

MINUTES OF MEETING OF THE CITY OF MOUNT GAMBIER HELD AT THE COUNCIL
CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT GAMBIER ON WEDNESDAY
20TH OF APRIL, 2016 AT 6.00 P.M.

CONSIDERATION FOR EXCLUSION OF PUBLIC

Cr Lovett 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 Mayor A Lee, Cr M Lovett, Cr J Lynagh, Cr S Mezinac, Cr F Morello, Cr D Mutton, Cr H Persello, Cr S Perryman, Cr P Richardson, Cr Ian Von Stanke, Mr M McShane, Mr G Humphries, Mr D Sexton, Ms B Cernovskis and Mrs T Nisbet) be excluded from the meeting in order for Item 4 Corporate and Community Services Report No. 32/2016 – Riddoch Art Gallery Heads of Agreement 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.

- **section 90(3)(j)** - the disclosure of which would divulge information provided on a confidential basis by:
 - a Minister of the Crown, and
 - other public authorities, namely Country Arts SA, Arts SA and Artlab

The information to be received and discussed relates to the business of a Third 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.

The information also contains correspondence and proposed details of arrangements that are to remain confidential until such time as the agreements are entered into and joint media announcements have been made.

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 community outcomes with Third party stakeholders.

<u>Item No.</u>	<u>Subject Matter</u>	<u>S90 (3) Grounds</u>
Corporate & Community Services Report No. 32/2016		
4.	Riddoch Art Gallery Heads of Agreement- Ref. AF15/428	(b), (d) & (j)

Cr Morello seconded

Carried

IN CONFIDENCE

MOTION WITH NOTICE

Pursuant to Division 3 - Conflict of Interest, Section 73 of the Local Government Act 1999, Cr Morello disclosed a material interest in Item 4: *Country Arts SA, of which Cr Morello is an employee, is the lessor and major funding partner of the Riddoch Art Gallery. Country Arts SA is in the process of transferring the management, artwork collection and lease of the Riddoch Art Gallery to the City of Mount Gambier* and did not:

- (a) propose or second a motion relating to the matter; or
- (b) take part in discussion by the Committee relating to that matter; or
- (c) while such discussion is taking place, be in, or in the close vicinity of, the room in which or other place at which that matter is being discussed; or
- (d) vote in relation to that matter.

Pursuant to Division 3 - Conflict of Interest, Section 73 of the Local Government Act 1999, Cr Richardson disclosed a material interest in Item 4: *Council appointed Member for Riddoch Art Gallery Board* and did not:

- (a) propose or second a motion relating to the matter; or
- (b) take part in discussion by the Committee relating to that matter; or
- (c) while such discussion is taking place, be in, or in the close vicinity of, the room in which or other place at which that matter is being discussed; or
- (d) vote in relation to that matter.

In accordance with section 74(1)(b) Cr Morello and Cr Richardson vacated the meeting at 7.38 pm.

Pursuant to Division 3 - Conflict of Interest, Section 74 of the Local Government Act 1999, Cr Von Stanke disclosed a perceived conflict of interest in Item 4: *Proxy Member for Riddoch Art Gallery Board*.

Cr Von Stanke dealt with the perceived conflict of interest in the following transparent and following way: *"I will be in the discussion but will not be voting"*.

In accordance with section 75A(2)(b) Cr Von Stanke participated in the meeting in relation to the matter.

4. **CORPORATE AND COMMUNITY SERVICES REPORT NO. 32/2016 - Riddoch Art Gallery – Heads Of Agreement – Ref. AF15/428**

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.

Cr Lovett moved it be recommended:

- (a) Corporate and Community Services Report No. 32/2016 be received and contents noted.**
- (b) The commencement of Riddoch Art Gallery operations as a new business unit of Council from 1 July 2016 is supported.**
- (c) The Chief Executive Officer and Mayor be authorised to:**
- i. finalise negotiations on the Tripartite Heads of Agreement with District Council of Grant and Country Arts SA for the Riddoch Art Gallery and any other related documentation necessary to give effect to the Heads of Agreement; and,**
 - ii. to execute and affix the Common Seal of the Council to the Tripartite Heads of Agreement referenced in (b)(i) and any other related documentation.**
- (d) The Chief Executive Officer be authorised to:**
- i. take such administrative actions as are necessary and expedient to fulfil the obligations contained in the Heads of Agreement referenced in (b) and any other related documentation; and,**
 - ii. liaise with the Riddoch Art Gallery Incorporated Board and Members, Friends and Foundation with a view to their assisting the ongoing operation of the Riddoch Art Gallery as volunteers and benefactors; and,**
 - iii. proceed immediately with all necessary business activities to enact the transition of the Riddoch Art Gallery to Council's operation and management by 1 July 2016; and,**
 - iv. prepare such budget amendments as are necessary to re-allocate and expend 2015/16 Riddoch Art Gallery funding for operational and capital expenditure purposes to support the transitional/implementation activities that are to occur prior to 1 July 2016.**

Cr Perryman seconded

Carried

Cr Von Stanke did not vote to the motion.

CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

Cr Meziniec moved that having considered Item 4 Corporate & Community Services Report No. 32/2016 – Riddoch Art Gallery Heads of Agreement in confidence under section 90(2) and (3)(b), (d) & (j) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the Agenda Item 4 and attached documentation relevant to Agenda Item 4 (with the exception of the Council resolutions that are to be reproduced in the minutes) 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				
4.	Riddoch Art Gallery Heads of Agreement - Ref. AF15/428	Report and all Attachments	until the Heads of Agreement and associated agreements anticipated by the report and resolutions have been entered into AND a joint media announcement has been formally made by the Minister and the proponents. Or - 24 months	(b), (d) & (j)
4.	Riddoch Art Gallery Heads of Agreement - Ref. AF15/428	Resolutions	n/a immediate release	n/a

Cr Mutton seconded

Carried

Resume Open Session

Cr Morello & Cr Richardson resumed the meeting at 7.43 pm

Meeting closed at 7.43pm

TLN