

Reference: AF11/877 FM
Enquiries to: Mr Graeme Maxwell

MAYOR MEMBERS

NOTICE is hereby given that a Special Meeting of the Council has been called at the request of three Councillors in accordance with Section 82(1)(b) of the Local Government Act 1999 to be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier on the following date and time:

Thursday 7th March 2019 at 6.00 p.m. - Council Chamber – Civic Centre

1. *Discussion with QEPT on the WellPlayed Report, the QEPT's response to that report and their proposed sub-leasing arrangements;*
2. *QEPT WellPlayed Report and Documentation;*
3. *Documents Relating to the Management of the Crater Lakes Area;*
4. *Consideration of media statement and appointing Council Member as a spokesperson on matters relating to the QEPT.*

An Agenda for the meeting to be held on Thursday 7th March 2019 at 6.00 p.m. is attached.



Graeme MAXWELL
CHIEF EXECUTIVE OFFICER

6 March 2019

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AGENDA OF SPECIAL COUNCIL MEETING

Meeting to be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Thursday 7 March, 2019 at 6:00 p.m.

PRESENT

Mayor Lynette Martin
Cr Sonya Mezinac
Cr Kate Amoroso
Cr Ben Hood
Cr Frank Morello
Cr Paul Jenner
Cr Steven Perryman

COUNCIL OFFICERS

Chief Executive Officer	-	Mr G Maxwell
General Manager Community Wellbeing	-	Ms B Cernovskis
General Manager Council Business Services	-	Mrs P Lee
General Manager City Infrastructure	-	Mr N Serle
Manager Executive Administration	-	Mr M McCarthy
Media and Communications Coordinator	-	Ms S McLean

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

1. APOLOGIES

Apologies received from Cr Bruins, Cr Greco

That the apology from Cr Bruins, Cr Greco

Moved:

Seconded:

2. COUNCIL REPORTS

Council Reports commence on the following page.



Note – potential for this item to be withdrawn after Designated Informal Gathering of 6 March 2019

Consideration for Exclusion of the Public

Item No. 1

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public (with the exception of Mayor L Martin, Cr Sonya Mezinac, Cr Kate Amoroso, Cr Ben Hood, Cr Frank Morello, Cr Paul Jenner and Cr Steven Perryman and Council Officers – Graeme Maxwell, Pamela Lee, Barbara Cernovskis, Nick Serle, Sharny McLean and Michael McCarthy) be excluded from attendance at the meeting in order for the receipt, discussion and consideration in confidence of Agenda Item 1 *‘Discussion with QEPT on the WellPlayed Report, the QEPT’s response to that report and their proposed sub-leasing arrangements’*.

The Council is satisfied that, pursuant to section 90(3) (b), (c) and (g) of the Act, the information to be received, discussed or considered in relation to the agenda item is:

Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is”

- conducting business; or
- proposing to conduct business; or
- To prejudice the commercial position of the Council and would on balance be contrary to the public interest

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, or to confer a commercial advantage on a third party.

Matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

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 the 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 the information to be received and discussed relate to commercial information of 3rd parties, including whom Council reasonably expects it may negotiate and enter into arrangements with, and information provided to Council on a confidential basis creating a duty of confidence, the disclosure of Councils deliberations in this matter may benefit 3rd parties and prejudice the Council’s position in this matter

Item No.	Subject Matter	S90(3) Grounds
1	<i>‘Discussion with QEPT on the WellPlayed Report, the QEPT’s response to that report and their proposed sub-leasing arrangements-’</i>	(b), (c) and (g)

Moved:

Seconded:



Consideration for Exclusion of the Public

Item No. 2

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public (with the exception of Mayor L Martin, Councillors – Cr Sonya Mezinac, Cr Kate Amoroso, Cr Ben Hood, Cr Frank Morello, Cr Paul Jenner and Cr Steven Perryman and Council Officers – Graeme Maxwell, Pamela Lee, Barbara Cernovskis, Nick Serle, Sharny McLean and Michael McCarthy) be excluded from attendance at the meeting in order for the receipt, discussion and consideration in confidence of Agenda Item 2 *‘QEPT WellPlayed Report and Documentation’*.

The Council is satisfied that, pursuant to section 90(3) (b), (c) and (g) of the Act, the information to be received, discussed or considered in relation to the agenda item is:

Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is”

- conducting business; or
- proposing to conduct business; or
- To prejudice the commercial position of the Council and would on balance be contrary to the public interest

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, or to confer a commercial advantage on a third party.

Matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

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 the 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 the information to be received and discussed relate to commercial information of 3rd parties, including whom Council reasonably expects it may negotiate and enter into arrangements with, and information provided to Council on a confidential basis creating a duty of confidence, the disclosure of Councils deliberations in this matter may benefit 3rd parties and prejudice the Council’s position in this matter

Item No.	Subject Matter	S90(3) Grounds
2	<i>‘QEPT WellPlayed Report and Documentation’</i> - Report No. AR19/10346	(b), (c) and (g)

Moved:

Seconded



Consideration for Exclusion of the Public

Item No. 3

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public (with the exception of Mayor L Martin, Councillors – Cr Sonya Mezinac, Cr Kate Amoroso, Cr Ben Hood, Cr Frank Morello, Cr Paul Jenner and Cr Steven Perryman and Council Officers – Graeme Maxwell, Pamela Lee, Barbara Cernovskis, Nick Serle, Sharny McLean and Michael McCarthy) be excluded from attendance at the meeting in order for the receipt, discussion and consideration in confidence of Agenda Item 3 *‘Documents Relating to the Management of the Crater Lakes Area’*.

The Council is satisfied that, pursuant to section 90(3) (b), (c) and (g) of the Act, the information to be received, discussed or considered in relation to the agenda item is:

Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is”

- conducting business; or
- proposing to conduct business; or
- To prejudice the commercial position of the Council and would on balance be contrary to the public interest

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, or to confer a commercial advantage on a third party.

Matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

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 the 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 the matters to be discussed relate to existing leasing and land management arrangements entered into with Council and 3rd parties, potential future leasing and management arrangements that may be entered into with Council and 3rd parties that are yet to be negotiated, and information provided to Council on a confidential basis creating a duty of confidence, the disclosure of Councils deliberations in this matter may benefit such parties and prejudice the Council’s position in this matter

Item No.	Subject Matter	S90(3) Grounds
3	<i>‘Documents Relating to the Management of the Crater Lakes Area’</i> - Report No. AR19/10304	(b), (c) and (g)

Moved:

Seconded:



Consideration for Exclusion of the Public

Item No. 4

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public (with the exception of Mayor L Martin, Councillors – Cr Sonya Mezinac, Cr Kate Amoroso,, Cr Ben Hood, Cr Frank Morello, Cr Paul Jenner and Cr Steven Perryman and Council Officers – Graeme Maxwell, Pamela Lee, Barbara Cernovskis, Nick Serle, Sharny McLean and Michael McCarthy) be excluded from attendance at the meeting in order for the receipt, discussion and consideration in confidence of Agenda Item 4 *‘Consideration of media statement and appointing Council Member as a spokesperson on matters relating to the QEPT.*

The Council is satisfied that, pursuant to section 90(3) (b), (c) and (g) of the Act, the information to be received, discussed or considered in relation to the agenda item is:

Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is”

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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 the information to be received and discussed relate to commercial information of 3rd parties, including whom Council reasonably expects it may negotiate and enter into arrangements with, and information provided to Council on a confidential basis creating a duty of confidence, the disclosure of Councils deliberations in this matter may benefit 3rd parties and prejudice the Council’s position in this matter

Item No.	Subject Matter	S90(3) Grounds
4	<i>‘Consideration of media statement and appointing Council Member as a spokesperson on matters relating to the QEPT</i>	(b), (c) and (g)

Moved:

Seconded:



REPORT ATTACHMENTS

Report attachments commence on the next page.

