



Minutes from Extraordinary Meeting of Council

**Held
Tuesday 14 October 2008
6.32pm
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 Tuesday
14 October 2008 commencing at 6.32pm in the Council Chambers**

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Present

Her Worship the Mayor – Cr C James, Cr Banfield, Cr Dillon, Cr Kirk, Cr O’Neill,
Cr Penning, Cr Sturgiss, Cr Woodman.

Also Present

General Manager (Luke Johnson), Director Planning and Community Services
(Mr C Berry), Director Engineering Services (Mr P Hansen), Public Relations Officer
(Mr P Oliver) & Executive Assistant Executive Services (Ms K Gardiner).

Opening Prayer

Read by Cr Nina Dillon

Apologies

That an apology from Cr Hadlow be received and leave of absence granted.

Resolved 08/633

Cr O’Neill/Cr Banfield

That an apology from Cr Hadlow be received and leave of absence granted.

Disclosure of Interest

Cr Banfield noted that he had a pilots licence and following guidance he received from the Department of Local Government he is confident that this is no different to having a driving licence and accordingly does not think it constitutes a conflict of interest.

The time being 6.33pm the Mayor adjourned the meeting for Councillors to read through the report.

The time being 6.45pm the meeting resumed.

Resolved 08/634

Cr Penning / Cr O’Neill

*That Council considers that the matter (the proposed Airport Auction) an
Emergency.*

MOTION

Cr Penning / Cr Banfield

That Council defer the impending sale of the airport to decide, in the light of recent events, if this is the best benefit the community can expect from this community asset.

Resolved 08/635

Cr Penning / Cr O'Neill

That the extension of time be granted to Cr Kirk

The Motion was put.

There being an equality of votes the Mayor exercised the casting vote against the Motion.

The Motion was lost

Executive Services Report

Item 1 Closed Session

Reporting Officer

General Manager – Luke Johnson

Purpose of Report

To consider moving into Closed Session.

The following confidential report has been distributed separately:

Division	Report
<i>Executive Services</i>	<i>Item 1 – Airport</i>

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,

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(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.

Recommendation

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

Executive Services

Item 1 Airport

Clause 10A (2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

Purpose of Report

To advise of legal advice on the sale of the Airport.

This matter is referred for discussion in Closed Council on the basis of legal professional privilege.

This Matter was not considered

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Meeting closed at 7.44pm.

The minutes were confirmed at the Council Meeting on 21 October 2008 at which this signature was endorsed.

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Cr Carol James
Mayor

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Mr Luke Johnson
General Manager