

**10. Confidential items**

**10.1 Issues of Confidentiality**

*Cr Ferguson MOVED:*

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 the Chief Executive Officer be excluded from attendance at the meeting in order to consider in confidence this item.*

(b) *That the Council is satisfied that it is necessary that the public 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 –*

(i) *would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

(c) *That 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 Manson.*

*CARRIED*

Mayor Rosenberg advised Councillors that a formal complaint had been lodged under the Elected Member Code of Conduct by Cr Wenham against Cr Apap. As required by the code Mayor Rosenberg has advised Cr Apap of the complaint.

The Council is now required under Clause 6.5 of the code to resolve to ask either the Local Government Association, State Local Government Association Relations Unit or another relevant body to appoint a person to investigate the complaint. As the LGA has announced the formation of an Independent Governance Panel it would be appropriate to ask it to appoint the investigator.

*Cr Nash MOVED:*

*That Council ask the Local Government Association to appoint a person to investigate the complaint under Clause 6.7 of the Elected Member Code of Conduct.*

*Seconded by Cr Ferguson.*

Cr Olbrich entered the meeting at 7.52pm.

*CARRIED*

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*Cr Nash MOVED:*

*That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that this document (or part of such document) including the minutes of the Council/Committee 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 Section 90(3)(a), until Council has considered the report of the investigation under clause 67 of the Elected Member Code of Conduct and further consider the confidentiality of the matter.*

*Seconded by Cr Coomans.*

*CARRIED*