



**Minutes from meeting of:  
EXTRAORDINARY COUNCIL**

**Held  
Wednesday 8 July 2009  
6.30pm  
Council Chambers, Civic Centre  
184 - 194 Bourke Street, Goulburn**

**VISION**

*A sustainable vibrant community protecting, enhancing and enjoying Goulburn Mulwaree's rich social, environmental and economic heritage.*

**Mission**

*To serve the Community*

**Minutes of the Extraordinary Meeting of Council held Wednesday 8 July  
2009 commencing at 6.30pm in the Council Chambers, Civic Centre**

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**Present**

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Mayor James, Cr Banfield, Cr Dillon, Cr Penning, Cr O'Neill Cr Sturgiss, Cr Kirk, Cr Kettle & Cr Peterson

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**Also Present**

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Director Corporate Services (Mr B Hollands) & Consultant from Local Government Employment Solutions (Mr C Morris)

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**Opening Prayer**

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Read by Cr Kettle.

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**Apologies**

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Nil

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**Disclosure of Interest**

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Acting General Manager – Chris Berry declared a pecuniary interest in Item 1 of the Report and the related closed session item as he is an applicant for the General Managers position. Mr Berry did not attend the meeting.

Cr Kettle declared a non-pecuniary interest in Item 1 of the Report and the related closed session item as he works with the wife of one of the applicants. Due to the minor significance of this non-pecuniary interest Cr Kettle remained in the meeting.

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**Item 1 Closed Session**

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**Reporting Officer**

Executive Assistant – Karen Gardiner

**Purpose of Report**

To consider moving into Closed Session.

The following confidential reports have been distributed separately:

	<b>Report</b>
<i>Mayoral Report</i>	<i>Item 1 – General Manager Recruitment</i>

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## Statutory Requirements

Section 10A *Local Government Act 1993*, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

Subject to the provisions of s10 of the Act, so much of a meeting may be closed as comprises certain information as outlined in s10A(2) which states:

**(1) a council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:**

- (a) the discussion of any of the matters listed in subclause (2), or*
- (b) the receipt or discussion of any of the information so listed.*

**(2) the matters and information are the following:**

- (a) personnel matters concerning particular individuals (other than councillors),*
- (b) the personal hardship of any resident or ratepayer,*
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,*
- (d) commercial information of a confidential nature that would, if disclosed:*
  - (i) prejudice the commercial position of the person who supplied it, or*
  - (ii) confer a commercial advantage on a competitor of the council, or*
  - (iii) reveal a trade secret,*
- (e) information that would, if disclosed, prejudice the maintenance of law,*
- (f) matters affecting the security of the council, councillors, council staff or council property,*
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

*(3) a council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.*

*(4) a council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.*

However, the Act also contains the following provisions qualifying the use of Section 10A(2).

### Section 10B

*(1) [Time spent closed to be minimised] A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):*

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
- (b) if the matter is concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussions of the matter in an open meeting would, on balance, be contrary to the public interest.*

*(2) [Qualification of 10A(2)(g)] A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:*

- (a) are substantial issues relating to a matter in which the council or committee is involved, and*
- (b) are clearly identified in the advice, and*
- (c) are fully discussed in that advice.*

*(3) [Qualification of 10A(3)] If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).*

*(4) [Irrelevant matters] For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:*

- (a) a person may misinterpret or misunderstand the discussion, or*
- (b) the discussion of the matter may:*
  - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or*
  - (ii) cause a lot of confidence in the council or committee.*

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**Recommendation**

That Council move into Closed Council in accordance with the requirements of s10 *Local Government Act 1993* to consider the following matter:

**Mayoral Report**

**Item 1 General Manager Recruitment**

*s10A(2)(a) Local Government Act 1993 – personnel matters concerning particular individuals (other than councillors)*

**Purpose of Report**

To report on the recruitment for a General Manager.

This matter is referred for discussion in Closed Council due to personnel matters concerning individual applicants for the position.

**Resolved 09/406**

**Cr Penning/Cr Banfield**

*That Council move into Closed Council in accordance with the requirements of s10 Local Government Act 1993 to consider the following matter:*

*Mayoral Report*

*Item 1 General Manager Recruitment*

*s10A(2)(a) Local Government Act 1993 – personnel matters concerning particular individuals (other than councillors)*

*Purpose of Report*

*To report on the recruitment for a General Manager.*

*This matter is referred for discussion in Closed Council due to personnel matters concerning individual applicants for the position.*

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**Closed Council**

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**Resolved 09/407**

**Cr Penning/Cr Banfield**

*That Council resolved into closed session and close the meeting to the press and public to discuss confidential matters referred to in the Business Paper.*

**Council resolved into closed session at 6.32pm.**

The item listed in Report Item 1 was discussed.

**That Council Resume in Open Session**

**Resolved 09/409**

**Cr Penning/Cr O'Neill**

*That the resolutions of the closed session meeting including the following reports which were submitted to Closed Session in accordance with Section 10A of the Local Government Act 1993 (refer Report Item 1) be adopted.*

These motions were:

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**Item 1    General Manager Recruitment**

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**Resolved 09/410**

**Cr O'Neill/Cr Penning**

*That:*

- A. *The Council accepts the recommendation of the committee of the whole and resolves to appoint the successful candidate to the position of General Manager subject to the negotiation of a contract;*
- B. *If those negotiations prove unsuccessful the Council resolves to appoint the runner up subject to the negotiation of a contract;*
- C. *The Council seal be affixed to the General Manager's contract in accordance with the Local Government Act 1993*

*Meeting closed at 6.38pm.*

The minutes were confirmed at the Council meeting on 21 July 2009 at which this signature was endorsed.

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Mayor Carol James  
**Mayor**

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Mr Brendan Hollands  
**Director Corporate Services**