

MINUTES OF SPECIAL COUNCIL MEETING

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Monday, 18 March 2019 at 8:00 a.m.

PRESENT Mayor Lynette Martin OAM

Cr Ben Hood
Cr Sonya Mezinac
Cr Max Bruins
Cr Christian Greco
Cr Frank Morello
Cr Paul Jenner

| | | | |
|-------------------------|---|---|-----------------|
| 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 Growth | - | Dr J Nagy |
| | General Manager City Infrastructure | - | Mr N Serle |

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. APOLOGY(IES)

Apologies received from Cr Steven Perryman and Cr Kate Amoroso.

That the apology from Cr Perryman and Cr Amoroso be received.

Moved: Mayor Martin

Seconded: Cr Jenner

Carried

2. LEAVE OF ABSENCE

Nil



3. CONFIDENTIAL ITEMS

3.1. Consideration for Exclusion of the Public

Item No. 3.2

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, Cr Sonya Meziniec, Cr Ben Hood, Cr Frank Morello, Cr Paul Jenner, Cr Max Bruins, Cr Christian Greco and Council Officers – Graeme Maxwell, Pamela Lee, Barbara Cernovskis, Nick Serle and Judy Nagy) be excluded from attendance at the meeting in order for the receipt, discussion and consideration in confidence of Agenda Item 3.2 *'Execution of Agreement – Legal Advice' Report No. AR19/12051*.

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

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.

Legal advice

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 of the Council, or a person engaged by the Council).

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 relates to information provided to Council on a confidential basis creating a duty of confidence, advice received from Council's solicitors on a solicitor client basis, the disclosure of which may jeopardise the position of Council in relation to the subject matter.

| Item No. | Subject Matter | S90(3) Grounds |
|----------|---|------------------|
| 3.2 | <i>'Execution of Agreement – Legal Advice' Report No AR19/12051</i> | (g), (h) and (j) |

Moved: Cr Meziniec

Seconded: Cr Hood

Carried



3.3. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 3.2 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

| Item No. | Subject Matter | S90(3) Grounds | Element To Be Kept Confidential | Duration |
|----------|---|------------------|---------------------------------|--|
| 3.2 | <i>'Execution of Agreement – Legal Advice'</i> Report No AR19/12051 | (g), (h) and (j) | All Details | Until: Council has been released from its duty of confidence by the party that provided the information. To be reviewed annually in accordance with s91(9) |

Moved: Cr Jenner

Seconded: Cr Hood

Carried



3.4. Consideration for Exclusion of the Public

Item No. 3.5

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 Meziniec, Cr Ben Hood, Cr Frank Morello, Cr Paul Jenner, Cr Max Bruins, Cr Christian Greco and Council Officer - Graeme Maxwell) be excluded from attendance at the meeting in order for the receipt, discussion and consideration in confidence of Agenda Item 3.5 *'CEO Selection and Recruitment Committee' Report No. AR19/12104*.

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 received and discussed relate to the disclosure of Councils deliberations in this matter would involve the unreasonable disclosure of personal information of the persons the subject of the matter.

| Item No. | Subject Matter | S90(3) Grounds |
|----------|--|----------------|
| 3.5 | <i>'CEO Selection and Recruitment Committee' Report No. AR19/12104</i> | (a) |

Moved: Cr Meziniec

Seconded: Cr Morello

Carried



3.6. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 3.5 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

| Item No. | Subject Matter | S90(3) Grounds | Element To Be Kept Confidential | Duration |
|----------|---|----------------|---------------------------------|---|
| 3.5 | <i>'CEO Selection and Recruitment Committee'</i> Report No. AR19/12104 | (a) | All Details | Until a contract has been executed in relation to the subject matter of the item. |

Moved: Cr Mezinec

Seconded: Cr Jenner

Carried

Meeting closed at 8:21 a.m.

AR19/11968

