

5. CONFIRMATION OF MINUTES

5.2 Adopt Special Meeting of Council Minutes 2 September 2021

The Purpose of this Report is for Council to adopt the Minutes of the Ordinary Meeting of Council held on Wednesday, 18 August 2021

COUNCIL RESOLUTION

Moved By Cr. A. N. Smith

Seconded By Cr. K. A. Bourne

That this Report be received and that:

1. The Unconfirmed Minutes of the Ordinary Meeting of Council held on 18 August 2021, copies of which have been circulated to Members, be taken as read and confirmed.

CARRIED



Special Meeting of Council Minutes

Date: Thursday, 2 September, 2021
Time: 9:30 am
Location: WDRC - Corporate Office - Boardroom
30 Marble Street, Dalby Qld 4405

Voting Members:

- Cr. P.M. McVeigh (Chairperson)
- Cr. A.N. Smith
- Cr. K.A. Bourne
- Cr. P.T. Saxelby
- Cr. K.A. Maguire
- Cr. I.J. Rasmussen
- Cr. M.J. James
- Cr. O.G. Moore
- Cr. C.T. Tillman

Officers:

- J.K. Taylor, Acting Chief Executive Officer
- S.M. Peut, General Manager (Corporate Services)
- G.K. Cook, General Manager (Infrastructure Services)
- A.M. Yardley, Acting General Manager (Community and Liveability)
- J.L. Weier, Senior Executive Officer
- E. Kendall, Communications and Marketing Manager
- S. Thompson, Legal Counsel

1. MEETING OPENING

The Chairperson declared the Meeting open at 9.30AM.

Cr. I.J. Rasmussen was not in attendance at the commencement of the meeting.

COUNCIL RESOLUTION

MOVED by: Cr. M.J. James

Seconded by: Cr. K.A. Bourne

That Council approves the attendance of Cr. I.J. Rasmussen by teleconference

CARRIED

ABSENT DID NOT VOTE: Cr. I.J. Rasmussen

Cr. I.J. Rasmussen joined the meeting at 9.38am.

2. APOLOGIES

Nil

3. DECLARATIONS OF CONFLICTS OF INTEREST

Community and Liveability Confidential Report Health Services Update

Cr. C. T. Tillman

In accordance with Chapter 6, Part 2, Division 5B of the Local Government Act 2009, Cr. C. T. Tillman informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. She is on the board of Ningana.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.

Cr. P.T. Saxelby

In accordance with Chapter 6, Part 2, Division 5B of the *Local Government Act 2009*, Cr. P.T. Saxelby informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. He and his brother as EPA's have applied for a bed for their mother at the Illoura Aged Care Facility in Chinchilla.

Having considered his position he does not believe a reasonable person could have a perception of bias because his interest is no greater than a significant portion of other community members who are looking for aged care services, and wishes to remain in the meeting, however will respect the decision of Council as to whether he can remain and participate in the decision.

Cr. C.T. Tillman left the meeting at 9.43am.

COUNCIL RESOLUTION

MOVED by: Cr. A.N. Smith

Seconded by: Cr. M.J. James

That Cr. P.T. Saxelby has a Declarable Conflict of Interest due to:

1. He and his brother as EPA's have applied for a bed for their mother at the Illoura Aged Care Facility in Chinchilla;

and as such, it is not in the public's interest for Cr. P.T. Saxelby to continue with and participate in the decision and must leave the meeting and take no further part in this decision.

CARRIED

Cr P.T. Saxelby did not vote

ABSENT DID NOT VOTE: Cr. C.T. Tillman

Cr. C.T. Tillman rejoined the meeting at 9.57am.

4. CONFIDENTIAL ITEMS

Section 254J of the Local Government Regulation 2012 in relation to Closed meetings provides:

(1) A local government may resolve that all or part of a meeting of the local government be closed to the public.

(2) A committee of a local government may resolve that all or part of a meeting of the committee be closed to the public.

(3) However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—

- (a) the appointment, discipline or dismissal of the chief executive officer;*
- (b) industrial matters affecting employees;*
- (c) the local government's budget;*
- (d) rating concessions;*
- (e) 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;*
- (f) matters that may directly affect the health and safety of an individual or a group of individuals;*
- (g) 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;*
- (h) negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967;*
- (i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.*

(4) However, a local government or a committee of a local government must not resolve that a part of a local government meeting at which a decision mentioned in section 150ER(2), 150ES(3) or 150EU(2) of the Act will be considered, discussed, voted on or made be closed.

(5) A resolution that a local government meeting be closed must—

- (a) state the matter mentioned in subsection (3) that is to be discussed; and*
- (b) include an overview of what is to be discussed while the meeting is closed.*

(6) A local government or a committee of a local government must not make a resolution (other than a procedural resolution) in a local government meeting, or a part of a local government meeting, that is closed.

COUNCIL RESOLUTION - CLOSE MEETING

MOVED by: Cr. M.J. James

Seconded by: Cr. O.G. Moore

That Council resolve to close the Meeting in accordance with Sections 254J (3) (a-i) of the *Local Government Regulation 2012* at 9.57am to discuss the following Confidential Reports:

1. Community and Liveability Confidential Report Health Services Update (g).

CARRIED

COUNCIL RESOLUTION - REOPEN MEETING

MOVED by: Cr. K.A. Bourne

Seconded by: Cr. A.N. Smith

That Council resolve to reopen the Meeting at 10.43am.

CARRIED

ABSENT DID NOT VOTE: Cr. I.J. Rasmussen

4.1 COMMUNITY AND LIVEABILITY

4.1.1 Community and Liveability Confidential Health Services Update

The purpose of this Report is to seek Council's direction in relation to the future of Council's owned and operated health services and associated assets.

Cr. C.T. Tillman

In accordance with Chapter 6, Part 2, Division 5B of the Local Government Act 2009, Cr. C. T. Tillman informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. She is on the board of Ningana.

Having given due consideration to her position she determined that she would leave the Meeting while the matter is considered and voted on.

Cr. P.T. Saxelby

In accordance with Chapter 6, Part 2, Division 5B of the *Local Government Act 2009*, Cr. P.T. Saxelby informed the meeting of a declarable conflict of interest in respect to this matter due to:

1. He and his brother as EPA's have applied for a bed for their mother at the Illoura Aged Care Facility in Chinchilla.

Council resolved that Cr. P.T. Saxelby has a Declarable Conflict of Interest and must leave the meeting and not participate and vote on the matter.

Cr. C.T. Tillman and Cr. P.T. Saxelby left the meeting during the confidential discussion at 9.58am.

Cr. I.J. Rasmussen left the meeting at 10.08am due to IT technical issues.

Cr. C.T. Tillman and Cr. P.T. Saxelby rejoined the meeting at 10.42am.

Cr. C.T. Tillman and Cr. P.T. Saxelby left the meeting for the vote at 10.44am.

COUNCIL RESOLUTION

MOVED by: Cr. K.A. Bourne

Seconded by: Cr. P.M. McVeigh

That this report be received and that Council resolves to:

1. Cease immediately all operational efforts to close the Tarcoola Aged Care Facility;
2. Apply the exemptions under s.235 (a) and (b) of the Local Government Regulation 2012 to appoint Southern Cross Care (Qld) Ltd to manage the Tarcoola Aged Care Facility without seeking tenders or quotations;
3. Appoint Southern Cross Care (Qld) Ltd to manage the Tarcoola Residential Aged Care Facility commencing 6 September 2021 in accordance with the terms of the Management Agreement as tabled within this Report;

4. Delegate authority to the Chief Executive Officer to negotiate and approve the proposed Memorandum of Understanding as tabled within this Report;
5. Delegate authority to the Chief Executive Officer to negotiate a contract for the transfer of Residential Aged Care, Community Care Services, Housing and associated assets to Southern Cross Care (Qld) Ltd, in line with the Memorandum of Understanding;
6. Delegate authority to the Chief Executive Officer to negotiate with the relevant Commonwealth and State Government Departments and Ministers to accommodate;
 - a. A contract for the transfer of Residential Aged Care, Community Care Services, Housing and the assets associated with providing those services, and
 - b. The transfer of allocated aged care places and
 - c. the transfer of various contracts for the supply of Home Care and Home Support services to Southern Cross Care (Qld) Ltd; and
7. A report be presented to Council for final approval of the contract terms and conditions for the transfer of residential aged care, community care services, housing and associated assets to Southern Cross Care (Qld) Ltd.

CARRIED

ABSENT DID NOT VOTE: Cr. I.J. Rasmussen, Cr. P.T. Saxelby, Cr. C.T. Tillman

Cr. C.T. Tillman and Cr. P.T. Saxelby rejoined the meeting at 10.48am.

5. MEETING CLOSURE

The Meeting concluded at 10.50am.