

11.3 Legal advice regarding resolution of 1 March 2011

Cr de Jonge 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 Chief Executive Officer, Chief Financial Officer, General Manager Corporate and Community, General Manager Projects and Services, Manager Development Services, Manager Infrastructure, Group Manager Governance, Project Leader- Water Proofing the South and Minute Secretary 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 report at the meeting on the following grounds:*
 - Section 90(3)(h) - legal advice*
 - Section 90(3)(i) - information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council*
 - 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 Merritt.

CARRIED

Cr Nash MOVED:

2. *The legal advice from Norman Waterhouse dated 21 March 2011 be received.*
3. *In relation to the matter of Mr B Becker and Ms J Inglis of 137 Commercial Road, Port Noarlunga South discussed on 1 March 2011, having considered that matter in confidence under sections 90(3)(h) and 90(3)(i) of the Local Government Act 1999, an order now be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the minutes and the report on the subject matter (including all attachments), and all discussion of the subject matter, and all resolutions concerning the subject matter, be kept confidential until the conclusion of all legal proceedings concerning Mr Becker and Ms Inglis (including any appeals or contempt actions).*

Seconded by Cr Chapman.

CARRIED

Cr de Jonge MOVED:

4. *In relation to the matter of the legal advice regarding the resolution of 1 March 2011 having considered that matter in confidence under Section*

90(3)(h), 90(3)(i) of the Local Government Act 1999, an order now be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the legal advice regarding the resolution of 1 March 2011 and the minutes and the report on the subject matter, and discussion on the subject matter, be kept confidential until the conclusion of all legal proceedings concerning Mr B Becker and Ms J Inglis of 137 Commercial Road, Port Noarlunga South (including any appeals or contempt actions).

Seconded by Cr Wenham.

CARRIED