Range Group and stated that it was his determination that the interest was a perceived conflict of interest and was not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest.</p>

Council considered his participation in the discussion and vote on this matter and following a resolution, Cr Gale was able to participate in discussion and vote for this perceived conflict of interest.		
4.1	Staff Issues	Cr Gale declared a perceived conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i> ) due to the discovery of a letter obtained through the Right to Information process regarding Cr Gale's employment with News Corp, and dealt with the perceived conflict of interest by

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		leaving the meeting room, taking no part in the debate or decision on the matter.
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*The Mayor relinquished the Chair to the Deputy Mayor to allow the Mayor's perceived conflicts of interest to be considered.*

*The Deputy Mayor took the Chair.*

### **3.1.1 Conflict of Interest Agenda Item 4.1 - Cr Pennisi**

#### **Resolution**

**Moved Cr M Gliori**

**Seconded Cr C McDonald**

THAT Cr Pennisi has declared a perceived Conflict of Interest in Agenda Item 4.1 due to his position on prior discussions regarding the extension of the Chief Executive Officer's contract and notwithstanding the conflict, Cr Pennisi may participate in discussion on the matter and vote.

**Carried**

### **3.1.2 Conflict of Interest Agenda Item 4.1 - Cr Pennisi**

#### **Resolution**

**Moved Cr C McDonald**

**Seconded Cr M Gliori**

THAT Cr Pennisi has declared a perceived Conflict of Interest in Agenda Item 4.1 due to a number of complaints lodged against him and that he is unaware of who any of the complainants are, and that notwithstanding the conflict, Cr Pennisi may participate in discussion on the matter and vote.

**Carried**

*The Mayor resumed the Chair.*

### **3.1.3 Conflict of Interest Agenda Item 4.1 Cr Gale**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr S Windle**

THAT, in accordance with section 175G of the *Local Government Act 2009*, Cr McNally declared that she believed that Cr Gale had a real conflict of interest in this matter (as defined in section 175 of the *Local Government Act 2009*) due to Cr Gale's relationship with Donna Cecil, a former Executive Member of the Range Group, and whose partner is a former employee of Council, who has lodged a number of complaints against the Council, and due to the real conflict of interest Cr Gale should leave the room and take no part in the debate or decision on the matter.

**Lost**

*The Director Corporate and Community Services rejoined the meeting at 11:13am.*

## **4. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS**

In accordance with the provisions of Section 275(1) of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public and move 'into Committee' to

discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

## **Recommendation**

THAT the meeting be closed to the public and move into committee to discuss the following items, which are considered confidential in accordance with Section 275(1) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following, as indicated:

### **4.1 Staff Issues**

#### **Reason for Confidentiality**

This item is considered confidential in accordance with section 275(1)(b) of the *Local Government Regulation 2012*, as it contains information relating to industrial matters affecting employees.

## **Meeting In Camera**

### **Resolution**

**Moved Cr Windle**

**Seconded Cr McNally**

THAT the meeting move into closed session for the purpose of discussing staff issues.

**Carried**

The meeting moved into closed session at 11:14am.

*Cr Gale left the meeting for discussion on Agenda Item 4.1 due to his declared conflict of interest.*

*The Executive Officers left the meeting at 11:15am.*

The meeting adjourned at 11:15am and reconvened at 11:24am at which time there were present Crs Pennisi, McNally, Windle, Gow, Tancred, Gliori, Bartley and McDonald.

*The Manager People and Culture joined the meeting at 12:38pm.*

*The Manager People and Culture left the meeting at 12:43pm*

## **Meeting Out Of Camera**

### **Resolution**

THAT the meeting resume in open session at 12:57pm.

**Carried**

*12:58pm The Executive Officers rejoined the meeting.*

*12:58pm Cr Gale rejoined the meeting.*

*Cr Pennisi declared that a perceived conflict of interest in Agenda Item 4.1 (as defined in section 175 of the Local Government Act 2009), may exist due to his position on prior discussions regarding the extension of the Chief Executive Officer's contract. Cr Pennisi dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on*

*this matter. Following a resolution from Council, Cr Pennisi participated in the discussion and voting on this matter.*

*Cr Pennisi declared that a perceived conflict of interest in Agenda Item 4.1 (as defined in section 175 of the Local Government Act 2009), may exist due to a number of complaints lodged against him and that he is unaware of who any of the complainants were. Cr Pennisi dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Pennisi participated in the discussion and voting on this matter.*

*Cr Gale declared a perceived conflict of interest in Agenda Item 4.1 (as defined in section 175 of the Local Government Act 2009) due to the discovery of a letter obtained through the Right to Information process regarding Cr Gale's employment with News Corp, and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.*

#### **4.1 Staff Issues**

##### **Resolution**

**Moved Cr C McDonald**

**Seconded Cr C Gow**

THAT Council resolve:

1. The Employment Agreement of the Chief Executive Officer of Southern Downs Regional Council (Council) be terminated by Council, and by mutual agreement, pursuant to clause 15.1(f) of the Employment Agreement effective as of close of business 1 May 2020 (End Date), and that Council pay the Chief Executive Officer the employment entitlements calculated to the End Date (Separation Amount).
2. That payment of the Separation Amount be subject to Council and the Chief Executive Officer duly executing a Deed of Separation and Release (Deed) reflecting the above.
3. The Mayor be authorised to finalise the terms of the Deed with the Chief Executive Officer.
4. That an interim Chief Executive Officer be appointed at the next General Meeting of Council being held on 29 April 2020.
5. That all media enquiries be dealt with through the office of the Mayor.

**Carried**

*Cr Pennisi voted for the motion.*

*Cr Gale rejoined the meeting at 1:03pm.*

#### **MEETING CLOSURE**

There being no further business, the meeting closed at 1:04pm.