



Minutes

Extraordinary Meeting of Council

5 September 2022

EXTRAORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON MONDAY 5 SEPTEMBER 2022

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**MINUTES OF THE
EXTRAORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON MONDAY, 5 SEPTEMBER 2022
COMMENCING AT 10:00AM**

PRESENT: Councillor Mathew Hatcher, Mayor (in the Chair)
Peter Diskon, David Grace, Tubby Harrison, Anthony Mayne, Amber Schutz,
Rob Pollock OAM and Alison Worthington

Staff: Dr Catherine Dale, General Manager (part)
Mr J Phillips, Divisional Manager, Governance and Administration (part)
Miss L Evans, Minute Secretary (part)

1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY AND EVACUATION MESSAGE

The Mayor welcomed everyone to the meeting, acknowledged the Traditional Owners and advised of the Evacuation Procedure.

2. APOLOGIES

22/218 MOTION Councillor Mayne/Councillor Schutz

THAT apologies be received from Councillor Dannock and leave of absence be granted.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

3. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

4. MAYORAL REPORTS

MR22/014 CODE OF MEETING PRACTICE

File Ref: S002-T00020

22/219 MOTION Councillor Hatcher

THAT a report to adopt the Code of Meeting Practice be added to this agenda as a matter of urgency so councillors who are unable to attend the Extraordinary Council meeting of 5 September 2022, can attend by audio-visual link and vote on the appointment of the General Manager.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

5. GENERAL MANAGER'S REPORTS

GMR22/087 ADOPTION OF THE CODE OF MEETING PRACTICE

File Ref: S002-T00020

22/220 MOTION Councillor Grace/Councillor Harrison

THAT Council adopt the Code of Meeting Practice as attached to report GMR22/087.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, A Schutz and A Worthington.

Against the Motion: Cr R Pollock OAM.

22/221 MOTION Councillor Worthington/Councillor Diskon

THAT Councillor Tanya Dannock be approved to attend the Extraordinary Meeting of Council on 5 September 2022 via audio-visual link due to existing work commitments.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

At **10.08am** Councillor Tanya Dannock joined the meeting.

6. QUESTIONS/URGENT BUSINESS

Nil

7. DEALING WITH MATTERS IN CLOSED SESSION

In accordance with Section 10A(2) of the *Local Government Act 1993*, Council can exclude members of the public from the meeting and go into Closed Session to consider confidential matters, if those matters involve:

(a) personnel matters concerning particular individuals;

and Council considers that discussion of the material in open session would be contrary to the public interest.

In accordance with Section 10A(4) of the *Local Government Act 1993* the General Manager invited members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential matters.

It was noted that there was one public verbal representation on whether the meeting should be closed to consider the matter. Representation was made by Patricia Hellier.

22/222 MOTION Councillor Diskon/Councillor Worthington

THAT pursuant to Section 10A of the *Local Government Act 1993* the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

MR22/015 Recruitment of General Manger

Item MR22/015 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

At **10.15am** the Extraordinary Meeting of Council moved into Closed Session.

ADJOURNMENT

22/223 MOTION Councillor Pollock OAM/Councillor Mayne

THAT the Ordinary Council Meeting be adjourned for 5 minutes.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

At **10.16am** the meeting adjourned

At **10.22am** the meeting reconvened.

MOTION Councillor Pollock/Councillor Diskon

1. That the appointment of the General Manager be deferred to enable the process to be externally investigated and potentially recommenced, due to the potential irregularities in the recruitment process and a serious breach of confidentiality in regard to the shortlisted applicants.
2. That a thorough investigation be undertaken by an external reviewer, to determine if a breach of the Local Government Act has occurred due to the release of the names of the shortlisted applicants and other potential irregularities during the recruitment process. The unauthorised release of the applicants names to outside people is a blatant failure of Councillor's obligations to keep these names confidential. This is an extremely serious breach of administration processes. The person or persons responsible for this information release must be censured and held accountable for their action.

22/224 MOTION Councillor Worthington/Councillor Mayne

THAT Council move into Committee of the Whole to discuss MR22/015 Recruitment of General Manager.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

At **10.32am** the meeting moved into Committee of the Whole.

22/225 MOTION Councillor Worthington/Councillor Schutz

THAT Council move out of the Committee of the Whole .

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

At **10.43am** the meeting moved out of the Committee of the Whole.

22/226 AMENDMENT Councillor Worthington/Councillor Grace

THAT:

1. The appointment of the General Manager be deferred to enable the process to be externally investigated and potentially recommenced, due to the potential irregularities in the recruitment process and an alleged serious breach of confidentiality in regard to the shortlisted applicants.
2. A thorough investigation be undertaken by an external reviewer, to determine if an alleged breach of the Local Government Act has occurred due to the release of the names of the shortlisted applicants and other potential irregularities during the recruitment process. The alleged unauthorised release of the applicants names to outside people is a failure of Council's obligations to keep these names confidential. This is potentially an extremely serious breach of administration processes. The person or persons responsible for this information release must be censured and held accountable for their action.

(The Amendment was **CARRIED** and became the motion)

Division

For the Motion: Crs T Dannock, D Grace, T Harrison, M Hatcher, A Mayne, A Schutz and A Worthington.

Against the Motion: Crs P Diskon and R Pollock OAM.

22/227 MOTION Councillor Harrison/Councillor Grace

THAT Council resolve into Committee of the Whole (in Confidential Session) to consider MR22/015 Recruitment of General Manager, together with any confidential and or late reports tabled at the meeting.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

At **10.50am** the meeting moved into Committee of the Whole.

At **11.31am** Council agreed to put motion 22/226 on hold so that candidate interviews could be conducted.

At **4.45pm** Council reconvened to deal with the remainder of the agenda in closed session.

22/228 MOTION Councillor Schutz /Councillor Harrison

THAT Council move out of Committee of the Whole.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, A Schutz and A Worthington.

Against the Motion: R Pollock OAM.

MOTION Councillor Worthington/Councillor Grace

THAT

1. The appointment of the General Manager be deferred to enable the process to be externally investigated and potentially recommenced, due to the potential irregularities in the recruitment process and an alleged serious breach of confidentiality in regard to the shortlisted applicants.
2. A thorough investigation be undertaken by an external reviewer, to determine if an alleged breach of the Local Government Act has occurred due to the release of the names of the shortlisted applicants and other potential irregularities during the recruitment process. The alleged unauthorised release of the applicants names to outside people is a failure of Council's obligations to keep these names confidential. This is potentially an extremely serious breach of administration processes. The person or persons responsible for this information release must be censured and held accountable for their action.

(The Motion on being put was declared **LOST**)

Division

For the Motion: Crs P Diskon and R Pollock OAM.

Against the Motion: Crs T Dannock, P Diskon, D Grace, M Hatcher, A Mayne, A Schutz and A Worthington.

MR22/015 RECRUITMENT OF GENERAL MANGER

File Ref: S012-T00025

22/229 MOTION Councillor Harrison/Councillor Grace

THAT:

1. That the correspondence and reports relevant to the subject business be withheld from access to the press and public in accordance with Section 11(2) of the *Local Government Act 1993*.
2. That Council endorse the shortlisting of three candidates as determined by the interview panel as per the confidential attachment.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

22/230 MOTION Councillor Schutz/Councillor Mayne

THAT Council move into open session.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

The Mayor advised the following motions were declared in closed session:

MOTION Councillor Worthington/Councillor Grace

THAT

1. The appointment of the General Manager be deferred to enable the process to be externally investigated and potentially recommenced, due to the potential irregularities in the recruitment process and an alleged serious breach of confidentiality in regard to the shortlisted applicants.
2. A thorough investigation be undertaken by an external reviewer, to determine if an alleged breach of the Local Government Act has occurred due to the release of the names of the shortlisted applicants and other potential irregularities during the recruitment process. The alleged unauthorised release of the applicants names to outside people is a failure of Council's obligations to keep these names confidential. This is potentially an extremely serious breach of administration processes. The person or

persons responsible for this information release must be censured and held accountable for their action.

(The Motion on being put was declared **LOST**)

22/227 MOTION Councillor Harrison/Councillor Grace

THAT Council resolve into Committee of the Whole (in Confidential Session) to consider MR22/015 Recruitment of General Manager, together with any confidential and or late reports tabled at the meeting.

(The Motion on being put was declared **CARRIED**)

22/229 MOTION Councillor Harrison/Councillor Grace

THAT:

1. That the correspondence and reports relevant to the subject business be withheld from access to the press and public in accordance with Section 11(2) of the *Local Government Act 1993*.
2. That Council endorse the shortlisting of three candidates as determined by the interview panel as per the confidential attachment.

(The Motion on being put was declared **CARRIED**)

22/231 MOTION Councillor Diskon/Councillor Schutz

THAT following interviews, the Council resolves to appoint candidate B as per the confidential attachment to the position of General Manager subject to the negotiation of a contract.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher and A Schutz.

Against the Motion: Crs A Mayne, R Pollock OAM and A Worthington.

22/232 MOTION Councillor Mayne/Councillor Schutz

THAT Council delegates to the Mayor to negotiate the contract as listed in the confidential attachment with candidate B.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, A Schutz and A Worthington.

Against the Motion: Cr R Pollock OAM.

22/233 MOTION Councillor Worthington/Councillor Diskon

THAT if those negotiations from recommendations above prove unsuccessful the Council resolves to appoint candidate A as per the confidential attachment subject to the negotiation of a contract.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, A Schutz and A Worthington.

Against the Motion: Cr R Pollock OAM.

22/234 MOTION Councillor Worthington/Councillor Harrison

THAT Council delegates to the Mayor to negotiate the contract with candidate A if required as per the confidential attachment.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, A Schutz and A Worthington.

Against the Motion: Cr R Pollock OAM.

22/235 MOTION Councillor Harrison/Councillor Grace

THAT Council resolves to affix the Council seal to the contract in accordance with the *Local Government Act 1993*.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, A Schutz and A Worthington.

Against the Motion: Cr R Pollock OAM.

THE MEETING CLOSED AT 5.43PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday 13 September 2022 at which meeting the signature hereon was subscribed.