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3 June 2022

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN in accordance with Section 83 of the *Local Government Act 1999* that a **Special Council meeting** of the City of Onkaparinga will be held on **Wednesday 8 June 2022 at 6.30pm** at the Council Chamber at the Civic Centre, Ramsay Place, Noarlunga Centre for the purpose of considering the items included on the attached agenda.

A recording of this public meeting will be conducted and published to council's website. Vision of persons present in the gallery will be captured in the recording.

We recognise that the land on which we meet has considerable natural and cultural heritage, including thousands of years of traditional ownership by Kaurna.

A handwritten signature in black ink, appearing to read 'Julia Grant'.

Julia Grant
Chief Executive Officer (Acting)

Disclaimer: Please note that the contents of the Council Agendas have yet to be considered by Council and recommendations contained herein may be altered or changed by the Council in the process of formally making decisions of Council.

City of Onkaparinga

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AGENDA

Special Council meeting 8 June 2022

VENUE: Council Chamber
Civic Centre, Ramsay Place, Noarlunga Centre

TIME: 6.30pm

APOLOGIES:

LEAVE OF ABSENCE: Nil

PLEDGE

We recognise this City's considerable natural and cultural heritage, including thousands of years of traditional ownership by Kaurna, 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

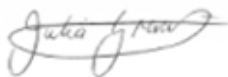
2. Reports of officers

Nil.

3. Confidential items

CONFIDENTIAL CLAUSE

If the Council so determines item 3.1 may be considered in confidence under Section 90(2) of the *Local Government Act 1999* on grounds contained in the Recommendations below.

A handwritten signature in black ink, appearing to read 'Julia Grant', with a stylized flourish at the end.

Julia Grant
Chief Executive Officer (Acting)

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3.1 APPOINTMENT OF A NEW CHIEF EXECUTIVE OFFICER

1. Exclusion of the public

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 relevant Governance staff, the Manager People and Culture and the VUCA consultant, 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 those listed in 1a. above, 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).

Specifically, the matter relates to the information regarding the candidates for the position of Chief Executive Officer of the Council. The disclosure of this information would be unreasonable because the information is sensitive and confidential to the candidates, is not a matter of public knowledge and the candidates would have provided the information on a confidential basis and would expect the information to be kept confidential.

- 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.
- d. notwithstanding the above order of the Council excluding the public from attendance at the meeting in order to consider this item in confidence, the candidates be permitted at the invitation of the Presiding Member to enter the Chamber and remain in the room for the purposes of making their presentations and for the duration of their presentation only.

2. Confidential recommendations

3. Period of confidentiality and delegations

- a. That the matter of Appointment of a new 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 agenda report, attachments, discussion and minutes of the Council relating to the subject matter be kept confidential until the contractual negotiations and arrangements for the appointment of the Chief Executive Officer have been finalised, the offer of employment has been formally accepted, the employment contract has been executed by all parties and the elected body has been advised of this matter, with the exception that Attachment 1 to the agenda report will be kept confidential.
- b. That, pursuant to section 91(9)(a) of the *Local Government Act 1999*, the 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*, the Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.

4. Closure

Conflict of Interest Disclosure Form

CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS

Councillor:

Date:

Meeting name:

Agenda item no:

1. I have identified a conflict of interest as:

MATERIAL ☐

ACTUAL ☐

PERCEIVED ☐

MATERIAL: Conflict arises when a councillor or a nominated person will gain a benefit or suffer a loss (whether directly or indirectly and whether pecuniary or personal) if the matter is decided in a particular manner. If declaring a material conflict of interest, Councillors must declare the conflict and leave the meeting at any time the item is discussed.

ACTUAL: Conflict arises when there is a conflict between a councillor's interests (whether direct or indirect, personal or pecuniary) and the public interest, which might lead to decision that, is contrary to the public interest.

PERCEIVED: Conflict arises in relation to a matter to be discussed at a meeting of council, if a councillor could reasonably be taken, from the perspective of an impartial, fair-minded person, to have a conflict of interest in the matter – whether or not this is in fact the case.

2. The nature of my conflict of interest is as follows:

(Describe the nature of the interest, including whether the interest is direct or indirect and personal or pecuniary)

3. I intend to deal with my conflict of interest in the following transparent and accountable way:

☐ I intend to **leave** the meeting

OR

☐ I intend to **stay** in the meeting *(complete part 4)*

4. The reason I intend to stay in the meeting and consider this matter is as follows:

(This section must be filled in. Ensure sufficient detail is recorded of the specific circumstances of your interest.)

and that I will receive no benefit or detriment direct or indirect, personal or pecuniary from considering and voting on this matter.

CONFLICTS MUST ALSO BE DECLARED VERBALLY DURING MEETINGS

Governance use only: Member voted FOR/AGAINST the motion.

Ordinary Business Matters

A **material, actual or perceived** Conflict of Interest does not apply to a matter of ordinary business of the council of a kind prescribed by regulation.

- (1) *The following ordinary business matters are prescribed under Regulation 8AAA of the Local Government (General) Regulations 2013.*
 - (a) *the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act*
 - (b) *the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders)*
 - (c) *the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act*
 - (d) *the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act*
 - (e) *the adoption or revision of an annual business plan*
 - (f) *the adoption or revision of a budget*
 - (g) *the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration*
 - (h) *a discussion or decision of a matter at a meeting of a council if the matter—*
 - (i) *relates to a matter that was discussed before a meeting of a subsidiary or committee of the council*
 - (ii) *the relevant interest in the matter is the interest of the council that established the committee or which appointed, or nominated for appointment, a member of the board of management of the council subsidiary or regional subsidiary.*
- (2) *For the purposes of section 75(3)(b) of the Act, a member of a council who is a member, officer or employee of an agency or instrumentality of the Crown (within the meaning of section 73(4) of the Act) will not be regarded as having an interest in a matter before the council by virtue of being a member, officer or employee.*

Engagement and membership with groups and organisations exemption

A member will not be regarded as having a conflict of interest **actual or perceived** in a matter to be discussed at a meeting of council **by reason only of**:

- an engagement with a community group, sporting club or similar organisation undertaken by the member in his or her capacity as a member; or membership of a political party
- membership of a community group, sporting club or similar organisation (as long as the member is **not** an office holder for the group, club or organisation)
- the member having been a student of a particular school or his or her involvement with a school as parent of a student at the school
- a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a Council.

However, the member will still be required to give careful consideration to the nature of their association with the above bodies. Refer Conflict of Interest Guidelines.

For example: If your **only** involvement with a group is in your role as a Council appointed liaison as outlined in the Council appointed liaison policy, you will not be regarded as having a conflict of interest actual or perceived in a matter, and are NOT required to declare your interest.