



City of
Mount Gambier

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I hereby give notice that a Special Meeting of Council will be held on:

Date: Tuesday, 31 March 2020
Time: 5.30 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Special Council Meeting 31 March 2020

Andrew Meddle
Chief Executive Officer

31 March 2020

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1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil



4 NEW CONFIDENTIAL ITEMS

4.1 COVID-19 - URGENT TENANCY MATTERS – REPORT NO. AR20/19703

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, N Serle and J Nagy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.1 AR20/19703 COVID-19 - Urgent Tenancy Matters.

The Council is satisfied that, pursuant to section 90(3) (b) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the report references the Council's commercial tenancies and future activities may be compromised through release. The public interest in the disclosure of this information is outweighed by the community benefit arising from the commercial arrangements.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.1 AR20/19703 COVID-19 - Urgent Tenancy Matters and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) be kept confidential and not available for public inspection until the matter has been considered and determined by Council.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

4.2 COVID-19 - COUNCIL RATE CONSIDERATIONS – REPORT NO. AR20/19861

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, N Serle and J Nagy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.2 AR20/19861 COVID-19 - Council Rate Considerations.

The Council is satisfied that, pursuant to section 90(3) (e) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- matters affecting the security of
 - the Council, or
 - Council Members, or
 - employees of the Council, or
 - Council property, or
 - the safety of any person

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because it is reasonably anticipated that the safety and security of Council Members may be at risk from unreasonable community pressure relating to the subject matter of the report resulting in undue and unbalanced influence being made on the decision making process in relation to Council's response to the COVID19 pandemic health emergency.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.2 AR20/19861 COVID-19 - Council Rate Considerations and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (e) be kept confidential and not available for public inspection until the matter has been considered and determined by Council.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

4.3 COVID-19 - REDEPLOYMENT AND EMPLOYMENT – REPORT NO. AR20/20368

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, N Serle and J Nagy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.3 AR20/20368 COVID-19 - Redeployment and Employment.

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 the Agenda Item 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 in the circumstances because the report refers to redeployment and employment of staff, being information concerning the personal affairs of staff and potential staff.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.3 AR20/20368 COVID-19 - Redeployment and Employment and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the matter has been considered and determined by Council.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

4.4 COVID-19 AND THE COMMUNITY AND RECREATION HUB – REPORT NO. AR20/20367

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, N Serle and J Nagy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.4 AR20/20367 COVID-19 and the Community and Recreation Hub.

The Council is satisfied that, pursuant to section 90(3) (k) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the report refers to the tender process and activities associated with the Community and Recreation Hub prior to its completion.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.4 AR20/20367 COVID-19 and the Community and Recreation Hub and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (k) be kept confidential and not available for public inspection until 31 December 2021.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

4.5 COVID-19 - SA PUBLIC HEALTH ACT 2011 DELEGATIONS – REPORT NO. AR20/19633

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, N Serle and J Nagy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.5 AR20/19633 COVID-19 - SA Public Health Act 2011 Delegations.

The Council is satisfied that, pursuant to section 90(3) (e) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- matters affecting the security of
 - the Council, or
 - Council Members, or
 - employees of the Council, or
 - Council property, or
 - the safety of any person

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained in the report relates to the security of Council employees and safety of members of the community relating to the COVID-19 pandemic.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.5 AR20/19633 COVID-19 - SA Public Health Act 2011 Delegations and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (e) be kept confidential and not available for public inspection until the matter has been considered and determined by Council.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

4.6 COVID19 - MISCELLANEOUS MATTERS – REPORT NO. AR20/20507

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, N Serle and J Nagy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.6 AR20/20507 COVID19 - Miscellaneous Matters.

The Council is satisfied that, pursuant to section 90(3) (a), (d), (e) and (g) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party
- matters affecting the security of
 - the Council, or
 - Council Members, or
 - employees of the Council, or
 - Council property, or
 - the safety of any person
- information concerning 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,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered includes information relating to the public health safety of the community and Council Officers, information relating to the employment terms and conditions of Council Officers and commercial information provided on a confidential basis to Council creating a duty of confidence.

The public interest in the disclosure of the commercial information of a confidential nature is outweighed by the community benefit arising from the business activity to which it applies, which activity could be jeopardised or which a 3rd party may be conferred a commercial advantage if the information were disclosed.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.6 AR20/20507 COVID19 - Miscellaneous Matters and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (d), (e) and (g) be kept confidential and not available for public inspection until the matter has been considered and determined by Council.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

4.7 COVID19 - COUNCIL ACTION PLAN - DISCUSSION – REPORT NO. AR20/20732

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, N Serle and J Nagy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.7 AR20/20732 COVID19 - Council Action Plan - Discussion.

The Council is satisfied that, pursuant to section 90(3) (b) and (e) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- matters affecting the security of
 - the Council, or
 - Council Members, or
 - employees of the Council, or
 - Council property, or
 - the safety of any person

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be discussed could reasonably confer a commercial advantage on a third party, and public safety associated with the COVID19 pandemic state of emergency.

The public interest in the disclosure of the information that could confer a commercial advantage on a third party is outweighed in the circumstances by the community benefit to be achieved by the proposed outcomes to be discussed in-confidence.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.7 AR20/20732 COVID19 - Council Action Plan - Discussion and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) and (e) be kept confidential and not available for public inspection until the end of the Public Health Emergency as declared by the State and Federal Governments.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

5 MEETING CLOSE

