

Elected Member Briefing

Tuesday 24 July 2018 | Commencing at 6.00pm

Council Chamber, Civic Centre, 401 Greenhill Road, Tasmore 5065

In accordance with the City of Burnside Informal Gatherings Policy (Section 6.6.2) the CEO has declared this to be a confidential informal discussion and briefing session for Elected Members.

The above is satisfied that pursuant to section 90(3)(g) of the *Local Government Act 1999*, the information to be received, discussed or considered at this briefing is information concerning matters that must be considered in confidence in order to ensure that the Council does not breach any legal obligation or duty in relation to a matter, subject of a confidential Council resolution and related external investigation; and pursuant to section 90(2)(h) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information concerning matters that must be considered in confidence in order to ensure that the Council maintains the privilege in, and the confidentiality of, the legal advice it has received and may consider in association with the matter in the future.

Further, the principle that the briefing be conducted in a place open to the public has been outweighed in the circumstances because of both the legal responsibilities upon the Council and the public interest generally, in maintaining confidentiality in existing Council resolutions, referrals to external bodies and privilege in its legal advice.

This is a closed briefing and informal gathering that is not open to the public because it is a briefing for Elected Members from external parties on a confidential resolution and legal matters in circumstances where it would be in confidence if it had occurred at a Council meeting under section 90 (3) of the *Local Government Act 1999*.

Workshop Chair: Chief Executive Officer

Agenda

Members: Mayor David Parkin
Councillors, Bagster, Bills, Cornish, Davey, Davis, Ford, Lemon,
Lord, Monceaux, Osterstock, Piggott and Wilkins

Staff: Paul Deb, Chief Executive Officer
Martin Cooper, General Manager Corporate and Development
Barry Cant, General Manager, Urban and Community

Apologies:

Leave of Absence: Councillor Bills

Workshop Items

1 Briefing from Tracy Riddle, Kelledy Jones Lawyers

Closure

Workshop Guidelines

The following details provide an overview of the procedures to be observed:

1. The Workshop if required will be held on the third Tuesday of each month, other than January of each year, between the hours of 6 pm and 9 pm (commencing with a light meal for Elected Members and staff), for the term of the Council or until the Council determines to discontinue the Workshop structure.
2. The need for extraordinary Workshops will be assessed and determined by the CEO.
3. The Workshops will be held in the Council Chamber, Civic Centre, 401 Greenhill Road, Tusmore.
4. The time, date and location of Workshops may be subject to change by the CEO where necessary.
5. The Workshops are not obliged to be open to the public and media unless they are Designated Informal Gatherings as defined in the *Local Government Act 1999* as they are:
 - a) an event organised and conducted by or on behalf of the Council or CEO; and
 - b) to which Elected Members of the Council or Council committee (as the case may be) have been invited; and
 - c) that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council committee.
6. Designated Informal Gatherings may be closed to the public and media if they relate to a:
 - a) planning session of a general or strategic nature; or
 - b) briefing session relating to information or a matter of a confidential nature within the ambit of section 90(3) of the *Local Government Act*
6. Notice of a Workshop that is a Designated Informal Gathering and the program for such is to be placed on the Council's website and in public notice areas within the Civic Centre. The Notice must specify if the Designated Informal Gathering is closed and provide reasons for that declaration. No notice is required for Workshops that are not Designated Informal Gatherings.
7. No decisions will be made at the Workshops. There will be the opportunity for discussion and questions and answers only and the provision of guidance to the Administration.
8. The CEO or proxy will convene and chair the Workshop. The proxy will be determined by the CEO on a needs basis.
9. All Elected Members are encouraged to attend.
10. The CEO will ensure the program and papers for the Workshop will be provided to Members by the Thursday preceding the Workshop to allow time for members to read the papers and prepare their questions prior to the Workshop.
11. Presentations given at Workshops that are Designated Informal Gatherings (other than those held in confidence) will be published on the Council's website after the event.
12. The format for the Workshop may vary on a case by case basis and could include planning, presentations and discussions.

Workshop Protocol

The protocols are a set of guiding principles that aim to achieving enhanced, meaningful engagement of members and to facilitate an equal and equitable participation of all members.

The individual Members commitment to active listening and disciplined talking, displaying both courtesy and respect to other members is paramount.

1. The Chair ensures that every Members' input is heard and not overlooked or lost, and will enforce a limit on speakers' time when it is best required.
2. No rank and/or officer position of administrative or governance authority is recognised within the Workshop (except for the Chair) and protocols are enforced when deemed necessary.
3. Members and staff are to be addressed by their first name and not by their title of office they hold.
4. Discussion must be focussed on the issues and matters being the subject of discussion.
5. One Member speaking at a time is a right, and must be enjoyed by all Members.
6. Interrupting another Member speaking is not desired and Members are encouraged to exercise restraint for the benefit of all concerned. Equally, there should be no dialogue between Members and person(s) in the gallery that interrupts the Workshop discussion.
7. No ridicule, blame or shame to be expressed and/or exchanged during the Workshop and care should always be taken with the words used in debate.
8. Problems and solution expressed by Members are a healthy part of the discussion and may lead to positive outcomes and should not be frowned upon but rather encouraged.
9. Although it is not a decision-making forum, it is an important part of ensuring a well-informed and enhanced decision-making process for Council.
10. The imperatives for a successful conduct of these Workshops are that all members need to work together, displaying courtesy and respect to each other.
11. Members must not disseminate materials or information obtained in relation to a confidential Workshop. To do so may amount result in a breach of the Local Government Act 1999 and Code of Conduct.

It is important that all Members recognise the above list of protocols is not about rules; protocols are a set of guiding principles that are agreed on and committed to by all participating members

Workshop Items

1 Elected Member Confidential Informal Discussion and Briefing Session

Presented by:

Tracy Riddle, Kelledy Jones Lawyers

Responsible General Manager:

External presenter

Expected Duration:

30-45 minutes

Summary:

This session will be a confidential briefing and serve as an update to Elected Members in regards to legal matters relating to an Elected Member (including Interim Intervention Orders, a Section 263 matter and associated proposals submitted) and be a forum to advise Council on the status of those matters, implications, timeframes and next steps.

In addition the briefing will discuss previous confidential resolutions of Council relating to the communication protocol (confidential agenda 24/7/18).

Attachments:

Nil