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**City of Onkaparinga**  
**Minutes of the Special Council meeting**  
**held on 11 February 2020**

**Venue:** Council Chamber, Civic Centre  
Ramsay Place, Noarlunga Centre

**Meeting commenced:** 6.30pm

**Present:** Mayor Thompson  
Cr Bray  
Cr Brown  
Cr Eaton  
Cr Greaves  
Cr Jamieson  
Cr McMahon  
Cr O'Brien  
Cr Olsen (6.33pm)  
Cr Peat (6.36pm)  
Cr Themeliotis

**Apologies:** Cr Cowan

**Leave of absence:** Nil

**Absent:** Cr de Graaf

**Pledge:**

*We recognise this City's considerable natural and cultural heritage, including thousands of years of traditional ownership by Kurna, and the more recent contribution from people either born here or who have migrated here. As we meet together, we build on this heritage by respecting and listening to each other, thinking clearly, being receptive to new ideas, speaking honestly, and deciding wisely for the current and future well-being of those we serve.*

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**1. Opening of meeting**

Mayor Thompson officially declared the meeting open at 6.32pm.

Mayor Thompson read the pledge.

Cr Olsen entered the meeting at 6.33pm.

**2. Reports of officers**

Nil.

**3. Confidential items**

**3.1 Appointment of Acting Chief Executive Officer**

*MOVED Cr Themeliotis.*

*1. That:*

*a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, be excluded from attendance at the meeting in order to consider this item in confidence.*

*b. the Council is satisfied that it is necessary that the public, with the exception of :*

- Chief Executive Officer (Acting)*
- Sathish Dasan from Norman Waterhouse Lawyers*
- Team Leader Civic Governance (Acting)*
- Governance officer*

*be excluded to enable the Council to consider the report at the meeting on the following grounds:*

*Section 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).*

*c. Specifically, the present matter relates to information pertaining to the personal affairs of a person including in relation to their contract of employment. The disclosure of this information would be unreasonable because it is sensitive and confidential information and is not a matter of public knowledge. Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

*Seconded by Cr Eaton.*

*CARRIED*

Cr Peat entered the meeting at 6.36pm.

*MOVED Cr Themeliotis.*

2. *That Council appoint Stephen Hains as Chief Executive Officer for the duration of the vacancy of the office of the Chief Executive Officer (CEO) on the terms stipulated in the Acting CEO Employment Agreement.*
3. *That Council authorise the Mayor to execute the Acting CEO Employment Agreement on its behalf.*

*Seconded by Cr Greaves.*

**CARRIED**

*MOVED Cr O'Brien.*

4. *That the matter of Appointment of Acting Chief Executive Officer having been considered by the Council in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the following document(s) (or part) be kept confidential:*

- *Report of the CEO relating to item 3.1*
- *Attachments to the report of the CEO relating to item 3.1*
- *Minutes of the Special Council meeting of 11 February 2020 relating to item 3.1*

*on the grounds that the document(s) (or part) relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

5. *This order shall operate until the Acting CEO Employment Agreement is signed by all parties and in any event will, if applicable, be reviewed at least annually in accordance with the Act.*

*Seconded by Cr Themeliotis.*

**CARRIED**

### **3.2 Chief Executive Officer recruitment update**

*MOVED Cr Eaton.*

1. *That:*
  - a. *under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.*
  - b. *the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to discuss the matter at the meeting on the following grounds:*

*Section 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).*

- c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

*Seconded by Cr Greaves.*

**CARRIED**

*MOVED Cr Greaves.*

- 2. a. That the matter of Chief Executive Officer recruitment update having been considered by the Council in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the discussion and minutes of the Council relating to discussion of the subject matter be kept confidential until the recruitment process in relation to appointment of a Chief Executive Officer is finalised.*
- b. That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- c. That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

*Seconded by Cr Eaton.*

**CARRIED**

Mayor Thompson reopened the meeting to the public at 7.40pm

#### **4. Closure**

There being no further business Mayor Thompson officially declared the meeting closed at 7.40pm.

*Certified Correct .....Chair*

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