

11 Confidential items

Confidential matter - update

Cr Nash MOVED:

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 with the exception of the Chief Executive Officer from attendance at the meeting in order to consider in confidence this item.*
- b. *the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider 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 Coomans.

CARRIED

At 10.08pm in accordance with Council's resolution regarding meeting procedures Cr Fletcher MOVED that the meeting continue until the conclusion of business.

Seconded by Cr Nash.

CARRIED

Mayor Rosenberg advised that she intended giving Cr Apap and Cr Wenham a period of 5 minutes each to speak to this matter. Both councillors could then consider whether they stayed for the discussion or left the chamber.

Cr Wenham and then Cr Apap spoke to the matter.

Cr Wenham left the meeting at 10.16pm.

Cr Coomans MOVED:

2. *That Council:*

- i. *endorse actions taken to date in regard to this matter.*
- ii. *note the report of the Local Government Governance Panel.*
- iii. *note the officer's report.*
- iv. *offer mediation services to Cr Apap and Cr Wenham to resolve some of the underlying relationship issues.*

1. *That Council note a review of the Code of Conduct will take place after the 2010 elections and that it consider taking up the recommendations of the Local Government Governance Panel at that time regarding greater powers to the Mayor.*

Seconded by Cr Schulze.

Cr Apap left his seat in the chamber at 11.02pm.

LOST

Cr Apap resumed his seat in the chamber at 11.03pm.

Cr Erwin MOVED:

2. *That Council endorse actions to date in response to a complaint under the Elected Member Code of Conduct.*
3. *That Council note the report of the independent Local Government Governance Panel including its findings that a breach of the Elected Member Code of Conduct 2008 has occurred.*
4. *That Council make mediation services available to the elected members involved.*
5. *That Council make available training to help the elected member who has breached the Code of Conduct to better understand the role and responsibilities of an elected member.*

Seconded by Cr Fletcher.

Cr Apap left his seat in the chamber at 11.12pm.

CARRIED

Cr Apap resumed his seat in the chamber at 11.12pm.

Cr Jamieson MOVED:

6. *That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the abovementioned document (or part of such document) including the minutes and the report of the Council relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(a), with the exception of the resolution moved by Cr Erwin and seconded by Cr Fletcher be retained in confidence for a period of 12 months.*

Seconded by Cr Ferguson.

Cr Apap left the meeting at 11.17pm.

CARRIED

Cr Apap resumed his seat in the chamber at 11.17pm.

Mayor Rosenberg reopened the meeting to the public at 11.17pm.