

18 CONFIDENTIAL ITEMS**18.1 CONFIDENTIAL ITEM**

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RECOMMENDATION

That:

1. Pursuant to Section 90(2) & (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Chief Executive Officer and Coordinator Executive Services be excluded from attendance at the meeting held on Wednesday 15 December 2021 for Agenda Item 18.1 Confidential item;
2. The Council is satisfied that pursuant to section 90 (3) (g) and (h) of the Local Government Act 1999, the information to be received, discussed or considered in relation to the Agenda Item 18.1 Confidential 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; AND legal advice.
3. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to discuss this Agenda Item 18.1 in confidence.

**MOVED COUNCILLOR REBECCA BOSELEY
SECONDED COUNCILLOR NEVILLE PFEIFFER**

That:

1. Pursuant to Section 90(2) & (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Chief Executive Officer and Coordinator Executive Services be excluded from attendance at the meeting held on Wednesday 15 December 2021 for Agenda Item 18.1 Confidential item;
2. The Council is satisfied that pursuant to section 90 (3) (g) and (h) of the Local Government Act 1999, the information to be received, discussed or considered in relation to the Agenda Item 18.1 Confidential 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; AND legal advice.
3. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to discuss this Agenda Item 18.1 in confidence.

CARRIED.

18.1 CONFIDENTIAL ITEM

Responsible officer: Jeffrey Nickolls, Mayor

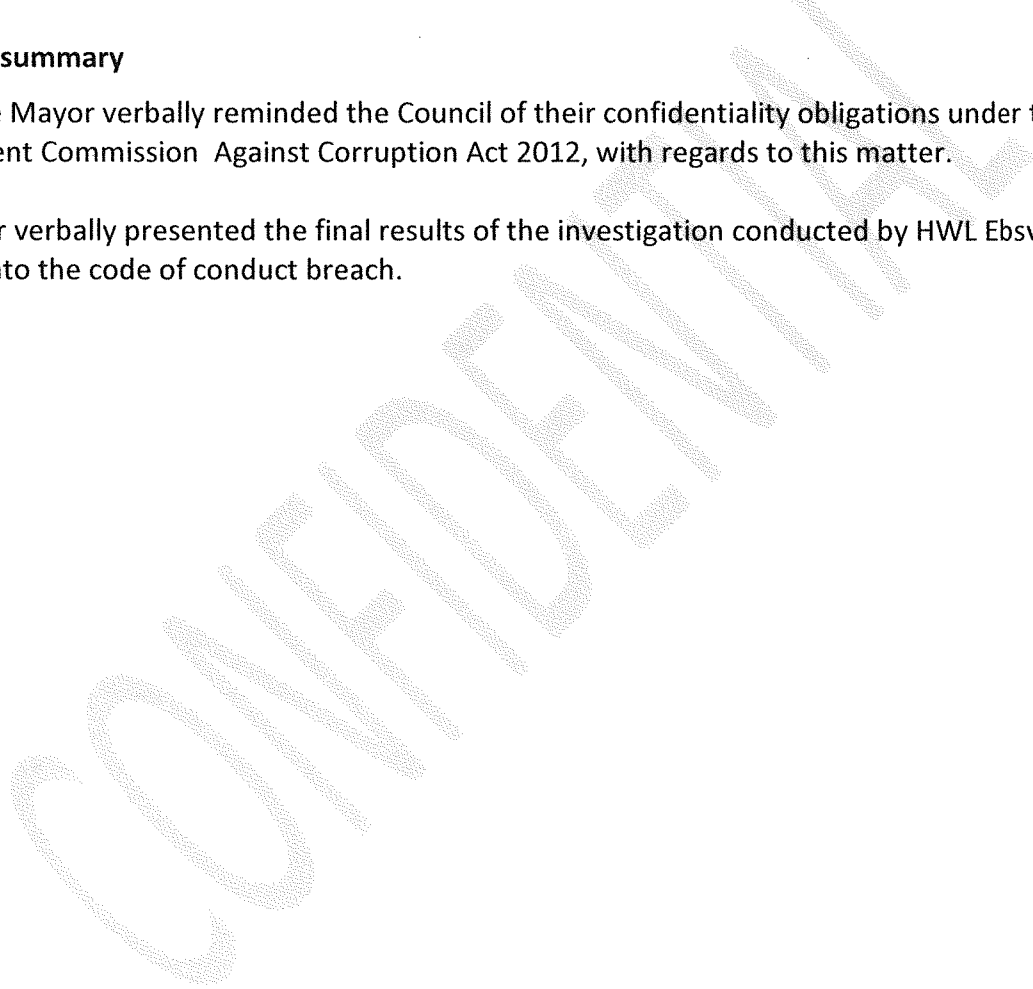
Attachments: Nil

Section under the Act	The grounds on which part of the Council or Committee may be closed to the public are listed in Section 90(2) & (3) of the <i>Local Government Act 1999</i> .
Sub-clause and Reason:	(g) and (h) - 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 and legal advice.

Executive summary

Firstly, the Mayor verbally reminded the Council of their confidentiality obligations under the Independent Commission Against Corruption Act 2012, with regards to this matter.

The Mayor verbally presented the final results of the investigation conducted by HWL Ebsworth Lawyers into the code of conduct breach.



18 CONFIDENTIAL ITEMS**18.1 CONFIDENTIAL ITEM****RECOMMENDATION**

That having considered agenda Item 18.1 in confidence under section 90 (2) and (3) (g) and (h) of the Local Government Act 1999, the Council pursuant to section 91 (7) of the Act orders that the documents considered by the Council, including the officer's report and all minutes be retained in confidence. This order is to be reviewed at or before the ordinary Council meeting to be held in January 2022, as to if this order is to continue in operation.

**MOVED COUNCILLOR REBECCA BOSELEY
SECONDED COUNCILLOR TREVOR HANCOCK**

That having considered agenda Item 18.1 in confidence under section 90 (2) and (3) (g) and (h) of the Local Government Act 1999, the Council pursuant to section 91 (7) of the Act orders that the documents considered by the Council, including the officer's report and all minutes be retained in confidence. This order is to be reviewed at or before the ordinary Council meeting to be held in January 2022, as to if this order is to continue in operation.

CARRIED.