



Council Meeting Minutes

**12 September 2017 at 7.00pm
Council Chamber
401 Greenhill Road, Tasmore**

Members Present: Mayor David Parkin
Crs Wilkins, Lemon, Bills, Bagster, Monceaux, Osterstock, Ford,
Cornish, Lord, Davey, Piggott, Cornish

Staff Present: Paul Deb, Chief Executive Officer

The Mayor read the opening prayer.

The Mayor acknowledged those who gave their life for this Country and also acknowledged the Traditional Owners.

The Mayor advised of the relevant legislation and offences that address behaviour that disrupts a Council Meeting and informed all present that offences apply to both members of the gallery and Elected Members

Evacuation Procedure

The Mayor read the evacuation procedure.

Recording of Council Meetings

The Mayor advised that the Council Meeting is recorded.

Apologies

Nil

Leave of Absence

Request – Cr Bagster (As per Resolution C11347) (4.1)

That Cr Bagster's Leave of Absence request be granted for a three month period from 13 September 2017.

Moved Cr Bagster

Due to a lack of seconded the motion

LAPSED

Confirmation of Minutes**Recommendation**

C11371

That the Minutes of the meeting of Council held on 22 August 2017 and the Minutes of the Special Meeting of Council held 30 August 2017 be taken as read and confirmed.

Moved Cr Piggott, Seconded Cr Davis

CARRIED

Mayor's Report

C11372 That the Mayor's report be received.

Moved Cr Lemon, Seconded Cr Cornish

CARRIED

Reports of Members, Delegates and Working Parties

Cr Monceaux attended the Elected Member Informal Gathering prior to the last meeting on 22 August 2017; undertook bank authorisations for BRSI on both 24 August 2017 and 7 September 2017; attended the Community Grants meeting on 25 August 2017; attended two resident meetings regarding the Life Care development on 26 August 2017 and 9 September 2017; Chaired EHA CEO's Remuneration and Review Committee on 30 August 2017; attended the Special Meeting of the Council on 30 August 2017; attended the Special Meeting of the Council Audit Committee on 4 September 2017; attended a meeting with Council Administration staff regarding Beaumont Tennis Club on 4 September 2017 and attended the farewell and thankyou dinner event for the retiring Manager of BRSI on 6 September 2017.

Cr Bagster attended the Council Development Assessment Panel meeting on 5 September 2017 and attended a Fair Work Australia (FWA) hearing on 11 September 2017. Cr Bagster advised of the scope and discussions of the hearing.

Formal motion

C11373 That the meeting be adjourned for a period of 30 minutes before recommencing at 7.50pm.

Moved Cr Osterstock, Seconded Cr Davey

CARRIED

Resumption of Meeting

The resumption of the meeting was delayed due to SA Police being required to attend the meeting due to the disruptive behaviour of Mr Jim Jacobsen in the galley.

C11374 That the meeting be resumed at 8.04pm.

Moved Cr Davis, Seconded Councilor Wilkins

CARRIED

Cr Lemon attended the CEO Recruitment, Performance Appraisal and Remuneration Review Committee on 28 August 2017; the Special Council meeting on 30 August 2017 and attended resident meetings regarding the Glenrose development on 26 August and 9 September 2017.

Cr Wilkins attended the Council DAP meeting on 5 September 2017; attended a dinner to farewell Sue Shuttleworth, outgoing Manager of Pineview Village as she is retiring on 6 September 2017 and attended a meeting of Gilles Road residents as the Glen Osmond community opposes the proposed 9 story building on the corner of Gilles and Portrush roads for the increase of aged care Life Care complex on 9 September 2017.

Cr Ford attended the Special Meeting of Council held 30 August 2017 regarding the Hines Report.

Cr Cornish attended the Eastern Health Authority Board or Management Meeting on 30 August 2017 and sat in the gallery for the Special Meeting of the Audit Committee on 4 September 2017.

Cr Davey attended a meeting of the Community Grants Selection Panel on 25 August 2017 and attended a Burnside War Memorial Hospital Board meeting on 30 August 2017.

Cr Davis received a telephone call from Cr Bagster on 10 September 2017. Cr Davis advised that he intended to seek leave of meeting at the end of this agenda item due to a matter of urgency.

Adjournment of Meeting

C11375 That the Council Meeting be adjourned at 8.07pm for of five minutes before recommencing.

Moved Cr Davis, Seconded Cr Piggott

CARRIED

Resumption of Meeting

C11376 That the meeting be resumed at 8.11pm.

Moved Cr Piggott, Seconded Councilor Cornish

CARRIED

Cr Cornish called a Point of Order pursuant to Regulation 28 (2) of the *Local Government (Procedures at Meetings) Regulations 2013* and sought the Presiding Member to rule accordingly. Cr Cornish called the point of order due to a matter relating to voting. Cr Cornish advised that all members present and in their Chamber seats have a duty to vote on any questions arising for decision. Mayor Parkin, as Presiding Member, acknowledged the Point of Order and upheld it accordingly consistent with Section 86 of the *Local Government Act 1999*.

Cr Davis, in accordance with Regulation 15 (2) of the *Local Government (Procedures at Meetings) Regulations 2013* sought leave of the meeting in order to raise a matter of urgency.

Cr Osterstock called a Point of Order pursuant to Regulation 28 (2) of the *Local Government (Procedures at Meetings) Regulations 2013* and sought the Presiding Member to rule accordingly. Cr Osterstock called the point of order in relation to Regulation 29 of the *Local Government (Procedures at Meetings) Regulations 2013* regarding the interruption of the meeting by an Elected Member and the potential for that Member to be removed from the meeting. Mayor Parkin, as Presiding Member, acknowledged the Point of Order and requested Cr Bagster not to further interrupt the proceedings of the meeting or further interrupt other Elected Members who are speaking.

Leave of the meeting for Cr Davis was

GRANTED

Pursuant to section 90(2) and (3) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Elected Members of the City of Burnside; the Chief Executive Officer; and in the Executive Boardroom, the General Manager Urban Services; the General Manager Corporate Services; the Executive Officer and the Group Manager People and Innovation, on the basis that it will receive and consider an audio recording between Cr Bagster and Cr Davis.

The Council is satisfied, pursuant to section 90(3)(a) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is information that would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead). The information concerns the relationship, reputation and character of an Elected Member and the release of such information is unreasonable.

In addition, pursuant to section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this item is information relating to matters affecting the security of the Elected Members and employees of the Council. The recording contains matters relating to the safety of a person and the release of such information is unreasonable.

Further, the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because of the public interest in maintaining the confidentiality of the personal affairs of these persons.

Further, the Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because disclosure of information may unreasonably expose members at the expense of their health and safety if details are disclosed publicly.

Cr Bagster declared an interest in the matter.

Moved Cr Davis, Seconded Cr Piggott

Formal motion

C11377

That the question be put.

Moved Cr Osterstock, Seconded Cr Lemon

CARRIED

The question was put to a vote by the Presiding Member without further debate.

C11378

Pursuant to section 90(2) and (3) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Elected Members of the City of Burnside; the Chief Executive Officer; and in the Executive Boardroom, the General Manager Urban Services; the General Manager Corporate Services; the Executive Officer and the Group Manager People and Innovation, on the basis that it will receive and consider an audio recording between Cr Bagster and Cr Davis.

The Council is satisfied, pursuant to section 90(3)(a) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is information that would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead). The information concerns the relationship, reputation and character of an Elected Member and the release of such information is unreasonable.

In addition, pursuant to section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this item is information relating to matters affecting the security of the Elected Members and employees of the Council. The recording contains matters relating to the safety of a person and the release of such information is unreasonable.

Further, the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because of the public interest in maintaining the confidentiality of the personal affairs of these persons.

Further, the Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because disclosure of information may unreasonably expose members at the expense of their health and safety if details are disclosed publicly.

Moved Cr Davis, Seconded Cr Piggott

CARRIED

Cr Osterstock called a Point of Order pursuant to Regulation 28 (2) of the *Local Government (Procedures at Meetings) Regulations 2013* and sought the Presiding Member to rule accordingly. Cr Osterstock called the point of order as the matter to be discussed directly was in direct relation to Cr Bagster, therefore leading to a reasonable assumption that as there may be a material conflict of interest for Cr Bagster, consistent with Section 73 of the *Local Government Act 1999*, he should vacate the Chamber. Mayor Parkin, as Presiding Member, acknowledged the Point of Order and advised that in his own assessment there would be an unequivocal conflict of interest for Cr Bagster.

Motion

C11379

That Council is appalled by the behaviour of Cr Bagster and has no confidence in him as an Elected Member.

Cr Bagster declared a conflict of interest with this motion and left the Chamber at 8.44pm.

Moved Cr Davis, Seconded Cr Lemon

CARRIED

A Division was called by Cr Osterstock.

IN FAVOUR

Cr Osterstock
Cr Monceaux
Cr Bills
Cr Lemon
Cr Wilkins
Cr Davis
Cr Piggott'
Cr Davey
Cr Cornish

AGAINST

Cr Lord
Cr Ford

The Division resulted in the Motion being

CARRIED

Cr Bagster returned to the Chamber at 9.10pm.

Motion

C11380

That the Council again request that the Minister for Local Government meet with the Mayor to discuss the ongoing unacceptable behaviour of Cr Bagster.

Cr Bagster declared a Conflict of Interest and left the Chamber at 9.16pm.

Moved Cr Davis, Seconded Cr Lemon

CARRIED

A Division was called by Cr Davis.

IN FAVOUR

Cr Osterstock
Cr Lemon
Cr Wilkins
Cr Davis
Cr Piggott
Cr Davey
Cr Cornish

AGAINST

Cr Monceaux
Cr Bills
Cr Lord
Cr Ford

The Division resulted in the Motion being

CARRIED

Adjournment of Meeting

C11381 That the Council Meeting be adjourned at 9.40pm for a refreshment break of 10 minutes before recommencing at 9.50pm.

Moved Cr Wilkins, Seconded Cr Lemon

CARRIED

Resumption of Meeting

C11382 That the meeting be resumed at 9.51pm.

Moved Cr Cornish, Seconded Cr Lord

CARRIED

Motion

C11383

That Council urges the Minister for Local Government to use the powers conferred to him by legislation to facilitate the removal of Cr Bagster as an Elected Member, on the ground of incapacity to carry out his official duties satisfactorily, and to prevent any further harm and detriment occurring to the Council, it's staff and the Local Government Sector.

Moved Cr Davis, Seconded Cr Wilkins

CARRIED

Cr Bagster returned to the Chamber at 10.02pm and left at 10.02pm.

Cr Osterstock left the Chamber at 10.12pm and returned at 10.13pm.

Cr Lord left the Chamber at 10.22pm and returned at 10.25pm.

Cr Lord left the Chamber at 10.32pm and returned at 10.39pm.

Motion

C11384

That the recorded telephone conversation provided by Cr Davis be received.

Moved Cr Osterstock, Seconded Cr Davey

CARRIED

Confidentiality Recommendation:

C11385

Cr Davis in accordance with Section 75 of the *Local Government Act 1999* declared an actual Conflict of Interest in relation to keeping this item in confidence. Cr Davis advised the Council that he believed it was in the public interest to release the audio recording however, the release would be in conflict with his personal view. Cr Davis declared that he would deal with this actual conflict in a transparent and accountable way by leaving the Chamber and left at 10.43pm.

1. That, having considered the recorded telephone conversation between Cr Bagster and Cr Davis, in confidence, pursuant to section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that:

- 1.1 the recording relating to this item remain confidential on the basis that the disclosure of this information:
 - 1.1.1 would be an unreasonable disclosure of the personal affairs of a person pursuant to Section 90(3)(a) of the Act, as the recording contains information relating to the relationship, reputation and character of an Elected Member and the release of such information is unreasonable; and
 - 1.1.2 relates to the matters affecting the security of the Members of the Council, pursuant to section 90(3)(e);
 - 1.2 the recording relating to this item will not be available for public inspection for the period of 12 months at which time this order will be revoked / reviewed by the Council/Chief Executive Officer (CEO); and
 - 1.3 this confidentiality order will be reviewed by the Council/CEO at least once every 12 months.
2. That for the item named in clause 1 and associated sub clauses, unless:
- 2.1 the period in respect of any order made under Section 91(7) of the *Local Government Act 1999* lapses; or
 - 2.2 Council resolves to revoke an order made under Section 91(7) of the *Local Government Act 1999*; or
 - 2.3 the CEO determines pursuant to delegated authority that the order be revoked;
- any discussions of Council on the matter and any recording of those discussions are to be treated as confidential.

Moved Cr Piggott, Seconded Cr Lemon

CARRIED

Cr Davis returned to the Chamber and resumed his seat at 10.47pm.

Extension of Time

- C11386 That the Council Meeting be extended until 11.00pm in order to discuss the remaining agenda items.

Moved Cr Cornish, Seconded Cr Wilkins

CARRIED

Cr Bagster returned to the Chamber and resumed his seat at 10.48pm.

Reports of Officers**Chief Executive Officer Report – August 2017 (Operational) (14.1)****Motion**

C11387

That the Report be received.

Moved Cr Lemon, Seconded Cr Davis

CARRIED

Minutes of CEO Recruitment, Performance, Appraisal and Remuneration Review Committee – 14 August 2017 adjourned to 28 August 2017 (Operational) (14.2)**Motion**

C11388

That the Minutes of the CEO Recruitment, Performance, Appraisal and Remuneration Review Committee of 14 August 2017 and adjourned to 28 August 2017 be received by Council.

Moved Cr Cornish, Seconded Cr Piggott

CARRIED

Minutes of the Special Audit Committee Meeting – 4 September 2017 (Operational) (14.4)**Motion**

C11389

That the Minutes of the Special Audit Committee meeting held on 4 September 2017 be received.

Moved Cr Cornish, Seconded Cr Davis

CARRIED

Delegations under the Environment Protection Act 1993 (Operational) (14.6)**Motion**

C11390

1. That the Report be received.
2. In exercise of the power contained in Section 44 of the *Local Government Act 1999*, the powers and functions under the *Environment Protection Act 1993* and specified in the proposed Instrument of Delegation contained in Attachment A of the Report dated 12 September 2017 and entitled “Delegations under the Environment Protection Act 1993” are hereby delegated on this 12th day of September 2017 to the Chief Executive Officer, subject to the conditions and or limitations specified herein or in Attachment A.

3. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 44 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in Attachment A

Moved Cr Davey, Seconded Cr Davis

CARRIED

Miller Reserve, Linden Park – Overhanging Vegetation Update (Operational) (14.8)

Motion

C11391

1. That the Report be received.
2. That a further report is presented to Council at its meeting of 26 September 2017, which includes details of engagement and communications with the owners of a Lilly Pilly tree which overhangs Miller Reserve, and a recommendation in relation to proposed next steps.

Moved Cr Osterstock, Seconded Cr Lemon

CARRIED

Water Sensitive Urban Design Policy – Review (Operational) (14.9)

Motion

C11392

1. That the Report be received.
2. That Council adopt the revised Water Sensitive Urban Design Policy.

Moved Cr Piggott, Seconded Cr Davey

CARRIED

Open Space Policy – Review (Operational) (14.10)

Motion

C11393

1. That the Report be received.
2. That Council adopt the revised Open Space Policy.

Moved Cr Davey, Seconded Cr Monceaux

CARRIED

Community Grants Program 2017/18 – Round 1 Recipients (Operational) (14.11)

Cr Cornish disclosed a material conflict of interest as set out within section 73 of the *Local Government Act 1999*. Cr Cornish explained that he occupies the position of Secretary of the Dulwich Neighbourhood Watch Group, a proposed recipient of a Community Grant for this item. Cr Cornish left the Chamber at 10.51pm.

Motion

C11394

1. That the Report be received.
2. That Council support the following allocation of funding for Community Grants (Round 1) applications to be applied in the 2017/18 financial year:

Organisation	2017/18 Amount Granted
Burnside Writers Group	\$500
Burnside Youth Concert Band	\$2,500
Telmena Brucko-Stempkowski	\$0
Adelaide Eastern Suburbs Justices Group	\$0
Clayton Wesley Unity Church	\$2,500
Dulwich, Rose Park and Toorak Gardens Neighbourhood Watch	\$500 (plus in-kind support and hire)
Linden Park Neighbourhood Watch	\$500
Old Ignations Soccer Club	\$0
Uniting Communities – Eastern Services (Low income Support)	\$0
Athletics SA	\$1,150
South Australian Athletic League Inc	\$1,000 (and hire fees)
Eastern Suburbs Cricket Club	\$0
Laughter Yoga	\$1,000
Wild Frontier Square Dance Club	\$1,000
Burnside Historical Society	\$2,211
Lebanese Community Advisory Centre	\$0
Burnside Legacy Widows Club	\$500

Moved Cr Davey, Seconded Cr Wilkins

CARRIED

Cr Cornish resumed his seat in the Chamber at 10.52pm.

Remake of Confidentiality Order on Topic 50.2 Burnside War Memorial Hospital Lease (Operational) (14.5)

Cr Osterstock disclosed a material conflict of interest as set out within section 73 of the *Local Government Act 1999*. Cr Osterstock explained that he is a board member, being a member of the governing body, of Burnside War Memorial Hospital, which is a body corporate (Section 73(1) (c) of the *Local Government Act 1999*).

Cr Davis disclosed a material conflict of interest as set out within section 73 of the *Local Government Act 1999*. Cr Davis explained that he is a board member, being a member of the governing body, of Burnside War Memorial Hospital, which is a body corporate (Section 73(1) (c) of the *Local Government Act 1999*).

Cr Davey disclosed a material conflict of interest as set out within section 73 of the *Local Government Act 1999*. Cr Davey explained that she is a board member, being a member of the governing body, of Burnside War Memorial Hospital, which is a body corporate (Section 73(1) (c) of the *Local Government Act 1999*).

Crs Osterstock, Davis and Davey left the Chamber at 10.53pm.

Motion

C11395

1. That the Report be received.
2. That pursuant to section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that:
 - 2.1 the confidentiality order the subject of Resolutions (C10380, C10382, C10383) of 22 September 2015 concerning the report, attachments and minutes for Item 19.1 "Burnside War Memorial Hospital – Lease", be remade over paragraph 20 of the report and Attachment D to ensure that:
 - 2.1.1 Council does not disclose information the disclosure of which would involve the disclosure of Council's privileged legal advice pursuant to section 90(3) (h) of the *Local Government Act 1999*.
 - 2.2 The documents referred to in clause 2.1 above be retained in confidence for ten years at which time this order will be revoked/reviewed by the Council/Chief Executive Officer and that this order be reviewed at least once every 12 months.

Moved Cr Lemon, Seconded Cr Cornish

CARRIED

Crs Osterstock, Davis and Davey returned to the Chamber and resumed their seats at 10.55pm.

Adjournment of Meeting

C11396 That the Council Meeting be adjourned and reconvene at 6.00pm on Tuesday 19 September 2017.

Moved Cr Bills, Seconded Cr Davis

CARRIED

In accordance with the Elected Members' Code of Practice – Meeting Procedures, the meeting adjourned at 10.57pm. Accordingly, the remaining items of business on this Agenda for consideration were adjourned to the 19 September 2017 Council meeting.

Recommencement of Meeting from 12 September 2017

The adjourned meeting of Council recommenced at 6.00pm on 19 September 2017.

Members Present: Mayor David Parkin
Crs Wilkins, Lemon, Bills, Monceaux, Osterstock,
Cornish, Piggott

Apologies: Crs Davey, Ford and Davis

Deputations

Nil

Petitions

Nil

Questions on Notice

Comments attributed to Cr Ford, Eastern Courier, Wednesday 30 August 2017, page 6, "We have people facing inordinate delays about heritage issues for instance, and we as Crs are not informed about how these are going to be resolved." (10.1)

Cr Osterstock asked the following questions on notice:

1. Is Council Administration aware of any resident or residents facing "inordinate delays" in relation to matters raised by the said resident or residents concerning "heritage issues"?

The Council Administration has not been informed or made aware of any significant large backlog of work or inordinate delays about heritage issues. If a resident has specific additional concerns that need urgent attention, they are encouraged to contact the Administration so appropriate action can be taken to resolve.

2. Has Council Administration ever received, in the last 12 months, a request or requests from Cr Ford advocating on behalf of a resident or residents concerning heritage issues?

The Administration is not aware of a specific request.

3. Is the Council Administration able to provide any evidence to substantiate the claim attributed to Cr Ford, "Cr's are not informed about how these are going to be resolved", in the context of the aforementioned propositions?

The Council Administration is unable to provide such evidence.

4. Put simply, do the comments attributed to Cr Ford have, from an organisational perspective, any credibility whatsoever?

The organisation is unable to advise however, in the vernacular, 'no'.

Internal and Interim External Audit (10.2)

Cr Ford asked the following question on notice:

1. What is the reason for failure of Administration to comply in each of the following items in 2016-17:

At the 21 August Audit Committee meeting, a number of Internal Audit reports and the 2016/17 interim External Audit reports were presented. As with any audit, recommendations are provided to further improve the effectiveness of controls, and as noted in the Actions Register tabled at the meeting, The Administration is currently addressing the recommendations that have arisen out of these audits and has in fact, completed a number of actions.

This Audit Committee meeting included presentations from both the internal and external auditors who reported their findings to date. Both presentations included commendations for the immense work undertaken by the Administration in strengthening Council's risk and control environment and when asked specifically if there were any areas of major concern, both sets of auditors answered in the negative.

Both sets of auditors also specifically mentioned they were pleased with their dealings with the Administration and that Council had a high level of risk awareness embedded within its culture.

In terms of the specific items mentioned above, none were considered a major concern and the Administration is working within the allocated resources to action these items as will be evident from the specific responses below.

Page 62-63

In the Contracts Register, of 429 contracts about half were improperly recorded with insufficient details such as the contractors name, estimated value, and expiry date.

The Galpins City of Burnside Procurement Compliance Internal Audit Report dated 14/08/2017 identified and validated the Contracts Register, developed by Council was a strength in Council's procurement processes.

The development of a Contracts Register was an initiative undertaken by the Administration in an attempt to further improve Council's procurement processes. However, this is an extremely resource intensive exercise as it involves garnering information from contracts dating back to 2014.

Whilst this register is now available on the intranet, it is acknowledged that information pertaining to some old contracts still needs to be obtained and included in the register.

This does not expose Council to any risk and there are other compensating controls which ensure that contracts are being reviewed and renewed in a timely manner.

Page 108

Backlog of 3000 Elected Member emails require registering and sentencing

The Elected Members' email backlog was not considered a high risk item given that the emails are part of the Council's standard backup procedures. Although additional focus has now been placed on this project within existing staff levels and budgets, it has taken longer than anticipated as there are over 800 new Elected Member emails requiring registration each week due to the increasing use of email by some members. Progress has been steady but allowing a little more time to complete the project is more favourable than increasing costs and staff levels unless, of course, the Council wishes to consider additional resourcing allocation.

Page 110

No contract for temporary storage of documents with ongoing fees exceeding \$20000 per annum for an unknown period.

A contract for storage of documents has been entered into in January 2017. Council entered into a contract through LGA Procurement for a three-year period and was able to secure favourable pricing amount to approximately \$17k per annum.

Page 112

In a sample by the auditor of 10 contracts, two contracts exceeding \$300000 were not recorded in the register, two had actual expenditure exceeding the limit in the register, and three instances had no recorded estimates.

Refer to response above regarding the Contracts Register.

Page 129

A sample test of procured goods and services with a value under \$30000 identified that 54% of invoices processed for payment were done with a Purchase Order created after the date recorded on the invoice, contrary to the Council procurement principles.

A sample test of procured goods and services with a value under \$30,000 identified that 54% of invoices processed for payment were done with a Purchase Order created after the date recorded on the invoice, contrary to the Council procurement principles.

The Administration acknowledges that further work needs to be done to strengthen the control of raising purchase orders before invoices are received. However, there are other compensating controls such as budget reviews and comparing budgets to actuals which help minimize the risk to Council.

To further strengthen this control, Administration will undertake the following:

- *provide regular training refreshers on raising purchase orders and emphasising the significance of doing so (recently provided in May 2017);*
- *generating a monthly report which lists purchase orders raised after the invoice date in order to be able to provide targeted training; and*
- *creating an exemptions listing which will provide guidance as to which purchases do not require a purchase order (eg utilities, allowances for committee members etc.).*

Please note that the 54% of invoices would have included items which would not normally require a purchase order (such as allowances)

Page 130

Inadequate controls to prevent procuring officers from financially committing Council without undertaking the correct procurement procedures as required.

As above.

Page 141

Minimal controls on contract variations.

The current purchasing system was not capable of aligning Council's contract numbers to the purchase orders being raised. However, the Administration has worked with Technology One and now created and implemented a field for contract numbers such that a comparison can be conducted on the initial tender quote versus the final invoice payment.

In addition, as a compensating control, Council's Finance Department undertakes a thorough review of budget versus actual expenditure to monitor and track Council's expenditure.

Page 144

No independent review of contracts and contractor performance.

Implementing a formal mechanism of reviewing every contract in place will be a very resource intensive and time consuming exercise. The Internal audit program includes audits on Procurement each year and we expect that any anomalies between contract terms and actual practice will be uncovered through these audits. However, to further strengthen this control, Administration will seek to review a sample of contracts per year.

Page 145

Misused credit card limits since 2008 with transaction limits exceeding delegated authority, and two staff exceeding their limit by 150%.

Credit cards have not been "misused". As indicated in the independent audit of Council's internal processes, while there were two situations where the transaction limit on the employees' respective credit cards was higher than the delegated spending authority of \$2,000, both work-related credit card limits had been set up in 2007/08, prior to the imposition of a transaction limit. This matter has been rectified and the Administration has established specific protocols to further improve the management and use of Council issued credit cards.

Page 147

Inadequate monitoring of committed costs.

The Administration agrees that using commitments reporting should improve the accuracy of reporting. However, currently Administration has a number of standing orders in the system to cover the full year's spending for recurring expenses. This skews the data when reviewing commitments.

As a compensating control, Council has a robust mechanism for its monthly budget vs actuals review and also performs a comprehensive quarterly full year review. These collectively ensure that Council is on target to achieve our financial goals.

Page 161

No update on the Register of Allowances and Benefits since 2014.

The summary of Allowances and Benefits is contained within Council's Annual Report each year and, as such, would have been available at the Civic Centre for the year ending 30 June 2016.

With regards to the Register of Interests, up-to-date information was available from other sources at the Council offices, including the Council website and the Annual Report. It is also to be noted that the Local Government Act 1999 does not contain an express requirement on the timing of updates to the Register of Allowances and Benefits, only that the Register of Interests is updated at "regular intervals."

In summary of all questions asked:

The Council has not "failed" to comply with certain requirements. Rather, the Council has worked diligently on strengthening its risk and internal control environment over the past two years and prides itself on its high level commitment to maintaining an effective risk and internal control environment and for maintaining a strong culture around best practice risk awareness management. This commitment was recognised at the 2016 Local Government Professionals Australia's Leadership Excellence Awards where the City of Burnside was awarded the 'Leadership in Financial Management' Award.

Since then, the Council continues to effectively manage and monitor its risks and internal controls. A testament to this commitment was a revamped Internal Audit Plan adopted for the 2016-2018 years. In line with this Plan, a number of audits were undertaken during the 2016/17 financial year.

The Audit Committee meeting held on 21 August 2017 included presentations from both the internal and external auditors who reported their findings to date. Both presentations included commendations for the immense work undertaken by the Administration in strengthening Council's risk and control environment. When asked specifically if there were any areas of major concern, both sets of auditors answered in the negative. Both sets of auditors also specifically mentioned they were pleased with their dealings with Council Administration and that Council had a high level of risk awareness embedded within its culture.

2. Will there be forensic review of the failed items to exclude any chance of misappropriation?

The Council has not "failed" in any items identified, but rather, in accordance with the principles of good governance, undertook a number of audits in the 2016/17 financial year to monitor and assess its risk and internal controls, and to make improvements based on "best practice" principles.

As with any audit, recommendations are provided to further improve the effectiveness of controls, and Administration is currently addressing the recommendations that have arisen out of these audits and has in fact, completed a number of actions.

3. Will external consultants again be required to ensure external auditing satisfaction for 2017-18?

The audits were undertaken as part of the Council's Internal Audit Plan.

Council continues to focus on strengthening its risk and control environments and prides itself on its continued commitment to this issue. The Council will engage external consultants, if, and when appropriate to ensure it continues to meet high levels of best practice in risk and internal control.

Audit Committee Matters and the Hines Report (10.3)

Cr Bagster asked the following questions on notice:

1. With reference to the meeting of the Audit Committee of 21 Aug 17 and the associated external audit report, what are the reasons for failure of BCC Administration to comply with: proper recording requirement; the registering of a huge backlog of EM emails; the registering and recording requirements and detailing of hundreds of thousands of dollars' worth of contracts?

Refer to answers provided in 10.2.

2. With respect to the same audit report, what are the reasons for failure of BCC Administration to comply with: the processes of purchases where most Purchase Orders were made after the date recorded on the invoice?

Refer to answers provided in 10.2.

3. What controls does BCC have in place to prevent procuring officers from financially committing Council without undertaking the correct procurement procedures and in the last 5 years, and how many incidents have there been where this had occurred?

Refer to answers provided in 10.2.

4. What independent reviews does BCC make of contracts and contractor performance?

Refer to answers provided in 10.2.

5. In the last 10 years; how many occasions has BCC misused credit card limits; how many occasions have transaction limits exceeding delegated authority, and by how much?

Refer to answers provided in 10.2.

6. Can you please provide Elected Members with a copy of an updated Register of BCC, Salaries, Allowances and Benefits?

The information is publicly available from the Customer Service Centre.

7. Regarding the Theresa Hines Report: who provided briefings and directions to Ms Hines? Who provided Ms Hines with the documents that made up the attachments and annexes of her Report, when and why? When was she formerly engaged to 'mediate' by the BCC? Who (which individuals) authorised Ms Hines payment for her unique services, when, why and how much did it cost the people of Burnside (in dollars and BCC staff effort) for her services

Ms Hines of Employer Global Solutions was engaged by the Council, following a confidential resolution.

Ms Hines received the documents annexed to her report from various participants of the process. The cost to engage Ms Hines was \$8,000 ex GST.

Miscellaneous – Staffing Matters and Excessive Delays (10.4)

Cr Davis asked the following questions on notice:

1. Has the council faced a "high degree of absenteeism" and turnover of senior staff?

The Administration categorically rejects unsubstantiated and unfounded claims of a 'high level of absenteeism' and turnover of senior staff. All periods of leave are managed effectively by the Administration to ensure that they do not impact the day-to-day functions of Council. At all times, appropriate procedures are in place to ensure the efficient running of Council and a sound level of business continuity.

2. Of senior staff that have left the organization, what roles do they now fulfill?

Senior staff that have left the City of Burnside have taken up professional opportunities and have progressed their careers consistent with their goals and development plans, supported by professional development while employed by Council. The City of Burnside is proud of the efforts made to assist individuals in their career pathways. Three former members of the Executive Team have taken positions as Chief Executive Officer and senior Manager in a State government agency.

3. How many residents have expressed concern over excessive / extreme delays in the past 12 months?

The Administration cannot provide a quantitative figure due to the broad nature of the question however has not encountered any major concerns which could not be considered 'part and parcel' of running Council operations. The Administration continues to endeavor to resolve issues raised in a prompt and reasonable manner.

4. How many community groups have expressed significant "frustration" to the Administration regarding delays over the last six months?

The Administration cannot provide a quantitative figure due to the broad nature of the question however has not encountered any major frustrations which could not be considered 'part and parcel' of running Council operations. The Administration continues to endeavor to resolve issues raised in a prompt and reasonable manner.

5. Have there been "large backlogs of works" over the past 12 months

The Administration cannot provide a quantitative figure due to the broad nature of the question however has not encountered any major concerns which could not be considered 'part and parcel' of running Council operations. The Administration continues to endeavor to resolve issues raised in a prompt and reasonable manner.

Security Matters (10.5)

Cr Bills asked the following question on notice:

1. What is the cost to council for now having security guards posted at the entrance to the chamber for the meeting of the 22nd August, 2017 and Monday, 4th September, 2017?

The cost to Council on each occasion for the provision of two security guards is approximately \$500.

2. At the Audit meeting on Monday, 4th September, a member of the public was barred from entering a public meeting which had not been in confidence and to which the security guards denied entry to one of our residents, to the public chamber? Who sanctioned this behaviour and on what grounds?

No member of the public was barred entry to the Audit Committee meeting while it was in session.

3. Now with two instances identified, to which this chamber was not aware until attending the meetings, are there any direct threats to personal safety to any member, and I mean something more concrete than lengthy emails. Where is the threat to our safety and to whom does it relate and proof of the issue which requires security guards to be posted in the public area?

Elected Members have been provided with exhaustive information relating to this matter and the rationale as to the decisions made.

4. If the issue of real and direct threats is present why have we not been informed of such?

Refer to above answer.

5. Is this to be something which we will have to endure?'

The employment of security guards at all formal meetings of Council, including the CEO Committee, the Audit Committee, the Development Administration Panel and all Informal Gatherings will continue for as long as deemed necessary.

ERA Water – Holdich Report (10.6)

Cr Monceaux asked the following questions on notice:

1. In the Report Recommendations at page 23 clause 4.5, the Holdich Report states “The Councils should increase the borrowing limit from \$12 million to - - \$12.624 million.” But there is no justification or Business Plan supplied or discussed anywhere in the document that sets out why the additional money is needed. At the Special Audit Committee meeting in 4 September 2017 this recommendation was increased to \$1 million with no justification and no questions about accountability for this either.

The statement at the outset of this question attributed to BRM Holdich has been selectively quoted.

The BRM Holdich report stated as follows:

“The Constituent Councils should increase the Project maximum borrowing limitation of \$12 million to be consistent with the peak debt forecast in the Financial Model of \$12.624 million.”

The question overlooks the point of the recommendation which is that the Constituent Councils each considered a financial model for the project which forecast peak debt at \$12.624 million and resolved to proceed with the project. In resolving to proceed with the project each of the councils also resolved to impose a cap on borrowings of \$12 million which, according to the Financial Model for the project was insufficient to complete the project.

The recommendation which is selectively quoted is made in the context of the financial risk identified within the report at 3.5.3 which states as follows.

“3.5.3 In addition, the most significant new financial risk that has arisen since the preparation of the Prudential Report relates to the \$12 million maximum borrowing limit imposed by the Constituent Councils in their resolution to proceed with the Project.

- 3.5.3.1 *We are advised by the Walkerville CEO that in drafting a set of common resolutions for the proposed Constituent Councils to adopt to proceed with the Project the maximum borrowing amount of \$12 million was specified in error.*
- 3.5.3.2 *The Financial Model assessed in the Prudential Report forecast peak debt of \$12.624 million.*
- 3.5.3.3 *It should be noted that this Financial Model was prepared on an annual, rather than on a monthly basis and this may not reflect seasonal timing variations. This should be reviewed as the Project progresses.*
- 3.5.3.4 *If ERA Water is limited to borrowing a maximum of \$12 million, based on the Financial Model, it will have insufficient funds to complete the Project works.*
- 3.5.3.5 *The maximum borrowing limitation is an unmitigated risk that has been rated as ‘Very High’ in the current Project Risk Register.*
- 3.5.3.6 *Based on the Financial Model an additional \$0.624 million of debt funding will be required to complete the Project.*

3.5.3.7 *The Constituent Councils will need to engage with the ERA Water Board to address this potential funding shortfall as a high priority.”*

- a) Where are the Business Plans to justify this additional borrowing of \$624,000 by Holdich, and also the increase to \$1 million by the Audit Committee?

In the context of the recommendation and the identified financial risk, the original project Financial Model is the business plan for the increase in borrowing cap up to the amount originally forecast as being required.

The recommendation seeks to do no more than have the constituent Councils commit to the funding which was originally identified as required in the Financial Model.

- b) What specifically is this additional \$624,000 or \$1 million to be spent on?

For the amount of \$624,000 to be considered additional the presumption would be that the Councils consciously sought to limit the borrowing of the subsidiary to an amount which is less than the Financial Model showed was required to complete the project. The Administration has been advised that the amount included in the original resolution (taken from the resolution of the Town of Walkerville) was an error, therefore the amount is not considered to be additional.

The \$376,000 difference between the amount of \$1 million stated in the Audit Committee resolution and the \$624,000 is an additional amount. The mover of the motion indicated that the additional amount was a guide for the other Councils to consider to provide the Subsidiary with adequate working capital.

- c) How will this additional debt achieve increased value for ratepayers?

The \$624,000 is not additional debt.

If the \$376,000 is approved by each of the constituent Councils it will provide working capital for the subsidiary which may or may not be required.

- d) What is the Plan for how the interest will be paid, and how the additional \$1million of principal will be repaid?

The Financial Model was based on interest being repaid from the price paid for water by the customers of the ERA Water regional subsidiary, including the constituent Councils.

2. At page14 clause 3.2.2 it says “The construction is 90% complete and the project will be delivered for less than the project budget,” so it seems that the \$624,000 is not required for Capital Works. It appears that the money is needed to cover operating costs and operating losses. This raises several questions:

The project Financial Model cash flow was based on an annual basis and forecast peak debt at \$12.624 million, this included capital and operating costs.

It should be noted that financial modelling is the task of building an abstract representation (a model) of a financial situation for decision making purposes based on a series of assumptions.

It would be expected that in any large capital project of this nature there would be variations over time from the model assumptions to how the project unfolds as it is delivered, in the same way that a Council budget changes over the course of the year.

The recommendation is made to ensure the ERA Water regional subsidiary is funded to the level forecast in the Financial Model.

- a) Is it allowed in the LGA, by the LG Finance Authority, in Burnside policies and in sound prudential management for a council to guarantee a loan for a subsidiary to borrow such large sums of money in order to finance operating losses (rather than capital expenditure) that will be ongoing for a number of years?

The borrowing methodology of the Regional Subsidiary, through the constituent Councils, is consistent with established practices.

- b) In the existing specific ERA Water debt facility for the \$12million that is one third share guaranteed by Burnside Council, is covering operational losses mentioned or allowed?

Some operating losses were planned in the financial model in the Prudential Report. There has been no change the intended use of the debt.

- c) Is it not appropriate, mandated or good prudential management to fund operating losses with a cash injection rather than a loan?

The ERA Water Regional Subsidiary was always conceived as being funded by debt rather than by equity from the constituent Councils.

The use of equity (cash injection on the terms of the question) would generally have a lower cost of capital than the cost of debt (loan) and would be preferred from a financial management perspective.

3. I believe that questions such as those mentioned in 1) and 2) should have been asked about the soundness of this additional loan facility before recommending to Council that this additional loan of \$624,000 and it be increased from \$624,000 to \$1million. One third of this debt will be a debt to Burnside Council and its ratepayers without any Business Plan or justification for this additional expenditure.

Did the Audit Committee fail in carrying out its duties prudently and rigorously by not seeking due and proper justification for this loan?

The Administration cannot answer this question and it should be properly be posed to the Audit Committee.

4. At Clauses 3.6.4.1, 3.6.4.2 and 3.6.4.4b on page 21 and 22 of the Holdich Report it says that the Board has had discussions about the lack of alignment between the equitable interest and contribution being made by each council in their commitment to purchase specified volumes of water. If this were to occur, is it true that there would be significant impact on potential losses, debt and interest repayments for the City of Burnside. On the current loan of \$12 million (without the increase by \$1million as recommended by the Audit Committee), it would alter our current debt from \$4million to \$6.4 million, NPSP would remain at \$4million and Walkerville would reduce to \$1.6million.

The statement at the outset of this question attributed to BRM Holdich has been incorrectly quoted.

The BRM Holdich report stated as follows.

“3.6.4 We understand that the ERA Water Board has discussed the pricing of water such that there is the potential for the subsidiary to generate an Operating Surplus.

3.6.4.1 Such discussion highlights the risk of lack of alignment between the equitable interest each Constituent Council has and the differential financial contribution each makes through their commitment to take specified and differing volumes of water.”

There is a significant difference between what the question is suggesting and what the BRM Holdich report states.

The ERA Water Board has discussed generating an Operating Surplus through its approach to pricing water rather than operating in accordance with the original Financial Modal and as outlined in the Prudential Reports provided to each of the constituent Councils.

To our knowledge, the ERA Water Board has not discussed “the lack of alignment between the equitable interest and contribution being made by each council in their commitment to purchase specified volumes of water”.

- a) Does this mean that the Board is considering changing the liability to align with water use, so Walkerville liability is reduced from 33% to 13%, NPSP remains at 33% and Burnside is increases from 33% to 53%?

The Administration is not aware of whether the ERA Water Board is considering changing the liability to align with water use or not.

We are aware that the ERA Water Board does not have this power to vary the equitable interests of the constituent Councils.

We note that the power to vary the interest of the councils is reserved at clause 7.1 of the ERA Water Charter for the constituent Councils, and as shown below in the extract from the Charter can only be varied by the unanimous agreement of the Councils.

“7.1 Equitable Interests

7.1.1 The Constituent Councils have an equal equitable interest in the Subsidiary which may be varied by unanimous agreement of all the Constituent Councils.”

- b) How is this to the advantage of Burnside Ratepayers?

Noting that no change can be made to the equitable interest without the unanimous consent of the constituent Councils, the question is not relevant until such time as there is any proposal for a change in the way ERA Water was forecast to operate.

Motions on Notice**Amendment of Council Minutes of 27 June 2017 (Operational) –
Cr Mark Osterstock (11.1)**

The Chief Executive Officer left the Chamber at 6.04pm.

Motion:

C11397

1. That the Council note that the Members Report attributed of Cr Bagster and entered into the Minutes of 27 June 2017 is factually incorrect.
2. The Council agrees that the CEO has not breached his employment agreement with the Council.
3. The suggestion that the CEO has breached his employment agreement with Council is offensive and insulting.
4. That the Council further notes the statements attributed to Cr Bagster in his report are a prima facie breach of the Code of Conduct for Council Members.
5. That the report of Cr Bagster entered into the Minutes of 27 June 2017 be amended to read "Council Bagster met with Mr Barry Cant on 20 June 2017 and the Hon. John Darley MLC on 23 June 2017."

Moved Cr Osterstock, Seconded Cr Cornish

CARRIED

The Chief Executive Officer returned to the Chamber at 6.13pm.

**Recouping Costs for Code of Conduct Complaints (Operational) –
Cr Henry Davis (11.2)****Motion:**

C11398

1. That the Council will consider whether, on any finding that a complaint made by an elected member under the Code of Conduct for Council Members ("the Code") is trivial, frivolous or vexatious, whether the Complainant elected member, has him or herself breached any relevant provision of the Code, in making their complaint.
2. On any finding that an Elected Member has breached the Code in making a trivial, frivolous or vexatious complaint, in addition to any other sanction, the Council will consider the appropriateness of resolving to request that the Member repay monies to the Council, being the costs incurred in the preliminary investigation of the trivial, frivolous or vexatious Complaint.

Moved Cr Osterstock, Seconded Cr Lemon

CARRIED

A Division was called by Cr Monceaux.

IN FAVOUR

Cr Osterstock
Cr Lemon
Cr Wilkins
Cr Piggott
Cr Cornish

AGAINST

Cr Monceaux
Cr Bills

The Division resulted in the Motion being

CARRIED

Questions without Notice

Nil

Motions without Notice

Nil

Reports of Officer (deferred from previous meeting)

Eastern Region Alliance Water (Operational) (14.3)

Motion

C11399

1. That the Report be received.
2. That Council endorses the recommendations in the BRM Holdich ERA Water Risk Management August 2017 Report as follows:
 - 2.1 The Constituent Councils should formally commit to take and pay for the volumes of water identified in the Financial Model assessed in the Prudential Report;
 - 2.2 To provide greater certainty to the City of Burnside regarding the potential for the sale of water, the ERA Water Board should seek to formalise the interests of potential high volume customers through 'Heads of Agreement' arrangements recognising that this will add a cost which is not presently budgeted;
 - 2.3 ERA Water should develop a Water Pricing policy that complies with ESCOSA regulatory requirements;
 - 2.4 ERA Water should adopt a formal profit and dividend policy that is consistent with the principles on which the Financial Model assessed in the Prudential Report is based;
 - 2.5 The Constituent Councils should increase the Project maximum borrowing limitation of \$12 million to be consistent with the peak debt forecast in the Financial Model of \$12.624 million;

- 2.6 The ERA Water Independent Chairperson and the Burnside ERA Water Board representative should be invited to brief Council on the progress of the Project at regular intervals; and
- 2.7 The ERA Water Board should be encouraged to engage the necessary expertise to manage the regional subsidiary into the Operations Phase of the Project.
3. That Council endorses these recommendations and requests that Administration engage with the ERA Water Board to seek ERA Water acceptance and implementation of the recommendations or written explanation of reasons for not accepting the recommendations.
4. That Council requests that Administration engage with the ERA Water Board to clarify the role of Wallbridge Gilbert Aztec as Project Managers.
5. That Council approves the increase of the borrowing limitation on ERA Water from \$12 million to a maximum of \$13m.
6. That this BRM Holdich ERA Water Risk Management August 2017 report be distributed to the other constituent Councils and that the other Councils endorse its recommendations and in particular the recommendation to increase of the borrowing cap of ERA Water to \$13m.
7. That the risk framework including risk matrix, likelihood and consequence tables be provided with the risk report for the ERA Water Board to review and agree a risk framework going forward.
8. That the progress of the ERA Water Project becomes a standing agenda item for future Audit Committee meetings.

Moved Cr Piggott, Seconded Cr Lemon

CARRIED

A Division was called by Cr Monceaux.

IN FAVOUR

Cr Osterstock
Cr Lemon
Cr Wilkins
Cr Piggott
Cr Cornish

AGAINST

Cr Monceaux
Cr Bills

The Division resulted in the Motion being

CARRIED

Burnside Retirement Services Inc. – Recruitment of Independent Board Member and Establishment of a Burnside Retirement Services Incorporated Independent Board Member Selection Panel (Operational) (14.7)

This item was deferred to the next meeting.

**Appointment of Council Assessment Panel Independent Members (Operational)
(14.12)****Motion**

C11400

1. That the Report be received.
2. That pursuant to Section 83 of the *Planning, Development and Infrastructure Act 2016*, Council constitutes the City of Burnside Council Assessment Panel, effective from 1 October 2017.
3. That Mr Bill Chandler be appointed to the position of Presiding Member to the Council Assessment Panel.
4. That Mr Graeme Brown, Mr Ross Bateup and Mr Patrick Trainor be appointed as Independent Members to the Council Assessment Panel.
5. That the terms of the Independent Members be two years commencing 1 October 2017 and that Independent Members be subject to re-appointment by Council at the expiration of the term.

Moved Cr Osterstock, Seconded Cr Lemon

CARRIED

The Mayor invited nominations from Elected Members for the positions available. Cr Piggott nominated himself and Cr Wilkins was nominated by Cr Lemon.

A Secret Ballot was undertaken and Cr Wilkins was the successful candidate.

Cr Wilkins left the Chamber at 6.58pm for the vote.

Motion

C11401

That Council appoints Cr Wilkins as a Member to the Council Assessment Panel commencing 1 October 2017 and concluding at the end of the term of the current council.

Moved Cr Osterstock, Seconded Cr Lemon

CARRIED

Cr Wilkins returned to the Chamber and resumed her seat at 6.58pm.

Cr Lemon nominated Cr Piggott for the Deputy Member position.

Cr Piggott left at 6.59pm for the vote.

Motion

C11402

1. That Council appoints Cr Piggott as a Deputy Member to the Council Assessment Panel commencing 1 October 2017 and concluding at the end of the term of the current council.

2. That the Council adopt the Terms of Reference for the Council Assessment Panel contained in Attachment B.
3. That the remuneration for the Independent Members be set at \$600 per meeting for the Presiding Member, \$400 for the other Independent Members, and \$200 for the Council Elected Member and Deputy Council Elected Member and that a flat rate of \$150 be set for workshops for all Council Assessment Panel Members.
4. That the conditions of appointment of an Independent Member include the provision that the member must disclose his or her financial interests in accordance with Schedule 1 of the *Planning, Infrastructure and Development Act 2016*.

Moved Cr Osterstock, Seconded Cr Lemon

CARRIED

Cr Piggott returned to the Chamber and resumed his seat at 7.00pm.

Subsidiaries, Regional Subsidiaries and other Organisations/Entities

Eastern Waste Management Authority (15.1)

Nil

Eastern Health Authority (15.2)

Eastern Health Authority Audit Committee Minutes – Meeting 16 August 2017 (15.2.1)

Recommendation:

C11403

That the Eastern Health Authority Audit Committee Minutes – Meeting 16 August 2017 be received.

Moved Cr Piggott, Seconded Cr Lemon

CARRIED

Eastern Health Authority Board of Management Meeting Report – 30 August 2017

Recommendation:

C11404

That the Eastern Health Authority Board of Management Meeting Report – 30 August 2017 be received.

Moved Cr Wilkins, Seconded Cr Cornish

CARRIED

Highbury Landfill Authority (15.3)

Nil

ERA Water (15.4)

Refer 14.3

Eastern Region Alliance (15.5)

Nil

Council Correspondence

Correspondence from the Department of Planning, Transport and Infrastructure regarding Greenhill Road, Hazelwood Park – Pedestrian Crossing (16.1)

Recommendation

C11405

That the correspondence from the Department of Planning, Transport and Infrastructure regarding Greenhill Road, Hazelwood Park – Pedestrian Crossing be received.

Moved Cr Lemon, Seconded Cr Wilkins

CARRIED

Other Business

Nil

Confidential Items**Chief Executive Officer Performance Appraisal Report 2016/2017 and Chief Executive Officer Remuneration Advice (Operational) (18.1)**

C11406

The Chief Executive Officer left the Chamber at 7.03pm.

Pursuant to section 90(2) and (3) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Elected Members of the City of Burnside; the General Manager Urban Services; the General Manager Corporate Services; the Executive Officer and the Group Manager People and Innovation, on the basis that it will receive and consider Item 18.1 '*Chief Executive Officer Performance Appraisal Report 2016/2017 and Chief Executive Officer Remuneration Advice (Operational)*'.

The Council is satisfied, pursuant to section 90(3)(a) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is information that would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead). The information concerns the remuneration and recent performance review of the Chief Executive Officer and their personal attributes and the release of such information is unreasonable.

Further, the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because of the public interest in maintaining the confidentiality of the personal affairs of these persons.

Moved Cr Piggott, Seconded Cr Cornish

CARRIED

Cr Lord entered the Chamber at 7.04pm.

Motion

C11407

1. That the Report be received.
2. That the Hender CEO Performance Appraisal August 2017 Report and Hender CEO Remuneration Advice August 2017 Report be received.
3. That Council note that a 360 degree appraisal process will occur in 2017/2018 in addition to the standard process of review with the Elected Member body.
4. That Council note that the CEO has requested to the Mayor, as Presiding Member, that any consideration to offering the CEO an increase or amendment to his Total Remuneration Package be postponed until the finalisation of the current Enterprise Bargaining process for employees.

Moved Cr Piggott, Seconded Cr Wilkins

CARRIED UNANIMOUSLY

Confidentiality Recommendation:

C11408

1. That, having considered the matter of Chief Executive Officer Performance Appraisal Report 2016/2017 and Chief Executive Officer Remuneration Advice (Operational)) in confidence, pursuant to section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that:
 - 1.1 the report and attachments relating to this agenda item remain confidential on the basis that the disclosure of this information would be an unreasonable disclosure of the personal affairs of a person pursuant to Section 90(3) (a) of the Act, as the report contains information concerning the remuneration and performance review of the Chief Executive Officer and their personal attributes and the release of such information is unreasonable; and
 - 1.2 the report and attachments relating to this item will not be available for public inspection for the period of 12 months at which time this order will be revoked / reviewed by the Council/Chief Executive Officer (CEO); and
 - 1.3 this confidentiality order will be reviewed by the Council/CEO at least once every 12 months.
2. That for the item named in clause 1 and associated sub clauses, unless:
 - 2.1 the period in respect of any order made under Section 91(7) of the *Local Government Act 1999* lapses; or
 - 2.2 Council resolves to revoke an order made under Section 91(7) of the *Local Government Act 1999*; or
 - 2.3 the CEO determines pursuant to delegated authority that the order be revoked;any discussions of Council on the matter and any recording of those discussions are to be treated as confidential.

Moved Cr Wilkins, Seconded Cr Lemon

CARRIED UNANIMOUSLY

Closure

The meeting concluded at 7.40pm.

Minutes confirmed this day of

2017

Mayor / Presiding Member