

**MINUTES OF CITY OF MOUNT GAMBIER  
SPECIAL COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON WEDNESDAY, 3 MARCH 2021 AT 5:30 PM**

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

**OFFICERS IN ATTENDANCE:** Manager Governance and Property - Mr M McCarthy

**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**

**RESOLUTION 2021/57**

Moved: Cr Christian Greco

Seconded: Cr Frank Morello

That the apology(ies) from Cr Sonya Meziniec and Cr Steven Perryman be received.

**CARRIED**

**3 LEAVE OF ABSENCE**

Nil

**4 CHIEF EXECUTIVE OFFICER SELECTION PANEL COMMITTEE MINUTES**

**4.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER SELECTION PANEL HELD ON 11 NOVEMBER 2020, 22 DECEMBER 2020, 20 JANUARY 2021 AND 26 FEBRUARY 2021**

**RESOLUTION 2021/58**

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

That the Minutes of the Chief Executive Officer Selection Panel meeting held on 11 November 2020, 22 December 2020, 20 January 2021 and 26 February 2021 as attached be noted.

**CARRIED**



## 5 CONFIDENTIAL ITEMS

### 5.1 UPDATE ON THE CHIEF EXECUTIVE OFFICER SELECTION PROCESS – REPORT NO. AR21/12144

#### RESOLUTION 2021/59

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

#### 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 Mayor L Martin, Councillors K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and Council Officer M McCarthy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 5.1 AR21/12144 Update on the Chief Executive Officer Selection Process.

The Council is satisfied that, pursuant to section 90(3) (a), (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 would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- 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 subject matter includes information regarding the selection process, the disclosure of which could reasonably be considered could disclose the commercial information of a confidential nature and confer an advantage on third parties or applicant(s) to the Chief Executive Officer position.

Further, the information to be discussed includes information concerning the personal employment affairs of applicants for the position of Chief Executive Officer provided on a confidential basis and thus creating a duty of confidence on the CEO Selection Panel and Council.

**CARRIED**



**RESOLUTION 2021/60**

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 AR21/12144 Update on the Chief Executive Officer Selection Process 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), (b), (d) and (g) be kept confidential and not available for public inspection until further order of Council, 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**

**5.2 CHIEF EXECUTIVE OFFICER RECRUITMENT – REPORT NO. AR21/11473**

**RESOLUTION 2021/61**

Moved: Cr Max Bruins  
Seconded: Cr Paul Jenner

**CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the *Local Government Act 1999* the Chief Executive Officer Selection Panel orders that all members of the public, except Mayor L Martin, Councillors K Amoroso, M Bruins, C Greco, B Hood, F Morello and P Jenner and Council Officer M McCarthy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 5.2 AR21/11473 Chief Executive Officer Recruitment.

The Chief Executive Officer Selection Panel is satisfied that, pursuant to section 90(3) (a), (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 would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- 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 Chief Executive Officer Selection Panel 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 discussed includes information concerning the personal employment affairs of applicants for the position of Chief Executive Officer provided on a confidential basis and thus creating a duty of confidence on the Committee and Council.

Further, the subject matter also includes information regarding the selection process, the disclosure of which could reasonably be considered could confer an advantage on third parties or applicant(s) to the Chief Executive Officer position.

**CARRIED**

#### **RESOLUTION 2021/62**

Moved: Cr Frank Morello

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 5.2 AR21/11473 Chief Executive Officer Recruitment 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), (b), (d) and (g) be kept confidential and not available for public inspection until further order of Council, to be reviewed at least once in every 12 month period, with the exception of resolution 2(a) which is to be released following execution of a contract of employment by both parties, all unsuccessful candidates have been notified, and an announcement on the appointment is ready to be made.
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**

## **5 MEETING CLOSE**

**The Meeting closed at 6:30 p.m.**

**The minutes of this meeting were confirmed at the Ordinary Meeting of the City of Mount Gambier held on 16 March 2021.**

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**PRESIDING MEMBER**

