

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 19 OCTOBER 2021 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Mezinec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Shared Services	- Mr D Barber
	General Manager City Growth	- Mr T Coote
	Acting General Manager Community Wellbeing	- Mrs G Davison
	Manager Governance and Property	- Mr M McCarthy
	Media and Communications Coordinator	- Ms S McLean
	Manager Organisational Development	- Ms R Datta
	Manager Finance	- Mrs J Scoggins
	Executive Administrator Community Wellbeing	- Ms A Lavia

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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

RESOLUTION 2021/298

Moved: Cr Sonya Mezinec

Seconded: Cr Max Bruins

That leave of absence from Cr Ben Hood be received and accepted.

CARRIED

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2021/299

Moved: Mayor Lynette Martin

Seconded: Cr Frank Morello

That the minutes of the Ordinary Council meeting held on 21 September 2021 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED



5 MAYORAL REPORT

5.1 MAYORAL REPORT - OCTOBER 2021

Meetings / Commitments

- Audit Committee Workshop
- Audit Committee Meeting
- Quarterly Elected Member Briefing with Member for Barker
- Virtual presentation to SAROC Meeting – Motion for Submission to LGA AGM re Regional Homelessness (and Housing Affordability)
- Localis Data Presentation
- Weekly LCLGA Mayor's Virtual Meeting
- 2021 LCLHN Awards Presentations
- Radio Interview – 5GTR-FM
- Migrant Resource Centre – Connecting Settlement and Community Services Stakeholders' Forum
- Meeting with representatives from Department of Home Affairs re Multicultural Community
- Weekly LCLGA Mayor's Virtual Meeting
- Trident Tyres South East Street Machines Show 'n' Shine
- Mount Gambier Model Train and Hobby Show
- People and Place Committee Meeting
- Weekly LCLGA Mayor's Virtual Meeting
- With CEO meeting with Liberal Candidate
- Elected Members Workshop – CBD Guiding Principles
- Elected Members Workshop – Partnership Priorities and Advocacy (Part 2)
- CEO Performance Review Committee Meeting
- Elected Member Tour of Wulanda Site
- Chamber of Commerce – Mix and Mingle – Business Crime Prevention and Safety Evening
- Veterans Health Week at Mount Gambier Community RSL
- LCLGA GM at Wattle Range

RESOLUTION 2021/300

Moved: Mayor Lynette Martin

Seconded: Cr Christian Greco

That the Mayoral report made on 19 October 2021 be received.

CARRIED



6 REPORTS FROM COUNCILLORS

Cr Sonya Mezinac WiBRD breakfast with former magistrate, Mount Gambier & District Health Advisory Council, represented Council at the International Day of Rural Women Lunch and Christmas Parade Advisory Group meeting.

RESOLUTION 2021/301

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

That the reports made by Councillors on 19 October 2021 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 WORKSHOPS FROM 19/09/2021 TO 14/10/2021

RESOLUTION 2021/302

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

That the Record of Proceedings for the listed Workshops be received and noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil



14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 21/09/2021

RESOLUTION 2021/303

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

1. That Council Report No. AR21/42552 titled 'Council Action Items - 21/09/2021' as presented on 19 October 2021 be noted.

CARRIED

15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

16.1 MINUTES OF THE PEOPLE AND PLACE COMMITTEE HELD ON 7 OCTOBER 2021

RESOLUTION 2021/304

Moved: Cr Frank Morello
Seconded: Cr Sonya Mezinec

That the Minutes of the People and Place Committee meeting held on 7 October 2021 as attached be noted.

CARRIED

16.2 PARTNERSHIP PRIORITIES AND ADVOCACY – REPORT NO. AR21/62944

RESOLUTION 2021/305

Moved: Cr Frank Morello
Seconded: Cr Sonya Mezinec

1. That People and Place Committee Report No. AR21/62944 titled 'Partnership Priorities and Advocacy' as presented on 07 October 2021 be noted.

CARRIED

Cr Sonya Mezinec called a division.

The declaration was set aside.

Voting by division being:

In Favour: Crs Sonya Mezinec, Kate Amoroso, Max Bruins, Christian Greco, Paul Jenner, Frank Morello and Steven Perryman

Against: Nil

The Mayor declared the motion

CARRIED 7/0



Pursuant to Section 75A of the Local Government Act 1999, Cr Max Bruins disclosed a perceived conflict of interest in Item 16.3:

"I have close personal friendships with a number of the applicants.

Cr Max Bruins informed the meeting of the manner in which they *intend to deal with the perceived conflict of interest in Item 16.3 as follows:*

- I will leave the meeting and not participate in the debate"

In accordance with Section 75A of the Local Government Act 1999 Cr Max Bruins did not participate in the meeting for Item 16.3.

Cr Max Bruins left the meeting at 6:13 pm

16.3 CREATIVE ARTS FUND 2021/2022 APPLICATIONS – REPORT NO. AR21/57404

RESOLUTION 2021/306

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

1. That People and Place Committee Report No. AR21/57404 titled 'Creative Arts Fund 2021/2022 Applications' as presented on 07 October 2021 be noted.
2. That Council notes the total funding request from applicants was \$186,285.15 and shortlisted applicants was \$63,865.00 which exceeds the budgeted amount of funding available.
3. That \$50,000 be endorsed for distribution for the 2021/2022 Creative Arts Fund as follows:

<u>Project Name</u>	<u>Applicant</u>	<u>Requested</u>	<u>Approved</u>
The Portrait Project	April Hague	\$ 16,885.00	\$ 17,000.00*
Return	Henry Wolff	\$ 26,350.00	\$ 18,000.00
Mount Gambier Theatre Group	Mount Gambier Theatre Group	\$ 5,000.00	\$ 5,000.00
Railway Lands Interactive	Yunita Manfrin	\$ 15,630.00	\$ 10,000.00
		\$ 63,865.00	\$ 50,000.00

*Includes \$177.00 Planning SA lodgement fee for Development Application

4. That all applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
 - all necessary land holder and development approvals being obtained; and
 - all works being completed in accordance with all relevant legislative and compliance standards.

CARRIED

17 COUNCIL ASSESSMENT PANEL MINUTES

Nil



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

Nil

Cr Max Bruins returned to the meeting at 6:17 pm

19 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS

19.1 MINUTES OF THE AUDIT COMMITTEE HELD ON 20 SEPTEMBER 2021

RESOLUTION 2021/307

Moved: Cr Sonya Meziniec
Seconded: Cr Steven Perryman

That the Minutes of the Audit Committee meeting held on 20 September 2021 as attached be noted.

CARRIED

19.2 2020/21 FINANCIAL STATEMENTS – REPORT NO. AR21/58199

RESOLUTION 2021/308

Moved: Cr Sonya Meziniec
Seconded: Cr Steven Perryman

1. That Audit Committee Report No. AR21/58199 titled '2020/21 Financial Statements' as presented on 20 September 2021 be noted.
2. That in accordance with Section 126 (4) (a) of the Local Government Act 1999, the draft annual financial statements of Council for the financial year 2020/21 have been reviewed and 'they present fairly the state of affairs of the council'.
3. That for the financial year ended 30 June 2021, the Audit Committee recommends that:
 - (a) Council adopts the annual financial statements and as presented at the meeting held 20 September 2021 as final.
 - (b) The Chief Executive Officer and the Mayor of the City of Mount Gambier be authorised to certify the financial statements.
4. That the Presiding Member of the Audit Committee and the Chief Executive Officer of the City of Mount Gambier be authorised to sign Council's Certification of Auditor Independence Statement that will accompany the financial statements for the financial year ended 30 June 2021.
5. That the Auditor's representative, Mr Tim Mulhausler's verbal report providing an overview of the audit report as presented to the Audit Committee Meeting on 20 September 2021 be noted.
6. The Audit Completion Report, Management Representation Letter and Interim Management Letter be noted.

CARRIED



**19.3 COMPARISON OF ACTUAL TO BUDGET FOR THE YEAR ENDING 30 JUNE 2021 –
REPORT NO. AR21/58235**

RESOLUTION 2021/309

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR21/58235 titled 'Comparison of Actual to Budget for the year ending 30 June 2021' as presented on 20 September 2021 be noted.
2. That the estimates comparison for the financial year ending 30 June 2021 be adopted.

CARRIED

**19.4 REVIEW OF DRAFT AUDIT AND RISK COMMITTEE TERMS OF REFERENCE –
REPORT NO. AR21/58970**

RESOLUTION 2021/310

Moved: Cr Sonya Meziniec

Seconded: Cr Steven Perryman

1. That Audit Committee Report No. AR21/58970 titled 'Review of Draft Audit and Risk Committee Terms of Reference' as presented on 20 September 2021 be noted.
2. That the Draft Audit and Risk Committee terms of reference be reviewed with any amendments recommended by the committee to be forwarded to Council for consideration.

CARRIED

19.5 LOCAL GOVERNMENT ACT 2021 CHANGES – REPORT NO. AR21/58959

RESOLUTION 2021/311

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR21/58959 titled 'Local Government Act 2021 Changes' as presented on 20 September 2021 be noted.

CARRIED



19.6 RISK REPORT – REPORT NO. AR21/58960

RESOLUTION 2021/312

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner

1. That Audit Committee Report No. AR21/58960 titled 'Risk Report' as presented on 20 September 2021 be noted.
2. That Council's Audit Committee receives a further Risk Evaluation Report in February 2022 following the November 2021 Risk Management Evaluation, detailing findings, recommendations, and associated action plan.

CARRIED

19.7 WORK HEALTH, SAFETY AND WELLBEING – REPORT NO. AR21/58962

RESOLUTION 2021/313

Moved: Cr Sonya Meziniec
Seconded: Cr Frank Morello

1. That Audit Committee Report No. AR21/58962 titled 'Work Health, Safety and Wellbeing' as presented on 20 September 2021 be noted.
2. That Council's Audit Committee receives a regular Work Health Safety and Wellbeing report presenting a quarterly update on performance, compliance and initiatives.

CARRIED

20 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Chief Executive Officer, Mrs Sarah Philpott, declared a conflict of interest and left meeting.

20.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 12 OCTOBER 2021

RESOLUTION 2021/314

Moved: Mayor Lynette Martin
Seconded: Cr Paul Jenner

That the Minutes of the Chief Executive Officer Performance Review Committee meeting held on 12 October 2021 as attached be noted.

CARRIED



20.2 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE - TERMS OF REFERENCE – REPORT NO. AR21/59971

RESOLUTION 2021/315

Moved: Mayor Lynette Martin

Seconded: Cr Christian Greco

1. That Chief Executive Officer Performance Review Committee Report No. AR21/59971 titled 'Chief Executive Officer Performance Review Committee - Terms of Reference' as presented on 12 October 2021 be noted.

CARRIED

20.3 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE - INDEPENDENT SPECIALIST SUPPORT – REPORT NO. AR21/59986

RESOLUTION 2021/316

Moved: Mayor Lynette Martin

Seconded: Cr Steven Perryman

1. That Chief Executive Officer Performance Review Committee Report No. AR21/59986 titled 'Chief Executive Officer Performance Review Committee - Independent Specialist Support' as presented on 12 October 2021 be noted.
2. That Council endorse the procurement process for the 'Independent Specialist Support' for the Chief Executive Officer Performance Review Committee.

CARRIED

Mrs Sarah Philpott returned to the meeting.

21 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



22 COUNCIL REPORTS

22.1 STATUTORY FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2021

RESOLUTION 2021/317

Moved: Cr Sonya Meziniec

Seconded: Cr Kate Amoroso

1. That Council Report No. AR21/60125 titled 'Statutory Financial Statements for the Year Ending 30 June 2021' as presented on 19 October 2021 be noted.
2. That the Council adopts the audited Financial Statements for the year ending 30 June 2021 (Attachment 1).
3. That the Council notes the Management Representation Letter signed by the Chief Executive Officer (Attachment 2).
4. That the Chief Executive Officer and the Mayor of the City of Mount Gambier be authorised to certify the financial statements.

CARRIED

22.2 LOCAL GOVERNMENT REFORM - COMMUNITY ENGAGEMENT

RESOLUTION 2021/318

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR21/60286 titled 'Local Government Reform - Community Engagement' as presented on 19 October 2021 be noted.

CARRIED

22.3 PERIODIC REVIEW OF CONFIDENTIAL ITEMS - OCTOBER 2021

RESOLUTION 2021/319

Moved: Cr Max Bruins

Seconded: Cr Kate Amoroso

1. That Council Report No. AR21/62829 titled 'Periodic Review of Confidential Items - October 2021' as presented on 19 October 2021 be noted.
2. That the following Confidential Orders as specified in Attachment 1 to Report AR21/62829, having been reviewed by Council, be amended to alter their duration and release conditions:

Nil
3. That the following Confidential Orders as specified in Attachment 1 to Report AR21/62829, having been reviewed by Council, be released as soon as practicable following the Council meeting on 19 October 2021:

Nil



4. That all Confidential Orders as specified in Attachment 1 to Report AR21/62829, excluding those amended or released in resolutions (2) and (3) above, having been reviewed by Council remain in operation on the grounds provided.

CARRIED

23 MOTIONS WITH NOTICE

Pursuant to Section 75A of the Local Government Act 1999, Cr Paul Jenner disclosed a perceived conflict of interest in Item 23.1:

"I am a volunteer at the Mount Gambier Regional Hospital.

Cr Paul Jenner informed the meeting of the manner in which they *intend to deal with the perceived conflict of interest in Item 23.1 as follows:*

- I wish to participate and stay in the room"

In accordance with Section 75A of the Local Government Act 1999 Cr Paul Jenner remained in the meeting for Item 23.1.

23.1 NOTICE OF MOTION - MENTAL HEALTH SERVICES

RESOLUTION 2021/320

Moved: Cr Paul Jenner

Seconded: Cr Kate Amoroso

1. That Council Report No. AR21/65768 titled 'Notice of Motion - Mental Health Services' as presented on 19 October 2021 be noted.
2. That Council organise a meeting with key mental health stakeholders including Ngaire Buchanan, Chief Executive Officer and Pauline Beach, Director of Mental Health at the Mount Gambier and Districts Hospital and Ruth McPhail - Rural and Remote - Glenside.
3. That Council organise a meeting with the Hon. Stephen Wade, SA Health Minister for discussion on drug and alcohol services for the region.
4. That Council organise a meeting with Dr John Brayley, Chief Psychiatrist for South Australia in relation to a suicide prevention plan for the region.

CARRIED

Having participated in the meeting for Item 23.1 under s75A Cr Jenner voted in favour of the motion.

Pursuant to Section 75A of the Local Government Act 1999, Cr Paul Jenner disclosed a perceived conflict of interest in Item 23.2:

"I am a volunteer with the CFS.

Cr Paul Jenner informed the meeting of the manner in which they *intend to deal with the perceived conflict of interest in Item 23.2 as follows:*

- I wish to stay in the room and participate"

In accordance with Section 75A of the Local Government Act 1999 Cr Paul Jenner remained in the meeting for Item 23.2.



23.2 NOTICE OF MOTION - REGIONAL AMBULANCE SA

RESOLUTION 2021/321

Moved: Cr Paul Jenner
Seconded: Cr Kate Amoroso

1. That Council Report No. AR21/65982 titled 'Notice of Motion - Regional Ambulance SA' as presented on 19 October 2021 be noted.
2. Council organise urgently a workshop with regional Ambulance SA management to find out any issues they currently have for service provision with the Limestone Coast region.

CARRIED

Having participated in the meeting for Item 23.2 under s75A Cr Jenner voted in favour of the motion.

Pursuant to Section 75A of the Local Government Act 1999, Cr Frank Morello disclosed an actual conflict of interest in Item 23.3 and 23.4:

"ABC South East chief of staff, Sandra Morello, is my wife.

Cr Frank Morello informed the meeting of the manner in which they intend to deal with the *actual conflict of interest in Item 23.3 and 23.4* as follows:

- I will leave the chamber and not participate in discussion or debate"

In accordance with Section 75A of the Local Government Act 1999 Cr Frank Morello did not participate in the meeting for Item 23.3 and 23.4.

Cr Frank Morello left the meeting at 6:55 pm

23.3 NOTICE OF MOTION - ABC SOUTH EAST

RESOLUTION 2021/322

Moved: Cr Steven Perryman
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/66052 titled 'Notice of Motion - ABC South East' as presented on 19 October 2021 be noted.
2. Council notes the changes to the format of the ABC South East local news segments on the week day Morning Program.
3. Council writes to Regional Editor for ABC South Australia, Northern Territory and Broken Hill Mr Anthony Gerace, expressing disappointment with the loss of local news coverage in the weekday local news bulletins on ABC South East, and the substitution of local news content in the 6:30am and 7:30am local news bulletins with 'stories of state and national interest'.
4. Council asserts it's view that:
 - (a) The five minute news bulletins at 6:30am and 7:30am ought to be reserved for locally relevant news content only, and not usurped by state and national stories.



- (b) The introduction of non-local content during these bulletins effectively robs the South East community of twenty percent of its broadcast bulletin coverage time.
 - (c) National news bulletins run on ABC South East on the hour, and listeners already hear these stories throughout the morning, and often as part of the daily 'Early AM' program.
 - (d) Furthermore, people seeking state and national lead stories can easily access them via a number of other ABC platforms such as ABC News 24 radio, ABC News 24 TV, the ABC Listen App, the ABC iView App, ABC News website, or commercial television news services.
 - (e) ABC has a responsibility to maintain locally relevant broadcast news content in the South East of South Australia, especially given the absence of locally based commercial radio and television news services since 2013.
5. Council protests the erosion of local content via these important daily news bulletins and calls on the ABC to reverse its decision to cut local news bulletin content by twenty percent, and return to providing two full five minute bulletins of locally relevant news content.
 6. Council respectfully acknowledges the efforts of the ABC to support the increase of local news and storytelling via online content, and encourages continued effort in this area.
 7. Council refer this issue to the Limestone Coast LGA, South Australian Regional Organisation of Councils and the Local Government Association of South Australia and requests their support with lobbying on this issue.
 8. CC of the letter to be sent to ABC South East Chief of Staff Sandra Morello, Member for Barker Mr Tony Pasin MP, ABC South Australian Manager, Minister for Communications Hon Paul Fletcher MP, Hon Mr Alex Antic Senator for South Australia) and the Shadow Minister for Communications.

CARRIED

23.4 NOTICE OF MOTION - LOCAL GOVERNMENT ASSOCIATION SA AGM - ABC NEWS

RESOLUTION 2021/323

Moved: Cr Steven Perryman

Seconded: Cr Kate Amoroso

1. That Council Report No. AR21/66117 titled 'Notice of Motion - Local Government Association SA AGM - ABC News' as presented on 19 October 2021 be noted.
2. Council submit the following motion to SAROC for consideration, and if agreed by SAROC, request motion be forwarded to the next available LGA Board Meeting, or alternatively for inclusion on the agenda for the next LGASA general meeting to be held in early 2022:

"The LGA of SA Council notes with concern recent changes to ABC local news bulletins in regional South Australia which effectively erode local content via these important daily news bulletins by twenty percent.

The LGA of SA calls on the ABC to reverse its decision to cut local news bulletin content by twenty percent, and return to providing two full five minute bulletins of locally relevant news content and reminds the ABC of its responsibility to provide local news content in regional areas where local commercial radio and television news services do not exist."

CARRIED

Cr Frank Morello returned to the meeting at 7:08 pm



23.5 NOTICE OF MOTION - MEETING BY ELECTRONIC MEANS

RESOLUTION 2021/324

Moved: Cr Kate Amoroso
Seconded: Cr Christian Greco

1. That Council Report No. AR21/65995 titled 'Notice of Motion - Meeting by Electronic Means' as presented on 19 October 2021 be noted.
2. That Council Officers review the current Council Policy C410 - Conduct of Meetings (s92 Code of Practice) to determine flexible arrangements for attendance by electronic means to Council, Committee and Information / Briefing Sessions where the Local Government Act 1999 allows.
3. In undertaking the review, a draft policy be prepared to enable any Councillor the option to attend an information workshop by electronic means (including telephone) "on request" and not need the approval of the Presiding Member or CEO. Further, that the requirement to request electronic attendance be amended to reflect that at least 12 hours notice be provided by a Councillor of the requirement to attend via electronic means in order for equipment to be in place for the relevant meeting.

CARRIED

Cr Kate Amoroso called a division.

The declaration was set aside.
Voting by division being:

In Favour: Crs Sonya Meziniec, Kate Amoroso, Christian Greco, Paul Jenner and Steven Perryman

Against: Crs Max Bruins and Frank Morello

The Mayor declared the motion

CARRIED 5/2

23.6 NOTICE OF MOTION - REVIEW OF CONFIDENTIAL ITEM

RESOLUTION 2021/325

Moved: Cr Kate Amoroso
Seconded: Cr Max Bruins

1. That Council Report No. AR21/66040 titled 'Notice of Motion - Review of Confidential Item' as presented on 19 October 2021 be noted.
2. The full confidential minutes of the Special Council meeting held on 1 July 2020 considering Community and Recreation Hub Procurement Report No. AR20/39192 be released.

CARRIED

24 MOTIONS WITHOUT NOTICE

Nil



25 CONFIDENTIAL ITEMS OF COMMITTEES

25.1 CONFIDENTIAL ITEMS OF THE PEOPLE AND PLACE COMMITTEE HELD ON 7 OCTOBER 2021

25.2 MOUNT GAMBIER HEALTH PRESENTATION – REPORT NO. AR21/62736

RESOLUTION 2021/326

Moved: Cr Max Bruins
Seconded: Cr Sonya Mezinac

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, Elected Members and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, S McLean and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.2 AR21/62736 Mount Gambier Health Presentation.

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

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 the information to be presented is on a confidential basis by a public official the receipt of which creates a duty of confidence and which on balance the disclosure of which would be contrary to the public interest in best representing the community.

CARRIED



RESOLUTION 2021/327

Moved: Cr Max Bruins
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 6.1 AR21/62736 Mount Gambier Health Presentation 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 Council has been released from its duty of confidence by the provider of the information.
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 CONFIDENTIAL ITEMS OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 12 OCTOBER 2021

Chief Executive Officer, Mrs Sarah Philpott, declared a conflict of interest and left meeting.

25.4 CHIEF EXECUTIVE OFFICER KPI'S – REPORT NO. AR21/59974

RESOLUTION 2021/328

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner

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, Elected Members and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, S McLean and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.4 AR21/59974 Chief Executive Officer KPI's.

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 information to be considered relates to the performance review measures for the Chief Executive Officer, the disclosure of which would be an unreasonable disclosure of personal information relating to the employment of the Chief Executive Officer, Sarah Philpott.

CARRIED



RESOLUTION 2021/329

Moved: Cr Paul Jenner
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 6.1 AR21/59974 Chief Executive Officer KPI's 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 elapsed.
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

Mrs Sarah Philpott returned to the meeting.

26 NEW CONFIDENTIAL ITEMS

**26.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #11 - AS AT 05/10/2021
– REPORT NO. AR21/64848**

RESOLUTION 2021/330

Moved: Cr Frank Morello
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, Elected Members and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, S McLean and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.1 AR21/64848 Project Control Group (PCG) Progress Report #11 - As at 05/10/2021.

The Council is satisfied that, pursuant to section 90(3) (b), (d) 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
- 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

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 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 Councils 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:

Purpose of the Suspension: to discuss Project Control Group (PCG) Progress Report #11

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

Meeting Procedures were suspended at 7:46 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 8:01 pm

RESOLUTION 2021/331

Moved: Cr Sonya Meziniec

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 26.1 AR21/64848 Project Control Group (PCG) Progress Report #11 - As at 05/10/2021 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 (g) 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



26.2 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR21/64857

RESOLUTION 2021/332

Moved: Cr Paul Jenner

Seconded: Cr Sonya Mezinec

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, Elected Members and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, S McLean and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.2 AR21/64857 Wulanda Recreation and Convention Centre - Management and Operation of Mount Gambier Community and Recreation Hub Update.

The Council is satisfied that, pursuant to section 90(3) (b), (d) 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
- 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

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 the negotiation and execution of a contract between Council and a contractor associated with the operation and management of the Wulanda Recreation and Convention Centre which is subject to an existing confidentiality order. 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 Councils position in obtaining best value on behalf of the community.

CARRIED



RESOLUTION 2021/333

Moved: Cr Max Bruins
Seconded: Cr Christian Greco

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 26.2 AR21/64857 Wulanda Recreation and Convention Centre - Management and Operation of Mount Gambier Community and Recreation Hub Update 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 (g) be kept confidential and not available for public inspection until a further order of Council to release.
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

27 MEETING CLOSE

The Meeting closed at 8:04 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 November 2021.

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PRESIDING MEMBER

