



MINUTES

Extraordinary Council Meeting

6 December 2018

Order Of Business

1 Opening 3

2 Recording of the Meeting 3

3 Webcast Notice 3

4 National Anthem 3

5 Acknowledgement of Country 3

6 Apologies and Leave of Absence Requests 4

7 Declaration of Interest 4

8 Closed Reports 4

 8.1 Council's response to the Pendlebury Report..... 4

**MINUTES OF WOLLONDILLY SHIRE COUNCIL
EXTRAORDINARY COUNCIL MEETING
held at the Council Chamber, 62-64 Menangle Street, Picton NSW 2571
on Thursday, 6 December 2018 at 7.30pm**

PRESENT: Judith Hannan (Mayor), Cr Michael Banasik (arrived at 8.53pm), Cr Blair Briggs, Cr Matthew Deeth, Cr Matthew Gould, Cr Simon Landow, Cr Noel Lowry

IN ATTENDANCE: Acting Chief Executive Officer, Executive Director Community & Corporate, Acting Director Planning, General Counsel, Marsdens Legal Counsel David Baird, Minute Taker

1 OPENING

2 RECORDING OF THE MEETING

In accordance with Council's Code of Meeting Practice the electronic recording of the Council Meeting and the use of electronic media during the proceedings is not permitted. This includes devices such as laptops, mobile phones, tape recorders and video cameras.

3 WEBCAST NOTICE

Members of the public are advised, in accordance with Section 18 of the Privacy and Personal Information Protection Act 1998 (PPIPA), that Wollondilly Shire Council records and webcasts live all Ordinary and Extraordinary Meetings of Council held in open session for the purpose of facilitating community access. The webcasts are publicly available for viewing on Council's website.

Video footage collected is of the decision making body only, if you do not wish your image to be recorded please remain in the public gallery. Your image, voice, personal and health information may be recorded, publicly broadcast and archived if you speak during the meeting and/or don't remain in the space provided.

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Council may be required to disclose recordings pursuant to the Government Information (Public Access) Act 2009, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation

4 NATIONAL ANTHEM

5 ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional Custodians of the Land:

I would like to pay my respect and acknowledge the traditional custodians of the land on which this meeting takes place, and also pay respect to Elders both past and present.

6 APOLOGIES AND LEAVE OF ABSENCE REQUESTS

An apology was noted for Cr Khan and Cr Smith. It was noted that Cr Banasik will be arriving at a later time.

7 DECLARATION OF INTEREST

Nil

8 CLOSED REPORTS

8.1 Council's response to the Pendlebury Report

This matter is considered to be confidential under Section 10A(2)(a) and (g) of the Local Government Act.

Under section 10A(4) of the Local Government Act 1993 the public are invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No representations were received.

RESOLUTION 103/2018

Moved: Cr Matthew Deeth

Seconded: Cr Blair Briggs

1. That Council considers the confidential report(s) listed below in a meeting closed to the public in *accordance with Section 10A(2) of the Local Government Act 1993*:

8.1 Council's response to the Pendlebury Report

This matter is considered to be confidential under Section 10A(2)(a) and (g) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors) and advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The governing body is seeking access to an investigation report referred to as the "Pendlebury Report". The Chief Executive Officer has advised in his public statement made on 29 November 2018 that the report contains personnel matters, in addition legal advice may be disclosed to Councillors as such the matter is considered confidential.

2. That pursuant to Section 10A(1) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2).
3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the Local Government Act 1993.

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Blair Briggs, Matthew Deeth, Matthew Gould, Simon Landow and Noel Lowry

Against: Nil

Council moved into Closed Council at 7.40pm. The public left the chamber.

The Ordinary meeting re-opened to the staff, public and media at 10.25pm.

The Mayor read the resolution adopted in respect of Item 8.1 Council's response to the Pendlebury Report.

1. Councillors support the wellbeing of all of our staff and notes that the report states that there is insufficient evidence to substantiate any allegation of an endemic or prevalent culture of bullying at Council. Council supports this finding.
2. That the response received from the Acting CEO in regard to the "Pendlebury Report" be noted.
3. It is noted that Councillors have received the redacted report and have had an opportunity to read it.
4. That the Unions' representatives be facilitated access to the redacted report and a redacted summary of the terms of reference, findings and recommendations is made available to all staff.
5. Upon completion of the process outlined in point 4, a redacted summary of the terms of reference, findings and recommendations be provided to the public.
6. That a further report come to Council outlining the response to the recommendations by the March 2019 Council Meeting.

The Meeting closed at 10.26pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Wollondilly Shire Council held on 10 December 2018.

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MAYOR