

MINUTES

of the

Governance Advisory Panel Meeting of the



Pursuant to the provisions of section 88 (1) of the
Local Government Act 1999

HELD IN

Council Chamber
Redbanks Road
Mallala

on

Monday 15 July 2019 at 2:00pm

The Chairperson formally declared the meeting open at 2:00pm.

1. ATTENDANCE

1.1 Present

Ms Isobel Redmond (Chairperson)

Ms Cimon Burke

Mr Lachlan Miller

Mayor Mark Wasley

Deputy Mayor Marcus Strudwicke

Also in Attendance

General Manager – Governance and Communications

Ms Sheree Schenk

Governance Officer/Minute Taker

Ms Alyssa Denicola

Independent Legal Advisor, Norman Waterhouse Lawyers

Mr Dale Mazzachi

1.2 Apologies

Nil

1.3 Not Present/Leave of Absence:

Nil

2. CONFIRMATION OF MINUTES

2.1 Confirmation of Minutes – Meeting held 15 April 2019

Panel Resolution

Moved Deputy Mayor Strudwicke Seconded Ms Cimon Burke **2019/ 033**

“that the minutes of the Governance Advisory Panel Meeting held on 15 April 2019 (MB Folios 81 to 86 inclusive), be accepted as read and confirmed.”

CARRIED

3. BUSINESS ARISING

Nil

4. ADJOURNED BUSINESS

Nil

5. DECLARATION OF MEMBERS’ INTERESTS (material, actual, perceived)

Deputy Mayor Strudwicke raised a potential interest in Item 7.3 – *Review of Confidential Items – Governance Advisory Panel*, and indicated that he will deal with it at the time of considering the Item.

6. REPORTS FOR INFORMATION

6.1 Resolution Actions Report

Panel Resolution

Moved Mayor Wasley Seconded Mr Lachlan Miller **2019/ 034**

“that the Panel, having considered Item 6.1 – *Resolution Actions Report*, dated 15 July 2019, receives and notes the report.”

CARRIED

6.2 Work Program Update

Panel Resolution

Moved Mr Lachlan Miller Seconded Mayor Wasley **2019/ 035**

“that the Panel, having considered Item 6.2 – *Work Plan Update*, dated 15 July 2019, receives and notes the report.”

CARRIED

6.3 Safety of Council Employees

Panel Resolution

Moved Mayor Wasley Seconded Ms Cimon Burke **2019/ 036**

“that the Panel, having considered Item 6.3 – *Safety of Council Employees*, dated 15 July 2019, receives and notes the report.”

CARRIED

6.4 Public Interest Disclosure Act Update

Panel Resolution

Moved Mayor Wasley Seconded Deputy Mayor Strudwicke **2019/ 037**

“that the Panel, having considered Item 6.4 – *Public Interest Disclosure Act Update*, dated 15 July 2019, receives and notes the report.”

CARRIED

7. REPORTS FOR DECISION

7.1 Policy Review – Internal Review of Council Decisions Policy and Procedure

Panel Resolution

Moved Deputy Mayor Strudwicke Seconded Ms Cimon Burke **2019/ 038**

“that the Panel, having considered Item 7.1 – *Policy Review – Internal Review of Council Decisions Policy and Procedure*, dated 15 July 2019 receives and notes the report and in doing so recommends that Council adopts the revised *Internal Review of Council Decisions Policy* as presented at Attachment 1 to this Report.”

CARRIED

7.1 Policy Review – Internal Review of Council Decisions Policy and Procedure

Panel Resolution

Moved Deputy Mayor Strudwicke Seconded Ms Cimon Burke **2019/ 039**

“that the Panel, having considered Item 7.1 – *Policy Review – Internal Review of Council Decisions Policy and Procedure*, dated 15 July 2019, recommends that Council adopts the revised *Internal Review of Council Decisions Procedure* as presented at Attachment 2 to this Report.”

CARRIED

7.2 Policy Review – Code of Practice – Access to Council Meetings and Documents

Panel Resolution

Moved Mayor Wasley

Seconded Mr Lachlan Miller

2019/ 040

“that the Panel, having considered Item 7.2 – Policy Review – Code of Practice – Access to Council Meetings and Documents, dated 15 July 2019, receives and notes the report and in doing so recommends that Council undertakes public consultation on the revised Code of Practice – Access to Council Meetings and Documents as presented at Attachment 2 to this Report, subject to the following amendments:-

1. At clause 7.7, delete the words “In the case of an order of a **specified** duration, the duration of the order cannot be extended after the order has ceased to apply and the power to do so cannot be delegated” and insert the words:-
“In the case of an order of specified duration:-
 - a. The duration of the order cannot be extended after the order has ceased to apply; and
 - b. In any event, the power to extend the order cannot be **delegated**.”;
2. At clause 5.8, delete the words “(is not a Section 41 Committee)”;
3. Remove all references to ‘Informal Gatherings’ and ‘Designated Informal Gatherings’;
4. Delete clause 6.3; and
5. Insert a new clause between the current clause 13 and 14 and adjust clause numbers accordingly:-
 - a. **“14. Informal Gatherings**
 Council may hold informal gatherings or discussions provided that a matter which would ordinarily form part of the agenda for a formal meeting is not dealt with in such a way as to obtain, or effectively obtain, a decision on the matter outside of a formally constituted meeting of Council or a Council Committee. These are governed by Council’s *Informal Gatherings Policy*.”

CARRIED

7.3 Review of Confidential Items – Governance Advisory Panel

Panel Resolution

Moved Mayor Wasley

Seconded

Deputy Mayor Strudwicke

2019/ 041

“that:-

1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Panel orders that all members of the public, except General Manager – Governance and Communications, Governance Officer/Minute Taker and Independent Legal Advisor be excluded from attendance at the meeting of the Council for Agenda Item 7.3 – *Review of Confidential Items – Governance Advisory Panel*;

2. The Panel is satisfied that pursuant to section 90(3)(a) of the *Local Government Act 1999*, Item 7.3 – *Review of Confidential Items – Governance Advisory Panel* concerns the personal affairs of a person, being information relating to untested allegations about conduct of persons and it would be unreasonable to disclose this information prior to the allegations being tested by an investigative process; and
3. The Panel is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”

CARRIED

Deputy Mayor Strudwicke declared an interest in Item 7.3 – *Review of Confidential Items – Governance Advisory Panel*, on the basis that he was the subject of a code of conduct complaint that remains in confidence.

7.3 Review of Confidential Items

Panel Resolution

Moved	Mayor Wasley	Seconded	Ms Cimon Burke	2019/ 042
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“that the Panel, having considered Item 7.3 – *Review of Confidential Items - Governance Advisory Panel*, dated 15 July 2019, receives and notes the report and in doing acknowledges that a formal review of the Governance Advisory Panel Confidential Items has commenced and seeks deferral of the Item pending clarification of the matters which are proposed to remain in confidence.”

CARRIED

7.3 Review of Confidential Items – Governance Advisory Panel

Panel Resolution

Moved Ms Cimon Burke Seconded Mr Lachlan Miller **2019/ 043**

“that the Panel, having considered the matter of Agenda Item 7.3 – Review of Confidential Items – Governance Advisory Panel in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999, resolves that:-

1. The agenda item, report, and any other associated information pertaining to *Agenda Item 7.3 – Review of Confidential Items – Governance Advisory Panel*, the minutes of this meeting in relation to the matter (Resolution 2019/042) and documents tabled, remain confidential and not available for public inspection until further order of the Panel;

2. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and
3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Panel delegates the power to revoke this confidentiality order to the Chief Executive Officer."

CARRIED

8. QUESTIONS ON NOTICE

Nil

9. QUESTIONS WITHOUT NOTICE

Not recorded in Minutes in accordance with Regulation 9(5) of the *Local Government (Procedures at Meetings) Regulations 2013*.

10. MOTIONS ON NOTICE

Nil

11. MOTIONS WITHOUT NOTICE

11.1 Public Interest Disclosure Act 2018

Panel Resolution

Moved Mr Lachlan Miller Seconded Deputy Mayor Strudwicke **2019/ 044**

"that the Panel recommends to Council that it consider the responsibility for administration of the Public Interest Disclosure Act (currently Whistleblowing) and whether it is best suited to the Governance Advisory Panel, the Audit Committee, or both."

CARRIED

12. URGENT BUSINESS

Nil

13. CONFIDENTIAL ITEMS

Nil

14. NEXT MEETING

Monday 9 September 2019 at 2:00pm.

15. CLOSURE

There being no further business, the Chairperson declared the meeting closed at 3:13pm.

Confirmed as a true record.

Chairperson:.....

Date: 9 / 9 / 19