Minutes

of the

Council Meeting

held

Tuesday 29 October 2019

at

1pm

City of Gold Coast Council Chambers
135 Bundall Road, Surfers Paradise
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Minutes (781)
Council Meeting
29 October 2019

### Opening Prayer - Pastor Ted Pangilinan of Church One, Helensvale

**Australian National Anthem**

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RESOLUTION G19.1112.005 moved Cr Tozer seconded Cr O'Neill

That the Minutes of the Seven Hundred and Eighty First Ordinary Meeting of the Council of the City of Gold Coast held on Tuesday 29 October 2019 at 1pm be confirmed.

CARRIED

Minutes of the Seven Hundred and Eighty First Ordinary Meeting of the Council of the City of Gold Coast held at the City of Gold Coast Chambers, 135 Bundall Road, Surfers Paradise, on Tuesday 29 October 2019, at 1pm.

The Mayor, Cr T R Tate, welcomed Pastor Ted Pangilinan of Church One, Helensvale, to open the meeting in prayer.

National Anthem

1 ATTENDANCE

Cr T R Tate Mayor
Cr D Gates
Cr W M A Owen-Jones
Cr C M Caldwell
Cr K L Boulton
Cr P J Young
Cr D M Crichlow OAM
Cr G J Baildon AM
Cr R La Castra
Cr G M Tozer
Cr P A Taylor
Cr H H C Vorster
Cr P C Young
Cr G M O'Neill

Mr D R Dickson Chief Executive Officer
Mr A J McCabe Chief Operating Officer
Mr A Twine Director Transport and Infrastructure
Ms A Ewens Director Lifestyle and Community Services
Mr P Heaton Director Water & Waste
Mr G Potter Director Organisational Services
Ms A Swain Director Economy, Planning & Environment
Ms C Watt City Solicitor
Mr B Madden Executive Coordinator, Property Management – Property Services
Mr L Wallace Manager Executive Services

1.1 LEAVE OF ABSENCE / APOLOGIES

RESOLUTION G19.1029.001 moved Cr Taylor seconded Cr Gates

That the Leave of Absence for Cr McDonald be granted.

CARRIED
2 CONDOLENCES

Cr PJ Young

To The Trent Family

On the passing of Mark Samuel Trent

RESOLUTION G19.1029.002 moved Cr PJ Young seconded Cr PC Young

That a motion of condolence be passed and that a message of sympathy be forwarded.

CARRIED

Cr Gates, Cr Tozer, Cr Owen-Jones, Cr Vorster, Cr O'Neill, Cr Boulton, Cr PC Young, Cr Taylor

To The Flanagan Family

On the passing of Peter Flanagan

RESOLUTION G19.1029.003 moved Cr Gates seconded Cr Boulton

That a motion of condolence be passed and that a message of sympathy be forwarded.

CARRIED

Cr Gates, Cr McDonald

To The Olarenshaw Family

On the passing of Ronald Stewart Olarenshaw

RESOLUTION G19.1029.004 moved Cr Gates seconded Cr Boulton

That a motion of condolence be passed and that a message of sympathy be forwarded.

CARRIED

Cr Gates

To The Smithers Family

On the passing of Steven Smithers

RESOLUTION G19.1029.005 moved Cr Gates seconded Cr PC Young

That a motion of condolence be passed and that a message of sympathy be forwarded.

CARRIED
3 MAYORAL MINUTE

Nil

4 CONFIRMATION OF MINUTES

RESOLUTION  G19.1029.006  moved Cr Tozer  seconded Cr Taylor

That the Minutes of the Seven Hundred and Eightieth Ordinary Meeting of the Council of the City of Gold Coast held on Friday 11 October 2019 at 10am be confirmed.

CARRIED

5 MAYOR’S REPORT

5.1 RECENT VISITS AND SPEECHES
5 MAYOR’S REPORT (Continued)

5.1 RECENT VISITS AND SPEECHES (Continued)

Institute for Glycomics Annual Grand Ball

The institute was founded over 19 years ago, with unique research expertise making them the only institute of its kind in Australia and only one of a handful in the world.

They are seeking to crack the ‘carbohydrate code’ and the crucial role carbohydrates play in diseases, such as malaria and Strep A Bacteria.

The institute collaborates with leading scientists around the world to build a critical mass around this multidisciplinary research.

Every dollar raised on the night went directly towards the institute’s research into finding new cures and preventions for debilitating childhood diseases.
Gold Coast Academy of Sport 2019 Award Presentations

Each year the Gold Coast Academy Of Sport hosts a night at Royal Pines recognising all athletes who undertake their specific sports programs.

During the night the Academy presents each athlete with a certificate of participation and award an “Encouragement” award and “Athlete Of The Year” for each sports program.

Winners of these awards are selected by the coach of the specific program and are decided upon through their training ethics and participant in the program.

This year, Mick Vievers stepped down from his Chairman’s position to have more time for his wife and family. He still remains on the board of the Academy, but was recognised for his service.

I spoke about Mick’s service to the community and to his sport from his early days as a rugby league player and State MP in politics.

Congratulations to the winners of “Athlete Of The Year” and “Encouragement Award”:

“Athlete Of The Year”
Jacob Monaghan, Ayden Stovin, Leo Davies, Aikan Granier-Ameur, Samarth Soi, Kyras Livermore, Ethan Wadell, Ethan Wadell, Konnor Georgakopoulos, Alana Picton.

“Encouragement Award”:
Brayden Field, Jack Henry, Jarrell Lauvao, Cody Mccraig, Sara Saletele, Jasmine Hanley-Randall, Syraih Smith, Faith Ropati, Ethan Callaghan.
5.1 RECENT VISITS AND SPEECHES (Continued)

Host Luncheon for Delegation from Saitama Prefecture, Japan

28 delegates from Saitama Prefecture, Japan visited the Gold Coast and Brisbane from 16-19 October.

The purpose of the delegation’s visit was to celebrate the 35th Anniversary of the Sister State Agreement between Queensland and Saitama Prefecture.

Due to the typhoon that recently affected Japan, Mr Motohiro Ono, Governor of Saitama Prefecture had to remain in Saitama to assist in the recovery efforts.
5.1 RECENT VISITS AND SPEECHES (Continued)

Meet and Greet Winners of 2019 Mayor’s Telstra Technology Awards

Cr Vorster attended.

Congratulations to Saint Stephen’s College who have taken out top prize in the 2019 Mayor’s Telstra Technology Awards.

Their app “Top Binzzz” is designed to attract gamers into playing physical sport and athletes to become better at sport by utilising technology.

TSS was the runner up with their “Skin ML” app, which is a skin cancer detection app.

The Awards are now in their 6th year, with competition entries continuing to grow.

Study Gold Coast do a fantastic job facilitating this program in partnership with Telstra, Bond University and Startup Apprentice.
5.1 RECENT VISITS AND SPEECHES (Continued)

Safer Suburbs Awards 2019 Presentation Ceremony

The Gold Coast’s most outstanding citizens were recognised in the City’s biennial Safer Suburbs Awards.

The Awards honoured people with true community spirit, who are committed to making our city more safe and connected.

We had 23 nominations and every entrant is making a genuine difference to the safety of our city.

These awards highlight the incredible work within our community to make the Gold Coast the safest place to live, work, play and raise a family.

The winners in each category this year were:

Individual Category – Kathleen Vlastic
Not-for-profit Group Category – RizeUp
Project Category – First Drinks: First Impressions, Queensland Police Service – Gold Coast District
Business Category – Halcyon
Meritorious Award – Street C.R.E.D, Queensland Police Service - Gold Coast Cross Cultural Liaison Unit
5 MAYOR’S REPORT (Continued)

5.1 RECENT VISITS AND SPEECHES (Continued)

Launch of Get Ready Campaign and LDMG Annual Exercise

This exercise was an opportunity to explore how the LDMG may have responded had the recent bushfire activity been more prevalent in the Gold Coast local government area.

This would have posed a greater threat to our community.

Therefore, this discussion exercise for LDMG members and advisors was very productive and we continue to work with all agencies to keep our community safe.

I also took the opportunity to remind Gold Coasters of the Get Ready Gold Coast campaign.

Get Ready aims to engage local communities, provide education, raise awareness and encourage action to build resilience against future disaster events.
5 MAYOR’S REPORT (Continued)

5.1 RECENT VISITS AND SPEECHES (Continued)

Presentation of Certificates for Departing Year 11 Junior Councillors

As you know, the Junior Council Program is a civic leadership program aimed at Year 10 and 11 students across Gold Coast high schools which has run for the past 26 years.

This year 121 students from 29 Gold Coast high schools are engaged in the Junior Council Program.

More than 40 Year 11 students completed the Program last Wednesday, with the 8 Junior Council executive committee members continuing until the handover to the new Executive Committee in February 2020.

The Junior Council Program provides an opportunity for students to develop communication skills, learn about local government and the community and participate in decision making processes.

Through the Junior Council meetings students have been exposed to a range of guest presenters and participated in a variety of leadership activities, including attending the Mayor’s Leadership Forum at the Student Hub.

Students have had the opportunity to represent the Junior Council Program at a number of events including Youth Week celebrations across the City, the SportsAccord World Sport and Business Summit, and also enhance their cultural awareness by visiting the Jellurgal Aboriginal Cultural Centre.

I received this message after the Ceremony:

Dear Mr Mayor,

Thank you for taking the time out of your busy day to present the Certificates of Recognition at Junior Council yesterday. It means a lot to us to have your support and it was encouraging listening to you speak about the different pathways we can take on the Gold Coast what an exciting time to be part of the Junior Council. We are so lucky to live in a city where there are many opportunities and choices afforded to us! Thank you again!

Warm regards,

Khyja Miller Junior Mayor and Angie Zhou Deputy Junior Mayor - On behalf of the 2019 Junior Council
5.1 RECENT VISITS AND SPEECHES (Continued)

Opening Ceremony for Nerang Men’s Shed Expo and Big Brunch

This “Shedders Big BBQ Brunch”.

I’m told the shed hosted over 30 exhibitors and 400 guests.

Congratulations to “the Australian Men’s Shed Association”, “Dalby Men’s Shed” and “Nerang Men’s Shed” for bringing this event together here on the Gold Coast at Nerang.

It was fantastic to see so many government and community organisations coming together to showcase their services and provide information.

It’s great to see these type of events bringing “shedders” together to network.
We on the Gold Coast do not believe in monopoly - I know Star would want exclusivity for 20 years and that would lock us in as the only shop in town.

Competition is the best thing for the city and they should go ahead and upgrade the Sheraton and Convention Centre.
5 MAYOR’S REPORT (Continued)

5.1 RECENT VISITS AND SPEECHES (Continued)

Boarding Call - Gold Coast Airport Celebration

It was great to receive a progress update about the transformation underway at the Gold Coast Airport.

We heard from Chairman John O’Neill and CEO Chris Mills.

Some facts about the airport:

- Gold Coast Airport welcomed almost 6.5 million passengers in FY19;
- the airport is Australia’s 6th busiest and one of the fastest growing in the past 10 years;
- passenger numbers are expected to more than double by 2037 and international visitors are likely to triple.

I welcomed the $500 million being invested in the precinct to cater for the airport’s growth, with the Southern Terminal Expansion and airport hotel currently underway and due for completion in mid 2021 and mid 2020 respectively.
5 MAYOR’S REPORT (Continued)

5.1 RECENT VISITS AND SPEECHES (Continued)

Guest Speaker Mudgeeraba Chamber of Commerce

I spoke about a range of matters, including Town Plan, Events, Roads, Transport and how we are Keeping Rates Low.
5.1 RECENT VISITS AND SPEECHES (Continued)

Keynote Speaker - Gold Coast Central Chamber of Commerce’s Big Ideas: The Future of Gold Coast Transport

I reflected on the focus we placed on transport, by developing the City’s Transport Strategy first, then working on the City Plan update.

I discussed the need to focus on expanding our public transport network – that means light and heavy rail extensions, as well as expanded bus services.

We also have to promote and invest in active travel – that is, getting people out of their cars and onto their bikes and feet.

And then there’s of course ‘Uber Air’ and utilising advancements of technology.

I also spoke about how, at Council, we are taking a multi-pronged approach to meeting the Gold Coast’s emerging transport issues; and how we are investing in practical, local road works, upgrades and specific congestion management initiatives across the city.

Councillors, as you know, we also have a plan to spend $544 million rolling out 54 projects over the next four years that focus on managing congestion across the city.
5.1 RECENT VISITS AND SPEECHES (Continued)

Lions Clubs International is the largest humanitarian service organisation in the World.
Made up of 48,000 Lions Club in 211 Countries, 1.4 million men and women serve together
so they can make a lasting impact and change more lives.
Lions’ mission is to empower volunteers to serve their communities, meet humanitarian
needs, encourage peace and promote international understanding through Lions clubs.
Lions of District 201Q1 covers the geographical region South of the Brisbane River down,
stretching as far west to Goondiwindi and into the Northern Rivers of NSW including regions
such as Tenterfield, Casino and Lismore.
The Gold Coast encompasses 19 Lions Clubs and overall in this District there are a total of
80 Lions Clubs, 23 Leos clubs and 3 Lioness Clubs. A total collective volunteer total over
2500 people supporting local communities.
The theme for this Convention is “A Wave Of Change” which drew the Lion’s focus on the
future of service in an ever-changing world and how Lions will innovate and adapt to continue
to meet the needs of their communities all over Australia.
5.1 RECENT VISITS AND SPEECHES (Continued)

A record 198,763 people attended this year’s Vodafone Gold Coast 600 in Surfers Paradise. It’s the biggest crowd at the GC600 since Supercars began promoting the event in 2012, surpassing the previous record of 197,872 in 2015 and 196,192 in 2018.
5.1 RECENT VISITS AND SPEECHES (Continued)

Baha’i Community Celebration

Cr Owen-Jones and Cr Tozer attended.
This was another great cultural celebration in our city.
Gold Coast Bahais come from different cultural backgrounds and strive towards the
betterment of their neighborhoods.
This event welcomed anyone to join in their celebrations and activities.

RESOLUTION  G19.1029.007  moved Cr Tate  seconded Cr Gates

That the Mayor’s Report be welcomed and noted.

CARRIED UNANIMOUSLY
6 CLARIFICATION - MEMBERS

Nil

7 BUSINESS ARISING FROM MINUTES

Nil

8 PRESENTATIONS

Nil
9 RECESSION & CONSIDERATION OF COMMITTEE REPORTS

9.1 TRANSPORT AND INFRASTRUCTURE

Cr PC Young, Chairperson of the Transport and Infrastructure Committee, presented the Report of the Meeting of the Transport and Infrastructure Committee held on Thursday 17 October 2019.

RESOLUTION  G19.1029.008  moved Cr PC Young  seconded Cr Taylor

That the Report of the Transport and Infrastructure Committee Meeting held on Thursday, 17 October 2019, covered by Recommendations numbered TI19.1017.001 to TI19.1017.003, be received.

CARRIED

ADOPTION OF THE TRANSPORT AND INFRASTRUCTURE COMMITTEE REPORT

RESOLUTION  G19.1029.009  moved Cr PC Young  seconded Cr Taylor

That the Report of the Transport and Infrastructure Committee Meeting of Thursday, 17 October 2019, covered by Recommendations numbered TI19.1017.001 to TI19.1017.003, be adopted.

CARRIED UNANIMOUSLY
9.2 LIFESTYLE AND COMMUNITY

Cr Vorster, Chairperson of the Lifestyle and Community Committee, presented the Report of the Meeting of the Lifestyle and Community Committee held on Thursday 17 October 2019.

RESOLUTION  G19.1029.010  moved Cr Vorster  seconded Cr O’Neill

That the Report of the Lifestyle and Community Committee Meeting held on Thursday, 17 October 2019, covered by Recommendations numbered LC19.1017.001 to LC19.1017.005, be received.

CARRIED

ADOPTION OF LIFESTYLE AND COMMUNITY COMMITTEE REPORT

RESOLUTION  G19.1029.011  moved Cr Vorster  seconded Cr O’Neill

That the Report of the Lifestyle and Community Committee’s Recommendations of 17 October 2019, numbered LC19.1017.001 to LC19.1017.005, be adopted.

CARRIED
9.3 ECONOMY PLANNING AND ENVIRONMENT

Cr Caldwell, Chairperson of the Economy, Planning and Environment Committee, presented the Report of the Economy, Planning and Environment Committee held on Wednesday, 23 October 2019.

RESOLUTION  G19.1029.012  moved Cr Caldwell  seconded Cr Gates

That the Report of the Economy, Planning and Environment Committee Meeting held on Wednesday, 23 October 2019, covered by Recommendations numbered EPE19.1023.001 to EPE19.1023.007 be received.

CARRIED

ITEM 2 REPORT ON CHANGE (OTHER) APPLICATION TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR EXTENSIONS TO A LAWFULLY ESTABLISHED HOTEL AT 101 AND 119 MUSGRAVE STREET; 3 RUTLEDGE STREET; AND 10, 14, 16 AND 18 MARINE PARADE, COOLANGATTA – DIVISION 14 OTH/2019/19

Conflict of Interest – Cr Gates

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The nature of the interest is: Receipt of donation

The name of the person or entity is: UPS

The nature of the relationship is: Donor to electoral campaign

The value and date of donations: $1850  2 September 2014
                                  $1850  7 September 2015
                                  $1850  9 September 2016

The nature of the other person’s interest in the matter is: Planning Consultant to project

However I have considered my position and my interest in this matter as just described, and am firmly of the view that I may participate in the meeting and vote in respect of this matter in the public interest for the reason that the donor is not a prohibited donor and the net proceeds from the donations is under $2000.
9.3 ECONOMY PLANNING AND ENVIRONMENT (Continued)

ITEM 2 REPORT ON CHANGE (OTHER) APPLICATION TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR EXTENSIONS TO A LAWFULLY ESTABLISHED HOTEL AT 101 AND 119 MUSGRAVE STREET; 3 RUTLEDGE STREET; AND 10, 14, 16 AND 18 MARINE PARADE, COOLANGATTA – DIVISION 14 OTH/2019/19 (Continued)

PROCEDURAL MOTION moved Cr Tozer seconded Cr Owen-Jones

Pursuant to section 175E(4)(a) of the Local Government Act 2009, Council resolves that:

Cr Gates has a perceived conflict of interest in this matter as disclosed above.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Gates, Cr Caldwell, Cr O'Neill and Cr Tate did not vote.

PROCEDURAL MOTION moved Cr Tozer seconded Cr Baildon

Pursuant to section 175E(4)(b) of the Local Government Act 2009, Council resolves that:

Cr Gates may participate in the meeting and vote on the matter because the consultant is not a prohibited donor and the total net donations is less than $2000.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Gates, Cr Caldwell, Cr O'Neill and Cr Tate did not vote.

Conflict of Interest – Cr O'Neill

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The name of the person or entity is: Ganra Pty Ltd
The nature of the relationship is: Donation to my 2016 election campaign
The value of the gift or benefit received is: $10,000
The nature of the other person’s interest in the matter is: Ganra Pty Ltd is associated with Kirra Hotel who is the applicant.
I will now leave and stay away from the meeting so that the matter may be discussed and voted on in my absence.

Cr O'Neill left the room.
9 RECEPTION & CONSIDERATION OF COMMITTEE REPORTS (Continued)

9.3 ECONOMY PLANNING AND ENVIRONMENT (Continued)

ITEM 2 REPORT ON CHANGE (OTHER) APPLICATION TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR EXTENSIONS TO A LAWFULLY ESTABLISHED HOTEL AT 101 AND 119 MUSGRAVE STREET; 3 RUTLEDGE STREET; AND 10, 14, 16 AND 18 MARINE PARADE, COOLANGATTA – DIVISION 14 OTH/2019/19 (Continued)

Conflict of Interest – Cr Caldwell

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The name of the person or entity is: Ganra Pty Ltd
The nature of the relationship is: Donation to my 2016 election campaign
The value of the gift or benefit received is: $10,000
The nature of the other person’s interest in the matter is: Ganra Pty Ltd is associated with Kirra Hotel who is the applicant.

I will now leave and stay away from the meeting so that the matter may be discussed and voted on in my absence.

Cr Caldwell left the room.

Conflict of Interest – Cr Tate

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The nature of the interest is: I once obtained professional advice under standard commercial terms from UPS but that it did not eventuate as an application
The name of the person or entity is: UPS
The nature of the relationship is: I once obtained professional advice under standard commercial terms from UPS but that it did not eventuate as an application
The value of the gift is: NA
The date of receipt of the gift is: NA
The nature of the other person’s interest in the matter is: UPS are the professional consulting firm being utilised by the applicant on a planning application before Council.

However I have considered my position and my interest in this matter as just described, and am firmly of the view that I may participate in the meeting and vote in respect of this matter in the public interest for the reason the interest is minor and of a remote nature.
9.3 ECONOMY PLANNING AND ENVIRONMENT ( Continued )

ITEM 2 REPORT ON CHANGE (OTHER) APPLICATION TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR EXTENSIONS TO A LAWFULLY ESTABLISHED HOTEL AT 101 AND 119 MUSGRAVE STREET; 3 RUTLEDGE STREET; AND 10, 14, 16 AND 18 MARINE PARADE, COOLANGATTA – DIVISION 14 OTH/2019/19 (Continued)

PROCEDURAL MOTION moved Cr Tozer seconded Cr Boulton

Pursuant to section 175E(4)(a) of the Local Government Act 2009, Council resolves that:

Cr Tate does not have a real or perceived conflict of interest in the matter based on the information disclosed.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Gates and Cr Tate did not vote.

Cr Caldwell and Cr O'Neill were not present for discussion or voting on this matter.
ITEM 2 REPORT ON CHANGE (OTHER) APPLICATION TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) FOR EXTENSIONS TO A LAWFULLY ESTABLISHED HOTEL AT 101 AND 119 MUSGRAVE STREET; 3 RUTLEDGE STREET; AND 10, 14, 16 AND 18 MARINE PARADE, COOLANGATTA – DIVISION 14 OTH/2019/19 (Continued)

RESOLUTION G19.1029.013 moved Cr Vorster seconded Cr PJ Young

That Committee Recommendation EPE19.1023.002 be adopted with the amended condition 9A as below:-

9A Complaint Register (specific condition)

a Create and maintain a complaints register for complaints (Register) relating to the beer garden use.

b The Register must be maintained at all times by the site owner(s)/managers(s) to record all complaints from the community relating to the beer garden use.

c The following information must be recorded in the Register for each complaint:

i date and time of complaint;

ii name and address of complainant (if provided);

iii a description of the complaint including the date, time and event or issue in respect of which the complaint is made;

iv if the complaint relates to noise and is made during an amplified music event –

   A the noise measurement, using the hand held noise monitor required under condition 9, using the L_{10}, dB(C),3 minutes at 3 metres from every speaker; and

   B the name of the person taking the noise measurement(s).

v a description of the action taken in response to the complaint.

d If a complaint is made during an amplified music event –

i the noise measurement referred to in paragraph (c)(iv)(A) must be taken immediately; and

ii if a noise limit imposed under condition 9 has been exceeded, the amplified music must immediately be brought to a level which achieves compliance with condition 9.

e All complaints must be recorded in the Register within 2 business days of the complaint being made.

f The complainant must be contacted (if contact details are provided) within 5 business days of the date of complaint and be advised of what actions were taken in response to the complaint.

g A copy of the Register must be provided (electronic or hard copy) to the Council within 3 business days of an authorised officer requesting a copy of the Register.

CARRIED UNANIMOUSLY

Cr Gates and Cr Tate voted in the positive.

Cr Caldwell and Cr O'Neill returned to the room.
Conflict of Interest – Cr Tate

Pursuant to section 175E(2) of the *Local Government Act 2009*, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

- The nature of the interest is: I once obtained professional advice under standard commercial terms from UPS but that it did not eventuate as an application.
- The name of the person or entity is: UPS.
- The nature of the relationship is: I once obtained professional advice under standard commercial terms from UPS but that it did not eventuate as an application.
- The value of the gift is: N/A.
- The date of receipt of the gift is: N/A.
- The nature of the other person’s interest in the matter is: UPS are the professional consulting firm being utilised by the applicant on a planning application before Council.

However, I have considered my position and my interest in this matter as just described, and am firmly of the view that I may participate in the meeting and vote in respect of this matter in the public interest for the reason the interest is minor and of a remote nature.

**PROCEDURAL MOTION**

*moved Cr Tozer, seconded Cr PC Young*

Pursuant to section 175E(4)(a) of the *Local Government Act 2009*, Council resolves that:

Cr Tate does not have a real or perceived conflict of interest in the matter based on the information disclosed.

**CARRIED**

In accordance with Section 175E(4) of the *Local Government Act 2009*, Cr Tate and Cr Gates did not vote.
9 RECEPTION & CONSIDERATION OF COMMITTEE REPORTS (Continued)

9.3 ECONOMY PLANNING AND ENVIRONMENT (Continued)

ITEM 3 SPECIAL DELEGATION ITEMS DECIDED DURING THE COUNCIL COMMUNITY CONSULTATION AND OTHER CIVIC DUTIES PERIOD FROM SEPTEMBER TO OCTOBER 2019
PD97/-/--(P18) (Continued)

Conflict of Interest – Cr Gates
Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The nature of the interest is: Receipt of donation
The name of the person or entity is: UPS
The nature of the relationship is: Donor to electoral campaign
The value and date of donations:  
$1850 2 September 2014  
$1850 7 September 2015  
$1850 9 September 2016
The nature of the other person’s interest in the matter is: Planning Consultant to project

However I have considered my position and my interest in this matter as just described, and am firmly of the view that I may participate in the meeting and vote in respect of this matter in the public interest for the reason that the donor is not a prohibited donor and the net proceeds from the donations is under $2000.

PROCEDURAL MOTION moved Cr Tozer seconded Cr Owen-Jones
Pursuant to section 175E(4)(a) of the Local Government Act 2009, Council resolves that:
Cr Gates has a perceived conflict of interest in this matter as disclosed above.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Gates and Cr Tate did not vote.

PROCEDURAL MOTION moved Cr Tozer seconded Cr Owen-Jones
Pursuant to section 175E(4)(b) of the Local Government Act 2009, Council resolves that:
Cr Gates may participate in the meeting and vote on the matter because the matter has been resolved and Council is noting the report, the consultant is not a prohibited donor and the total net donations is less than $2000.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Gates and Cr Tate did not vote.
9  RECEPTION & CONSIDERATION OF COMMITTEE REPORTS (Continued)

9.3  ECONOMY PLANNING AND ENVIRONMENT (Continued)

ITEM 3  SPECIAL DElegation IteMS DECIDEd DURING THE COUNCIL COMMUNITY CONSULTATION AND OTHER CIVIC DUTIES PERIOD FROM SEPTEMBER TO OCTOBER 2019 PD97/-/-/(P18) (Continued)

RESOLUTION  G19.1029.014 moved Cr Caldwell  seconded Cr Vorster

That Committee Recommendation EPE19.1023.003 be adopted as printed which reads as follows:-

That Council notes the content of this report in relation to the September to October 2019 Community Consultation and other Civic Duties Period where ONE item was resolved under special delegation.

CARRIED UNANIMOUSLY

Cr Gates and Cr Tate voted in the positive.

ITEM 4  RESPONSE TO PETITION REQUEST TO REINSTATE ENVIRONMENT ADVISORY COMMITTEE CE196/113/02(P1)

Conflict of Interest – Cr PJ Young

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The nature of the interest is: the lead petitioner was a donor to my 2016 electoral campaign
The name of the person or entity is: Mrs Sally Spain
The nature of the relationship is: Donor and is a personal friend
The value of the gift is: $300
The date of receipt of the gift is: January 2016
The nature of the other person's interest in the matter is: The donor is the lead petitioner

However I have considered my position and my interest in this matter as just described, and am firmly of the view that I may participate in the meeting and vote in respect of this matter in the public interest for the reason that the petitioner has no personal benefit from the outcome of Council's deliberation.

PROCEDURAL MOTION  moved Cr Tozer  seconded Cr Caldwell

Pursuant to section 175E(4)(a) of the Local Government Act 2009, Council resolves that:

Cr PJ Young has a real or perceived conflict of interest in this matter because of the donation Mrs Spain made to Cr PJ Young in 2016.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr PJ Young did not vote.
9 RECEPTION & CONSIDERATION OF COMMITTEE REPORTS (Continued)

9.3 ECONOMY PLANNING AND ENVIRONMENT (Continued)

ITEM 4 RESPONSE TO PETITION REQUEST TO REINSTATE ENVIRONMENT ADVISORY COMMITTEE
CE196/113/02(P1) (Continued)

PROCEDURAL MOTION moved Cr Tozer  seconded Cr Owen-Jones

Pursuant to section 175E(4)(b) of the Local Government Act 2009, Council resolves that:

Cr PJ Young may participate in the meeting and vote on the matter because the interest as described is minor and of a remote nature.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr PJ Young did not vote.

Conflict of Interest – Cr PJ Young

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The nature of the interest is: I am a former member of the Wildlife Preservation Society of Qld

The name of the person or entity is: Mrs Sally Spain

The nature of the relationship is: Mrs Spain is the president of an organisation I was a member of.

The value of the gift is: Nil

The date of receipt of the gift is: Nil

The nature of the other person’s interest in the matter is: Mrs Spain is the lead petitioner

However I have considered my position and my interest in this matter as just described, and am firmly of the view that I may participate in the meeting and vote in respect of this matter in the public interest for the reason the interest is minor and of a remote nature.

PROCEDURAL MOTION moved Cr Owen-Jones  seconded Cr Tozer

Pursuant to section 175E(4)(a) of the Local Government Act 2009, Council resolves that:

Cr PJ Young does not have a real or perceived conflict of interest in the matter because he is a former ordinary member of the Wildlife Preservation Society of Qld and membership does not constitute either a real or perceived conflict of interest.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr PJ Young did not vote.
9  RECEPTION & CONSIDERATION OF COMMITTEE REPORTS (Continued)

9.3  ECONOMY PLANNING AND ENVIRONMENT (Continued)

ITEM 4  RESPONSE TO PETITION REQUEST TO REINSTATE ENVIRONMENT ADVISORY COMMITTEE
CE196/113/02(P1) (Continued)

Cr Tate:
In accordance with my obligation under section 175G(2) of the Local Government Act 2009, I advise the Chair that:

(a) I reasonably believe or suspect that Cr PJ Young has a:
   a. perceived conflict of interest in the matter;

which Cr PJ Young has not informed the meeting about.

(b) The facts and circumstances that form the basis of my reasonable belief or suspicion are:
   a. David Spain made a donation to his electoral campaign and is the husband of the lead petitioner

PROCEDURAL MOTION moved Cr Vorster seconded Cr Gates

Pursuant to section 175E(4)(a) of the Local Government Act 2009, Council resolves that:

Cr PJ Young does not have a real or perceived conflict of interest in the matter because the related party is not a signatory to the originating petition and has no greater personal interest in the matter than that of other persons in the local government area.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr PJ Young did not vote.
9.3 ECONOMY PLANNING AND ENVIRONMENT (Continued)

ITEM 4 RESPONSE TO PETITION REQUEST TO REINSTATE ENVIRONMENT ADVISORY COMMITTEE
CE196/113/02(P1) (Continued)

RESOLUTION G19.1029.015 moved Cr Tozer seconded Cr Gates

That Committee Recommendation EPE19.1023.004 be adopted as printed which reads as follows:-

1 That the attachments be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2 That the matter raised in the petition is noted and the lead petitioner be advised in writing of Council’s consideration of their petition.

3 That as an outcome of the investigation:
   a The petition request to reinstate the Environment Advisory Committee is not supported.
   b In accordance with the Our Natural City Strategy governance structure, the external specialist advisor group is progressed to support future engagement.

A division was called.

For 12 Cr Tozer, Cr Owen-Jones, Cr Caldwell, Cr Vorster, Cr Crichlow, Cr O’Neill, Cr La Castra, Cr Boulton, Cr Gates, Cr PC Young, Cr Taylor, Cr Tate
Against 2 Cr PJ Young, Cr Baildon
Abstained 0
Absent 1 Cr McDonald

CARRIED

Cr PJ Young voted in the negative.

ITEM 5 PROGRESS UPDATE - FLOOD CODE REVIEW PROJECT
PD113/1303(P1) REPORT CONFIDENTIAL

RESOLUTION G19.1029.016 moved Cr Vorster seconded Cr Owen-Jones

That Committee Recommendation EPE19.1023.005 be adopted, with the addition of part 3 such that it reads in its entirety as follows:

1 That the report be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act.

2 That the contents of this report be noted.

3 That the Insurance Council of Australia be invited to join the forum referred to in the report.

CARRIED UNANIMOUSLY
9 RECEPTION & CONSIDERATION OF COMMITTEE REPORTS (Continued)

9.3 ECONOMY PLANNING AND ENVIRONMENT (Continued)

ITEM 7 VARSITY CENTRAL PARK PUBLIC OPEN SPACE
PN259442/16(P1)

Conflict of Interest – Cr Vorster

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The nature of the interest is: Varsity Central Park is used by Varsity College students for recreation and organised sport

The name of the person or entity is: Varsity College

The nature of the relationship is: I attended the event with my wife in my capacity as Councillor in support of the school and was asked to invite community members to attend the function at a single table at no cost to the attendees.

The value of the gift is: $1300 approx

The date of receipt of the gift is: 17 June 2017

The nature of the other person’s interest in the matter is: user of the Varsity Central Park

However I have considered my position and my interest in this matter as just described, and am firmly of the view that I may participate in the meeting and vote in respect of this matter in the public interest for the reason that because the gift was for majority community benefit and minor in the overwhelming public interest.

PROCEDURAL MOTION moved Cr Tozer seconded Cr Caldwell

Pursuant to section 175E(4)(a) of the Local Government Act 2009, Council resolves that:

Cr Vorster does not have a real or perceived conflict of interest in the matter because Cr Vorster was asked by a local school to co-ordinate guests for a community event.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Vorster did not vote.

RESOLUTION G19.1029.017 moved Cr Owen-Jones seconded Cr Caldwell

That Council note the limited public open space in Varsity Lakes and its significant investment at Varsity Central Park and direct the Chief Executive Officer to write to the Department of Education and Training to advise that any proposal to further expand Varsity College into this public open space will not be supported by Council.

CARRIED

Cr Vorster voted in the positive.
9 RECEPTION & CONSIDERATION OF COMMITTEE REPORTS (Continued)

9.3 ECONOMY PLANNING AND ENVIRONMENT (Continued)

ITEM 1 REPORT ON DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE (CODE ASSESSMENT) FOR MULTIPLE DWELLINGS (17 UNITS) AT 468 THE ESPLANADE, PALM BEACH - DIVISION 13 MCU/2019/265

RESOLUTION G19.1029.018 moved Cr Caldwell seconded Cr O'Neill

That Committee Recommendation EPE19.1023.001 be adopted as printed in the Economy, Planning and Environment Committee meeting report.

A division was called.

For 13 Cr Tozer, Cr Owen-Jones, Cr Caldwell, Cr Vorster, Cr Crichlow, Cr Baildon, Cr O'Neill, Cr La Castra, Cr Boulton, Cr Gates, Cr PC Young, Cr Taylor, Cr Tate

Against 1 Cr PJ Young

Abstained 0

Absent 1 Cr McDonald

CARRIED BY SUPER MAJORITY

ITEM 6 GOLD COAST CBD SPECIAL ENTERTAINMENT PRECINCT PROJECT UPDATE PD98/1132/04/62(P1) REPORT CONFIDENTIAL

RESOLUTION G19.1029.019 moved Cr Caldwell seconded Cr Crichlow

That Committee Recommendation EPE19.1023.006 be adopted as printed which reads as follows:-

1 That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2 That the Gold Coast CBD Special Entertainment Precinct investigation area be noted.

3 That the project key messages in Attachment 2 be noted.

4 That a further report to Council be provided once a draft Gold Coast CBD Special Entertainment Precinct boundary, noise criteria and urban design response have been determined.

CARRIED UNANIMOUSLY
9.4 WATER & WASTE

Cr Taylor, Chairperson of the Water & Waste Committee, presented the Report of the Water & Waste Committee held on Thursday, 24 October 2019.

RESOLUTION  G19.1029.020  moved Cr Taylor  seconded Cr Boulton

That the Report of the Water & Waste Committee Meeting held on Thursday, 24 October 2019, covered by Recommendations numbered WW19.1024.001 to WW19.1024.004 be received.

CARRIED

ITEM 3  COOMBABAH SEWAGE TREATMENT PLANT STAGE 6 UPGRADE AND PIMPAMA SEWAGE TREATMENT PLANT STAGE 2 UPGRADE: STATUS UPDATE
LG314/1211/20/001(P1)

RESOLUTION  G19.1029.021  moved Cr Gates  seconded Cr Owen-Jones

That Committee Recommendation WW19.1024.003 be adopted as printed which reads as follows:-

1 That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.
2 That Council note the status of the Coombabah Sewage Treatment Plant Stage 6 Upgrade and Pimpama Sewage Treatment Plant Stage 2 Upgrade.
3 That Council resolves to amend the adopted recommendation for item A10588 of the City Contracting Plan 2018-19 (G18.0621.050) from “Recommendation to enter into the arrangement be brought back to Council for consideration” to read “contract(s) to be awarded under delegation”.
4 That pursuant to section 238(2) (a)(ii) of the Local Government Regulation 2012 an upper limit of $150 million be applied to the delegation for LG314/1211/20/001- Design Development and Construction of Coombabah Sewage Treatment Plant Stage 6 Upgrade.

CARRIED UNANIMOUSLY

Cr Gates left the room at 2.33pm.

ADOPTION OF THE WATER & WASTE COMMITTEE REPORT

RESOLUTION  G19.1029.022  moved Cr Taylor  seconded Cr Boulton

That the Report of the Water & Waste Committee’s Recommendations of Thursday, 24 October 2019, numbered WW19.1024.001 to WW19.1024.004, be adopted with the exception of Recommendation Number WW19.1024.003 which was specifically resolved.

CARRIED

Cr Gates was not present for discussion or voting on this matter.
9 RECEPTION & CONSIDERATION OF COMMITTEE REPORTS (Continued)

9.5 EVENTS, TOURISM AND GOVERNANCE

Cr La Castra, Chairperson of the Events, Tourism and Governance Committee, presented the Report of the Meeting of the Events, Tourism and Governance Committee held on Thursday, 24 October 2019.

RESOLUTION G19.1029.023 moved Cr La Castra seconded Cr PC Young

That the Report of the Events, Tourism and Governance Committee Meeting held on Thursday, 24 October 2019 covered by Recommendations numbered ETG19.1024.001 to ETG19.1024.009 be received.

CARRIED

Cr Gates was not present for discussion or voting on this matter.

ITEM 8 APPLICATION FOR SURRENDER OF LEASE AND ISSUE OF NEW LEASE – GOLD COAST TURF CLUB LIMITED PN76904/16/CF(P1) REPORT CONFIDENTIAL

CLOSED SESSION
LOCAL GOVERNMENT ACT 2009 AND SUPPORTING REGULATIONS

PROCEDURAL MOTION moved Cr Baildon seconded Cr Taylor

That the Council move into Closed Session pursuant to section 72(1) of the Local Government (Operations) Regulation 2010, for the consideration of the following item for the reason shown:-

<table>
<thead>
<tr>
<th>Item</th>
<th>Subject</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Application For Surrender Of Lease And Issue Of New Lease – Gold Coast Turf Club Limited</td>
<td>Prejudicial / Contract Matter</td>
</tr>
</tbody>
</table>

CARRIED

Cr Gates was not present for discussion or voting on this matter.

Meeting adjourned at 2.35pm.
Meeting reconvened at 2.54pm.

PROCEDURAL MOTION moved Cr Taylor seconded Cr Baildon

That the Council move into Open Session.

CARRIED

Cr Gates was not present for discussion or voting on this matter.

Following resumption into Open Session, Item 8 was moved and carried as shown on the following pages.
Conflict of Interest – Cr PJ Young

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The nature of the interest is: A proponent of saving black swan lake was donor to my 2016 electoral campaign and is a personal friend

The name of the person or entity is: the Spain Family

The nature of the relationship is: Donor and friends

The value of the gift is: $300

The date of receipt of the gift is: January 2016

The nature of the other person’s interest in the matter is: The donor has been a recognised proponent of saving Black Swan Lake

However I have considered my position and my interest in this matter as just described, and am firmly of the view that I may participate in the meeting and vote in respect of this matter in the public interest for the reason that the proponent has no personal benefit from the outcome of Council’s deliberation and my position has not been influenced by our relationship.

PROCEDURAL MOTION moved Cr Owen-Jones  seconded Cr Tozer

Pursuant to section 175E(4)(a) of the Local Government Act 2009, Council resolves that:

Cr PJ Young has a perceived conflict of interest in this matter because of the declaration he has made with regard to the donations received.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr PJ Young, Cr Crichlow, Cr Baildon and Cr Tate did not vote.

Cr Gates was not present for discussion or voting on this matter.

PROCEDURAL MOTION moved Cr Tozer  seconded Cr PC Young

Pursuant to section 175E(4)(b) of the Local Government Act 2009, Council resolves that:

Cr PJ Young may participate in the meeting and vote on the matter because any perceived conflict is minor and of a remote nature.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr PJ Young, Cr Crichlow, Cr Baildon and Cr Tate did not vote.

Cr Gates was not present for discussion or voting on this matter.
9 RECEPTION & CONSIDERATION OF COMMITTEE REPORTS (Continued)

9.5 EVENTS, TOURISM AND GOVERNANCE (Continued)

ITEM 8 APPLICATION FOR SURRENDER OF LEASE AND ISSUE OF NEW LEASE – GOLD COAST TURF CLUB LIMITED PN76904/16/CF(P1) (Continued) REPORT CONFIDENTIAL

Conflict of Interest – Cr Crichlow

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The nature of the interest is: Life member and patron of Gold Coast Show Society

The name of the person or entity is: Gold Coast Show Society

The nature of the relationship is: Life membership and patron

The value of the gift is: Nil

The date of receipt of the gift is: Nil

The nature of the other person’s interest in the matter is: Referred to in the Council report

However I have considered my position and my interest in this matter as just described, and am firmly of the view that I may participate in the meeting and vote in respect of this matter in the public interest for the reason that the interest is minor and of a remote nature.

PROCEDURAL MOTION moved Cr Owen-Jones seconded Cr PC Young

Pursuant to section 175E(4)(a) of the Local Government Act 2009, Council resolves that:

Cr Crichlow does not have a real or perceived conflict of interest in the matter because the interest is minor and of a remote nature.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Crichlow, Cr Baildon, Cr Tate and Cr PJ Young did not vote.

Cr Gates was not present for discussion or voting on this matter.

Cr La Castra requested that his vote in the negative be recorded.
Conflict of Interest – Cr Baildon

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The nature of the interest is: former life member of the Gold Coast Show Society
The name of the person or entity is: Gold Coast Show Society
The nature of the relationship is: former life member
The value of the gift is: Nil
The date of receipt of the gift is: Nil
The nature of the other person’s interest in the matter is: referred to in the report

However I have considered my position and my interest in this matter as just described, and am firmly of the view that I may participate in the meeting and vote in respect of this matter in the public interest for the reason that the interest is minor and of a remote nature.

PROCEDURAL MOTION

moved Cr Owen-Jones  seconded Cr PC Young

Pursuant to section 175E(4)(a) of the Local Government Act 2009, Council resolves that:

Cr Baildon does not have a real or perceived conflict of interest in the matter because he is no longer a life member of the Gold Coast Show Society.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Crichlow, Cr Baildon, Cr Tate and Cr PJ Young did not vote.

Cr Gates was not present for discussion or voting on this matter.

Cr La Castra requested that his vote in the negative be recorded
MOTION

moved Cr Baildon seconded Cr Taylor

That the officer’s recommendation be adopted as follows:-

1 That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2 That Council notes the application by Gold Coast Turf Club Limited (the Club) for a new lease over Lot 26 on SP128988, Lot 3 on SP128988 and Lot 1 on RP221016 all in the Bundall equestrian precinct based on the Club’s desire to proceed with plans of redevelopment of the existing facilities on Lot 26 and to accordingly secure long term tenure as a first step in those plans.

3 That Council authorise the Chief Executive Officer (Manager Property Services) to enter into new lease negotiations on the following basis:

   a any new lease be subject to Council Leasing Policy – State Reserves and Freehold Land for Sporting, Recreational, Community Services and Educational Purposes with the exception that the new lease term be 30 years and with commencing rental to be $65,000 per annum;

   b the Gold Coast Show Society confirming that its relocation plans under discussion with the Club have concluded on terms commensurate with the terms already in place between the parties;

   c the Club resolving the stormwater management issues for Lot 26 on terms satisfactory to the Chief Executive Officer (Manager Property Services) and at no cost to the City;

   d any new lease include provision for continuing public car parking rights on Club premises on a no cost basis for the whole of the proposed new lease term;

   e the Club completing the filling of Lot 3 on SP128988 and Lot 1 on RP221016 as provided by existing operational works approvals for such lands;

   f that no substantive change in uses of the respective lots occur beyond that already captured in existing lease/licence documentation between the Club and the City; and

   g a condition of any new lease precluding conversion of tenure to freehold (but with such not suggesting that a future Council cannot waive that provision based on its own deliberations at the time).

4 Subject to 3 being satisfactorily negotiated and acceptable documentation being drafted for a new lease, that the City would accept the conditional surrender of the existing Club Lease over Lot 26 for the grant of a new lease, Council having resolved as required by section 236 of the Local Government Regulation that the grant of the new lease meets the requirements of that provision (ie disposal of an interest in land by way of lease to a community organisation).

5 That the Chief Executive Officer (Manager Property Services) be authorised to do all things necessary to provide for amendments to existing agreements between the Club and the City specifically pertaining to the continuing use of the intersecting road between Lot 3 on SP128988 and Lot 1 on RP221016, on terms commensurate with those already in place.
9.5 EVENTS, TOURISM AND GOVERNANCE (Continued)

ITEM 8 APPLICATION FOR SURRENDER OF LEASE AND ISSUE OF NEW LEASE – GOLD COAST TURF CLUB LIMITED PN76904/16/CF(P1) (Continued) REPORT CONFIDENTIAL

AMENDMENT moved Cr Owen-Jones seconded Cr Baildon

1 That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2 That Council notes the application by Gold Coast Turf Club Limited (the Club) for a new lease over Lot 26 on SP128988, Lot 3 on SP128988 and Lot 1 on RP221016 all in the Bundall equestrian precinct based on the Club’s desire to proceed with plans of redevelopment of the existing facilities on Lot 26 and to accordingly secure long term tenure as a first step in those plans.

3 That Council authorise the Chief Executive Officer (Manager Property Services) to enter into new lease negotiations on the following basis:

   a any new lease be subject to Council Leasing Policy – State Reserves and Freehold Land for Sporting, Recreational, Community Services and Educational Purposes with the exception that the new lease term be 30 years and with commencing rental to be $75,000 per annum;
   b that the rental derived from the above lease be hypothecated to the City’s annual financial support of the Gold Coast Show, subject to future Council decisions as to support;
   c the Gold Coast Show Society confirming that its relocation plans under discussion with the Club have concluded on terms commensurate with the terms already in place between the parties;
   d the Club resolving the stormwater management issues for Lot 26 on terms satisfactory to the Chief Executive Officer (Manager Property Services) and at no cost to the City;
   e any new lease include provision for continuing public car parking rights for civic and events purposes on Club premises on a no cost basis for the whole of the proposed new lease term;
   f the Club completing the filling of Lot 3 on SP128988 and Lot 1 on RP221016 pursuant to the time frame to complete the works required under the existing operational works approvals for such lands, but no later than 30 June 2021;
   g that no substantive change in uses of the respective lots occur beyond that already captured in existing lease/licence documentation between the Club and the City; and
   h a condition of any new lease precluding conversion of tenure to freehold (but with such not suggesting that a future Council cannot waive that provision based on its own deliberations at the time).
9.5 EVENTS, TOURISM AND GOVERNANCE (Continued)

ITEM 8 APPLICATION FOR SURRENDER OF LEASE AND ISSUE OF NEW LEASE – GOLD COAST TURF CLUB LIMITED PN76904/16/CF(P1) (Continued) REPORT CONFIDENTIAL

4 Subject to 3 being satisfactorily negotiated and acceptable documentation being drafted for a new lease, that the City would accept the conditional surrender of the existing Club Lease over Lot 26 for the grant of a new lease, Council having resolved as required by section 236 of the Local Government Regulation that the grant of the new lease meets the requirements of that provision (ie disposal of an interest in land by way of lease to a community organisation).

5 That the Chief Executive Officer (Manager Property Services) be authorised to do all things necessary to provide for amendments to existing agreements between the Club and the City specifically pertaining to the continuing use of the intersecting road between Lot 3 on SP128988, together with the buffer area adjacent to Lot 26 on SP128988 and Lot 1 on RP221016, on terms commensurate with those already in place.

A division was called.

For 8 Cr Owen-Jones, Cr Caldwell, Cr Vorster, Cr Baildon, Cr O'Neill, Cr PC Young, Cr Taylor, Cr Tate
Against 5 Cr La Castra, Cr PJ Young, Cr Tozer, Cr Crichlow, Cr Boulton
Abstained 0
Absent 2 Cr McDonald, Cr Gates

The AMENDMENT was CARRIED and became the MOTION

Cr Baildon and Cr Tate voted in the positive.
Cr Crichlow and Cr PJ Young voted in the negative.
Cr Gates was not present for discussion or voting on this matter.

PROCEDURAL MOTION moved Cr PJ Young seconded Cr Tozer

That the ruling of the Mayor in relation to Cr La Castra’s foreshadowed motion not being accepted as an amendment be suspended.

A division was called.

For 2 Cr Tozer, Cr PJ Young
Against 11 Cr Owen-Jones, Cr Caldwell, Cr Vorster, Cr Crichlow, Cr Baildon, Cr O'Neill, Cr La Castra, Cr Boulton, Cr PC Young, Cr Taylor, Cr Tate
Abstained 0
Absent 2 Cr McDonald, Cr Gates

The MOTION was LOST.
ITEM 8 APPLICATION FOR SURRENDER OF LEASE AND ISSUE OF NEW LEASE – GOLD COAST TURF CLUB LIMITED PN76904/16/CF(P1) (Continued) REPORT CONFIDENTIAL

AMENDMENT moved Cr La Castra seconded Cr PJ Young

1 That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2 That Council notes the application by Gold Coast Turf Club Limited (the Club) for a new lease over Lot 26 on SP128988, Lot 3 on SP128988 and Lot 1 on RP221016 all in the Bundall equestrian precinct based on the Club’s desire to proceed with plans of redevelopment of the existing facilities on Lot 26 and to accordingly secure long term tenure as a first step in those plans.

3 That Council authorise the Chief Executive Officer (Manager Property Services) to enter into new lease negotiations on the following basis:
   a any new lease be subject to Council Leasing Policy – State Reserves and Freehold Land for Sporting, Recreational, Community Services and Educational Purposes with the exception that the new lease term be 30 years and with commencing rental to be $75,000 per annum;
   b that the rental derived from the above lease be hypothecated to the City’s annual financial support of the Gold Coast Show, subject to future Council decisions as to support;
   c the Gold Coast Show Society confirming that its relocation plans under discussion with the Club have concluded on terms commensurate with the terms already in place between the parties;
   d the Club resolving the stormwater management issues for Lot 26 on terms satisfactory to the Chief Executive Officer (Manager Property Services) and at no cost to the City;
   e any new lease include provision for continuing public car parking rights for civic and events purposes on Club premises on a no cost basis for the whole of the proposed new lease term;
   f the Club completing the filling of Lot 3 on SP128988 and Lot 1 on RP221016 but only to the extent of filling currently undertaken, with the necessary OPW approvals to achieve this to be secured by the Club at its sole cost, coupled with all further costs for finalisation of the matter, by 30 June 2021;
   g that no substantive change in uses of the respective lots occur beyond that already captured in existing lease/licence documentation between the Club and the City; and
   h a condition of any new lease precluding conversion of tenure to freehold (but with such not suggesting that a future Council cannot waive that provision based on its own deliberations at the time).
9 RECESSION & CONSIDERATION OF COMMITTEE REPORTS (Continued)

9.5 EVENTS, TOURISM AND GOVERNANCE (Continued)

ITEM 8  APPLICATION FOR SURRENDER OF LEASE AND ISSUE OF NEW LEASE – GOLD COAST TURF CLUB LIMITED PN76904/16/CF(P1) (Continued) REPORT CONFIDENTIAL

4 Subject to 3 being satisfactorily negotiated and acceptable documentation being drafted for a new lease, that the City would accept the conditional surrender of the existing Club Lease over Lot 26 for the grant of a new lease, Council having resolved as required by section 236 of the Local Government Regulation that the grant of the new lease meets the requirements of that provision (ie disposal of an interest in land by way of lease to a community organisation).

5 That the Chief Executive Officer (Manager Property Services) be authorised to do all things necessary to provide for amendments to existing agreements between the Club and the City specifically pertaining to the continuing use of the intersecting road between Lot 3 on SP128988, together with the buffer area adjacent to Lot 26 on SP128988 and Lot 1 on RP221016, on terms commensurate with those already in place.

A division was called.

For 10  Cr Tozer, Cr Owen-Jones, Cr PJ Young, Cr Caldwell, Cr Vorster, Cr Crichlow, Cr O'Neill, Cr La Castra, Cr Boulton, Cr PC Young
Against 3  Cr Tate, Cr Baildon, Cr Taylor
Abstained 0
Absent 2  Cr McDonald, Cr Gates

The AMENDMENT was CARRIED and became the MOTION

Cr PJ Young and Cr Crichlow voted in the positive.
Cr Baildon and Cr Tate voted in the negative.
Cr Gates was not present for discussion or voting on this matter.
9  RECEPTION & CONSIDERATION OF COMMITTEE REPORTS (Continued)

9.5 EVENTS, TOURISM AND GOVERNANCE (Continued)

ITEM 8  APPLICATION FOR SURRENDER OF LEASE AND ISSUE OF NEW LEASE – GOLD COAST TURF CLUB LIMITED PN76904/16/CF(P1) (Continued) REPORT CONFIDENTIAL

RESOLUTION  G19.1029.024 moved Cr La Castra seconded Cr PJ Young

1 That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2 That Council notes the application by Gold Coast Turf Club Limited (the Club) for a new lease over Lot 26 on SP128988, Lot 3 on SP128988 and Lot 1 on RP221016 all in the Bundall equestrian precinct based on the Club's desire to proceed with plans of redevelopment of the existing facilities on Lot 26 and to accordingly secure long term tenure as a first step in those plans.

3 That Council authorise the Chief Executive Officer (Manager Property Services) to enter into new lease negotiations on the following basis:

   a any new lease be subject to Council Leasing Policy – State Reserves and Freehold Land for Sporting, Recreational, Community Services and Educational Purposes with the exception that the new lease term be 30 years and with commencing rental to be $75,000 per annum;

   b that the rental derived from the above lease be hypothecated to the City's annual financial support of the Gold Coast Show, subject to future Council decisions as to support;

   c the Gold Coast Show Society confirming that its relocation plans under discussion with the Club have concluded on terms commensurate with the terms already in place between the parties;

   d the Club resolving the stormwater management issues for Lot 26 on terms satisfactory to the Chief Executive Officer (Manager Property Services) and at no cost to the City;

   e any new lease include provision for continuing public car parking rights for civic and events purposes on Club premises on a no cost basis for the whole of the proposed new lease term;

   f the Club completing the filling of Lot 3 on SP128988 and Lot 1 on RP221016 but only to the extent of filling currently undertaken, with the necessary OPW approvals to achieve this to be secured by the Club at its sole cost, coupled with all further costs for finalisation of the matter, by 30 June 2021;

   g that no substantive change in uses of the respective lots occur beyond that already captured in existing lease/licence documentation between the Club and the City; and

   h a condition of any new lease precluding conversion of tenure to freehold (but with such not suggesting that a future Council cannot waive that provision based on its own deliberations at the time).
9 RECEPTION & CONSIDERATION OF COMMITTEE REPORTS (Continued)

9.5 EVENTS, TOURISM AND GOVERNANCE (Continued)

ITEM 8 APPLICATION FOR SURRENDER OF LEASE AND ISSUE OF NEW LEASE – GOLD COAST TURF CLUB LIMITED
PN76904/16/CF(P1) (Continued) REPORT CONFIDENTIAL

4 Subject to 3 being satisfactorily negotiated and acceptable documentation being drafted for a new lease, that the City would accept the conditional surrender of the existing Club Lease over Lot 26 for the grant of a new lease, Council having resolved as required by section 236 of the Local Government Regulation that the grant of the new lease meets the requirements of that provision (ie disposal of an interest in land by way of lease to a community organisation).

5 That the Chief Executive Officer (Manager Property Services) be authorised to do all things necessary to provide for amendments to existing agreements between the Club and the City specifically pertaining to the continuing use of the intersecting road between Lot 3 on SP128988, together with the buffer area adjacent to Lot 26 on SP128988 and Lot 1 on RP221016, on terms commensurate with those already in place.

A division was called.

For 12 Cr Tozer, Cr Owen-Jones, Cr PJ Young, Cr Caldwell, Cr Vorster, Cr Crichlow, Cr Baildon, Cr O'Neill, Cr La Castra, Cr Boulton, Cr PC Young, Cr Taylor

Against 1 Cr Tate

Abstained 0

Absent 2 Cr McDonald, Cr Gates

CARRIED

Cr PJ Young, Cr Baildon and Cr Crichlow voted in the positive.

Cr Tate voted in the negative.

Cr Gates was not present for discussion or voting on this matter.

ITEM 5 2018-19 ANNUAL REPORT
LG449/349/20/(P1)

RESOLUTION G19.1029.025 moved Cr Caldwell seconded Cr Vorster

That Committee Recommendation ETG19.1024.005 be adopted with the addition of part 3 such that it reads in its entirety as follows:-

1 That Council adopt the draft City of Gold Coast Annual Report 2018-19.

2 That Council authorises the Chief Executive Officer (Chief Operating Officer) to approve any further minor amendments to the City of Gold Coast Annual Report 2018-19.

3 That future annual reports include particulars of postage and print-room expenses incurred by Councillors.

CARRIED UNANIMOUSLY

Cr Gates was not present for discussion or voting on this matter.
9  RECEPTION & CONSIDERATION OF COMMITTEE REPORTS (Continued)

9.5  EVENTS, TOURISM AND GOVERNANCE (Continued)

ITEM 7  MAJOR EVENT OPPORTUNITY
CS105/274/2020(P1)  REPORT CONFIDENTIAL

RESOLUTION  G19.1029.026  moved Cr Owen-Jones  seconded Cr PJ Young

That Committee Recommendation ETG19.1024.007 be changed to read in its entirety as follows:-

1. That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2. That the applicant (Hockey Australia) be advised that Council will support an investment into the event as prescribed in amended confidential attachment 1.

3. That the source of funds be the Events Reserve.

CARRIED UNANIMOUSLY

Cr Gates was not present for discussion or voting on this matter.
9.5 EVENTS, TOURISM AND GOVERNANCE (Continued)

ITEM 7 MAJOR EVENT OPPORTUNITY
CS105/274/2020(P1) REPORT CONFIDENTIAL

Page 51 is Confidential
ADOPTION OF EVENTS, TOURISM AND GOVERNANCE COMMITTEE REPORT

RESOLUTION  G19.1029.027  moved Cr La Castra  seconded Cr PC Young

That the Report of the Events, Tourism and Governance Committee Recommendations of Thursday, 24 October 2019, numbered ETG19.1024.001 to ETG19.1024.009, be adopted with the exception of Recommendation Numbers ETG19.1024.005, ETG19.1024.007 and Item 8 which were specifically resolved.

CARRIED UNANIMOUSLY

Cr Gates was not present for discussion or voting on this matter.

Cr Gates returned to the meeting at 5.48pm.
9 RECEPTION & CONSIDERATION OF COMMITTEE REPORTS (Continued)

9.6 SPECIAL BUDGET AND FINANCE

Cr Tate, Chairperson of the Special Budget and Finance Committee, presented the Report of the Meeting of the Special Budget Committee held on Monday 28 October 2019.

RESOLUTION G19.1029.028 moved Cr Tate seconded Cr Vorster

That the Report of the Special Budget and Finance Committee Meeting held on Monday 28 October 2019 covered by Recommendations numbered SBF19.1028.001 to SBF19.1028.008 be received.

CARRIED

Note: The Committee Report has incorrectly shown a personal interest declaration by Cr Caldwell as relating to Item 6, whereas it actually related to Committee Recommendation SBF19.1028.008 in Item 7.

ITEM 7 SEPTEMBER 2019 BUDGET REVIEW
FN334/375/21(P1) REPORT CONFIDENTIAL

Conflict of Interest – Cr Caldwell

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The nature of the interest is: Receipt of electoral donation

The name of the person or entity is: Kornhauser Family

The nature of the relationship is: Donor to my 2016 election campaign

The value of the gift is: $2,000

The date of receipt of the gift is: 5 June 2015

The nature of the other person’s interest in the matter is: Owner of land in the vicinity of the land that is the subject of the report.

However I have considered my position and my interest in this matter as just described, and am firmly of the view that I may participate in the meeting and vote in respect of this matter in the public interest for the reason above.

PROCEDURAL MOTION moved Cr Gates seconded Cr Vorster

Pursuant to section 175E(4)(a) of the Local Government Act 2009, Council resolves that:

Cr Caldwell does not have a real or perceived conflict of interest in the matter because the personal interest declared at committee related to questions posed at that meeting rather than any substantive content of the report or decision required.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Caldwell did not vote.
9.6 SPECIAL BUDGET AND FINANCE (Continued)

ITEM 7 SEPTEMBER 2019 BUDGET REVIEW
FN334/375/21(P1) (Continued) REPORT CONFIDENTIAL

RESOLUTION G19.1029.029 moved Cr Tate seconded Cr Gates

That Committee Recommendation SBF19.1028.008 be adopted as printed which reads as follows:-

1 That the report/attachments be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2 That Council adopt the September 2019 Budget Review adjustments presented in this report and Attachment 2, resulting in a balanced budget with the exception of the allocation of the transfer of $2,000,000 from the Fleet & Plant Renewal & Purchase Reserve and also an allocation of $2,000,000 to rectification works for Bruce Bishop Carpark and Neil Shannon Park.

3 That Council approve and adopt the following reserve transfers:
   a $106,114 to the Centre Improvement Program Reserve;
   b $204,000 from the Cultural Precinct Reserve;
   c $1,238,896 to the Koala Habitat Acquisition and Enhancement Reserve;
   d $4,873 to the Open Space Reserve;
   e $2,075,000 from the Strategic Priorities Reserve for;
      - HOTA Operating Contribution $1,500,000, and
      - Burleigh Hill Land Acquisition $575,000
   f $928,464 to the Tourist Park Reserve;
   g $2,706,487 from the Waste Management Reserve;
   h $10,575,021 from the Water and Sewerage Infrastructure Reserve;
   i $34,420 from the Coomera River Dredging Contribution Reserve;
   j $1,169 to the Northern Beaches Sand Nourishment Reserve;
   k $7,794,600 to the Gold Coast Investment Fund Reserve from Pimpama Sports Hub cashflow timing adjustments; and
   l $16,196,262 to the Infrastructure Charges Reserve;

   CARRIED

Cr Caldwell voted in the positive.
Conflict of Interest – Cr Tate:-

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The name of the person or entity is: Crestden Pty Ltd, Silk Mercantile Pty Ltd

The nature of the relationship is: I am a Director and Shareholder

The value of the gift or benefit is: Nil

The nature of the other person’s interest in the matter is: Crestden Pty Ltd owns 50% of Lot 2, 70 Remembrance Drive Surfers Paradise, Silk Mercantile Pty Ltd as Trustee for the TPM Construction Pty Ltd Superannuation Fund Trust which owns 33% of lot 35, Lot 342 and Lot 5 at 61 Peninsular Drive Surfers Paradise

However I have considered my position and my interest in this matter as just described, and am firmly of the view that I may participate in the meeting and vote in respect of this matter in the public interest for the reason that I am a part owner of three (3) sites and a commercial unit that is a nearby neighbour of the Bruce Bishop carpark. I however only have similar levels of interest as approximately 1000 other nearby property owners to the Bruce Bishop carpark site involved in the item before Council today. Further I declare that I had a Star Platinum Card in mid-2017.

I have considered my position and will now leave and stay away from the meeting so that the matter may be discussed and voted on in my absence.

Cr Tate left the room at 6.04pm.
Cr Gates took the chair.
9.6  SPECIAL BUDGET AND FINANCE (Continued)

ITEM 7  SEPTEMBER 2019 BUDGET REVIEW
FN334/375/21(P1) (Continued)  REPORT CONFIDENTIAL

Conflict of Interest – Cr Taylor:-

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The name of the person or entity is: The Star Entertainment Limited
The nature of the relationship is: In receipt of a Star Platinum Concierge Card and Commonwealth Games Entertainment (athletics ½ day)
The value of the gift or benefit received is: $500 +
The nature of the other person's interest in the matter is: The Far East Consortium is a major investor in the Star Entertainment Group Limited

I will now leave and stay away from the meeting so that the matter may be discussed and voted on in my absence.

Cr Taylor left the room.
Conflict of Interest - Cr Owen-Jones:-

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The name of the person or entity is: Star Entertainment
The nature of the relationship is: Attended shows as a guest
The value of the gift or benefit is: $500+
The nature of the other person’s interest in the matter is: The Far East Consortium is an investor in the Star Entertainment Group Limited

However I have considered my position and my interest in this matter as just described, and am firmly of the view that I may participate in the meeting and vote in respect of this matter in the public interest for the reason I do not believe Star Entertainment is a contractual party, the benefit is relatively minor, and there is only a remote nexus between the receipt of the benefit and the subject matter being considered by Council.

PROCEDURAL MOTION

moved Cr PJ Young seconded Cr Tozer

Pursuant to section 175E(4)(a) of the Local Government Act 2009, Council resolves that:
Cr Owen-Jones has a real or perceived conflict of interest in this matter because of the reasons disclosed above.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Owen-Jones, Cr Caldwell, Cr O’Neill and Cr Gates did not vote.

Cr Tate and Cr Taylor were not present for discussion or voting on this matter.

PROCEDURAL MOTION

moved Cr PJ Young seconded Cr Tozer

Pursuant to section 175E(4)(b) of the Local Government Act 2009, Council resolves that:
Cr Owen-Jones may participate in the meeting and vote on the matter because the interest is minor and of a remote nature.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Owen-Jones, Cr Caldwell, Cr O’Neill and Cr Gates did not vote.

Cr Tate and Cr Taylor were not present for discussion or voting on this matter.
Conflict of Interest – Cr Caldwell:

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The name of the person or entity is: The Star Entertainment Limited
The nature of the relationship is: In receipt of a Star Platinum Concierge Card and Commonwealth Games Entertainment (athletics ½ day)
The value of the gift or benefit received is: $500 +
The nature of the other person’s interest in the matter is: The Far East Consortium is a major investor in the Star Entertainment Group Limited

However I have considered my position and my interest in this matter as just described, and am firmly of the view that I may participate in the meeting and vote in respect of this matter in the public interest for the reason that I was attending the event as part of my duty as a Councillor.

PROCEDURAL MOTION        moved Cr PJ Young    seconded Cr Tozer
Pursuant to section 175E(4)(a) of the Local Government Act 2009, Council resolves that:
Cr Caldwell has a real or perceived conflict of interest in this matter because of the reasons as disclosed above.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Owen-Jones, Cr Caldwell, Cr O’Neill and Cr Gates did not vote.
Cr Tate and Cr Taylor were not present for discussion or voting on this matter.

PROCEDURAL MOTION        moved Cr PJ Young    seconded Cr Tozer
Pursuant to section 175E(4)(b) of the Local Government Act 2009, Council resolves that:
Cr Caldwell may participate in the meeting and vote on the matter because the interest is minor and of a remote nature.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Owen-Jones, Cr Caldwell, Cr O’Neill and Cr Gates did not vote.
Cr Tate and Cr Taylor were not present for discussion or voting on this matter.
Conflict of Interest – Cr O’Neill

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The nature of the interest is: My daughter is employed by Star Casino, and I received an upgrade to accommodation.

The name of the person or entity is: The Star

The nature of the relationship is: Employer of daughter, provider of accommodation upgrade

The value of the gift is: Unknown

The date of receipt of the gift is: 27 September 2019

The nature of the other person’s interest in the matter is: The Far East Consortium is a major investor in the Star Entertainment Group Ltd.

However I have considered my position and my interest in this matter as just described, and am firmly of the view that I may participate in the meeting and vote in respect of this matter in the public interest for the reason above.

PROCEDURAL MOTION moved Cr PJ Young seconded Cr Tozer

Pursuant to section 175E(4)(a) of the Local Government Act 2009, Council resolves that:

Cr O’Neill has a real or perceived conflict of interest in this matter for reasons outlined above.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Owen-Jones, Cr Caldwell, Cr O’Neill and Cr Gates did not vote.

Cr Tate and Cr Taylor were not present for discussion or voting on this matter.

PROCEDURAL MOTION moved Cr PJ Young seconded Cr Tozer

Pursuant to section 175E(4)(b) of the Local Government Act 2009, Council resolves that:

Cr O’Neill may participate in the meeting and vote on the matter because the interest is minor and of a remote nature.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Owen-Jones, Cr Caldwell, Cr O’Neill and Cr Gates did not vote.

Cr Tate and Cr Taylor were not present for discussion or voting on this matter.
Conflict of Interest – Cr Gates:-

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The name of the person or entity is: The Star Entertainment Limited
The nature of the relationship is: In receipt of a Star Platinum Concierge Card in mid 2017, which was returned in 1 August 2018, also received a carpark pass on 29 May 2019
The value of the gift or benefit received is: Unknown
The nature of the other person’s interest in the matter is: The Far East Consortium is a major investor in the Star Entertainment Group Limited

However I have considered my position and my interest in this matter as just described, and am firmly of the view that I may participate in the meeting and vote in respect of this matter in the public interest for the reason above.

PROCEDURAL MOTION
moved Cr Vorster seconded Cr PJ Young

Pursuant to section 175E(4)(a) of the Local Government Act 2009, Council resolves that:

Cr Gates has a real or perceived conflict of interest in this matter because of the reasons outlined above.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Owen-Jones, Cr Caldwell, Cr O’Neill and Cr Gates did not vote.

Cr Tate and Cr Taylor were not present for discussion or voting on this matter.

PROCEDURAL MOTION
moved Cr Vorster seconded Cr PJ Young

Pursuant to section 175E(4)(b) of the Local Government Act 2009, Council resolves that:

Cr Gates may participate in the meeting and vote on the matter because the interest is minor and of a remote nature, and that the current carpark pass is used to assist with the discharge of official duties.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Owen-Jones, Cr Caldwell, Cr O’Neill and Cr Gates did not vote.

Cr Tate and Cr Taylor were not present for discussion or voting on this matter.
9 RECEPTION & CONSIDERATION OF COMMITTEE REPORTS (Continued)

9.6 SPECIAL BUDGET AND FINANCE (Continued)

ITEM 7 SEPTEMBER 2019 BUDGET REVIEW
FN334/375/21(P1) (Continued) REPORT CONFIDENTIAL

RESOLUTION G19.1029.030 moved Cr Tozer seconded Cr Vorster

That Committee Recommendation SBF19.1028.007 be adopted as printed which reads as follows:

That Council approve the transfer of $2,000,000 from the Fleet & Plant Renewal & Purchase Reserve and also an allocation of $2,000,000 to rectification works for Bruce Bishop Carpark and Neil Shannon Park.

A division was called.

For 10 Cr Tozer, Cr Owen-Jones, Cr Caldwell, Cr Vorster, Cr Baildon, Cr O'Neill, Cr La Castra, Cr Boulton, Cr Gates, Cr PC Young
Against 2 Cr Crichlow, Cr PJ Young,
Abstained 0
Absent 3 Cr McDonald, Cr Tate, Cr Taylor

CARRIED

Cr Owen-Jones, Cr Caldwell, Cr O'Neill and Cr Gates voted in the positive.

Cr Tate and Cr Taylor were not present for discussion or voting on this matter.

Cr Tate returned to the room

ADOPTION OF SPECIAL BUDGET AND FINANCE COMMITTEE REPORT

RESOLUTION G19.1029.031 moved Cr Tate seconded Cr Gates

That the Report of the Special Budget and Finance Committee's Recommendations of Monday 28 October 2019, numbered SBF19.1028.001 to SBF19.1028.008, be adopted with the exception of Recommendation Numbers SBF19.1028.007 and SBF19.1028.008 which were specifically resolved.

CARRIED

Cr Taylor was not present for discussion and voting on this matter.

Cr Taylor returned to the meeting.
10 CONSIDERATION OF NOTICES OF MOTION

Nil

11 QUESTIONS ON NOTICE / ANSWERS TO QUESTIONS ON NOTICE

Nil

12 PRESENTATION OF PETITIONS

Nil

13 GENERAL BUSINESS

13.1 INCREASE IN FUNDING ALLOCATION – DIVISION 5
LG334/375/20

Conflict of Interest – Cr PJ Young

Pursuant to section 175E(2) of the Local Government Act 2009, I would like to inform the meeting that I have a personal interest in this matter, which I recognise may be a real or perceived conflict of interest the particulars of which are as follows:

The nature of the interest is: I am a former member of the Nerang Community Association Inc
The name of the person or entity is: Nerang Community Association Inc
The nature of the relationship is: I am a former member
The value of the gift is: Nil
The date of receipt of the gift is: Nil

However I have considered my position and my interest in this matter as just described, and am firmly of the view that I may participate in the meeting and vote in respect of this matter in the public interest for the reason that this decision does not impact on the specific submission received from the Nerang Community Association.

PROCEDURAL MOTION moved Cr Vorster seconded Cr O'Neill

Pursuant to section 175E(4)(a) of the Local Government Act 2009, Council resolves that:

Cr PJ Young does not have a conflict of interest in the matter because he is a former ordinary member of the association.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr PJ Young did not vote.
13 GENERAL BUSINESS (Continued)

13.1 INCREASE IN FUNDING ALLOCATION – DIVISION 5
LG334/375/20

MOTION

moved Cr PJ Young  seconded Cr Owen-Jones

That Council approves an increase in the allocation from Division 5 Local Area Works and Services for project number 28373 - Divisional Donations 2019-20 – by $5,000 from $45,000 to $50,000.

The MOTION was LOST.

13.2 DONATION TO GOLD COAST BAPTIST CHURCH NERANG

RESOLUTION  G19.1029.032  moved Cr PJ Young  seconded Cr Gates

That Council approves an allocation of $90 from the Division 5 Local Area Works 2019-20 program as a donation to the Gold Coast Baptist Church, Nerang to purchase 3 x 300mm bottlebrush shrubs for improvements to the exterior of the church.

This donation is outside of Council’s competitive grants and donations program, being made on public interest grounds.

CARRIED UNANIMOUSLY

13.3 ORMEAU JUNIOR RUGBY LEAGUE FOOTBALL CLUB

RESOLUTION  G19.1029.033  moved Cr Gates  seconded Cr PC Young

That an allocation of $30,000 be funded from Div 1 Community Facility Contributions 2019-20 as an increase to Project ID No.28236 for additional project costs associated with the Ormeau Jnr Rugby League Football Club's new Clubhouse and amenity facilities at Brien Harris Oval Ormeau.

CARRIED UNANIMOUSLY

13.4 MIAMI STATE PRIMARY SCHOOL

RESOLUTION  G19.1029.034  moved Cr PC Young  seconded Cr Gates

That Council approves an allocation of $700 towards the supply of a 200 litre tree (Waterhousia Floribunda) including delivery from Division 12 Local Area Works Budget 2019/20 as a donation to Miami State Primary School, Miami for their 40th anniversary celebrations.

This donation is outside of Council’s competitive grants and donations program, being made on public interest grounds.

CARRIED UNANIMOUSLY
14 OTHER BUSINESS

14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11)

Refer 4 attachments:
  i. Transcript of complaint and related documents put forward by complainant
  ii. Submission to OIA on behalf of Mayor Tate
  iii. OIA Referral Notice
  iv. Councillor Conduct Tribunal Investigation Report

1 BASIS FOR CONFIDENTIALITY

Not Applicable.

2 EXECUTIVE SUMMARY

Not Applicable.

3 PURPOSE OF REPORT

The purpose of this report is to present the findings of an investigation into the alleged inappropriate conduct of Mayor Tate to Council for consideration.

4 PREVIOUS RESOLUTIONS

Not Applicable.

5 DISCUSSION

Chapter 5A of the Local Government Act 2009 (the Act) outlines the process for investigating and dealing with complaints about the conduct of Councillors. In accordance with section 150AE of the Act, Council is required to adopt, by resolution, an Investigation Policy outlining how it will respond to the suspected inappropriate conduct of Councillors referred by the Independent Assessor (the Assessor) to Council.

On 16 July 2019 the Assessor referred a complaint (reference C/19/00559) regarding the alleged conduct of Mayor Tate to the CEO for investigation on the basis of a reasonable suspicion that the Mayor had engaged in inappropriate conduct. The complaint was in relation to Councillor Daphne McDonald, the complainant, receiving an email on 31 May 2019 from Mayor Tate, copied to all Councillors and various Council Officers wherein Councillor McDonald alleged that:

- Colleagues could reasonably have concluded that the Mayor’s email "was disciplinary in intent and tone" and as such denigrated Councillor McDonald;
- The Mayor’s conduct, in context of other actions, was intended to bully her and influence other Councillors in such a way that she would be inhibited from meeting her obligations under the Local Government Act 2009;
- The Mayor made an allegation that Councillor McDonald had made a misleading Facebook post and such allegation contravened various standards of behaviour in the Code of Conduct for Councillors in Queensland;
14 OTHER BUSINESS (Continued)

14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

- The Mayor made a false allegation that Councillor McDonald intended to denigrate City staff; and
- The Mayor threatened to “take the matter further” in a way that could be construed as personally threatening to Councillor McDonald.

The reasons provided by the Deputy Independent Assessor for referring the matter to Council to be dealt with are attached and can be summarised as follows:

- The OIA’s view that there is a reasonable argument that the Mayor’s email to Councillor McDonald exceeded his role as Mayor;
- The OIA’s view that the language used and the wide distribution of the email raised a reasonable suspicion that the conduct could represent a breach of the Code of Conduct for Councillors in Queensland; and
- The OIA’s view that a decision on this matter could be expected to provide clarity on the Mayor’s role in disciplining a Councillor outside formal Council meetings.

Council’s Investigation Policy (the Policy) was adopted on 26 March 2019. In accordance with the Policy, and the recommendations made by the Deputy Independent Assessor in referring the complaint to Council, the CEO referred the matter to the President of the Councillor Conduct Tribunal (the Tribunal) for investigation on 26 July 2019.

On 3 September 2019, the Tribunal wrote to Council with the outcome of its investigation (see attached) advising that on the evidence available to the Tribunal, there appears to be insufficient evidence to find on the balance of probability that the Mayor exceeded his authority or that the Mayor engaged in inappropriate conduct. In arriving at this conclusion the Tribunal made a number of points, as summarised in paragraphs 39 to 48 of their report including, inter alia:

- The Mayor’s responsibilities under section 12(3) of the Act;
- The Mayor’s role in ensuring Council achieves its Corporate Plan;
- The potential for Council to conclude that the Mayor’s email was indicative of high quality leadership; and
- The Mayor’s role in the disciplinary process relating to Councillors given that the Investigations Policy charges the Mayor with the management of investigations into Councillors’ conduct.

Whilst sections 150AE(3)(a) and (b) of the Act allow the Tribunal to investigate alleged inappropriate conduct at the request of Council and make recommendations, section 150AG of the Act requires Council to ultimately decide whether inappropriate conduct has occurred and, if so, what action to take.
14 OTHER BUSINESS (Continued)

14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

To assist Councillors in this matter, the following relevant documents are attached to the report:

- A transcript of the complaint and related documents put forward by the complainant;
- A submission to OIA on behalf of Mayor Tate;
- The OIA Referral Notice; and
- The Councillor Conduct Tribunal Investigation Report.

Given this complaint relates to alleged conduct by Mayor Tate, the Deputy Mayor has fulfilled the role of investigator. The Deputy Mayor has reviewed all relevant information, as attached to this report, and has complied with the requirements of the Act and Council’s Investigation Policy in completing this investigation with procedural assistance from the Office of the CEO.

6 ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN

This report is consistent with the Corporate Plan and ensures that Council manages the City responsibly by implementing a robust management and control environment, supported by key functions including Legal Services; Integrity and Ethics, Corporate Policies; Internal and External Audit and the City’s Audit Committee.

7 FUNDING AND RESOURCING REQUIREMENTS

The overall costs of this investigation, including legal costs, Councillor Conduct Tribunal costs and officers’ time in supporting this investigation is estimated to be $4000.

8 RISK MANAGEMENT

Not Applicable.

9 STATUTORY MATTERS

This report and the associated investigation comply with Council’s legislative obligations, as outlined in this report, to investigate complaints where it is suspected that a Councillor may have engaged in inappropriate conduct, determine an outcome and take any disciplinary action deemed appropriate as per Section 150AH of the Act.

It is noted that the Model Meeting Procedures require that the Councillor who is the subject of a complaint must leave the place where the meeting is being held when Council is deliberating on the issue. They further require that where the complainant is a Councillor, the Councillor must inform the meeting of a personal interest and follow the conflict of interest procedures in Section 4 of the Model Meeting Procedures. Notwithstanding these requirements, and in accordance with the principles of natural justice, both Councillors (i.e. the complainant and/or the complainee) may remain in the meeting to make a statement and answer any questions prior to Council’s deliberation on the matter.
14 OTHER BUSINESS (Continued)

14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

10 COUNCIL POLICIES

This report and the associated investigation comply with Council’s Investigation (Inappropriate Conduct of Councillors) Policy.

11 DELEGATIONS

Not Applicable.

12 COORDINATION & CONSULTATION

In completing this investigation the Deputy Mayor sought technical assistance in accordance with Section 170A of the Act (Acceptable Requests Guidelines), via the Office of the CEO.

Right to Information (RTI) and Information Privacy (IP) Legislation 2009

The privacy of complainants has been protected as per the Policy.

13 STAKEHOLDER IMPACTS

Not Applicable.

14 TIMING

It is noted that this complaint was referred by the OIA on 16 July 2019.

Whilst this matter has taken longer than the 10 week timeframe Council strives to meet in inappropriate conduct investigations, it is noted that the investigation was outsourced to the Tribunal who took 39 days from receipt of the referral to respond to Council.

15 CONCLUSION

On 16 July 2019, the Deputy Independent Assessor referred a complaint to Council on the basis that he reasonably suspected Mayor Tate had engaged in inappropriate conduct. In accordance with Council’s Investigation (Inappropriate Conduct of Councillors) Policy and the recommendation of the Deputy Assessor, the CEO referred the complaint to the Councillor Conduct Tribunal on 26 July 2019. The Tribunal submitted a report with recommendations (as attached) on 3 September 2019. The Deputy Mayor has finalised the investigation and made recommendations to Council about how the matter should be dealt with.
14 OTHER BUSINESS (Continued)

14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

16 RECOMMENDATION

It is recommended that Council resolves as follows:

1 That Council supports the findings of the Councillor Conduct Tribunal that the conduct of Mayor Tate in this matter does not meet the standard of inappropriate conduct.

2 That the CEO undertake all measures necessary in accordance with the Investigation (Inappropriate Conduct of Councillors) Policy to finalise this matter including updating the Councillor Conduct Register and advising the complainant of the outcome of her complaint.

Written and Authorised by:
Cr Donna Gates
Deputy Mayor, Council of the City of Gold Coast
15 October 2019
TRACKS REF: 74666295

Mayor Tate advised Council:-

As this matter is directly involving a conduct investigation matter on myself, I will be leaving the room and have nothing further to do with the matter. However, I seek leave of the Council as per Local Law 1 Section 10 that my legal representative Mr Richard Holt be allowed into Chambers to answer any legal or factual questions and alert the Chair or the City Solicitor to any factual or legal errors that may transpire during consideration of this matter.

I ask the Deputy Mayor to take the chair.

Cr Tate left the room during discussion on this matter at 6.26pm

Cr Gates took the chair

The consent of Council was given for Cr Tate’s legal representative to be allowed into the chamber as requested.

Cr La Castra left the room at 6.25pm during discussion on this matter and returned at 6.27pm.
14 OTHER BUSINESS (Continued)

14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

Cr Caldwell:

In accordance with my obligation under section 175G(2) of the Local Government Act 2009, I advise the Chair that:

(c) I reasonably believe or suspect that Cr Boulton has a:
   a. real conflict of interest; or
   b. perceived conflict of interest in the matter;

which Cr Boulton has not informed the meeting about.

(d) The facts and circumstances that form the basis of my reasonable belief or suspicion are:
   a. She has the same legal representative as Mayor Tate

PROCEDURAL MOTION moved Cr Tozer  seconded Cr Caldwell

Pursuant to section 175E(4)(a) of the Local Government Act 2009, Council resolves that:

Cr Boulton has a real or perceived conflict of interest in this matter because she has retained the same legal representation as Mayor Tate.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Boulton did not vote.

Cr Tate was absent during discussion and voting on this matter.

PROCEDURAL MOTION moved Cr Tozer  seconded Cr Caldwell

Pursuant to section 175E(4)(b) of the Local Government Act 2009, Council resolves that:

Cr Boulton may participate in the meeting and vote on the matter because the interest is minor and of a remote nature.

CARRIED

In accordance with Section 175E(4) of the Local Government Act 2009, Cr Boulton did not vote.

Cr Tate was absent during discussion and voting on this matter.
14 OTHER BUSINESS (Continued)

14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

RESOLUTION    G19.1029.035    moved Cr Vorster    seconded Cr Caldwell

1 That Council supports the findings of the Councillor Conduct Tribunal that the conduct of Mayor Tate in this matter does not meet the standard of inappropriate conduct.

2 That the CEO undertake all measures necessary in accordance with the Investigation (Inappropriate Conduct of Councillors) Policy to finalise this matter including updating the Councillor Conduct Register and advising the complainant of the outcome of her complaint.

A division was called.

For  10    Cr Owen-Jones, Cr Caldwell, Cr Vorster, Cr Crichlow, Cr O'Neill, Cr La Castra, Cr Boulton, Cr Gates, Cr PC Young, Cr Taylor
Against  3    Cr Tozer, Cr PJ Young, Cr Baildon
Abstained  0
Absent  2    Cr McDonald, Cr Tate

CARRIED

Cr Tate was absent during discussion and voting on this matter.

Cr Tate returned to the meeting at 6.52pm and resumed the Chair.

Cr Owen-Jones and Cr Gates left the meeting at 6.52pm.
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

6 June 2019

Independent Assessor
Office of the Independent Assessor
PO Box 15031
CITY EAST QLD 4002

Dear Independent Assessor

I write in reference to the attached email sent to me, copied to all City of Gold Coast Councillors, CEO, Directors and staff, by Mayor Tom Tate.

I wish to make a complaint about the content, tone and false allegations contained in the email.

On Friday the 17 May 2019 and Sunday 19 May 2019 I photographed two images during a trip to Haymarket, Sydney, which I believed had civic interest. Accordingly, I posted the images on my Facebook page to generate interest in and commentary about civic responsibility, and noted the time date and location the pictures were captured.

On 31 May 2019, Mayor Tom Tate wrote an email to me that was copied to in to all of my colleagues, the senior leadership team and staff at the Council.

The substance of my complaint is as follows;

1. Mayor Tom Tate worded his email in such a way colleagues believed the email was disciplinary in intent and tone. This action exceeds the Mayor’s authority and unnecessarily denigrates me to my colleagues and senior staff. I have formed the view, in the context of other actions I have observed, that the Mayor’s conduct is intended to bully me and influence other Councillors with false statements to inhibit my capacity to meet my obligations under the Local Government Act 2009.

2. Mayor Tom Tate alleged the post was misleading and brought the City into disrepute. This is unnecessarily subjective and demonstrably false (unless other underlying assumptions made by the Mayor are considered correct, which a reasonable person would dispute). Such an allegation made in the way the Mayor made it contravenes Standards of Behaviour – Clauses 2.1, 2.2, 2.3 and 3.3 of the Code of Conduct.
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

3. He alleges that I intended to denigrate City staff. This is false. Such a statement contravenes Standards of Behaviour - Clause 2.2 of the Code of Conduct.

4. He threatens he will "take the matter further" if I do not comply with his demands. No details are provided regarding what this means and it appears personally threatening to me.

Were the matter dealt with privately and personally in the first instance, I may possibly have formed a different view, but given the approach and public criticism amongst my colleagues, and my commitment to representing the interests of my constituents and the broader city within the guidelines set for all Councillors, I am compelled to seek assistance to determine that the conduct is unacceptable.

I have not responded to the email that is the subject of my complaint because it is not the first time the Mayor has written to me in such a way and I do not believe it is a good use of time or public resources to entertain such demonstrably false and inappropriate actions.

Please contact me on my mobile 0414 180 013 to discuss the matter in due course.

Yours sincerely

Daphne McDonald
Councillor Daphne McDonald
Working for Division 13
14 OTHER BUSINESS (Continued)

14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

From: MAYOR
Sent: Friday, 31 May 2019 3:11 PM
To: MCDONALD Daphne
CC: DL GCCC Councillors; DICKSON Dale; DL GCCC Directors; WATERS Nicole; Mayoral CoS
Subject: Misleading Light rail post

Dear Cr McDonald,

I note the screen shot of your recent social media post. I view it as extremely misleading and brings the City into disrepute. I believe the post is not reflecting a commitment to the highest ethical standards as required of the Councillor Code of Conduct.

It is showing a city street from Sydney, NSW, not the Gold Coast. Additionally I’m not even sure what the photo has to do with the light rail project in Sydney. It certainly does not reflect the Light Rail service and facilities on the Gold Coast. I believe your post is trying to denigrate the good work performed by our City Cleaners, Maintenance and Transport teams.

I remind you that we have over 20km of light rail in the Gold Coast and no-where have I seen such ‘Light Rail impacts’ as you describe it in your post nor the images you have used to describe ‘Light Rail impacts’.

The images seem to be displaying a failure in that a Sydney based local government in maintaining clean streets in their City, especially given the garbage displayed seems ‘retail’ in nature and not construction related.

I am providing you this opportunity to remove the post forthwith and provide a statement on your social media account noting why the post has been removed, expressing regret.

Failure to do so will mean I will have to take the matter further.
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

Our Ref: RBH:CM:190829
Your Ref: C/19/00559
Writer's email: richard@holtlawyers.com.au

28 June 2019

Mr Charlie Kohn
Office of the Independent Assessor
PO Box 15031
CITY EAST QLD 4002
Email: charlie.kohn@oia.qld.gov.au

Dear Mr Kohn

RE: Councillor McDonald Complaint Against Mayor Tate - OIA C/19/005599

We refer to the above matter and confirm we act for the Mayor.

This submission on behalf of the Mayor will address the six (6) allegations provided in the section 150AA Notice.

A. Incomplete complaint

It is noted at the bottom of the first page of the s150AA Notice that the OIA states “A copy of your (Mayor Tate’s) email to Councillor McDonald is attached to this notice’.

The ‘email’ attached to the Notice is a one page email with words only. It is not the complete email. The Mayor’s email to Cr McDonald included the Facebook post in question.

As Councillor McDonald did not include the full email in her complaint to the OIA we enclose a copy with this submission.

The Facebook post from Cr McDonald, including the photos and attached commentary, are extremely relevant to the complaint and also to the Mayor’s response as to why the complaint is without merit, inflammatory and irrelevant and should be dismissed.

B. Light Rail Infrastructure

The Council website provides, “the Gold Coast Light Rail is one of the biggest public transport projects in the country, and the biggest transport infrastructure project ever undertaken on the Gold Coast.”

The infrastructure project is a whole-of-city integrated public transport system which involves significant investment from Council. The current Light Rail physical infrastructure runs through divisions 2, 6, 7 and 10. Future stages including states 3A and 3B are expected to run through divisions 12, 13 and 14.

The recently released 2019 – 2020 City Budget has allocated $4.8 million ‘for planning and early works for Light Rail Stage 3A’.
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

Conduct the subject of this Notice

1. When responding to a Facebook post made by Councillor McDonald in the form of two images of the councillor’s trip to Haymarket, Sydney, you sent Councillor McDonald an email dated 31 May 2019.

The Mayor confirms he sent an email Cr McDonald on 31 May 2019 regarding irrelevant and inflammatory Facebook comments made by Cr McDonald.

The material posted by Cr McDonald were irrelevant to the Light Rail Stage 3A project because they were images taken in Sydney. Cr McDonald with her commentary ‘light rail impacts...’ sought to make the photos relevant and in doing so, detrimental to, to Stage 3A Light Rail.

The Mayor cannot confirm whether the images on Councillor McDonald’s Facebook post where ‘images of the Councillor’s trip to Haymarket’ because the Mayor has no such knowledge of when or where the photos were taken.

2. The ‘content’ and ‘tone’ of your email to Councillor McDonald exceeded your authority as Mayor.

The Mayor denies this allegation because it is untrue.

Firstly, the Mayor submits that ‘tone’ can not be attributed to an email. The essential quality of an email is that it is without ‘tone’ because it is written. Any reference to the alleged ‘tone’ of the email is denied because it is unsupported.

The Mayor’s ‘content’ the Mayor’s email did not exceed his authority or that of the elected Mayor of the City of Gold Coast. The ‘tone’ of the Mayor’s email was entirely appropriate and consistent with his role as Mayor of the Gold Coast.

The email sent by the Mayor exhibited all of the characteristics to be expected of the Mayor in carrying out his duties and exercising his responsibilities. The email was formal, professional, specific to a topic and in the best interest of the City of Gold Coast (characteristics absent from the Facebook post in question).

Relevantly, the Local Government Act 2009 (‘the Act) at section 12 provides:

(1) A councillor must represent the current and future interests of the residents of the Act

(2) All councillors of a local government have the same responsibilities, but the mayor has some extra responsibilities

(3) All councillors have the following responsibilities –
   a. Ensuring the local government –
      (i) achieves its corporate plan

The City’s Corporate Plan – Gold Coast 2022 provides:
14 OTHER BUSINESS (Continued)

14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559)
CM787/790/08(P11) (Continued)

- At page 13: ‘A reliable and integrated city transport system’ with a key plan and program of work to ‘Advocate for and assist the Department of Transport and Main Roads in planning and delivering future stages of the Gold Coast light rail system’

- At page 24: ‘Infrastructure that supports productivity and growth’ with a key plan and program of work to “Support the attractiveness of city lifestyle and amenity to potential businesses and skilled talent through maintaining and enhancing social infrastructure, parklands and open space networks.”

- At page 33: An increase in the percentage of community who feel proud of the Gold Coast (with a checkpoint of 90% by 2022)

It is the Mayor’s submission that:

1. His email to Cr McDonald reflected the responsibilities of councillors provided for in the Act

2. His email to Cr McDonald reflected the local government principles and values enshrined in the Code of Conduct for Councillors in Queensland

3. Cr McDonald’s Facebook post was

   a. Inconsistent with the City’s Corporate Plan – Gold Coast 2022 and therefore inconsistent with her responsibilities as a councillor
   b. Capable of causing harm or tarnishing the reputation of the City of Gold Coast
   c. Contrary to the City of Gold Coast strategic vision for future transport infrastructure
   d. Contrary to the Councillor Code of Conduct
   e. Contrary to the Council’s approved financial commitment to the expansion of light rail infrastructure

3. When sending the email to Councillor McDonald and including ‘cc’ copies of the email to other GCCC Councillors, CEO Dale Dickson, GCCC Directors, Nicole Waters and the Mayoral Chief of Staff, you unnecessarily denigrated the councillor to the councillor’s colleagues and senior Council staff.

The Mayor denies the allegation. It is untrue and inflammatory for the Councillor to allege that the Mayor ‘unnecessarily denigrated the councillor’.

It is entirely appropriate (and completely inconsistent with the Councillors ‘bullying’ allegation) that the Mayor would include senior Council staff in the correspondence.

The Councillor’s Facebook post was shared publicly and available for viewing. All Councillors and Council staff who access Councillor McDonald’s Facebook page would have seen the post.

It is common and the accepted practice that emails are circulated to this group of people which included:

1. Other divisional councillors

   a. So they could be aware of the Mayor’s actions in relation to Councillor McDonald’s that behaviour which would have damaged the reputation of the City
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

b. All councillors will be required to vote on light rail matters in future council meetings because of the significant funding required. The light rail is not a division specific project but rather a city wide piece of infrastructure and therefore all councillors and entitled and required to be kept fully informed of matters concerning the light rail.

2. Council CEO Dale Dickson
   a. The Mayor’s ‘extra responsibilities’ pursuant to section 12(4) of the Act provide the Mayor’s responsibilities include “leading, managing and providing strategic direction to, the CEO in order to achieve the high quality administration of the local government”.
   b. The nature of the role of the CEO of Council necessitates the CEO being kept informed of councillor conduct and behaviour which has the potential to negatively impact the City.

3. GCCC Directors
   a. The light rail infrastructure is relevant to all City Directors and their portfolio responsibilities. The extension of the light rail to Burleigh Heads (Stage 3A) requires significant council funding in the coming years and it is critical that all GCCC directors and senior officers understand the importance of the infrastructure project to the City of Gold Coast, and are kept informed of all relevant matters concerning the project.

4. Nicole Waters, Executive Co-Ordinator, Corporate Communication
   a. The Facebook post was broadcast publicly and was directly relevant to the Communications Department of Council.
   b. The Mayor was concerned the post would generate negative publicity for Council and it was in the best interests of Council that the media team was advised of the post.

5. Mayor’s Chief of Staff
   a. Whose role within the Office of the Chief Operating Officer includes ‘Mayoral Media, Communications & Engagement’

The local government principles provided for in section 4 of the Act include ‘transparent and effective processes’. The Mayor, by including the above mentioned staff and councillors in his correspondence, was upholding these fundamental principles.

It is further noted that the Councillor subsequently removed the post in question. If the Councillor had not done so the Mayor had noted he would take the matter further.

The Mayor, was and is, of the belief that the post by the Councillor may have amounted to inappropriate conduct in breach of the Code of Conduct. Had the Councillor not removed the post the Mayor may have considered referring the matter to the OIA.

The Mayor’s email afforded the councillor the opportunity to rectify the situation without the need for the Mayor to take any further action.
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

4. Your conduct towards Councillor McDonald was ‘intended to bully’ the councillor and influence other councillors with false statements to inhibit Councillor McDonald’s capacity to ‘meet obligations under the Local Government Act 2009’.

The Mayor denies this allegation. It is untrue and without merit and entirely inconsistent with the intention and purpose of the Mayor’s correspondence.

The Mayor has outlined at length above why the Facebook post was inflammatory and detrimental to the City of Council, together with why it was necessary for him to email the Councillor to that effect.

The Mayor

(a) did not ‘intend to bully’ the councillor, nor did his email amount to bullying. The email was professional and formal and clearly set out the Mayor’s concerns.

(b) did not make any ‘false statements’. The Councillor has not identified any such false statements.

(c) Did not seek to ‘influence other councillors’ nor did he address other councillors at any stage of his correspondence. Other councillors were included in the email to ensure transparency (as outlined above). The Mayor notes that no other councillors nor councillor officers have raised this email with him at any stage.

(d) Did not ‘inhibit Councillor’s McDonald’s capacity to meet obligations under the Local Government Act 2009’. To the contrary, the Mayor’s intention was to ensure the Councillor’s compliance with the Act and in particular the Code of Conduct. The Councillor has provided no evidence of how the Mayor attempted to ‘inhibit’ the Councillors compliance with the Act.

The Mayor’s submission is the Councillor has provided no evidence to support this allegation because there is none. The email is the only evidence the Councillor has relied on and it provides no support for any allegation of bullying.

5. The comments made by you in your email to Councillor McDonald, i.e. ‘...view it as extremely misleading and brings the City into disrepute’ were unnecessarily subjective.

The Mayor denies this allegation and says it is entirely unfounded.

A reasonable person would view the Councillor’s Facebook post as inflammatory and irrelevant.

A reasonable person may determine the post was intended to ‘bring the City into disrepute’ because it sought to irrelevantly demonstrate the negative impacts of light rail, which is one of the council’s largest and most important infrastructure projects.

It is not relevant that the Councillor may say after the fact there was a different purpose. In any event the Councillor has provided no such evidence. The Mayor submits there is no other likely intent behind the Facebook post on the Councillors Facebook page.

If the intention of the Councillor was not to bring the City into disrepute, then it is unclear why she would remove the Facebook post (or why she posted it in the first place).
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

6. Your conduct in relation to Councillor McDonald’s social media post contravened the Councillors’ Code of Conduct, in particular, Section 2.1: Show respect for fellow Councillors, Council employees and members of the public; and Section 2.2: Not bully, harass, intimidate or act in a way that the public would reasonably perceive a Councillor’s behaviour to be derogatory towards other Councillors, Council employees and members of the public.

For all of the reasons outlined above the Mayor denies this allegation.

The Mayor was professional and direct in his correspondence to the Councillor. The Mayor included relevant staff and other councillors in his correspondence in the interest of transparency and in accordance with his responsibilities.

The Mayor afforded the Councillor the right to remove the Facebook post prior to taking further action. It is again noted the Facebook post was removed by the Councillor or with her authority.

Decision to dismiss complaint

The Mayor submits the OIA should decide to dismiss the complaint pursuant to section 150X of the Act. Relevantly it provides,

150X Decision to dismiss complaint

The assessor may decide to dismiss a complaint about the conduct of a councillor if the assessor is satisfied—

(a) the conduct—

   i) has already been, or is being, dealt with by another entity; or
   ii) does not constitute inappropriate conduct or misconduct; or

(b) the complaint—

   i) is frivolous or vexatious; or
   ii) was not made in good faith; or

   Examples— a complaint made for a mischievous purpose, recklessly or maliciously
   iii) lacks substance or credibility; or

(c) dealing with the complaint—

   i) would not be in the public interest; or
   ii) would be an unjustifiable use of resources.

The Mayor’s submission is that this complaint should be dismissed in accordance with this provision because the complaint about the conduct of the Mayor:

a) does not constitute inappropriate conduct

   a. The Mayor relies on the detailed submission above.

b) was not made in good faith.

   a. The Councillor did not respond to the email or raise the matter directly with the Mayor or contact the Mayor or his office.
14 OTHER BUSINESS (Continued)

14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

b. It is noted the Councillor subsequently removed the post.

c) Lacks substance and credibility

a. The Councillor did not respond to the email or raise the matter directly with the Mayor or contact the Mayor or his office.
b. It is noted the Councillor subsequently removed the post.

And it would not be in the public interest to deal with the complaint. The complaint process is time consuming and costly for the Council, the Mayor and the OIA.

We look forward to hearing from the OIA.

Yours faithfully
HOLT LAWYERS

Richard Holt
Principal
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559)
CM787/790/08(P11) (Continued)

Office of the Independent Assessor

Our ref: C/19/00559
16 July 2019

Mr Dale Dickson
Chief Executive Officer
Gold Coast City Council
PO Box 5042
GOLD COAST MC QLD 9726

Via Email: ddickson@goldcoast.qld.gov.au

Dear Mr Dickson

On 6 June 2019, the Office of the Independent Assessor (OIA) received a complaint about the conduct of Mayor Tom Tate of the Gold Coast City Council (GCCC).

It was alleged that Mayor Tate breached the Councillors Code of Conduct, in particular the Standards of Behaviour, Sections 2.1, 2.2, 2.3 and 3.3.

Notice of Decision to Refer

Having considered all the information involved, including any statement or information from the subject councillor, I reasonably suspect, pursuant to Section 150W(b), that the complaint, if proven, involves inappropriate conduct and refer the conduct to Council to be dealt with under Chapter 5A, Part 2, Division 5 of the Act.

Relevant Facts and Circumstances

When responding to a Facebook post made by Councillor McDonald in the form of 2 images of the councillor’s trip to Haymarket, Sydney, Mayor Tate sent Councillor McDonald an email dated 31 May 2019. It is alleged that:

1. The ‘content’ and ‘tone’ of Mayor Tate’s email to Councillor McDonald exceeded his authority as Mayor.
2. When sending the email to Councillor McDonald and including ‘cc’ copies of the email to other GCCC Councillors, CEO Dale Dickson, GCCC Directors, Nicole Waters and the Mayoral Chief of Staff, Mayor Tate unnecessarily denigrated the councillor to the councillor’s colleagues and senior Council staff.
3. Mayor Tate’s conduct towards Councillor McDonald was ‘intended to bully’ the councillor and ‘influence other councillors with false statements to inhibit’ Councillor McDonald’s capacity to ‘meet obligations under the Local Government Act 2009’.
4. The comments made by Mayor Tate in the email to Councillor McDonald, i.e. ‘...view it as extremely misleading and brings the City into disrepute’ were unnecessarily subjective.
5. Mayor Tate’s conduct in relation to Councillor McDonald’s social media post contravened the Councillors’ Code of Conduct, in particular:
   a. Section 2.1: Show respect for fellow Councillors, Council employees and members of the public; and
   b. Section 2.2: Not bully, harass, intimidate or act in a way that the public would reasonably perceive a Councillor’s behaviour to be derogatory towards other Councillors, Council employees and members of the public.
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559)
CM787/790/08(P11) (Continued)

Reasons for Referral

In his response to the OIA’s 150AA notice, Mayor Tate denied all the allegations outlined in Councillor McDonald’s complaint.

Mayor Tate claimed that sending the email to Councillor McDonald was a requirement of his role as per Section 12(2) of the Local Government Act, i.e. ‘All councillors of a local government have the same responsibilities, but the mayor has some extra responsibilities’.

Mayor Tate requested that the OIA dismiss the complaint pursuant to Section 150X of the Local Government Act.

In his reliance on Section 12 (2) of the Local Government Act 2009, Mayor Tate highlighted the words, “mayor has some extra responsibilities”. These extra responsibilities are particularised in the subsequent parts of that section. At part (4) of Section 12 it is provided that the Mayor’s extra responsibilities are (in summary):

- Leading and managing meetings of the local government;
- Preparing a budget for presentation to the local government;
- Leading, managing and providing strategic direction to the chief executive officer;
- Directing the chief executive officer;
- Conducting performance appraisal of the chief executive officer;
- Providing information to the Minister;
- Being a member of each standing committee; and
- Representing local government at ceremonial or civic functions.

It is noted that the extra responsibilities of a mayor in Section 12 do not extend to correcting the conduct of another councillor outside of a council meeting.

Regardless of whether councillor McDonald’s conduct by her Facebook post is inappropriate or not, it is the view of the Independent Assessor that there is a reasonable argument that the Mayor’s response by sending his letter to Councillor McDonald exceeded his role as Mayor.

As such, the language used and wide distribution of that letter raises a reasonable suspicion that the conduct could represent a breach of the Code of Conduct for Councillors in Queensland, namely:

- Section 2.1: Show respect for fellow Councillors, Council employees and members of the public; and
- Section 2.2: Not bully, harass, intimidate or act in a way that the public would reasonably perceive a Councillor’s behaviour to be derogatory towards other Councillors, Council employees and members of the public

The OIA considers that a decision on this matter could be expected to provide greater clarity on whether the Mayor has a role to discipline a councillor outside a meeting of local government and or provide some guidance on how such issues should best be dealt with moving forward.
14 OTHER BUSINESS (Continued)

14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

Recommendation

Given that this is a complaint against the Mayor, as delegate of the Independent Assessor, I recommend:

- That the conduct be referred to the Councillor Conduct Tribunal for consideration.

Section 150AF of the Act provides that any investigation must be consistent with any recommendation of the assessor and with the Council’s investigation policy, to the extent that the Council’s investigation policy is not inconsistent with a recommendation of the assessor. The investigation may also be conducted in another way the local government, by resolution, decides.

If you have any further queries you can contact me on (07) 3334 2603 or by email at charlie.kohn@oia.qld.gov.au.

In due course I would be grateful if you could advise both the complainant and the OIA of the outcome of this complaint.

Yours sincerely

Charles Kohn
Deputy Independent Assessor
Office of the Independent Assessor

Enclosures:
1. Copy of letter sent to Mayor Tom Tate of referral to Council
2. Copy of 150AA notice to Mayor Tom Tate
3. Copy of response from Mayor Tom Tate to 150AA Notice
4. Copy of original complaint from Councillor Daphne McDonald
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

Councillor Conduct Tribunal:
Inappropriate conduct complaint investigation and recommendation response to Council

*Local Government Act 2009: Sections 150K, 150W, 150W, 150AC, 150AD, 150AE and 150DL*

1. Complaint:

<table>
<thead>
<tr>
<th>CCT Reference</th>
<th>F19/5949.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of request from Council</td>
<td>26 July 2019</td>
</tr>
<tr>
<td>Subject councillor</td>
<td>Councillor Tom Tate, Mayor</td>
</tr>
<tr>
<td>Referring Council</td>
<td>Gold Coast City Council</td>
</tr>
<tr>
<td>Complainant</td>
<td>Cr Daphne McDonald of the Council</td>
</tr>
</tbody>
</table>

**Allegations**
- It is alleged that Cr Tate engaged in inappropriate conduct when he emailed Cr Daphne McDonald on 31 May 2019 in response to her Facebook post of 20 May 2019 which email allegedly, *inter alia*:
  - Exceeded his authority as Mayor
  - Unnecessarily denigrated the complainant Councillor to colleagues and staff
  - Was intended to bully the complainant Councillor
  - Contravened the Councillors’ Code of Conduct.

See below for further detail.

2. Tribunal Member:

| Tribunal Member | Susan Johnson^ |

3. **Conflict of interests disclaimer/declaration (s.150DT):**

Having reviewed the material provided, the Tribunal Member confirmed that she did not have a real or perceived conflict of interest in proceeding to investigate the complaint.

4. **Outcome of investigation:**

^This Tribunal member was nominated by the President of the Tribunal under s150DL(2) of the Local Government Act 2009 to constitute the Tribunal to perform the functions mentioned in s150DL(1)(a) for the particular request made to the Council.
14 OTHER BUSINESS (Continued)

14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559)
CM787/790/08(P11) (Continued)

<table>
<thead>
<tr>
<th>Date</th>
<th>03/09/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outcome</td>
<td>The Tribunal is of the view that the evidence is not sufficient to sustain an allegation of inappropriate conduct on the balance of probabilities. See below for discussion of reasons.</td>
</tr>
</tbody>
</table>

5. Recommendations to local government:

<table>
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<tr>
<th>Date of recommendations</th>
<th>03/09/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recommendations</td>
<td>The Tribunal recommends that:</td>
</tr>
<tr>
<td></td>
<td>(a) the Council consider this Report, (particularly paragraphs 39 to 48) in making its decision as to whether or not the Mayor has engaged in inappropriate conduct;</td>
</tr>
<tr>
<td></td>
<td>(b) if the Council's decision is that the complaint is not sustained, the Council take no further action except to advise the Mayor and update the Councillor Conduct Register as required by sections 150DX(1)(b) and 150DY of the Act;</td>
</tr>
<tr>
<td></td>
<td>(c) if, however, the Council finds the complaint of inappropriate conduct is sustained, the Council consider:</td>
</tr>
<tr>
<td></td>
<td>i. any previous inappropriate conduct of the Mayor (s150AH(2)(a));</td>
</tr>
<tr>
<td></td>
<td>ii. an order that no action be taken against the Mayor (s150AH(1)(a)); or</td>
</tr>
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<td></td>
<td>iii. one or more orders from the list in s150AH(1)(b).</td>
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<tr>
<td></td>
<td>(d) on the making of the decision by Council, the relevant Registers be updated accordingly, and</td>
</tr>
<tr>
<td></td>
<td>(e) the Mayor, the Registrar of the CCT and the IA be advised of the decision of the Council.</td>
</tr>
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</table>

6. Reasons for Recommendations:

Abbreviations Used

The following abbreviations have been used in this determination:

the Act: the Local Government Act 2009
the CCT or the Tribunal: the Councillor Conduct Tribunal established under the Act
the CEO: the Chief Executive Officer of the Council
the Code or the Code of Conduct: the Code of Conduct for Councillors in Queensland - approved by regulation on 3 December 2018
the complaint: the complaint made by the complainant as set out above
the complainant: the Councillor who made the complaint to the CEO
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559)
CM787/790/08(P11) (Continued)

the Council: Gold Coast City Council
the Councillor: Councillor Daphne McDonald, the complainant
the Mayor: the Mayor of the Council, Cr Tom Tate
the OIA: the Office of the Independent Assessor
the IA: the Independent Assessor appointed under the Act or delegate

Background:

1. The facts of this matter are essentially encompassed within the complainant’s letter of complaint to the IA dated 6 June 2019; the s150AA Notice and opportunity to respond dated 19 June 2019; a submission on behalf of Mayor Tate to the IA by the Mayor’s legal representative dated 26 June 2019; and a letter from the IA dated 16 July 2019 to the CEO. No claim for confidentiality or privilege was requested in the legal representative’s submission to the IA so the Tribunal Member has referred to that letter in this Report, where considered appropriate.

2. On or about 6 June 2019, Cr Daphne McDonald of the Gold Coast City Council made a complaint about the conduct of Mayor Tate to the IA. The complaint related to an email that the Mayor had sent to the complainant Councillor on 31 May 2019 about her Facebook post of 20 May 2019. The Councillor complained about the content, tone and false allegations contained in the email and the fact that it was copied in to all her colleagues, the senior leadership team and staff at the Council.

3. Cr McDonald set out the substance of her complaint as follows:

1. “Mayor Tom Tate worded his email in such a way colleagues believed the email was disciplinary in intent and tone. This action exceeds the Mayors authority and unnecessarily denigrates me to my colleagues and senior staff. I have formed the view, in the context of other actions I have observed, that the Mayor’s conduct is intended to bully me and influence other Councillors with false statements to inhibit my capacity to meet my obligations under the Local Government Act 2009.

2. Mayor Tom Tate alleged the post was misleading and brought the City into disrepute. This is unnecessarily subjective and demonstrably false (unless other underlying assumptions made by the Mayor are considered correct, which a reasonable person would dispute). Such an allegation made in the way the Mayor made it contravenes Standards of Behaviour – Clauses 2.1, 2.2, 2.3 and 3.3 of the Code of Conduct.

3. He alleges that I intended to denigrate City staff. This is false. Such a statement contravenes Standards of Behaviour – Clause 2.2 of the Code of Conduct.

4. He threatens he will “take the matter further” if I do not comply with his demands. No details are provided regarding what this means and it appears personally threatening to me.

Were the matter dealt with privately and personally in the first instance, I may possibly have formed a different view, but given the approach and public criticism amongst my colleagues, and my commitment to representing the interests of my constituents and the broader city within the guidelines set for all Councillors, I am compelled to seek assistance to determine that the conduct is unacceptable.”
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

4. Upon receipt of the complaint the IA wrote to the Mayor notifying him by a Notice and opportunity to respond dated 18 June 2019 and given under s150AA of the Act, that:
   (a) the IA reasonably suspected the conduct, the subject of the complaint, is inappropriate conduct;
   (b) the complaint should be referred to the Council to be dealt with; and
   (c) the Mayor was provided with an opportunity to respond to the complaint and to address why the IA should not decide to refer the complaint to the Council to deal with.

5. The Mayor’s legal representative responded to the allegations contained in the complaint in a letter to the IA dated 28 June 2019 to which was attached a copy of the Facebook post and the Mayor’s response.

6. Cr McDonald’s Facebook post dated May 20 at 9.26am included two photos of overflowing wheelie bins on a roadside with the words “Sydney – Haymarket Friday 5.32pm and 2.24pm Sunday. Light Rail impacts, empty shops, dirty streets and garbage”.

7. Mayor Tate’s email, which he admitted sending to the complainant Councillor on 31 May 2019 was titled “Misleading Light rail post” and read as follows:

   “Dear Cr McDonald,

   I note the screen shot of your recent social media post. I view it as extremely misleading and brings the City into disrepute. I believe the post is not reflecting a commitment to the highest of ethical standards as required of the Councillor Code of Conduct.

   It is showing a city street from Sydney, NSW, not the Gold Coast. Additionally, I’m not even sure what the photo has to do with the light rail project in Sydney. It certainly does not reflect the Light Rail service and facilities on the Gold Coast. I believe your post is trying to denigrate the good work performed by our City Cleaning, Maintenance and Transport teams.

   I remind you that we have over 20km of light rail in the Gold Coast and nowhere have I seen such “Light Rail impacts”.

   The images seem to be displaying a failure in that a Sydney based local government in maintaining clean streets in their City, especially given the garbage displayed seems ‘retail’ in nature and not construction related.

   I am providing you with this opportunity to remove the post forthwith and provide a statement on your social media account noting why the post has been removed, expressing regret.

   Failure to do so will mean I will have to take the matter further.

   Regards,
   Mayor Tom Tate.”

8. The Mayor’s lawyers provided a detailed submission providing some context to the Light Rail project and then addressing each of the six allegations contained in the Notice from the IA.

9. The context to the Light Rail Infrastructure provided in the submission, included a quote
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

from the Council’s website that “the Gold Coast Light Rail is one of the biggest public transport projects in the country, and the biggest transport infrastructure project ever undertaken on the Gold Coast.” The submission further stated:

“The infrastructure project is a whole-of-city integrated public transport system which involves significant investment from Council. The current Light Rail physical infrastructure runs through divisions 2, 6, 7 and 10. Future stages including stages 3A and 3B are expected to run through divisions 12, 13 and 14.

The recently released 2019-2020 City Budget has allocated $4.8 million for planning and early works for Light Rail Stage 3A.”

10. Further discussion of the submissions made on Mayor Tate’s behalf is included under the heading ‘Consideration of the evidence…’ below.

11. In a letter dated 16 July 2019, the IA wrote to the CEO setting out the allegation in the complaint and advising that having considered all the information involved, the IA reasonably suspected, pursuant to s150W(b) of the Act that the complaint, if proven, involves inappropriate conduct and referring the conduct to Council to be dealt with under Chapter 5A, Part 2 Division 5 of the Act.

12. That letter set out the Reasons for Referral, noting that Mayor Tate denied all the allegations outlined in the complaint. The reasons are discussed in more detail below. The IA recommended that, given that the complaint is against the Mayor, the Council refer the conduct to the Councillor Conduct Tribunal for consideration.

13. By letter dated 26 July 2019 from the CEO to the President of the CCT, the CEO forwarded this complaint in accordance with the recommendation.

Procedural and statutory compliance
14. Following receipt of the complaint by the OIA, the required steps have been taken and the matter has now been referred to and received by the CCT.

Functions of the Councillor Conduct Tribunal
15. Section 150DL(1) of the Act provides that the functions of the conduct tribunal include:

a) at the request of the local government:

(i) to investigate the suspected inappropriate conduct of a Councillor referred to the local government, by the assessor, to be dealt with by the local government; and

(ii) to make recommendations to the local government about dealing with the conduct.

16. Section 150DL(2) provides that a member of the Conduct Tribunal chosen by the President may constitute the Conduct Tribunal to perform the functions mentioned in subsection (1)(a) for a particular request. For this particular request, the President has chosen Tribunal Member Susan Johnson to constitute the Tribunal to perform the functions mentioned.
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559)
CM787/790/08(P11) (Continued)

Scope of the investigation
17. Having regard to the provisions of the Act, there is no role for the Tribunal to make a finding of “inappropriate conduct” or finally determine the disciplinary action to be taken. Its role is to “investigate the suspected inappropriate conduct” and make recommendations to the Council “about dealing with the conduct”.

18. Because of the nature of the alleged inappropriate conduct, the scope of the investigation in this matter is quite limited. The investigation is conducted on the papers provided to the CCT from the Council.

Consideration of the elements of inappropriate conduct
19. “Inappropriate conduct” is defined in s150K of the Act, so far as is relevant:

(1) The conduct of a Councillor is inappropriate conduct if the Councillor contravenes —
   (a) a behavioural standard; or
   (b) a policy, procedure or resolution of the local government.

Subsection (2) of s150K of the Act contains reference to other conduct of a Councillor that is inappropriate conduct. Those provisions are not relevant in this case.

Consideration of the evidence as to whether it tends to support or not support a finding of inappropriate conduct
20. The facts have been set out in the background (above). It is not disputed that Cr McDonald posted the Facebook post; nor is it disputed that the Mayor sent the email the subject of the complaint. The issue in question is whether the sending of that email exceeded the Mayor’s authority and/or was a breach of the Code of Conduct for Councillors in Queensland namely section 2.1 or 2.2.

21. The relevant parts of the Code of Conduct are:

   “2. Treat people in a reasonable, just, RESPECTFUL and non-discriminatory way
      For example, Councillors will, at a minimum:

      2.1 Show respect for fellow Councillors, Council employees and members of the public

      2.2 Not bully, harass, intimidate or act in a way that the public would reasonably perceive a Councillor’s behaviour to be derogatory towards other Councillors, Council employees and members of the public

22. The Relevant Facts and Circumstances and the Reasons for Referral given by the IA in the letter to the CEO dated 16 July 2019 will now be considered, along with the Mayor’s lawyer’s responses.

23. It is alleged in the IA letter, that the ‘content’ and ‘tone’ of the Mayor’s email to Councillor McDonald exceeded his authority as Mayor. It is the Mayor’s submission that:

   "1. His email to Cr McDonald reflected the responsibilities of councillors provided for in the Act,"
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

2. His email to Cr McDonald reflected the local government principles and values enshrined in the Code of Conduct for Councillors in Queensland;

3. Cr McDonald’s Facebook post was:
   a. inconsistent with the City’s Corporate Plan - Gold Coast 2022 and therefore inconsistent with her responsibilities as a councillor;
   b. capable of causing harm or tarnishing the reputation of the City of Gold Coast;
   c. contrary to the City of Gold Coast strategic vision for future transport infrastructure;
   d. contrary to the Councillor Code of Conduct;
   e. contrary to the Council’s approved financial commitment to the expansion of light rail infrastructure.

24. It is further alleged by the IA that when sending the email to Councillor McDonald and including ‘cc’ copies of the email to other GCCC Councillors, CEO Dale Dickson, GCCC Directors, Nicole Waters and the Mayoral Chief of Staff, the Mayor unnecessarily denigrated the councillor to the councillor’s colleagues and senior Council staff.

25. The Mayor submitted that it is entirely appropriate that he would include senior Council staff in the correspondence because the Councillor’s Facebook post was shared publicly and available for viewing. All Councillors and Council staff who access Councillor McDonald’s Facebook page would have seen the post.

26. The email was circulated to other divisional councillors so they could be aware of the Mayor’s actions in relation to Councillor McDonald’s behaviour. He submitted that the light rail is not a division specific project but rather a city wide piece of infrastructure and therefore all councillors are entitled and required to be kept fully informed of matters concerning the light rail.

27. The email was circulated to the CEO because the nature of the role of the CEO of Council necessitates the CEO being kept informed of councillor conduct and behaviour which has the potential to negatively impact the City and its strategic direction.

28. The Council Directors were copied into the email because the light rail infrastructure is relevant to all City Directors and their portfolio responsibilities. The Executive Coordinator, Corporate Communication was copied in because the Facebook post was broadcast publicly and the Mayor was concerned the post would generate negative publicity for Council and it was in the best interests of Council that the media team was advised of the post. Finally, the Mayor’s Chief of Staff received a copy because their role within the Office of the Chief Operating Officer includes ‘Mayoral Media, Communications & Engagement’.

29. It is further alleged that the Mayor’s conduct towards Councillor McDonald was ‘intended to bully the councillor and influence other councillors with false statements to inhibit’ Councillor McDonald’s capacity to ‘meet obligations under the Local Government Act 2009’.
30. In response, the Mayor submitted that he:

(a) did not intend to bully the councillor, nor did his email amount to bullying. The email was professional and formal and clearly set out the Mayor’s concerns.

(b) did not make any false statements. The Councillor has not identified any such false statements.

(c) did not seek to influence other councillors nor did he address other councillors at any stage of his correspondence. Other councillors were included in the email to ensure transparency (as outlined above). The Mayor notes that no other councillors nor councillor officers have raised this email with him at any stage.

(d) did not inhibit Councillor’s McDonald’s capacity to meet obligations under the Local Government Act 2009. To the contrary, the Mayor’s intention was to ensure the Councillor’s compliance with the Act and in particular the Code of Conduct. The Councillor has provided no evidence of how the Mayor attempted to ‘inhibit’ the Councillor’s compliance with the Act.”

31. The next allegation is that the comments made by the Mayor in his email to Councillor McDonald, i.e. ‘...view it as extremely misleading and brings the City into disrepute’ were unnecessarily subjective.

32. The Mayor submitted that a reasonable person would view the Councillor’s Facebook post as inflammatory and irrelevant and a reasonable person may determine the post was intended to ‘bring the City into disrepute’ because it sought to irrelevantly demonstrate the negative impacts of light rail, which is one of the council’s largest and most important infrastructure projects.

33. The final allegation is that the Mayor’s conduct in sending the email was a breach of the Code of Conduct sections 2.1 and 2.2 (set out at paragraph 21 above).

34. The Mayor denies the allegation for the reasons outlined in his earlier submissions and submits he was professional and direct in his correspondence to the Councillor.

35. In his submission, the Mayor noted that the Councillor subsequently removed the post in question. The Mayor was of the belief that the post by the Councillor may have amounted to inappropriate conduct in breach of the Code of Conduct. Had the Councillor not removed the post the Mayor may have considered referring the matter to the OIA. The Mayor claims his email afforded the councillor the opportunity to rectify the situation without the need for the Mayor to take any further action.

36. In his submission, the Mayor requested that the OIA dismiss the complaint on the grounds that:

- his conduct did not constitute inappropriate conduct for the reasons set out above;
- the complaint was not made in good faith as the complainant did not respond to the
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559)
CM787/790/08(P11) (Continued)

email or raise the matter with the Mayor;

- the complaint lacks credibility and substance, noting the Facebook post was removed upon receipt of the email; and
- it was not in the public interest to proceed.

37. In the Reasons for Referral the IA noted the request to dismiss the complaint but did not specifically address the grounds listed. It is relevant to quote the reasons provided in full:

"Mayor Tate claimed that sending the email to Councillor McDonald was a requirement of his role as per Section 12(2) of the Local Government Act, i.e. “All councillors of a local government have the same responsibilities but the mayor has some extra responsibilities”.

Mayor Tate requested that the OIA dismiss the complaint pursuant to Section 150AX of the Local Government Act.

In his reliance on Section 12(2) of the Local Government Act 2009, Mayor Tate highlighted the words, “mayor has some extra responsibilities”. These extra responsibilities are particularised in the subsequent part of that section. At part (4) of Section 12 it is provided that the Mayor’s extra responsibilities are (in summary):

- Leading and managing meetings of the local government
- Preparing a budget for presentation to the local government
- Leading, managing and providing strategic direction to the chief executive officer
- Directing the chief executive officer
- Conducting performance appraisal of the chief executive officer
- Providing information to the Minister
- Being a member of each standing committee; and
- Representing local government at ceremonial or civic functions.

It is noted that the extra responsibilities of a mayor in Section 12 do not extend to correcting the conduct of another councillor outside of a council meeting.

Regardless of whether Councillor McDonald’s conduct by her Facebook post is inappropriate or not, it is the view of the Independent Assessor that there is a reasonable argument that the Mayor’s response by sending his letter to Councillor McDonald exceeded his role as Mayor.

As such, the language used and wide distribution of the letter raises a reasonable suspicion that the conduct could represent a breach of the Code of Conduct for Councillors in Queensland namely:

- Section 2.1: Show respect for fellow Councillors, Council employees and members of the public; and
- Section 2.2: Not bully, harass, intimidate of act in a way that the public would reasonably perceive a Councillor’s behaviour to be derogatory towards other Councillors, Council employees and members of the public."

38. The IA states that there is a reasonable argument that the Mayor exceeded his authority in correcting the conduct of a councillor outside of a council meeting because the extra
14 OTHER BUSINESS (Continued)

14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

responsibilities of Mayor under section 12(4) do not extend to this.

Tribunal’s Assessment

39. Turning now to the question of whether the Mayor’s conduct is a breach of the Code of Conduct and therefore inappropriate conduct. If the Council accepts the Mayor’s submission that:
1. it was entirely appropriate for him as Mayor to send the email in response to public comments made in the Facebook post in relation to major Council infrastructure project;
2. he had legitimate reasons in the circumstances, for copying in the Councillor’s colleagues and staff;
3. his email could not be interpreted as bullying but was professional and formal;
4. his comments were not unnecessarily subjective but were reasonable,
there would be insufficient evidence for the Council to be satisfied on the balance of probabilities that the Mayor had breached the Code of Conduct.

40. In relation to the proposition raised by the IA that the Mayor exceeded his authority, the Council should have regard to the role of the Mayor. In addition to the responsibilities of the Mayor in section 12(4), the Tribunal notes that the Mayor also has all the responsibilities of a councillor under s12(3). These include:

- Ensuring the local government discharges its responsibilities under the Act (s 12(3)(a)(i));
- Ensuring the local government achieves its corporate plan (s12(3)(a)(iii)) and
- Providing high quality leadership to the local government (s12(3)(b)).

41. The Mayor’s submission also outlined relevant parts of the Council’s Corporate Plan which provides:

“At page 13: ‘A reliable and integrated city transport system with a key plan and program of work to ‘Advocate for and assist the Department of Transport and Main Roads in planning and delivering future stages of the Gold Coast light rail system’

At page 24: ‘Infrastructure that supports productivity and growth with a key plan and program of work to “Support the attractiveness of city lifestyle and amenity to potential businesses and skilled talent through maintaining and enhancing social infrastructure, parklands and open space networks.”

At page 33: An increase in the percentage of community who feel proud of the Gold Coast (with a checkpoint of 90% by 2022).’

42. It is open to the Council to conclude that the Mayor’s response to the Facebook post (which post appeared to be critical of the light rail project) reflected his responsibility to ensure the local government achieves its corporate plan.

43. Further, it is open to the Council to conclude that in his response, the Mayor was providing high quality leadership in responding to a public post which was arguably (and in the Mayor’s opinion) inappropriate.
14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

44. Finally, the Tribunal notes that the Mayor has other responsibilities, which may be considered part of the role of the Mayor in ensuring the discharge of the Council’s responsibilities under the Act (s12(3)(a)(i)). In particular, the Mayor is given responsibility under the Council’s Investigation (Inappropriate Conduct of Councillors) Policy adopted by Council on 28 March 2019. The Policy states that the Mayor will manage investigations into suspected inappropriate conduct of Councillors referred by the DIA (except in certain specified instances including where the complaint is about the Mayor). This evidences an intention to give the Mayor a role in the disciplinary process relating to councillors, beyond the limits of a council meeting, and appears to be in fulfilment of the responsibilities placed on Council under section 150AE and 150AF of the Act.

45. The Tribunal also notes the responsibilities of a Councillor under s150R of the Act which requires all councillors who become aware of information indicating that a councillor may have engaged in inappropriate conduct to give the IA a notice about the conduct. The Mayor states that he believed Cr McDonald’s Facebook post constituted inappropriate conduct and was providing her the opportunity to remove the public post before he took further action.

46. There may be different procedures which could arguably have been adopted by the Mayor, in raising the issue with Cr McDonald to provide her an opportunity to remedy the conduct (e.g. by raising the matter initially in correspondence with Cr McDonald alone, before advising other persons). However, it is open to the Council to also conclude that the manner in which the Mayor raised the matter with Cr McDonald, at the same time as advising staff and councillors, was justified in view of the public nature of the original Facebook post and the need to advise the staff and Councillors, as submitted by the Mayor. On this view, it could be concluded that the actions were within his authority as a councillor and Mayor.

47. The Tribunal considers that reasonable minds could differ on the appropriate manner in all of the circumstances, in which to deal with the concern as to the Facebook post. Accordingly on the evidence available to the Tribunal as reviewed in this investigation, there appears to be insufficient evidence to find on the balance of probabilities that the Mayor exceeded his authority or that the Mayor engaged in inappropriate conduct.

48. However, the Council is the entity which must make the decision in this matter and not the Tribunal, and is in the best position to identify the relevant material and processes of Council. Should Council on reading this Report consider that further relevant evidence is available or should be obtained and considered, it may gather such evidence and refer the additional evidence and matter back to the Tribunal to consider and provide a supplementary investigation Report.

**Tribunal’s recommendations**

49. The Tribunal recommends that:

   (a) the Council consider this Report (particularly paragraphs 39 to 46) in making its decision as to whether or not the Mayor has engaged in inappropriate conduct;
14 OTHER BUSINESS (Continued)

14.1 INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE OFFICE OF THE INDEPENDENT ASSESSOR (C/18/0559) CM787/790/08(P11) (Continued)

(b) if the Council's decision is that the complaint is not sustained, the Council take no further action except to advise the Mayor and update the Councillor Conduct Register as required by sections 150DX(1)(b) and 150DY of the Act;

(c) if, however, the Council finds the complaint of inappropriate conduct is sustained, the Council consider:
   iv. any previous inappropriate conduct of the Mayor (s150AG(2)(a));
   v. an order that no action be taken against the Mayor (s150AH(1)(a));
   or
   vi. one or more orders from the list in s150AH(1)(b).

(d) on the making of the decision by Council, the relevant Registers be updated accordingly; and

(e) the Mayor, the Registrar of the CCT and the IA be advised of the decision of the Council.

Susan Johnson
Tribunal Member
Constituting the Councillor Conduct Tribunal
3 September 2019
14 OTHER BUSINESS (Continued)

14.2 2018-19 FINAL MANAGEMENT REPORT FROM THE QUEENSLAND AUDIT OFFICE
FN342/341/19(P1) CONFIDENTIAL

Pages 97-100 are Confidential
14 OTHER BUSINESS (Continued)

14.2 2018-19 FINAL MANAGEMENT REPORT FROM THE QUEENSLAND AUDIT OFFICE
FN342/341/19(P1) (Continued)  CONFIDENTIAL

RESOLUTION  G19.1029.036  moved Cr Tate  seconded Cr Tozer

1 That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009 and that the document remain confidential unless Council decides otherwise by resolution.

2 That Council notes the Mayor’s tabling of the 2018-19 final management report from the Auditor-General of Queensland dated 10 October 2019.

CARRIED UNANIMOUSLY

Cr Owen-Jones and Cr Gates were not present for discussion or voting on this matter.

There being no further business, the meeting was declared closed at 6.53pm.
14 OTHER BUSINESS (Continued)

14.2 2018-19 FINAL MANAGEMENT REPORT FROM THE QUEENSLAND AUDIT OFFICE
FN342/341/19(P1) (Continued)  CONFIDENTIAL

Pages 102-115 are Confidential
I hereby certify that these pages Numbered 1 to 116 constitute

The Minutes of the Meeting

of the Council of the City of Gold Coast

held Tuesday 29 October 2019.

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MAYOR