

MINUTES OF THE MEETING OF THE CITY OF MOUNT GAMBIER HELD AT THE COUNCIL
CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT GAMBIER ON TUESDAY,
15TH SEPTEMBER, 2015 AT 6.00 P.M.

CONSIDERATION FOR EXCLUSION OF PUBLIC

Cr Von Stanke moved that pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public (with the exception of other Council Members and Council Officers now present) be excluded from the meeting in order for the Motion Without Notice – Riddoch Art Gallery to be received, discussed and considered in confidence.

The Council is satisfied that the information to be received, discussed or considered in relation to this Agenda Item is information that pursuant to:

- **section 90(3)(b)** – the disclosure of which could reasonably be expected:
 - to confer a commercial advantage on a person with whom the Council is proposing to conduct business,
 - and;
 - would prejudice the commercial position of the Council.

- **section 90(3)(d)** - is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information,
 - and;
 - to confer a commercial advantage on a third party.

The information to be received and discussed relates to the business of a 3rd party organisation with whom Council is considering to conduct business the disclosure of which would reasonably be expected to prejudice or confer advantage on the commercial positions of various stakeholders and the current operating activities of that organisation.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because disclosure would prejudice the Council’s position in negotiating appropriate commercial and acceptable community outcomes with 3rd party stakeholders.

<u>Item No.</u>	<u>Subject Matter</u>	<u>S90 (3) Grounds</u>
Motion Without Notice		
2.	Riddoch Art Gallery- Ref. AF11/1615	(b) & (d)

Cr Morello seconded

Carried

IN CONFIDENCE

MOTION WITHOUT NOTICE

2. RIDDOCH ART GALLERY- Ref. AF11/1615

- Goal: Building Communities*
- Strategic Objective:*
- (i) Strive for an increase in services and facilities to ensure the community has equitable access and that the identified needs of the community are met*
 - (vi) Recognise and support our volunteers, community organisations and their sustainability as they continue to be the foundation of the community*
 - (vii) Support the community's development through nurturing collaborative relationships and partnerships and through direct access to Council for recognition, funding, facilitation and in kind support.*

On the 18th August, 2015 Council resolved:

- (a) Corporate and Community Services Report No. 59/2015 be received.*
- (b) The platform as identified in this report be the basis for which a small working group of Councillors and senior staff progress the proposal for Council assuming full responsibility for the Riddoch Art Gallery;*
- (c) the working group to progress this matter consist of Councillors Von Stanke, Meziniec, Lovett and Richardson, the Chief Executive Officer and Manager Community Services and Development;*
- (d) Representation of the platform to the Riddoch Art Gallery Board be made as soon as possible by the Mayor and the Chief Executive Officer;*
- (e) Reports on the progress of the working group and representation to the Riddoch Art Gallery be provided to Council as necessary. Formal agreement/s between Council and the Riddoch Art Gallery and stakeholders will be subject to Council reports and resolution.*

The Working Party have met twice to consider a range of information and issues with the most recent on the 11th September, 2015 to consider the outcome of the funding parties presentation to the Riddoch Art Gallery Board on the 8th September, 2015.

At the Riddoch Art Gallery Board meeting there was unanimous support from the Board for the platform with several resolutions noting that support, to provide that recommendation to their members at a special meeting on 7th October, 2015 and to dissolve the Riddoch Art Gallery Board upon the implementation of the platform. In line with Council's previous resolution (above) processes will now commence to progress the matter for Council to assume full responsibility for the Riddoch Art Gallery. This process

will involve the Council Working Party and as necessary presentation of formal agreements between Council and Riddoch Art Gallery for endorsement by Council.

A project plan is being developed and along with a comprehensive risk assessment (already completed and under consideration by the Working Party) will guide the implementation of the platform. No specific timeframe has been identified however it will take several months to implement the project plan suggesting that responsibility for the Riddoch Art Gallery will not transfer to Council until early 2016.

As noted by the Directions Paper and the report to Council considered on 18th August, 2015 the platform including funding, governance, and operational matters need to be satisfactorily resolved, in some cases via formal agreement and endorsement by Council for the transfer to occur.

Cr Von Stanke moved it be recommended:

- (a) the update report on discussions with the Riddoch Art Gallery and funding parties on Council assuming full responsibility for the Riddoch Art Gallery be noted;**
- (b) The Working Party progress the platform and undertake a variety of activities to enable the City of Mount Gambier to assume full responsibility for the Riddoch Art Gallery;**
- (c) Progress reports presented to Council as necessary and formal agreements between Riddoch Art Gallery, stakeholders and Council subject to further Council reports and resolution**

Cr Mutton seconded

Carried

CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

Cr Persello moved that having considered MOTION WITHOUT NOTICE – Riddoch Art Gallery in confidence under section 90(2) and (3)(b) & (d) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the Motion Without Notice and minutes relevant to the Motion Without Notice be retained in confidence and that this order be reviewed every 12 months, as follows:

<u>Item No.</u>	<u>Subject Matter</u>	<u>Element To Be Kept Confidential</u>	<u>Duration</u>	<u>Grounds</u>
Motion Without Notice				
2.	Riddoch Art Gallery - Ref. AF11/1615	All details	- 24 months; or - until the matter contained in MOTION WITHOUT NOTICE - Riddoch Art Gallery has been formally announced by the proponents.	(b) & (d)

Cr Lovett seconded

Carried

Meeting closed at 7.34 pm
TLG

CONFIRMED THIS

DAY OF

2015.

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PRESIDING MEMBER