



Special Meeting of Council

MINUTES

Tuesday 12 November 2024

Quilpie Shire Council Boardroom
50 Broлга Street, Quilpie



**MINUTES OF QUILPIE SHIRE COUNCIL
SPECIAL COUNCIL MEETING
HELD AT THE QUILPIE SHIRE COUNCIL BOARDROOM, 50 BROLGA STREET, QUILPIE
ON TUESDAY, 12 NOVEMBER 2024 AT 8:00 AM**

1 OPENING OF MEETING

The Mayor declared the meeting open at 8.24am.

2 ATTENDANCE

Mayor Ben Hall, Cr Roger Volz (Deputy Mayor), Cr Lyn Barnes, , Cr Milan Milosevic, Cr Tony Lander.

In Attendance: Mr Justin Hancock (Chief Executive Officer), Mr Brian Weeks, (Acting Director Engineering Services), Ms Sharon Frank, (Manager Finance), Ms Janelle Menzies (Manager Governance), Ms Lorraine Mathieson (Secretariat).

3 APOLOGIES

Ms Lisa Hamlyn (Director Corporate Services).

Meeting paused at 8.54am.

Meeting resumed at 1.23pm.

4 DECLARATIONS OF INTEREST

Chapter 5B of the *Local Government Act 2009* (the Act) requires Councillors to declare a Prescribed or Declarable Conflict of Interest. The Declaration is to be made in writing to the Chief Executive Officer, before the next Council meeting.

Information required	Legislation	Declaration
Agenda item number	Section 254C (for notice of meetings and agendas for councillors and committee members). <i>Local Government Regulation 2012</i>	5.1 Council Special Meeting Agenda
Agenda item description		T02 24-25 Register Of Pre-Qualified Suppliers of Road and Civil Construction
Declaring councillor	Chapter 5B (Councillors' conflicts of interest) <i>Local Government Act 2009</i>	Mayor Ben Hall
Person with the interest	Section 150EJ (for Prescribed conflict of interest) <i>Local Government Act 2009</i>	
- <i>Close associate</i>		
- <i>Related party</i>	Section 150EP (for Declarable conflict of interest) <i>Local Government Act 2009</i>	Mayor Ben Hall
- <i>Other relationship</i>	Section 150EN (Declarable conflict of interest) <i>Local Government Act 2009</i>	
Particulars of interest	Section 150EL (for Prescribed conflict of interest) Section 150EQ (for Declarable conflict of interest) - <i>Related party (Section 150EQ (4)(b))</i> - <i>Gift or loan (Section 150EQ (4)(c))</i> - <i>Other (Section 150EQ (4)(a))</i>	Mayor Ben Hall is an employee of Nutrien Ag Solutions. The company has commercial arrangements with the following tenderers: K. G. Bowen, & S. C. Bowen, APV Contracting Pty Ltd, S. A. Travers and S. L. Travers.

	<i>Local Government Act 2009</i>	
Type of conflict	<p>Part 2 – Section 150EG, section 150EH and section 150EI (for Prescribed conflict of interest)</p> <ul style="list-style-type: none"> - <i>Particular gifts or loans (Section 150EG)</i> - <i>Sponsored travel or hospitality benefits (Section 150EH)</i> - <i>Other (Section 150EI)</i> <p>Part 3 - Section 150EN (for Declarable conflict of interest)</p> <p><i>Local Government Act 2009</i></p>	Declarable Conflict of Interest.
Action	<p>Section 150EM (2) (for Prescribed conflict of interest) – <i>Must leave</i></p> <p>Section 150ES (2) (for Declarable conflict of interest) – <i>Voluntarily leave</i></p> <p>Or</p> <p>Section 150ES (1)-(6), excluding (2) – <i>Council decision</i></p> <p><i>Local Government Act 2009</i></p>	<p>Although he has a declarable conflict of interest, he believes he would reasonably be perceived to be impartial because he has no direct influence over these companies trading decisions.</p> <p>Therefore, he wishes to remain in the meeting and asks eligible councillors to decide if he may participate in the debate and decision making despite his declarable conflict of interest.</p>

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Agenda item number	Section 254C (for notice of meetings and agendas for councillors and committee members).	5.1 Council Special Meeting Agenda
Agenda item description	<i>Local Government Regulation 2012</i>	T02 24-25 Register Of Pre-Qualified Suppliers of Road and Civil Construction
Declaring councillor	Chapter 5B (Councillors' conflicts of interest) <i>Local Government Act 2009</i>	Cr Milan Milosevic
Person with the interest	Section 150EJ (for Prescribed conflict of interest) <i>Local Government Act 2009</i>	
- <i>Close associate</i>		
- <i>Related party</i>	Section 150EP (for Declarable conflict of interest) <i>Local Government Act 2009</i>	Cr Milan Milosevic
- <i>Other relationship</i>	Section 150EN (Declarable conflict of interest) <i>Local Government Act 2009</i>	
Particulars of interest	<p>Section 150EL (for Prescribed conflict of interest)</p> <p>Section 150EQ (for Declarable conflict of interest)</p> <ul style="list-style-type: none"> - <i>Related party (Section 150EQ (4)(b))</i> - <i>Gift or loan (Section 150EQ (4)(c))</i> - <i>Other (Section 150EQ (4)(a))</i> <p><i>Local Government Act 2009</i></p>	<p>Cr Milan Milosevic is an employee of Lowes Petroleum. The company has commercial arrangements with the following tenderers: K. G. Bowen, & S. C. Bowen, APV Contracting Pty Ltd, S. A.Travers and S. L. Travers, and Tolbra Earthmovers and Haulage Pty Ltd.</p> <p>.</p>
Type of conflict	<p>Part 2 – Section 150EG, section 150EH and section 150EI (for Prescribed conflict of interest)</p> <ul style="list-style-type: none"> - <i>Particular gifts or loans (Section 150EG)</i> - <i>Sponsored travel or hospitality benefits (Section 150EH)</i> - <i>Other (Section 150EI)</i> <p>Part 3 - Section 150EN (for Declarable conflict of interest)</p> <p><i>Local Government Act 2009</i></p>	Declarable Conflict of Interest.

Action	<p>Section 150EM (2) (for Prescribed conflict of interest) – <i>Must leave</i></p> <p>Section 150ES (2) (for Declarable conflict of interest) – <i>Voluntarily leave</i></p> <p>Or</p> <p>Section 150ES (1)-(6), excluding (2) – <i>Council decision</i></p> <p><i>Local Government Act 2009</i></p>	<p>Although he has a declarable conflict of interest, he believes he would reasonably be perceived to be impartial because he has no direct influence over these companies trading decisions.</p> <p>Therefore, he wishes to remain in the meeting and asks eligible councillors to decide if he may participate in the debate and decision making despite his declarable conflict of interest.</p>
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Agenda item number	Section 254C (for notice of meetings and agendas for councillors and committee members).	5.1 Council Special Meeting Agenda
Agenda item description	<i>Local Government Regulation 2012</i>	T02 24-25 Register Of Pre-Qualified Suppliers of Road and Civil Construction
Declaring councillor	Chapter 5B (Councillors' conflicts of interest) <i>Local Government Act 2009</i>	Cr Lyn Barnes
Person with the interest	Section 150EJ (for Prescribed conflict of interest) <i>Local Government Act 2009</i>	
- <i>Close associate</i>		
- <i>Related party</i>	Section 150EP (for Declarable conflict of interest) <i>Local Government Act 2009</i>	Cr Lyn Barnes
- <i>Other relationship</i>	Section 150EN (Declarable conflict of interest) <i>Local Government Act 2009</i>	
Particulars of interest	<p>Section 150EL (for Prescribed conflict of interest)</p> <p>Section 150EQ (for Declarable conflict of interest)</p> <ul style="list-style-type: none"> - <i>Related party (Section 150EQ (4)(b))</i> - <i>Gift or loan (Section 150EQ (4)(c))</i> - <i>Other (Section 150EQ (4)(a))</i> <p><i>Local Government Act 2009</i></p>	Cr Lyn Barnes is the owner of The Old Exchange Outback Gallery and Studio. Cr Barnes previously sold an artwork to a Director of S. L. & S.A. Travers, in a private capacity.
Type of conflict	<p>Part 2 – Section 150EG, section 150EH and section 150EI (for Prescribed conflict of interest)</p> <ul style="list-style-type: none"> - <i>Particular gifts or loans (Section 150EG)</i> - <i>Sponsored travel or hospitality benefits (Section 150EH)</i> - <i>Other (Section 150EI)</i> <p>Part 3 - Section 150EN (for Declarable conflict of interest)</p> <p><i>Local Government Act 2009</i></p>	Declarable Conflict of Interest.
Action	<p>Section 150EM (2) (for Prescribed conflict of interest) – <i>Must leave</i></p> <p>Section 150ES (2) (for Declarable conflict of interest) – <i>Voluntarily leave</i></p> <p>Or</p> <p>Section 150ES (1)-(6), excluding (2) – <i>Council decision</i></p> <p><i>Local Government Act 2009</i></p>	<p>Although she has a declarable conflict of interest, she believes she would reasonably be perceived to be impartial because she has no continual direct business relationship with S. L. & S.A. Travers.</p> <p>Therefore, she wishes to remain in the meeting and asks eligible councillors to decide if she may participate in the debate and decision making despite his declarable conflict of interest.</p>

Information required	Legislation	Declaration
Agenda item number	Section 254C (for notice of meetings and agendas for councillors and committee members). <i>Local Government Regulation 2012</i>	6.1 Council Special Meeting Agenda
Agenda item description		Sale of 2 Blocks of Land in Curlew Estate
Declaring councillor	Chapter 5B (Councillors' conflicts of interest) <i>Local Government Act 2009</i>	Mayor Ben Hall
Person with the interest - <i>Close associate</i>	Section 150EJ (for Prescribed conflict of interest) <i>Local Government Act 2009</i>	Mayor Ben Hall
- <i>Related party</i>	Section 150EP (for Declarable conflict of interest) <i>Local Government Act 2009</i>	
- <i>Other relationship</i>	Section 150EN (Declarable conflict of interest) <i>Local Government Act 2009</i>	
Particulars of interest	Section 150EL (for Prescribed conflict of interest) Section 150EQ (for Declarable conflict of interest) - <i>Related party (Section 150EQ (4)(b))</i> - <i>Gift or loan (Section 150EQ (4)(c))</i> - <i>Other (Section 150EQ (4)(a))</i> <i>Local Government Act 2009</i>	Mayor Ben Hall is an employee of Nutrien Ag Solutions, which is a subsidiary of Nutrien. Nutrien Harcourt GDL is also a subsidiary of Nutrien, and stands to gain a financial benefit depending on the outcome of the matter.
Type of conflict	Part 2 – Section 150EG, section 150EH and section 150EI (for Prescribed conflict of interest) - <i>Particular gifts or loans (Section 150EG)</i> - <i>Sponsored travel or hospitality benefits (Section 150EH)</i> - <i>Other (Section 150EI)</i> Part 3 - Section 150EN (for Declarable conflict of interest) <i>Local Government Act 2009</i>	Prescribed Conflict of Interest.
Action	Section 150EM (2) (for Prescribed conflict of interest) – <i>Must leave</i> Section 150ES (2) (for Declarable conflict of interest) – <i>Voluntarily leave</i> Or Section 150ES (1)-(6), excluding (2) – <i>Council decision</i> <i>Local Government Act 2009</i>	Mayor Ben Hall advised that in accordance with legislative requirements he will leave the meeting while the matter is discussed

5 FINANCE

5.1 T02 24-25 REGISTER OF PRE-QUALIFIED SUPPLIERS OF ROAD AND CIVIL CONSTRUCTION

At 1:24 pm, Mayor Ben Hall left the meeting, having previously declared a conflict of interest in relation to the following item.

At 1:24 pm, Cr Lyn Barnes left the meeting, having previously declared a conflict of interest in relation to the following item.

At 1:24 pm, Cr Milan Milosevic left the meeting, having previously declared a conflict of interest in relation to the following item.

Deputy Mayor Cr Roger Volz assumed the Chair.

RESOLUTION NO: (QSC237-11-24)

Moved: Cr Roger Volz

Seconded: Cr Tony Lander

I, Cr Roger Volz move that it is in the public interest that Mayor Ben Hall participates and votes on Agenda Item 5.1 being T02 24-25 Register of Pre-Qualified Suppliers of Road and Civil Construction.

2/0

RESOLUTION NO: (QSC238-11-24)

Moved: Cr Roger Volz

Seconded: Cr Tony Lander

I, Cr Roger Volz move that it is in the public interest that Cr Milan Milosevic participates and votes on Agenda Item 5.1 being T02 24-25 Register of Pre-Qualified Suppliers of Road and Civil Construction.

2/0

RESOLUTION NO: (QSC239-11-24)

Moved: Cr Roger Volz

Seconded: Cr Tony Lander

I, Cr Roger Volz move that it is in the public interest that Cr Lyn Barnes participates and votes on Agenda Item 5.1 being T02 24-25 Register of Pre-Qualified Suppliers of Road and Civil Construction.

At 1:28 pm, Cr Milan Milosevic returned to the meeting.

At 1:28 pm, Cr Lyn Barnes returned to the meeting.

At 1:29 pm, Mayor Ben Hall returned to the meeting.

Mayor Ben Hall resumed the Chair.

RESOLUTION NO: (QSC40-11-24)

Moved: Cr Milan Milosevic

Seconded: Cr Tony Lander

That Council:

1. Approve the selection of the suppliers listed in Table 1 as 'pre-qualified suppliers' for the T02 24-25 Register of Pre-qualified Suppliers of Road and Civil Construction for 12 months with the option to extend for a further 12 months;
2. Approve the issue of Notices of Successful Tender to the suppliers listed in Table 1 in respect of T02 24-25 Register of Prequalified Suppliers of Road and Civil Construction; and
3. Delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to negotiate, finalise and execute any and all matters associated with or in relation to contracts with the suppliers listed in Table 1 pursuant to T02 24-25 Register

of Prequalified Suppliers of Road and Civil Construction, including without limitation, any options and/or variations as per Council's procurement policy.

Table 1 – Approved Suppliers of Mobile Plant and Equipment for Wet and Dry Hire

No	Legal Entity	Business/Trading Name	ABN
1	BK HIRE PTY LTD	BK Civil Group	99 153 715 578
2	CSR TRADING CO. PTY. LTD.	CSR Earthworks	58 165 451 436
3	NQES INDUSTRIES PTY LTD	NQES	84 651 167 243
4	DURACK CIVIL PTY LTD	Durack Civil Pty Ltd	35 633 665 380
5	G & R BROWN & SONS PTY LTD	Brown Contractors	33 154 911 609
6	HIESLER CONTRACTING PTY LTD	Heisler Contracting	58 647 361 395
7	AUSTEK SPRAY SEAL PTY LTD	Austek Spray Seal Pty Ltd	28 629 433 978
8	TOLBRA EARTHMOVERS & HAULAGE PTY LTD	Tolbra Earthmovers & Haulage	96 606 706 898
9	FULTON HOGAN INDUSTRIES PTY LTD	Fulton Hogan Industries Pty Ltd	54 000 538 689
10	S.A TRAVERS & S.L TRAVERS	S.L & S.A Travers	52 818 767 498
11	K.G BOWEN & S.C BOWEN	SC and KG Bowen Earthmoving	43 846 443 873
12	AM EARTHMOVING (QLD) PTY LTD	AM Earthmoving (QLD) Pty Ltd	87 638 103 198
13	APV CONTRACTING PTY LTD	APV Contracting Pty Ltd	29 169 579 104

5/0

6 CONFIDENTIAL ITEMS

RECOMMENDATION

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

6.1 Sale of 2 Blocks of Land in Curlew Estate

At 1:34 pm, Cr Ben Hall left the meeting , having previously declared a conflict of interest in relation to the following item.

Cr Volz assumed the Chair.

MOVE INTO CLOSED SESSION

RESOLUTION NO: (QSC240-11-24)

Moved: Cr Lyn Barnes

Seconded: Cr Milan Milosevic

That Council moves into closed session at 1.37pm for the following discussions:

Agenda Item	Confidential Reason	Overview
6.1 Sale of 2 blocks of Land in Curlew Estate	This matter is considered to be confidential under Section 254J(3) - g of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.	The purpose of this report is to update Council regarding special conditions on the sale of land at 63 Dukamurra St (Lot 15 on SP234965) and 88 Sommerfield Road (Lot 20 on SP234965) in Curlew Estate.

4/0

MOVE OUT OF CLOSED SESSION**MOVE OUT OF CLOSED SESSION**

Moved: Cr Milan Milosevic

Seconded: Cr Lyn Barnes

That Council moves out of closed session and resumes the Special Meeting at 1.46pm.

4/0

6.1 SALE OF 2 BLOCKS OF LAND IN CURLEW ESTATE**EXECUTIVE SUMMARY**

This report has been presented to Council for the consideration to special conditions and sale of land at 63 Dukamurra Street (Lot 15 on SP234965) and 88 Sommerfield Road (Lot 20 on SP234965) in Curlew Estate to the Department of Housing and Public Works.

RESOLUTION NO: (QSC241-11-24)

Moved: Cr Milan Milosevic

Seconded: Cr Tony Lander

1. That Council:

- (a) Accepts the offer and special conditions for the sale of 63 Dukamurra Street (Lot 15 on SP234965) and 88 Sommerfield Road (Lot 20 on SP234965) for the amount of \$25,000 (including GST) for each property, to the Department of Housing and Public Works; and
- (b) Delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to negotiate, finalise and execute any and all matters associated with or in relation to this project and contract including without limitation any options and/or variations as per Council's procurement policy.

4/0

At 1:48 pm, Mayor Ben Hall returned to the meeting.

Mayor Ben Hall resumed the Chair.

There being no further business the Mayor declared the meeting closed at 1.48pm.

These minutes are to be confirmed at the next Ordinary Meeting of Council. In accordance with the public notice of meetings published by Council, the next Ordinary Meeting will be held on Wednesday, 27 November 2024 in the Quilpie Shire Council Boardroom, 50 Brolga Street, Quilpie commencing at 9.30 am.