

SPECIAL COUNCIL MEETING

MINUTES

6 JUNE 2016

at 6:30 PM

COPACC



**MINUTES of the SPECIAL COUNCIL MEETING OF THE COLAC OTWAY SHIRE
COUNCIL held at COPACC on 6 June 2016 at 6:30pm.**

1. OPENING PRAYER

*Almighty God, we seek your
blessing and guidance in our
deliberations on behalf of the
people of the Colac Otway Shire.
Enable this Council's decisions to be
those that contribute to the true
welfare and betterment of our community.*

AMEN

2. PRESENT

Cr Frank Buchanan (Mayor)
Cr Brian Crook
Cr Michael Delahunty
Cr Stephen Hart
Cr Lyn Russell
Cr Chris Smith
Cr Terry Woodcroft

Sue Wilkinson, Chief Executive Officer
Mark Lyons, General Manager Corporate Services
Ingrid Bishop, General Manager Infrastructure and Services
Brydon King, General Manager Development and Community Services
Jenny Wood, Manager Governance & Customer Service
Alison Richardson, Governance Officer
Adam Lehmann, Manager Assets & Property Services
Peter Wood, Minter Ellison
Tom Kearney, Minter Ellison

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

I ask that we all show respect to each other and respect for the office of an elected representative.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose.

The sole purpose of the Special Meeting is to consider a Confidential Contract.

Thank you. Now 30 minutes is allowed for question time. Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. This is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting (subject to attendance and time),
2. Questions from the floor.

5. QUESTION TIME

Question time began at 6:32pm

Alan Billing – Larpent

1. As a special meeting, the agenda doesn't state what the item is other than contractual matters. Are we able to ask questions in relation to that contract since we don't know what the contractual matters are?

The Mayor responded that question time is in place because it is a requirement of Local Law No. 4, so in this instance because it is a special meeting just to consider a special confidential contract, we cannot answer any questions regarding or pertaining to that item in the agenda tonight. I apologise but we cannot make any comment on the content of tonight's meeting.

James Judd – Colac

1. Will the decision to be made today have any impact on the total liability of Colac Otway Shire ratepayers?

The Mayor responded because it is a confidential contract, I cannot make any comment about the outcome, the discussion or the decision made tonight.

Question time finished at 6:34pm

6. DECLARATION OF INTEREST

Nil

7. CIRCUMSTANCES PREVENTING AT LEAST 7 DAYS NOTICE OF SPECIAL MEETING OF COUNCIL

The public notice for this Special Meeting was published in the Colac Herald on Monday 6 June, 2016 and also placed on Councils website on Friday 3 June 2016. It is noted that this did not provide the preferred notice period of 7 days for official notice of meetings. The item to be considered relates to a confidential contractual matter of which deferral would prejudice Council's position. In the circumstances, it was considered reasonable to provide less than 7 days' notice.

**Sue Wilkinson
Chief Executive Officer**

IN COMMITTEE

MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft that pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" at 6:35pm in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Confidential Contract	this matter deals with contractual matters; AND this matter deals with legal advice	Section 89 (2) (d) (f)

CARRIED 5 : 2

DIVISION called

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Frank Buchanan, Cr Terry Woodcroft

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

**MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft
that the meeting move out of committee**

CARRIED 7 : 0

The Meeting Was Declared Closed at 6:54pm

CONFIRMED AND SIGNED at the meeting held on 22 JUNE 2016


.....MAYOR