

SOUTHERN MALLEE DISTRICT COUNCIL

CONFIDENTIAL MINUTES

OF THE ORDINARY MEETING HELD ON WEDNESDAY 8TH SEPTEMBER 2010

100904

MAYOR'S COMMUNICATIONS

INTO CONFIDENCE.

In accordance with Section 83(5) I indicate that if the Council so determines this item may be considered in confidence pursuant to Section 90(2) and 90(3) (a) "information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)"

Moved Cr. Sexton/Seconded Cr. Ramke that:-

a) pursuant to Section 90(2) of the Local Government Act, 1999, an order be made that the public, except the Chief Executive Officer and Minute Secretary, be excluded from attendance at the meeting for Council to discuss this matter in confidence.

b) That the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the item at the meeting on the following grounds; Section 90 (3) (a) of the Act, information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

c) The Council is satisfied that on this basis the principle that the meeting be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

CARRIED.

The Mayor advised Elected Members that on the 22nd August, 2010 he received a complaint against the conduct of the Chief Executive Officer from an Elected Member.

He advised that he went to the Code of Conduct for Council Employees for the process. Section 5 – 5th dot point states "if a question of compliance with the Code by the Chief Executive Officer is raised the matter is to be referred to the Council Mayor for determination. The Mayor may refer the matter to the whole Council or a Committee of Council however in all cases, the principles of fairness, equity and natural justice will apply and the matter will be handled confidentially." The Mayor advised that he had chosen the first option and the following process has been done to date:-

- Presented the complaint to the Chief Executive Officer for reply. The Chief Executive Officer asked for more details.
- Contacted the Elected Member and he complied with this request.
- Contacted Chief Executive Officer for his written reply.
- Received written reply from Chief Executive Officer.
- I asked an Elected Member who was named within the complaint to comment. Elected Member has declined.
- Having all the relevant information in file I asked Rob Wallace from the LGA of SA for advice. Rob Wallace's advice was to get an independent mediator. For example former Chief Executive Officer or Mayor. Last resort to get a consultant. After a great deal of thought and advice from some former Chief Executive Officers the Mayor engaged a third party as of the 6th September, 2010. The third party has been emailed all the correspondence and a copy has been forwarded by post.

The complaint is now in the hands of the third party for determination and hopefully a recommendation.

The Mayor advised that he believes he has followed the process correctly and await the outcome. This has all been handled totally in confidence.

Moved Cr. Sexton/Seconded Cr. Dunsford that under the provisions of the Section 91(7) of the Local Government Act, 1999 having considered this agenda item in confidence under Section 90 (2) and (3)(a) of Act the Council orders that the item and the minutes relating to the matter be retained in confidence until the December 2010 Council meeting that this order be reviewed every 12 months.

CARRIED.