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# *Special Meeting Agenda* PUBLIC

To be held at McKinlay Shire Council, Boardroom  
29 Burke Street, Julia Creek, Queensland 4823

Tuesday 7<sup>th</sup> February 2020, 12:30pm

Notice is hereby given that an Ordinary Meeting will be held at the Council Chambers,  
Civic Centre, Julia Creek on 7<sup>th</sup> February 2020 at 12:30pm.

## **ORDER OF BUSINESS**

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## **1. OPENING BUSINESS**

All Councillors having signed the Attendance Book, the Mayor declared the meeting open.

## **2. ATTENDANCE**

Mayor: Cr. B Murphy

Members: Cr. N Walker, Cr. S Royes, Cr. P Curr (via teleconference), Cr. J Fegan

### Staff:

Acting Chief Executive Officer, Dr. Edwina Marks

Director of Corporate and Community Services, Ms. Tenneil Cody

Director Engineering, Environment and Regulatory Services, Mr. David McKinley

Executive Assistant, Ms. Maggie Rudolph

Other people in attendance:

Apologies:

## **3. DECLARATION OF CONFLICT OF INTEREST**



Special Meeting of Council Friday, 7<sup>th</sup> February 2020

**4.1 Subject:** Regional Roads Group 4-Year Capital Works Program Delivery Plan Endorsement  
**Attachments:** RRG 4-year program draft (*InfoXpert ID: 110150*)  
**Author:** Director Engineering and Environmental & Regulatory Services  
**Date:** 6<sup>th</sup> February 2020

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**Executive Summary:**

Recently, Council resolved the following:

**Resolution No. 129/1920** That Council resolves to undertake

- a. Endorse the replacement or refurbishment of the existing inlet grate/kerb side entries throughout Julia Creek as necessary, pending confirmation of eligibility for R2R; and
- b. To defer any decision on the resealing of Shaw, Coyne and Byrne Streets, until a four-year plan of R2R expenditure is presented to Council in the new year.

Moved Cr. J Fegan, Seconded Cr. P Curr

CARRIED 5/0

**Recommendation:**

*That Council endorse the draft 4 year Capital Works Program Roads2020/21 to 2023/24*

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**Background:**

Concerning the draft 4 year capital works roading program, the program is attached as an addendum to this report.

**Consultation:**

Edwina Marks, Chief Executive Officer;  
Michael McConnell, Works Manager;  
Phillip Curr, Councillor;  
Tenneil Cody, Director Community & Corporate Services;  
Gerard Read, NWQRRTG; and  
Michael Mackintosh, NDDRA & DFRA Coordinator.

**Legal Implications:**

Nil

**Policy Implications:**

Nil

**Financial and Resource Implications:**

Nil

**Risk Management:**

Nil

**InfoXpert Document ID:**

110154

TIDS 4 YR PROGRAM - Original Submission																				
Name	2019/20				2020/21				2021/22				2022/23				2023/24			
LRRS	Tids	R2R	Council	Total	Tids	R2R	Council	Total	Tids	R2R	Council	Total	Tids	Other	Council	Total	Tids	Other	Council	Total
Byrimine Rd	100000	10000	0	110000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burke St	150000	150000	0	300000	0	0	0	0	225000	225000	0	450000	0	0	0	0	225000	225000	0	450000
Gilliat McKinlay	250000	450484	0	700484	250000	375484	0	625484	350000	475000	0	825000	430000	700484	0	1130484	415000	475484	0	890484
Neila Bunda	0	0	0	0	200000	200000	0	400000	0	0	0	0	0	0	0	0	0	0	0	0
Punchbowl	0	0	0	0	125000	125000	0	250000	0	0	0	0	0	0	0	0	0	0	0	0
Taldora	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Julia Ck Airport Rd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Yorkshire (non LRRS)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Totals</b>	<b>500000</b>	<b>610484</b>	<b>0</b>	<b>1110484</b>	<b>575000</b>	<b>700484</b>	<b>0</b>	<b>1275484</b>	<b>575000</b>	<b>700000</b>	<b>0</b>	<b>1275000</b>	<b>430000</b>	<b>700484</b>	<b>0</b>	<b>1130484</b>	<b>640000</b>	<b>700484</b>	<b>0</b>	<b>1340484</b>

Original Breakdown of Gilliat Changes																				
	2020/21				2021/22				2022/23				2023/24							
Gilliat McKinlay 9.5:12.7 then 12.9:13.9 and 16.8 to 20.3	250000	375484	0	625484	350000	475000	0	825000	430000	700484	0	1130484	415000	475484	0	890484				
Ch 20.8 to 26.8																				
Ch 26.8 to 32.8																				
Ch 32.8 : 42.8																				
Ch 42.8:Ch50																				
																				Ch 42.8 : Ch 50

TIDS 4 YR PROGRAM - Amended 07.02.20																				
Name	2019/20				2020/21				2021/22				2022/23				2023/24			
LRRS	Tids	R2R	Council	Total	Tids	R2R	Council	Total	Tids	R2R	Council	Total	Tids	R2R	Council	Total	Tids	R2R	Council	Total
Byrimine Rd	100000	10000	0	110000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burke St	150000	150000	0	300000	0	350242	0	350242	0	350242	0	350242	0	0	0	0	225000	225000	0	450000
Gilliat McKinlay	250000	450484	0	700484	325000	325000	59171	709171	350000	475484	0	825484	0	0	0	0				
Gilliat McKinlay					250000	375484		625484												
Neila Bunda	0	0	0	0							0	0	0	0	0	0	0	0	0	0
Punchbowl	0	0	0	0							0	0	0	0	0	0	0	0	0	0
Taldora	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Julia Ck Airport Rd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Yorkshire (non LRRS)	0	0	0	0	0	0	0	0	0	0	0	0	430000	700484	0	1130484	415000	475484	0	890484
<b>Totals</b>	<b>500000</b>	<b>610484</b>	<b>0</b>	<b>1110484</b>	<b>575000</b>	<b>1050726</b>	<b>59171</b>	<b>1684897</b>	<b>350000</b>	<b>825726</b>	<b>0</b>	<b>1175726</b>	<b>430000</b>	<b>700484</b>	<b>0</b>	<b>1130484</b>	<b>640000</b>	<b>700484</b>	<b>0</b>	<b>1340484</b>

These roads were in the original program for 20/21 and have been replaced																				
Neila Bunda	0	0	0	0	200000	200000	0	400000			0	0	0	0	0	0	0	0	0	0
Punchbowl	0	0	0	0	125000	125000	0	250000			0	0	0	0	0	0	0	0	0	0



Special Meeting of Council Friday, 7<sup>th</sup> February 2020

**4.2 Subject:** Betterment Project – Gilliat/McKinlay Road  
**Attachments:** Nil  
**Author:** Director Corporate & Community Services  
**Date:** 6<sup>th</sup> February 2020

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**Executive Summary:**

An application for Betterment work was submitted to Queensland Reconstruction Authority (QRA) which would see the completion of sealing works on the Gilliat/McKinlay Road. A financial contribution from Council is required in order to undertake this project.

**Recommendation:**

*That Council make a financial commitment of \$709,171.36 towards the Gilliat/McKinlay Betterment Project, with the funds provided through the 2020/2021 TIDS allocation (\$650,000) and a budget allocation of \$59,171.36 in the 2020/21 financial year from Councils retained surpluses (savings from the 2019/20 Shire Roads Maintenance Budget).*

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**Background:**

Council made application to QRA for Betterment funding to enhance the pavement of the Gilliat/McKinlay road. This project would be completed in conjunction with the Restoration of Essential Public Assets (REPA) funded works on the road. In essence the project would see sealing of the road completed.

The total cost for proposed works on the Gilliat/McKinlay road are \$8,611,300.94. This includes both REPA and Betterment works. Of this, the approved REPA component is \$2,902,129.58. Leaving \$5,709,171.36 required to complete the Betterment component. As Betterment funding is capped at \$5,000,000.00 Council would be required to contribute \$709,171.36 if they wish to complete the full scope of works as presented in the Betterment submission.

Council does have the option to reduce the scope of the Betterment works, however at a minimum Council is required to contribute \$250,000 of our own funds towards the project. Generally a 10% contribution is required however Council has been approved to make a 5% contribution. Therefore, if Council were to make the minimum contribution the total project costs would be \$8,152,129.58.

It is proposed to Council to utilize the 2020/2021 TIDS allocation and Councils own funds and commit to the full project at \$8,611,300.94. Council would be able to achieve value for money and productivity gains if the project was completed as a whole. If it was delayed to future years Council would incur establishment fees, procurement and administrative costs for each portion completed.



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**Consultation:**

Chief Executive Officer  
Director Engineering, Environment and Regulatory Services  
QRA Liaison Officer

**Legal Implications:**

Nil

**Policy Implications:**

Nil

**Financial and Resource Implications:**

Betterment Project	\$8,611,300.94
Funded through:	
Category B (REPA)	\$2,902,129.58
Category D (Betterment)	\$5,000,000.00
Council Contribution	\$ 709,171.36

**InfoXpert Document ID:**

110153



Special Meeting of Council Friday, 7<sup>th</sup> February 2020

**4.3 Subject:** Grievance Policy  
**Attachments:** Grievance Policy v1 April 2012 (*InfoXpert ID: 110151*)  
**Author:** Director Corporate & Community Services  
**Date:** 6<sup>th</sup> February 2020

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**Executive Summary:**

Council endorsed the Grievance Policy Version 1.0 in April 2012. The request is for Council to revoke the current policy to allow for a new Grievance Policy to be drafted and endorsed by the Chief Executive Officer.

**Recommendation:**

*That Council revoke the Grievance Policy version 1.0 as adopted in April 2012, with a view to a review of the policy being completed and endorsed by the Chief Executive Officer.*

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**Background:**

This policy is proposed to be reviewed and a new policy drafted and presented to the Chief Executive Officer for endorsement as it is considered that this policy is an administrative policy of Council operations.

The current policy is not consistent with the Local Government Industry Award (Award) or the current Certified Agreement (CA) of Council. In addition, the timeframes within the policy are unreasonable and impractical to meet.

The current CA provisions (Clause 2.6.2) do provide for a process to address employee grievances and disputes.

**Consultation:**

Chief Executive Officer

**Legal Implications:**

It is imperative to ensure that content of policies are consistent with legislation and also practical to fulfil otherwise it leaves Council exposed in matters which may be brought before the Industrial Relations Commission.

**Policy Implications:**

This will revoke the Grievance Policy V1.0.

**Financial and Resource Implications:**

Nil

**InfoXpert Document ID:**

110152



# **MCKINLAY SHIRE COUNCIL**



## ***Grievance Policy***

*AUTHORITY: Organisation*

*VERSION: 1.0*

*ADOPTED BY COUNCIL: 17 April 2012*

*REVISED: Biannually*

*NEXT REVISION DUE: 17 April 2014*

*CORPORATE PLAN REFERENCE:6.2*

## ***POLICY PURPOSE***

From time to time disputes arise in workplaces. It is important that those disputes are resolved fairly and efficiently.

## ***POLICY STATEMENT***

McKinlay Shire Council also has an obligation to provide a safe working environment. Council is also required to take steps to prevent workplace harassment, including bullying and sexual harassment, and discrimination.

## ***SCOPE***

Workplace harassment, sexual harassment and discrimination are likely to have a detrimental effect on employees and the business of the Council. Council is determined to respond appropriately to any allegations of harassment or discrimination.

This policy describes Council's process for dealing with grievances or complaints which occur within the workplace.

Council recognises a number of types of complaint or grievances which might arise in Council's workplaces. These are:

- Workplace matters;
- Discrimination/harassment matters;
- Allegations of Official Misconduct;
- Ethics breaches.

## ***POLICY CONTENT***

### ***Resolution Steps***

#### ***Workplace matters***

It is usually appropriate for employees to raise their concerns directly with the person whose behaviour causes them concern. The behaviour may cease, or the grievance may be resolved, upon explanation that the behaviour is unacceptable or upon identifying the problem. This form of resolution is encouraged, and is particularly appropriate for workplace matters.

Where it is not appropriate or possible to resolve the matter directly with the other party, the aggrieved party should report the matter directly to their supervisor.

If for some reason it is not appropriate or possible to report the matter to the supervisor<sup>1</sup> it should be reported to the departmental manager.

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<sup>1</sup> For example, if it is the supervisor's behaviour which causes concern, or if an attempt to resolve the matter through the supervisor has been unsuccessful, or if the supervisor is absent from the workplace.

The supervisor is to make a detailed note of the matter; and encourage and manage a resolution of the workplace matter.

If the workplace matter is not resolved within 24 hours (or within a longer time by agreement with the complainant) the supervisor is to report the matter to the Departmental Manager.

The Departmental Manager is to review the detailed notes on the matter; and encourage and manage a resolution of the workplace matter.

If the workplace matter is not resolved within 24 hours (or within a longer time by agreement with the complainant) the Departmental Manager is to report the matter to the CEO.

The CEO is to determine the appropriate method of resolving the workplace matter. Methods to be considered include clarification of facts, mediation, provision of advice for one or all parties, the issue of directives, the issue of warnings, or other disciplinary measures.

Council's intent is to achieve operational efficiency, fairness and compliance with the law including safety standards and Council's policies. Council's approach will be guided by the principles of conflict resolution, and its manner will be corrective. Council will aim to secure a timely, efficient, fair and lawful resolution of any workplace matter.

A workplace matter will be completed when:

- the outcomes sought by the complainant have been achieved; or
- when outcomes acceptable to the complainant, a respondent and supervisor have been agreed upon; or
- if the matter has been referred to the Manager, Corporate and Community Services, when the Manager, Corporate and Community Services secures agreement or issues a direction and notifies the parties of the outcome.

Upon completion of the complaint, the supervisor or the Departmental Manager (or the CEO if the matter has been reported to that position) will confirm in writing that the matter has been completed and communicate any relevant outcome to the parties.

Where a workplace matter complaint also alleges or reveals an element of a discrimination/harassment matter the complaint is to be dealt with using the process which applies to a discrimination/harassment matter (part 5).

#### Discrimination/harassment matters

It may be appropriate for employees to raise their concerns directly with the person whose behaviour causes concern. The behaviour may cease upon explanation that the

behaviour is unacceptable. Council acknowledges that there is no obligation on the person who believes they have been harassed or discriminated against to raise the matter directly with the person whose behaviour is the subject of the complaint.

Where it is not appropriate or possible to resolve the matter directly with the other party, the complainant should report the matter directly to their supervisor.

If for some reason it is not appropriate or possible to report the matter to the supervisor<sup>2</sup> it should be reported to the Departmental Manager, or the CEO.

The supervisor, or the Departmental Manager, must report the matter to the CEO

The supervisor or Departmental Manager and the CEO should listen neutrally to the complaint and make a detailed note of the complaint.

The CEO should:

- Encourage and, if necessary, assist the aggrieved party to provide a written, signed complaint; and
- Refer the complainant to the Employee Assistance Scheme or other relevant agencies - including health or counselling services - for support; and
- Explain to the complainant that the matter will be taken seriously and will be investigated.

The CEO is to assess the matter within 24 hours. The assessment may include but is not limited to:

- Making inquiries;
- Establishing the nature and seriousness of the matter;
- Considering Council's options for resolving the matter, including but not limited to mediation between the parties, internal investigation, or external investigation.

The CEO is then to deal with the complaint as described in the Complaints Handling Procedure of the Anti-Discrimination and Equal Opportunity Policy.

A discrimination/harassment matter will be completed when the CEO has considered the outcomes of any investigation of the matter, and taken appropriate steps, and conveyed the outcomes to the parties.

Where a discrimination complaint has been made by a Council employee directly to the Anti-Discrimination Commission<sup>3</sup> Council will investigate the matter.

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<sup>2</sup> For example, if it is the supervisor's behaviour which causes concern or if the supervisor is absent from the workplace.

Council will participate, if necessary, as a model litigant in processes and proceedings processes under the *Anti-Discrimination Act 1991*;

The CEO will consider any outcome of conciliation which the parties convey to the CEO, or the outcome of any hearing before the Queensland Civil and Administrative Tribunal when determining what further steps, if any, Council is required to take.

Council will regard the matter as completed when the complaint has been finalised through the *Anti-Discrimination Act 1991* processes and proceedings and when the CEO has considered and responded to those outcomes.

Where a discrimination complaint has been made to Council by a client, contractor, or other person against a Council employee to the Council or to the Anti-Discrimination Commission Council will investigate the matter; will participate, if necessary, as a model litigant in proceedings; Council will regard the matter as completed when the complaint has been finalised through the processes and proceedings processes under the *Anti-Discrimination Act 1991*; The CEO will consider any outcome of conciliation which the parties convey to the CEO, or the outcome of any hearing before the Queensland Civil and Administrative Tribunal when determining what further steps, if any, Council is required to take.

#### Official Misconduct

If a complaint appears to reveal an allegation of official misconduct, the supervisor must notify the CEO.

If the CEO confirms there is a suspicion of official misconduct or criminal activity the CEO is to notify the Crimes and Misconduct Commission (CMC).

Council will cooperate with any investigation by the CMC.

Council will consider the outcomes of any investigation by the CMC and respond appropriately.

#### Breaches of the Code of Conduct

If a complaint appears to reflect a breach of the Council's Code of Conduct the supervisor or Departmental Manager is to inform the CEO.

The CEO is to instigate an internal or external investigation of the allegation.

Following conclusion of the investigation the CEO is to consider the outcomes, and direct a course of action.

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<sup>3</sup> For the purposes of part 5.2.11 – 5.2.12, a reference to the *Anti-Discrimination Act 1991* and processes and proceedings under that Act also includes complaints, processes and proceedings under Commonwealth human rights legislation.

### **How the Council will treat complaints**

The investigation of any complaint will proceed according to the principles of natural justice and procedural fairness, and the standard of proof will be on the balance of probabilities.

A complaint can be withdrawn at any time in which case the matter will be regarded as concluded unless to do so would breach statutory obligations.

A harassment/discrimination matter complainant is entitled to seek advice and to have a representative or support person present when participating in an investigation.

A harassment/discrimination matter respondent to a complaint is entitled to seek advice and to have a representative or support person present when participating in an investigation.

Any harassment/discrimination matter complainant and respondent is to be referred to the Employee Assistance Scheme for support.

Each harassment/discrimination matter complainant is to be encouraged to seek medical or counselling services for support.

Council will consider practical steps to ensure the well-being of the parties during the course of a complaint, including redeployment of staff, taking into account the circumstances of the complaint and the operational needs of Council.

### **The possible outcomes of a substantiated complaint**

When considering the appropriate response to a substantiated complaint careful consideration will be given to the various interests involved when a complaint is substantiated.

Those interests include:

- Council's obligation to provide a workplace free of harassment and discrimination;
- the need for consistent responses to inappropriate workplace behaviour;
- the benefits of corrective action;
- the effect of the respondent's action on the complainant and the workplace;
- whether the behaviour complained of could adversely affect the public's trust in the Council's ability to perform its functions;
- the likelihood of – and need to prevent - recurrence of such behaviour;
- events which may have occurred between the making of the complaint and the making of a response; and
- the application of current law and best practice.

### **Review designed to prevent recurrence**

Where any matter has been referred to the CEO, the CEO is to review the matter upon completion. The CEO is to consider whether:

- the matter reveals a need to consider changes to Council policy;
- whether a training need has been identified; and
- whether opportunities for management training/supervisor support have been revealed.

### **DEFINITIONS**

“Workplace matters” may include:

- A workplace communication or interpersonal conflict;
- An occupational health and safety issue;
- Concerns regarding allocation of work, job design, or performance management;
- Concerns regarding the interpretation and application of conditions of employment.

“Discrimination/harassment matters” may include:

- Alleged sexual harassment as defined in the *Anti-Discrimination Act 1991 (Qld)* or the *Sex Discrimination Act 1984*;
- Alleged workplace harassment as defined in the *Prevention of Workplace Harassment Code of Practice 2004*;
- Alleged discrimination, as defined in the *Anti-Discrimination Act 1991*, and Commonwealth human rights laws.

“Official Misconduct may include official misconduct as described in the *Crime and Misconduct Act 2001*.

“Ethics breaches” includes unethical behaviour within the meaning of the *Public Sector Ethics Act 1994*, breaches of the *Information Privacy Act 2009*, and breaches of Council’s Code of Conduct or Council’s other policies. Ethics breaches could also include inappropriate behaviour outside the workplace which brings the Council into disrepute.

Complaints may overlap. Council notes that some behaviour could attract more than one type of complaint or grievance.



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**5. CLOSE**