

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 19 JULY 2022 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Mezinec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Frank Morello

OFFICERS IN ATTENDANCE:	Chief Executive Officer General Manager City Infrastructure General Manager Corporate and Regulatory Services General Manager City and Community Growth Manager Governance and Property Manager Financial Services Procurement Officer Media and Communications Coordinator Communications Officer Executive Administrator	- Mrs S Philpott - Ms B Cernovskis - Mr D Barber - Mr T Coote - Mr M McCarthy - Mrs J Scoggins - Mrs L Hinton - Mr J McDonald - Ms M Brookes - Mrs A Pasquazzi
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1 ACKNOWLEDGEMENT OF COUNTRY

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 FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

RESOLUTION 2022/79

Moved: Cr Kate Amoroso

Seconded: Cr Max Bruins

That the apology from Cr Paul Jenner be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2022/80

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

That the minutes of the Ordinary Council meeting held on 21 June 2022 and the Special Council meeting held on 28 June 2022 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED



5 MAYORAL REPORT

5.1 MAYORAL REPORT - JULY 2022

- Mayor's NAIDOC Week Reception and Community Morning Tea
- Meeting with Phil Morton, Morton Phillips
- With CEO Meeting with Liz Wheeler and Laurie Mann – LC Veterans Services Hub – Wellness Centre
- Elected Member Walkthrough – Riddoch Arts and Cultural Centre
- Elected Members Briefing – Signage Implementation
- LG Equip Update – Behavioural Management Framework (Mayors/Principal Members)
- Meeting with Executive from Soroptimist International Mount Gambier
- CEO Performance Review Committee Meeting and Workshop
- RDALC/LCLGA Regional Growth Plan Workshop and Dinner
- Judging at Grant High School Immersion Week
- Rotary Club of Mount Gambier Lakes Changeover Luncheon
- With GM City and Community Growth, meeting with representatives from Thumb Print Inc
- Elected Members Briefing – Western Border Football League Update
- Fortnightly LCLGA Mayors Virtual Meeting
- Presentation of Sir Robert Helpmann Perpetual Trophy Award – Mount Gambier Dance Eisteddfod

RESOLUTION 2022/81

Moved: Mayor Lynette Martin

Seconded: Cr Sonya Meziniec

That the Mayoral report made on 19 July 2022 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Sonya Meziniec MJ Dance Debutante Ball, 'What next from here' morning tea, NAIDOC flag raising.

RESOLUTION 2022/82

Moved: Cr Ben Hood

Seconded: Cr Sonya Meziniec

That the reports made by Councillors on 19 July 2022 be received.

CARRIED



7 QUESTIONS WITH NOTICE

Nil

8 QUESTIONS WITHOUT NOTICE

Nil

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 17/06/2022 TO 15/07/2022

RESOLUTION 2022/83

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

1. That Council Report No. AR21/71019 titled 'Elected Member Information/Briefing Sessions from 17/06/2022 to 15/07/2022' as presented on 19 July 2022 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 21/06/2022

RESOLUTION 2022/84

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/71037 titled 'Council Action Items - 21/06/2022' as presented on 19 July 2022 be noted.

CARRIED



15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

Committee in Recess

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

Committee in Recess

17 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

18 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

19 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

19.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 6 JULY 2022

RESOLUTION 2022/85

Moved: Cr Ben Hood

Seconded: Cr Sonya Meziniec

That the Minutes of the Chief Executive Officer Performance Review Committee meeting held on 6 July 2022 as attached be noted.

CARRIED

20 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

21 COUNCIL REPORTS

21.1 RIDDOCH ARTS AND CULTURAL TRUST (RACT) INCORPORATED - UPDATE

RESOLUTION 2022/86

Moved: Cr Ben Hood

Seconded: Cr Max Bruins

1. That Council Report No. AR22/43898 titled 'Riddoch Arts and Cultural Trust (RACT) Incorporated - Update' as presented on 19 July 2022 be noted.
2. In accordance with the power in clause 22.2 of the Constitution of the Riddoch Arts and Cultural Trust Incorporated the Council, as sole and founding member, resolves (and such resolution shall constitute a Member resolution) that:



- (a) the appointed Board Observer for the Riddoch Arts and Cultural Trust (in addition to the positions of Gallery Director and Council Representative named in the Constitution) be:
- Timothy Coote
- (b) the Council Representative for the Riddoch Arts and Cultural Trust be the Chief Executive Officer for the purpose of Special and Ordinary General Meetings of the Riddoch Arts and Cultural Trust Incorporated, and otherwise may be the Chief Executive Officer or their nominated representative as notified in writing to the Riddoch Arts and Cultural Trust Board from time to time.
- (c) Council's Manager Governance and Property, Mr Michael McCarthy is endorsed as Public Officer of the Riddoch Arts and Cultural Trust Incorporated.
- (d) application be made for an Australian Business Number upon confirmation that each RACT Board Member has obtained a Director Identification Number.
- (e) Audit services be identified and appointed for the Riddoch Arts and Cultural Trust and notified to the Riddoch Arts and Cultural Trust Board.
- (f) The Riddoch Arts and Cultural Trust Board be authorised to approach Norman Waterhouse Lawyers to prepare and lodge on behalf of the Association an application to the Australian Charities and Not for Profit Commission/Australian Taxation Office (ACNC/ATO) for Deductible Gift Recipient (DGR) status for the Riddoch Arts and Cultural Trust.
- (g) Council acknowledges the power in clause 7.2 of the Constitution that the Chief Executive Officer as Council Representative may exercise all powers the Council could exercise at a General Meeting or voting on a resolution, such as those exercised in resolutions (2)(a)-(#).

Such powers be only to the Chief Executive Officer as Council Representative and not extended to the Chief Executive Officers nominated representative as may be appointed from time to time for Board Observer purposes under resolution (2)(b).

CARRIED

21.2 VALLEY LAKE ALGAL CONTROL UPDATE

RESOLUTION 2022/87

Moved: Cr Max Bruins
Seconded: Cr Ben Hood

1. That Council Report No. AR22/38040 titled 'Valley Lake Algal Control Update' as presented on 19 July 2022 be noted.

CARRIED



21.3 FOLLOW UP REPORT - RESERVE - CORNER OF WEHL STREET NORTH AND WIRELESS ROAD WEST

RESOLUTION 2022/88

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR22/39064 titled 'Follow Up Report - Reserve - Corner of Wehl Street North and Wireless Road West' as presented on 19 July 2022 be noted.
2. Noting the Community Land Management Plan (CLMP) and the Sport, Recreation and Open Space Strategy (SROSS) do not identify the site as a priority for recreational development, that Council not progress with implementing the concept design for landscaping development on the reserve at the corner of Wehl Street North and Wireless Road West at public expense.

CARRIED

21.4 SA REGIONAL ORGANISATION OF COUNCILS (SAROC) - MEMBERSHIP NOMINATIONS

RESOLUTION 2022/89

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That Council Report No. AR22/45486 titled 'SA Regional Organisation of Councils (SAROC) - Membership Nominations' as presented on 19 July 2022 be noted.
2. That the nomination of the incumbents of the Limestone Coast Local Government Association President and Vice President positions are supported for the two Limestone Coast representative positions on the SA Regional Organisation of Councils.
3. That, for the purpose of voting in any election to appoint two Limestone Coast representatives to the SA Regional Organisation of Councils, Council supports the following proposed nominees in order of preference:
 - LCLGA President
 - LCLGA Vice President

CARRIED

21.5 INTERNAL REVIEW OF COUNCIL ACTIONS 2021/2022

RESOLUTION 2022/90

Moved: Cr Max Bruins

Seconded: Cr Christian Greco

1. That Council Report No. AR21/65244 titled 'Internal Review of Council Actions 2021/2022' as presented on 19 July 2022 be noted.



2. That the background and proposal contained in Council Report No. AR21/65244 relating to Section 270 of the Local Government Act 1999 be included in Council's 2021/2022 Annual Report.

CARRIED

21.6 COUNCIL MEMBER BEHAVIOURAL MANAGEMENT FRAMEWORK - CONSULTATION

RESOLUTION 2022/91

Moved: Cr Max Bruins
Seconded: Cr Christian Greco

1. That Council Report No. AR22/42090 titled 'Council Member Behavioural Management Framework - Consultation' as presented on 19 July 2022 be noted.
2. That Council note that the administration will provide a submission to the Local Government Association on the Model Member Behaviour and Support policies associated with the Member Behaviour Framework to apply from November 2022.

CARRIED

21.7 POLICY REVIEW - COUNCIL POLICY C410 - CODE OF PRACTICE FOR ACCESS TO MEETINGS & DOCUMENTS / MEETING PROCEDURES

RESOLUTION 2022/92

Moved: Cr Max Bruins
Seconded: Cr Ben Hood

1. That Council Report No. AR22/46979 titled 'Policy Review - Council Policy C410 - Code of Practice for Access to Meetings & Documents / Meeting Procedures' as presented on 19 July 2022 be noted.
2. That the updated Council Policy C410 - Code of Practice for Access to Meeting and Documents / Meeting Procedures as attached to Report No. AR22/46979 be adopted.

CARRIED

22 MOTIONS WITH NOTICE

Nil

23 MOTIONS WITHOUT NOTICE

Nil



24 CONFIDENTIAL ITEMS OF COMMITTEES

24.1 CONFIDENTIAL ITEMS OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 6 JULY 2022

Sarah Philpott, Chief Executive Officer declared a conflict and left the meeting for item 24.2.

24.2 INDEPENDENT REVIEW OF CHIEF EXECUTIVE OFFICER AND REMUNERATION REVIEW – REPORT NO. AR22/43771

RESOLUTION 2022/93

Moved: Cr Max Bruins
Seconded: Cr Christian Greco

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and B Cernovskis, D Barber, T Coote, M McCarthy, J Scoggins, L Hinton, J McDonald, M Brookes and A Pasquazzi be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 24.2 AR22/43771 Independent Review of Chief Executive Officer and Remuneration Review.

The Council is satisfied that, pursuant to section 90(3) (a) 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 would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- information concerning 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,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

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 subject matter includes information concerning the personal employment affairs of the Chief Executive Officer, Sarah Philpott for which a duty of confidence has been established.

CARRIED



RESOLUTION 2022/94

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 5.1 AR22/143771 Independent Review of Chief Executive Officer and Remuneration Review and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) and (g) be kept confidential and not available for public inspection until 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has lapsed, to be reviewed at least once in every 12 month period, with the exception of the relevant salary register details which are to be updated within 28 days of any change in remuneration.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

Sarah Philpott, Chief Executive Officer returned to the meeting.

25 NEW CONFIDENTIAL ITEMS

**25.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #19 - AS AT 05/07/2022
– REPORT NO. AR22/46752**

RESOLUTION 2022/95

Moved: Cr Ben Hood
Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and S Philpott, B Cernovskis, D Barber, T Coote, M McCarthy, J Scoggins, L Hinton, J McDonald, M Brookes and A Pasquazzi be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.1 AR22/46752 Project Control Group (PCG) Progress Report #19 - As at 05/07/2022.

The Council is satisfied that, pursuant to section 90(3) (b), (d), (g) and (h) 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
- 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
- information concerning 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,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty
- legal advice

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 contained within the report and attachments presents matters relating to contracts between Council and contractors associated with the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Council's position in obtaining best value project delivery on behalf of the community.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures for 30 minutes:

Purpose of the Suspension: To discuss PCG Report No. 19.

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 6:29 pm.

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 6:52 pm.

RESOLUTION 2022/96

Moved: Cr Ben Hood

Seconded: Cr Max Bruins

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 25.1 AR22/46752 Project Control Group (PCG) Progress Report #19 - As at 05/07/2022 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d), (g) and (h) be kept confidential and not available for public inspection until 12 months after completion of the project.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED



25.2 TENDER AF21/283 - DESIGN, SUPPLY & INSTALLATION OF SOLAR LIGHTING ON RAIL TRAIL – REPORT NO. AR22/45083

RESOLUTION 2022/97

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and S Philpott, B Cernovskis, D Barber, T Coote, M McCarthy, J Scoggins, L Hinton, J McDonald, M Brookes and A Pasquazzi be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.2 AR22/45083 Tender AF21/283 - Design, Supply & Installation of Solar Lighting on Rail Trail.

The Council is satisfied that, pursuant to section 90(3) (b), (d) and (k) 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
- 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
- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

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 matter to be considered relates to tenders that have been issued and are presented for consideration and include commercially sensitive pricing information and technical specifications the premature disclosure of which could jeopardise the commercial position of the third parties who provided the information and the commercial position of Council in obtaining best value for the community.

CARRIED



RESOLUTION 2022/98

Moved: Cr Christian Greco
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 25.2 AR22/45083 Tender AF21/283 - Design, Supply & Installation of Solar Lighting on Rail Trail and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (k) be kept confidential and not available for public inspection until 12 months after the completion of the contract works, with the name of the successful tenderer and the tender contract value to be released immediately upon execution of a contract.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

25.3 TENDER - SUPPLY CONTRACTS FOR CITY INFRASTRUCTURE WORKS – REPORT NO. AR22/46711

RESOLUTION 2022/99

Moved: Cr Christian Greco
Seconded: Cr Ben Hood

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and S Philpott, B Cernovskis, D Barber, T Coote, M McCarthy, J Scoggins, L Hinton, J McDonald, M Brookes and A Pasquazzi be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.3 AR22/46711 Tender - Supply Contracts for City Infrastructure Works.

The Council is satisfied that, pursuant to section 90(3) (b), (d) and (k) 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
- 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
- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

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 matter to be considered relates to tenders that have been issued and are presented for consideration and include commercially sensitive pricing information and technical specifications the premature disclosure of which could jeopardise the commercial position of the third parties who provided the information and the commercial position of Council in obtaining best value for the community.

CARRIED

RESOLUTION 2022/100

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 25.3 AR22/46711 Tender - Supply Contracts for City Infrastructure Works and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (k) be kept confidential and not available for public inspection until 12 months after the completion of the contract works, with the name of the successful tenderer and the tender contract value to be released immediately upon execution of a contract.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

Sarah Philpott, Chief Executive Officer declared a conflict and left the meeting for item 25.4.

25.4 CHIEF EXECUTIVE OFFICER KPI'S 2022 – REPORT NO. AR22/46872

RESOLUTION 2022/101

Moved: Cr Christian Greco

Seconded: Cr Ben Hood

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and B Cernovskis, D Barber, T Coote, M McCarthy, J Scoggins, L Hinton, J McDonald, M Brookes and A Pasquazzi be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.4 AR22/46872 Chief Executive Officer KPI's 2022.

The Council is satisfied that, pursuant to section 90(3) (a) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

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 subject matter includes information concerning the personal employment affairs of the Chief Executive Officer, Sarah Philpott for which a duty of confidence has been established.

CARRIED

RESOLUTION 2022/102

Moved: Cr Ben Hood

Seconded: Cr Sonya Meziniec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 25.4 AR22/46872 Chief Executive Officer KPI's 2022 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has lapsed, to be reviewed at least once in every 12 month period.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

Sarah Philpott, Chief Executive Officer returned to the meeting.

25.5 COUNCIL MEMBER TRAINING STANDARD - CONSULTATION – REPORT NO. AR22/42078

RESOLUTION 2022/103

Moved: Cr Christian Greco

Seconded: Cr Ben Hood

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and S Philpott, B Cernovskis, D Barber, T Coote, M McCarthy, J Scoggins, L Hinton, J McDonald, M Brookes and A Pasquazzi be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.5 AR22/42078 Council Member Training Standard - Consultation.



The Council is satisfied that, pursuant to section 90(3) (g) and (j) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information concerning 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,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty
- information the disclosure of which would divulge information provided on a confidential basis by or to:
 - a Minister of the Crown, or
 - another Public Authority or official (not being an employee or a person engaged by the Council) that would on balance be contrary to the public interest

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 disclosure of this information would, on balance, be contrary to the public interest because it is in the public interest for the Council to be able to communicate on a confidential basis with the LGA about proposed training standards for council members and thereby act cooperatively with the LGA in achieving positive outcomes for the local government sector.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED

RESOLUTION 2022/104

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 25.5 AR22/42078 Council Member Training Standard - Consultation and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (g) and (j) be kept confidential and not available for public inspection until 31 August 2022.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

26 MEETING CLOSE

The Meeting closed at 7:16 pm.



The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 August 2022.

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PRESIDING MEMBER

