

**18 CONFIDENTIAL ITEMS****18.4 CONFIDENTIAL ITEM - COMPLAINT**

179

**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 Coordinator Executive Services and Coordinator Organisational Development be excluded from attendance at the meeting held on Wednesday 21 July 2021 for Agenda Item 18.4 Confidential item - Complaint;
2. The Council is satisfied that pursuant to section 90 (3) (a) and (h) of the Local Government Act 1999, the information to be received, discussed or considered in relation to the Agenda Item 18.4 Confidential item - Complaint is:  
information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); 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 18.4 in confidence.

**MOVED COUNCILLOR MICK SPARNON****SECONDED COUNCILLOR TREVOR HANCOCK**

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 Coordinator Executive Services and Coordinator Organisational Development be excluded from attendance at the meeting held on Wednesday 21 July 2021 for Agenda Item 18.4 Confidential item - Complaint;
2. The Council is satisfied that pursuant to section 90 (3) (a) and (h) of the Local Government Act 1999, the information to be received, discussed or considered in relation to the Agenda Item 18.4 Confidential item - Complaint is:  
information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); 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 18.4 in confidence.

**CARRIED.**

7.45 pm Councillor Andrew Grieger left the meeting.

**18.4 CONFIDENTIAL ITEM - COMPLAINT**

**Responsible officer: Jeffrey Nickolls, Mayor**

**Attachments: Nil**

<b>Section under the Act</b>	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> .
<b>Sub-clause and Reason:</b>	(a) and (h) - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) and legal advice.

**Executive summary**

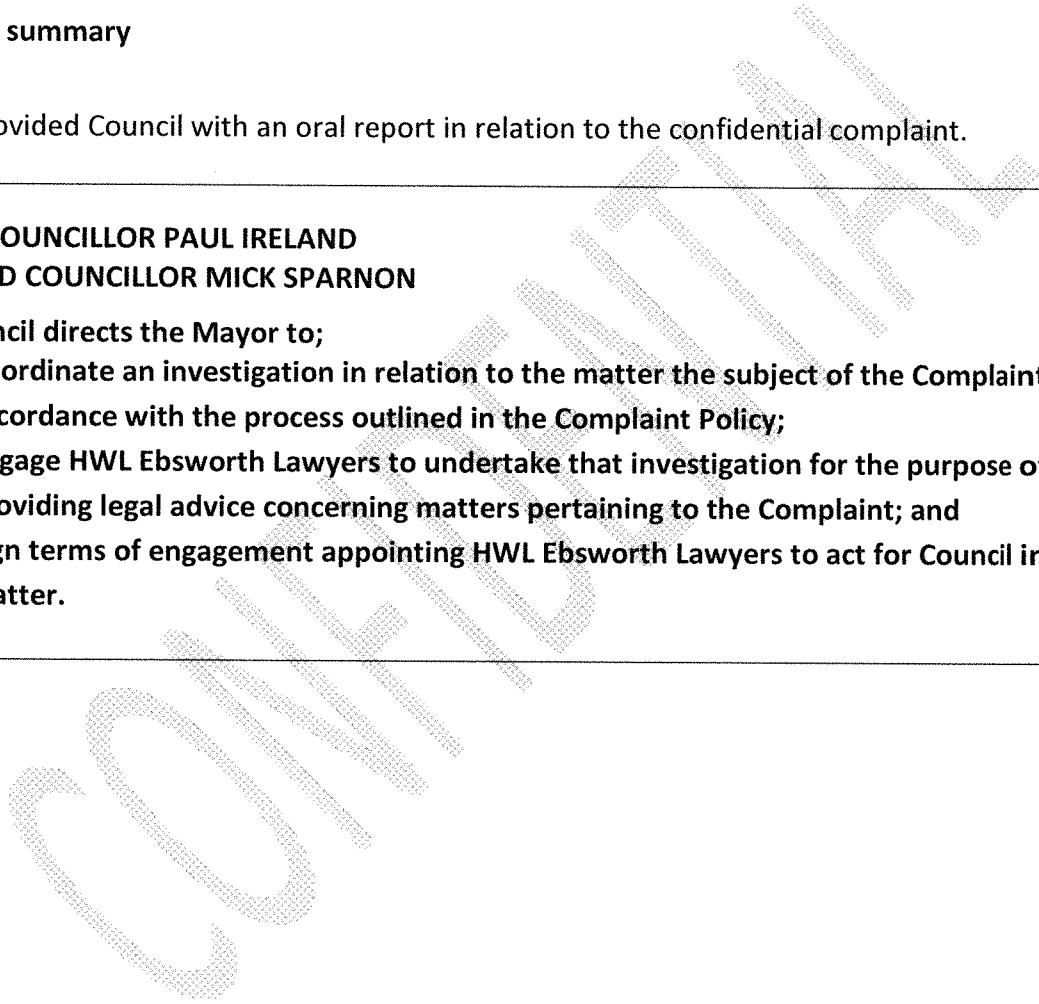
Mayor provided Council with an oral report in relation to the confidential complaint.

**MOVED COUNCILLOR PAUL IRELAND  
SECONDED COUNCILLOR MICK SPARNON**

**That Council directs the Mayor to;**

- (a) Coordinate an investigation in relation to the matter the subject of the Complaint, in accordance with the process outlined in the Complaint Policy;**
- (b) Engage HWL Ebsworth Lawyers to undertake that investigation for the purpose of providing legal advice concerning matters pertaining to the Complaint; and**
- (c) Sign terms of engagement appointing HWL Ebsworth Lawyers to act for Council in this matter.**

**CARRIED.**



**18 CONFIDENTIAL ITEMS****18.4 CONFIDENTIAL ITEM - COMPLAINT****RECOMMENDATION**

That having considered agenda Item 18.4 in confidence under section 90 (2) and (3) (a) 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 MICK SPARNON****SECONDED COUNCILLOR NEVILLE PFEIFFER**

That having considered agenda Item 18.4 in confidence under section 90 (2) and (3) (a) and (h) of the Local Government Act 1999, the Council pursuant to section 91 (7) of the Act orders that any documents considered by Council, including the mayors oral report, concerning the Complaint, including the letter of advice, 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.**

**19 MEETING CLOSED**

The meeting closed at 8.40 pm.

These minutes are to be taken as read and confirmed at the meeting of Ordinary Council Meeting on Wednesday 18 August 2021.

**MAYOR CR** .....

**DATED** Wednesday 18 August 2021