



WEDDIN SHIRE COUNCIL

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MINUTES OF THE WEDDIN SHIRE COUNCIL EXTRA-ORDINARY MEETING HELD THURSDAY, 5 AUGUST 2021 COMMENCING AT 9:30AM

Dear Councillor

NOTICE is hereby given that an **EXTRA-ORDINARY MEETING** of the Council of the Shire of Weddin will be held in the Council Chambers, Grenfell on **THURSDAY 5 AUGUST 2021** commencing at **9:30AM** and your attendance is requested.

Yours faithfully

GLENN CARROLL
GENERAL MANAGER

BUSINESS

1. Opening
2. Attendance
3. Disclosures of Interest
4. Mayoral Minute
5. Closure

OPENING

ACKNOWLEDGEMENT OF COUNTRY:

The Mayor read out the following:

“I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land.

I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal Australians who are present.”

PRESENT: The Mayor Cr M Liebich in the Chair, Crs P Best, C Bembrick, S O’Byrne,
P Diprose, S McKellar, J Parlett, C Brown, and J Niven.
General Manager (G Carroll).

APOLOGIES: Nil

CLOSED COUNCIL

THE LOCAL GOVERNMENT ACT

The authority for Council to close a meeting to the public is given under Section 10 of the Local Government Act, for which the following excerpts apply:

[s 10A1] Which parts of a meeting can be closed to the public?

10A

- (1) [Meetings may be closed]** A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
- (a) the discussion of any matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) [Grounds for closure]** The matters and information are the following:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (3) [Closure of Resolution to close]** A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) [Public's right to make representations]** A council, or a committee of a council may allow members of the public to make representations to or at a meeting, before and part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

[s 10C] Notice of likelihood of closure not required in urgent cases

10C Part of a meeting of a council, or of a committee of the council of which all the members are councillors, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A(2), and
- (b) the council or committee, after considering any representations made under section 10A(4), resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

[s 10D] Grounds for closing part of meeting to be specified

10D (1)[Record of grounds for closure] The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.

(2) [Details to be specified] The grounds must specify the following:

- (a) the relevant provision of section 10A(2),
- (b) the matter that is to be discussed during the closed part of the meeting,
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which the discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

CLOSED COUNCIL

RECOMMENDATION: that Council form a Closed Council to consider the item listed below AND THAT the Press and the public be excluded from the Meeting of the Closed Council because of the confidential nature of the business to be transacted.

- 039 RESOLVED:** Cr Niven and Cr Bembrick that Council form a Closed Council to consider the item listed below AND THAT the Press and the public be excluded from the Meeting of the Closed Council because of the confidential nature of the business to be transacted.

MAYORAL MINUTE

1. **General Manager's Employment, P4.10015/C2.2.7**
Reason for confidentiality: staff matter (Section 10A(2)(a))
2. **Position of Acting General Manager C2.2.7**
Reason for confidentiality: staff matter (Section 10A(2)(a))

REPORT ON CLOSED COUNCIL

043 RESOLVED: Cr Diprose and Cr McKellar that the meeting return to Open Council.

The General Manager returned to the room.

The Mayor read out the following report on Closed Council: -

The General Manager declared a pecuniary conflict of interest as the employee concerned and left the room.

RESOLVED: that Council's Executive Assistant be the minute taker in the absence of the General Manager.

MM1. General Manager's Employment, P4.10015/C2.2.7

Reason for confidentiality: staff matter (Section 10A(2)(a))

RESOLVED: that the proposed action be approved with the following additions: -

- iii) a Deed of Release between Council and Mr Carroll be put in place that is consistent with what has been agreed and that stipulates the employment termination date is 19 August 2021, with a copy of the executed Deed due to be provided to Council by 12 August 2021
- iv) Mr Carroll be provided access to independent legal advice in respect of the above Deed, the cost of which to be paid by Council.

MM2. Position of Acting General Manager C2.2.7

Reason for confidentiality: staff matter (Section 10A(2)(a))

MOVED: that the proposed action be approved.

Upon being put to the meeting the motion was LOST.

RESOLVED: that the proposed action be approved with the following amendments: -

- iii) that a General Manager Recruitment Panel be formed, the members of which being the Mayor, Deputy Mayor, Crs Brown, Diprose and Parlett as well as the relieving Acting General Manager, to engage a suitable and experienced agency to undertake the recruitment of a new General Manager
- iv) that the General Manager Recruitment Panel be authorised to interview suitable candidates for the position of General Manager and report the results to Council so that Council can make the appointment.

At this point the Mayor thanked the General Manager for his service and dedication to Weddin Shire Council over the past twenty-one (21) years and expressed Council's appreciation of his efforts and contribution towards the many achievements that have been made during that time.

At this point the General Manager thanked Council and advised that he is proud of the accomplishments and progress that has been made over the past eight years in his position of General Manager of Weddin Shire Council.

CLOSURE: There being no further business the meeting closed at 10:16am.