

**MINUTES OF THE SPECIAL MEETING OF COUNCIL
OF THE CITY OF TEA TREE GULLY HELD ON THURSDAY 1 SEPTEMBER 2022
AT 7.01PM IN THE COUNCIL CHAMBERS, 571 MONTAGUE ROAD, MODBURY**

1. Opening and Welcome

The Deputy Mayor read the Opening Prayer and Acknowledgement of Country Statement.

2. Attendance Record:

2.1 Present

Crs L Jones (*Deputy Mayor*) B Keane, J Lintvelt, R Unger, D Wyld, L Petrie, R Coleman, P Field, S Keane and K Foreman.

2.2 Apologies

His Worship Mayor K Knight and Cr B Rankine.

2.3 Leave of Absence

Nil

2.4 Record of Officers in Attendance

Mr R McMahon	Director Organisational Services & Excellence
Ms I Cooper	Manager Governance & Policy
Mrs D Taglierini	Governance Advisor

Council's Lawyers

Mr D Mazzachi	Principal, Norman Waterhouse Lawyers
---------------	--------------------------------------

2.5 Record of Number of Persons in the Public Gallery

Nil

2.6 Record of Media in Attendance

Nil

3. **Public Forum** - Nil
4. **Deputations** - Nil
5. **Presentations** - Nil
6. **Declaration of Conflict of Interests** - Nil
7. **Matters for Discussion** - Nil
8. **Notice(s) of Motion** - Nil
9. **Question(s) on Notice** - Nil
10. **Section 90(2) Local Government Act 1999 – Confidential Items**

10.1. Third Party Provisional Report - 2021/01843 (D22/170555)

Recommendation for Moving into Camera

Moved Cr Lintvelt, Seconded Cr Foreman

1. That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public (except staff on duty and Council's Lawyers) be excluded from the meeting to enable discussion on the Third Party Provisional Report - 2021/01843.
2. That the Council is satisfied that pursuant to section 90(3)(j)(i) and (j)(ii) of the Local Government Act 1999, the information be received, discussed or considered in relation to this item is:
 - information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); AND
 - information the disclosure of which would, on balance, be contrary to the public interest .
 - o on the basis that a third party agency has directed Council for this information to not be publicly released.

3. In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in the public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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 on the basis that members of the public are not to be included in matters involving third party agencies where this information has been requested to remain in confidence.

Carried Unanimously (1326)

The following staff members on duty remained at the meeting for the following item:

Mr R McMahon, Ms I Cooper, Mrs D Taglierini and Mr D Mazzachi.

10.1 Third Party Provisional Report - 2021/01843 (D22/170555)

Confidential Page Removed

The Confidential Resolution No 1327-No 1329 has been withdrawn from the public minute record in accordance with Resolution No 1330.

10.1 Third Party Provisional Report - 2021/01843 (D22/170555)

Confidential Page Removed

The Confidential Resolution No 1327-No 1329 has been withdrawn from the public minute record in accordance with Resolution No 1330.

10.1 Third Party Provisional Report - 2021/01843 (D22/170555)

Confidential Page Removed

The Confidential Resolution No 1327-No 1329 has been withdrawn from the public minute record in accordance with Resolution No 1330.

10.1 Third Party Provisional Report - 2021/01843 (D22/170555)

Confidential Page Removed

The Confidential Resolution No 1327-No 1329 has been withdrawn from the public minute record in accordance with Resolution No 1330.

Retention of confidential documents:

Moved Cr Petrie, Seconded Cr S Keane

1. That having considered the agenda item titled “Third Party Provisional Report - 2021/01843” and dated 1 September 2022 in confidence under section 90(2) & (3)(j)(i) and (j)(ii) and Section 91(7) of the Local Government Act 1999:
 - information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); AND
 - information the disclosure of which would, on balance, be contrary to the public interest

the Council pursuant to section 91(7) of the Act orders that the report, attachments and minutes relevant to this item be retained in confidence until a further order of the Council and that this order be reviewed every 12 months at a minimum (if the confidentiality period is longer than 12 months in duration) or until the Council resolves otherwise, whichever occurs first.

2. That Council gives the power pursuant to Section 91 of the Local Government Act 1999 to the Chief Executive Officer to revoke the order made under Section 91(7) of the Local Government Act 1999 subject to the Chief Executive Officer consulting with the Deputy Mayor and reporting to the Elected Members of the revocation.

Carried Unanimously (1330)

The Deputy Mayor declared the meeting closed at 8.15pm.

Confirmed.....
Mayor 13 September 2022