



**7 Questions on Notice**

7.1 Cr Mark White

- 7.1.1 Could the Mayor please explain why he deems the running of C.O.G.S. to be “not an operational Matter”?
- 7.1.2 Has the Mayor or Deputy Mayor had any meetings with the Mayor of the Coorong Council?
- 7.1.3 Due to the subject of the question on notice asked by Cr Mark White it is recommended that the meeting be closed to the public in order to receive, discuss or consider in confidence any information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person [ living or dead ]

Recommendation

As set out in the Local Government Act Section 90 and Section 90 [ 3 a ] the public shall be excluded other than Neville Gasmier [ Acting Chief Executive Officer ], Ray Pincombe [ Acting Manager Corporate Services ], Matthew Sherman [ Manager Infrastructure and Engineering Services ], Sheryn Bennier [ Manager Executive Services ] and Shona Hyde [ Governance Support Officer ] from the meeting to consider the matters that must be considered in confidence to the extent, and only to the extent, that the Council considers it to be necessary and appropriate to act in a meeting closed to the public in order to receive, discuss or consider in confidence any information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person [ living or dead ]



## 7 Questions on Notice

### 7.1 Cr Mark White

- 7.1.3 Due to the subject of the question on notice asked by Cr Mark White it is recommended that the meeting be closed to the public in order to receive, discuss or consider in confidence any information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person [ living or dead ]

Cr Neville Pfeiffer moved Cr Bruce Summerton seconded pursuant to Section 90 and Section 90 [ 3 a ] of the Local Government Act 1999 the Council orders that all persons, except the Acting Chief Executive Officer, Works Manager, Manager Executive Services and Governance Support Officer be excluded from attendance at the meeting for the discussion of agenda item 7.1.3 at 10.24 am

The Council is satisfied that pursuant to section 90 [ 3 a ] of the Act, the information to be received, discussed or considered in relation to agenda item 7.1.3 is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person [ living or dead ]

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 agenda item 7.1.3 in confidence because the disclosure would involve the unreasonable disclosure of information concerning the personal affairs of any person [ living or dead ]

**Carried 08 / 1115**

## **7 Questions on Notice**

### 7.1 Cr Mark White

#### 7.1.3 Question

Why is the Southern Mallee District Council paying for lawyers to represent its own employees? Shouldn't the employees be paying for a lawyer to represent themselves if they have an issue within the Council? Isn't this the role which a union carries out?

#### Answer

The Council is not paying for lawyer's for employee's. Wallmans is the Council's lawyer and is representing the Council. Employee's have the right to make complaint to the Mayor and the Mayor must employ someone to investigate the complaint. An Employee can ask the Union to represent them if they wish. We would still most likely require a lawyer to represent the Council. Our lawyer will advise employee's if they should seek legal advice in answer question put to them

Discussion followed around the content and handling of the complaint

The Acting Chief Executive Officer requested that it be recorded that he expressed disappointment in the handling of this complaint and that it was not timely, transparent, fair or good governance as it was revealed that the complaint was made prior to the October 2015 Council Meeting

The Acting Chief Executive Officer asked the Council if they felt he had been treated fairly and supported over the last 8 months in his role as Acting Chief Executive Officer and asked the Council to demonstrate their support of him. The majority of the Councillors agreed with the Acting Chief Executive Officer's question

**10.34 am** Cr Bruce Summerton left the meeting

**10.36 am** Cr Bruce Summerton re-joined the meeting