



# Minutes

## Ordinary Meeting

**Tuesday, 8 August 2023**

**Time: 9.15 am**

Meeting adjourned at 10.14 am  
Meeting resumed at 10.24 am

Meeting adjourned at 10.51 am  
Meeting resumed at 11.10 am

**Location: Council Chambers**

**82 Brisbane Street**

**BEAUDESERT QLD 4285**

**Scenic Rim Regional Council**  
**Ordinary Meeting**  
**Tuesday, 8 August 2023**  
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## 1 Opening of Meeting

The Mayor, Cr Greg Christensen, as Chair of the Meeting, declared the Meeting open and acknowledged the traditional owners of the lands of the Scenic Rim Regional Council area. The Mayor paid respect to their elders, past, present and future, and extended congratulations to them on their continued nurturing of their culture.

## 2 Attendance and the granting of leaves of absence

Cr G R Christensen, Mayor  
Cr A J Hay  
Cr J J S McConnell, Deputy Mayor (via teleconference)  
Cr V A West  
Cr M J Enright  
Cr M J Chalk  
Cr D A McInnes OAM

### Executive Officers

D Keenan, Chief Executive Officer  
C McMahon, General Manager People and Strategy  
M Lohmann, Manager Regional Development, Health and Biodiversity /  
Acting General Manager Customer and Regional Prosperity  
S Osman, Manager Maintenance and Operations /  
Acting General Manager Asset and Environmental Sustainability  
O Pring, General Manager Council Sustainability

### Staff

J Pukallus, Principal Specialist Governance and Assurance  
S Keepence, Governance Officer  
M Carter, GIS Officer, Information Services and Technology  
E Thomson, Coordinator Waste Services (Item 11.2)  
S Williams, Principal Specialist Internal Audit and Improvement (Item 11.4)

## 3 Apologies

Nil

## 4 Prayers

Pastor David Mugridge from Tamborine Mountain Presbyterian Church attended to offer prayers

## 5 Public Question Time

Nil

## 6 Declarations of Prescribed or Declarable Conflict of Interest by Members

The Chief Executive Officer advised that Cr Amanda Hay had notified him of a conflict of interest.

Cr Amanda Hay confirmed her conflict of interest pertained to Item 11.3 on the Agenda.

## 7 Announcements / Mayoral Minutes

### 7.1 Announcement - Draft ShapingSEQ 2023 Update

Cr Greg Christensen:

*"Councillors,*

*I would like to bring to your attention and that of the community, the recent release of the Queensland Government's draft ShapingSEQ 2023 update - the South East Queensland Regional Plan - and the draft South East Qld Infrastructure Supplement (SEQIS) for public consultation.*

*The development of the SEQ Regional Plan and SEQIS has been ongoing for some time and, whilst Council officers and I have been included in some meetings, I must express my concern at the content of this latest draft document, which has been produced in the context of the current housing pressures due to South East Queensland's significant growth since 2017.*

*Councillors, I encourage you all to not only seek community feedback from your respective divisions but also to encourage your community members to make use of the online feedback tool to respond to these, as the draft ShapingSEQ 2023 update has long-term and wide-ranging implications for the Scenic Rim.*

*A public consultation session led by the Department of State Development Infrastructure Local Government and Planning is planned for the 7<sup>th</sup> of September at the Centre in Beaudesert. I encourage members of our community to come along and provide their feedback on this plan, which will contribute to shaping the future of our region.*

*The draft plan can be found on the Queensland Government website, [planning.statedevelopment.qld.gov.au](http://planning.statedevelopment.qld.gov.au) and will be open to community consultation until 20<sup>th</sup> September 2023."*

## 8 Reception of Deputations by Appointment / Presentation of Petitions

Nil

## 9 Confirmation of Minutes

### Recommendation

That the Minutes of the Ordinary Meeting held on 18 July 2023, be adopted.

Moved: Cr Duncan McInnes

Seconded: Cr Virginia West

Carried unanimously

## 10 Business Arising from Previous Minutes

### 10.1 Ordinary Meeting Minutes, 18 July 2023, Item 10.8 Inappropriate Conduct Matter C - 23-00041

In reference to the resolution of Council, Cr Jeff McConnell stated:

*"... I am going to have to make a public admission that I have engaged in inappropriate conduct."*

### 10.2 Notice of Motion

Cr Greg Christensen:

*"Councillors,*

*It has also been brought to my attention that the wording of a separate resolution concerning the provision of support for legal costs and subsequent reimbursement is not able to be fulfilled. Due to administrative processes it has not been possible to conform to the specific wording of that resolution. To avoid any concerns, I am advising Councillors that I will be proposing a notice of motion for the next Ordinary meeting to amend such resolutions accordingly."*

Cr Jeff McConnell advised he will have a conflict of interest in the matter when it is considered.


## 11 Consideration of Business of Meeting

### Executive

#### 11.1 Australian Local Government Association 29<sup>th</sup> National General Assembly

**Executive Officer:** Chief Executive Officer

**Attachments:**

1. 2023 National General Assembly Program - Australian Local Government Association 
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### Recommendation

That Council retrospectively authorise the Mayor, Cr Greg Christensen, to attend the Australian Local Government Association's 29<sup>th</sup> National General Assembly, held in Canberra on 14 and 15 June 2023.

Moved: Cr Marshall Chalk

Seconded: Cr Virginia West

That Council retrospectively authorise the Mayor, Cr Greg Christensen, to attend the Australian Local Government Association's 29<sup>th</sup> National General Assembly, held in Canberra on 14 and 15 June 2023.

Carried unanimously

## Asset & Environmental Sustainability

### 11.2 Disaster Waste Management Project

**Executive Officer:** General Manager Asset and Environmental Sustainability

**Attachments:**

1. Scenic Rim Waste Services Resilience Road Map 

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### Recommendation

That:

1. Council endorse the Waste Services Resilience Road Map, which aims to enhance Council's ability to maintain the continuity of waste services during a disaster and better manage waste in the aftermath;
2. Council acknowledge the support and funding received from the Australian Government through the Preparing Australian Communities Program — Local Stream which enabled the development of the Disaster Waste Management Plan and the Waste Services Resilience Road Map; and
3. Council delegate authority to the Chief Executive Officer to make minor grammatical and formatting changes to the Waste Services Resilience Road Map, if required, after its adoption and prior to publishing on Council's website for public access, noting any such changes will be advised to Councillors prior to publishing.

Moved: Cr Amanda Hay  
Seconded: Cr Virginia West

That:

1. Council endorse the Waste Services Resilience Road Map, which aims to enhance Council's ability to maintain the continuity of waste services during a disaster and better manage waste in the aftermath;
2. Council acknowledge the support and funding received from the Australian Government through the Preparing Australian Communities Program — Local Stream which enabled the development of the Disaster Waste Management Plan and the Waste Services Resilience Road Map; and
3. Council delegate authority to the Chief Executive Officer to make minor grammatical and formatting changes to the Waste Services Resilience Road Map, if required, after its adoption and prior to publishing on Council's website for public access, noting any such changes will be advised to Councillors prior to publishing.

Carried unanimously

Cr Michael Enright introduced Item 11.3.

Cr Amanda Hay declared a conflict of interest in Item 11.3:

*"I declare that I have possible declarable conflicts on interest in relation to Agenda Item 11.3. These possible conflicts are, and there are three:*

- 1. Former Councillor Swanborough was openly supportive of my by-election campaign in that he encouraged me to nominate as a candidate and provided a photo of us together for use on corflute signage and stated publicly that 'All things considered Amanda is my choice'; and*
- 2. That I was mentioned twice by name at page 15 of Attachment 1 of the Confidential attachments for this Agenda item; and*
- 3. My email to all Councillors sent following the Ordinary Meeting at which the stated words 'causing harm to third parties' resulted in complaints from within Council to the OIA. Whilst the complaints were dismissed, this was the sole basis of the OIA's current and very much live investigation underway with a view to taking action to have me declared a vexatious complainant.*

*A 'reasonable person' may perceive that I may not be able to be impartial. Given that there are three separate matters, the cumulative effect warrants my voluntary exclusion from participating in this item, and given that I have already had one allegation of misconduct made to the OIA from within Council in relation to my alleged failure to 'fully' disclose potential conflicts, I make this declaration in the hope it will save someone the angst of making a complaint to the OIA that I did not fully disclose potential conflicts - and I state that I will now leave the meeting room and take no part in the decision or the vote on this matter.*

*I also believe that if anyone is aware of any potential conflicts I may have omitted, you are obliged to raise these now rather than save them up for an OIA complaint."*


At 9:59 am, Cr Amanda Hay left the meeting.

## **Council Sustainability**

### **11.3 Inappropriate Conduct Matter C-23-00048**

**Executive Officer:** General Manager Council Sustainability

**Attachments:**

- 1. Investigation Report and Attachments - Inappropriate Conduct Matter C-23-00048 - Confidential**
- 2. Outcome letter from external agency - Confidential**
- 3. Disciplinary Action Guideline - Inappropriate Conduct **

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## **Recommendation**

That Council determine if former Councillor, Derek Swanborough, has engaged in inappropriate conduct and, if so, the order or orders to be made.



Moved: Cr Michael Enright  
Seconded: Cr Greg Christensen

That:

1. Council note receipt of this Councillor Complaint Investigation Report; and
2. Council note the findings of this investigation that during his term as a Councillor with Scenic Rim Regional Council, Councillor Derek Swanborough engaged in inappropriate conduct as defined under Section 150K(1)(a) of the *Local Government Act 2009* through his actions on at least nine occasions in using his personal email account for the conduct of Council business such actions being a breach of Standard of Behaviour 1.3 listed in the Code of Conduct for Councillors in Queensland.

The motion was withdrawn with the agreement of the mover and seconder.

### **Motion**

Moved: Cr Michael Enright  
Seconded: Cr Virginia West

That Council note receipt of this Councillor Complaint Investigation Report.

Carried unanimously

### **Motion**

Moved: Cr Michael Enright  
Seconded: Cr Virginia West

That Council note the findings of this investigation that during his term as a Councillor with Scenic Rim Regional Council, Councillor Derek Swanborough engaged in inappropriate conduct as defined under Section 150K(1)(a) of the *Local Government Act 2009* through his actions on at least nine occasions in using his personal email account for the conduct of Council business, such actions being a breach of Standard of Behaviour 1.3 listed in the Code of Conduct for Councillors in Queensland.

Meeting adjourned at 10.14 am

Meeting resumed at 10.24 am

The motion was withdrawn with the agreement of the mover and seconder.

### **Motion**

Moved: Cr Michael Enright  
Seconded: Cr Virginia West

That Council decide that during his term as a Councillor with Scenic Rim Regional Council, Councillor Derek Swanborough engaged in inappropriate conduct as defined under Section 150K(1)(a) of the *Local Government Act 2009*, through his actions on at least nine occasions in using his personal email account for the conduct of Council business, such actions being a breach of Standard of Behaviour 1.3 listed in the Code of Conduct for Councillors in Queensland.

**Amendment** made by the mover and agreed by the seconder:

That Council decide that during his term as a Councillor with Scenic Rim Regional Council, Councillor Derek Swanborough engaged in inappropriate conduct as defined under Section 150K(1)(a) of the *Local Government Act 2009*, through his actions on nine occasions in using his personal email account for the conduct of Council business, such actions being a breach of Standard of Behaviour 1.3 listed in the Code of Conduct for Councillors in Queensland.

Carried unanimously

Meeting adjourned at 10.51 am

Meeting resumed at 11.10 am

**Motion**

Moved: Cr Michael Enright

Seconded: Cr Virginia West

That:

1. Pursuant to Section 150AG(1) and 150AG(2) and 150AH(1)(b) and 150AH(2) of the *Local Government Act 2009*, the Council make the following Orders:
  - a) an order reprimanding former Councillor Swanborough for the conduct;
  - b) an order that former Councillor Swanborough reimburse the Council for 100% of the costs arising from this investigation into the Councillor's inappropriate conduct.
2. Council note the investigation costs paid to Ray Burton Consulting to the amount of \$4,950 excluding GST.

The motion was withdrawn with the agreement of the mover and seconder.

**Motion**

That, pursuant to Section 150AG(1) and 150AG(2) and 150AH(1)(b) and 150AH(2) of the *Local Government Act 2009*, the Council make the following Order, to issue a reprimand to former Councillor Swanborough for the conduct.

Moved: Cr Michael Enright

Seconded: Cr Virginia West

Carried unanimously

Moved: Cr Michael Enright

Seconded: Cr Virginia West

That:

1. Pursuant to Section 150AG(1) and 150AG(2) and 150AH(1)(b) and 150AH(2) of the *Local Government Act 2009*, the Council make the following Order, that former Councillor Swanborough reimburse the Council for 100% of the costs arising from this investigation into the Councillor's inappropriate conduct; and
2. Council note the investigation costs paid to Ray Burton Consulting to the amount of \$4,950 excluding GST.

#### Amendment

That, in relation to paragraph 1 of the motion, the following amendment be made:

- "1. Pursuant to Section 150AG(1) and 150AG(2) and 150AH(1)(b) and 150AH(2) of the *Local Government Act 2009*, the Council make the following Order, that former Councillor Swanborough reimburse the Council for ~~100%~~10% of the costs arising from this investigation into the Councillor's inappropriate conduct;"

Moved: Cr Jeff McConnell

Seconded: Cr Duncan McInnes

For: Crs Jeff McConnell and Virginia West

Against: Crs Greg Christensen, Michael Enright, Marshall Chalk and Duncan McInnes

Lost 2/4

#### Amendment

That, in relation to paragraph 1 of the motion, the following amendment be made:

- "1. Pursuant to Section 150AG(1) and 150AG(2) and 150AH(1)(b) and 150AH(2) of the *Local Government Act 2009*, the Council make the following Order, that former Councillor Swanborough reimburse the Council for ~~100%~~30% of the costs arising from this investigation into the Councillor's inappropriate conduct;"

Moved: Cr Duncan McInnes

Seconded: Cr Marshall Chalk

Carried 4/2

The motion as amended, as follows:

1. Pursuant to Section 150AG(1) and 150AG(2) and 150AH(1)(b) and 150AH(2) of the *Local Government Act 2009*, the Council make the following Order, that former Councillor Swanborough reimburse the Council for 30% of the costs arising from this investigation into the Councillor's inappropriate conduct; and
2. Council note the investigation costs paid to Ray Burton Consulting to the amount of \$4,950 excluding GST.

was put and

For: Crs Greg Christensen, Virginia West, Michael Enright, Marshall Chalk and Duncan McInnes

Against: Cr Jeff McConnell

Carried 5/1

### **Motion**

That pursuant to Section 3 of Council's Investigation Policy, Council note that Mr Swanborough has been provided a copy of the Investigator's report to Council and was provided the opportunity to put his case in writing for such response to be included with the investigation report to the Council as part of the Ordinary Meeting Agenda.

Moved: Cr Michael Enright  
Seconded: Cr Duncan McInnes


The motion was withdrawn with the agreement of the mover and seconder.

At 11:57 am, Cr Amanda Hay returned to the meeting.

**11.4 Audit and Risk Committee Meeting 1 June 2023**

**Executive Officer:** General Manager Council Sustainability

**Attachments:**

1. Report to Council - Audit and Risk Committee 1 June 2023 
- 

**Recommendation**

That Council note the report provided on the Audit and Risk Committee Meeting held on 1 June 2023.

Moved: Cr Greg Christensen  
Seconded: Cr Marshall Chalk

That Council note the report provided on the Audit and Risk Committee Meeting held on 1 June 2023.

Carried unanimously

**12 Confidential Matters**

Nil

The Ordinary Meeting ended at 12.08 pm.

To be confirmed on 22 August 2023.

**Cr Greg Christensen**

**Mayor**