



MINUTES

of the

Extraordinary Meeting of Council

held remotely using audio visual link and open to members of the community via webcast on

Wednesday 29 July 2020

The meeting commenced at 9.00am.



1. OPENING OF THE MEETING	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. PRAYER	
4. APOLOGIES	
Nil	
5. DECLARATIONS OF INTEREST	3
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6. GENERAL MANAGER	4
6.1 Staff Matter.....	4
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7. CLOSED COUNCIL	5
Moving into Closed Session	5
7.1 Staff Matter.....	6
8. RESUMPTION OF OPEN AGENDA.....	9
Adoption of Closed Council	9
9. MEETING CLOSURE	9

MINUTES OF THE EXTRAORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD REMOTELY USING AUDIO VISUAL LINK AND OPEN TO MEMBERS OF THE COMMUNITY VIA WEBCAST ON WEDNESDAY 29 JULY 2020 COMMENCING AT 9.00AM.

Present: Clr T D Gair (Mayor)
Clr G Andrews*
Clr K J Halstead OAM*
Clr G Markwart*
Clr G McLaughlin*
Clr P W Nelson*
Clr I M Scandrett*
Clr G M Turland*
Clr L A C Whipper*

In Attendance: Chief Information Officer Mr John Crawford
Administration Officer Ms Michelle Richardson (in part)
Office of Local Government Representative
Mr Doug Friend*

NOTE: Due to current government requirements around social distancing due to the COVID-19 pandemic, some Councillors and some staff attended the meeting remotely via zoom audio visual link. This is indicated by *. The Mayor and remaining staff were present in the Council Chambers for this meeting

1. OPENING OF THE MEETING

The Mayor Clr T D Gair opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor Clr T D Gair acknowledged country:

"I would like to acknowledge the Traditional Custodians of this land and pay my respect to Elders both past and present. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today."

3. PRAYER

The meeting was led in civic prayer by the Mayor, Clr T D Gair.

4. APOLOGY

There were no apologies at this Meeting.

5. DECLARATIONS OF INTEREST

101/3, 101/3.1

That where necessary any Councillor now disclose any interest and the reason for declaring such interest in the matters under consideration by Council at this Meeting and to complete the appropriate form to be handed up at the Meeting.

There were no Declarations of Interest made at this Meeting.

6. GENERAL MANAGER

6.1 Staff Matter

Reference:	107/9
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to consider a Senior Staff Matter.

MN 304/20

MOTION moved by Clr G McLaughlin and seconded by Clr G Markwart

THAT a staff matter be considered in Closed Council – Item 7.1.

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993 under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than Councillors).

PASSED

7. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 9.15am, Council moved into Closed Council. All staff left the meeting with the exception of the Chief Information Officer, Mr John Crawford, who stayed in the meeting for the purpose of managing the video link and recording of the decisions of Council.

MN 305/20

MOTION moved by Clr G McLaughlin and seconded by Clr G Markwart

1. ***THAT Council moves into Closed Council in accordance with the requirements of Section 10A(2) of the Local Government Act 1993 as addressed below to consider the following reports that are confidential for the reasons specified below:***

7.1 Staff Matter

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors) and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to consider a Senior Staff Matter.

2. ***THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.***

PASSED

7.1 Staff Matter

Reference:	PERS
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

CONFIDENTIAL ITEM

This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors).

PURPOSE

The purpose of this report is to consider a Senior Staff Matter.

MN 306/20

MOTION moved by Mayor Clr T D Gair and seconded by Clr G J Andrews

1. **THAT** it be noted that the General Manager is currently on extended leave.
2. **THAT** the Mayor be authorised to negotiate the finalisation of the General Manager's Contract in accordance with the provisions of Clause 10.3.5 and 11.3 of The Standard Contract of Employment for General Managers of Local Councils in NSW.
3. **THAT** the Mayor be authorised to negotiate and sign a Deed of Release that confirms the termination date of the General Manager's Contract of Employment as the date of the last day of the aforementioned extended leave, AND FURTHER that any accrued leave entitlements standing to the General Manager at the agreed termination date are to be paid in accordance with the provisions of Clause 9.1.1 and 9.1.2 of the General Manager's Contract of Employment.
4. **THAT** Deputy General Manager Operations, Finance and Risk, Mr Barry W Paull be appointed as the Acting General Manager until the position of General Manager is recruited and filled on a permanent basis.

PASSED

Clrs Halstead OAM, Scandrett and Turland requested their dissenting vote recorded

AMENDMENT moved by Clr K J Halstead OAM and seconded by Clr I M Scandrett

THAT Council defer the decision on the present position of the General Manager pending receipt of advice from a senior legal officer from the Office of Local Government.

AMENDMENT LOST

VOTING ON THE AMENDMENT

For the amendment: Clr K J Halstead OAM, Clr I M Scandrett and Deputy Mayor G M Turland

Against the amendment: Clr G J Andrews, Mayor Clr T D Gair, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson and Clr L A C Whipper

FORESHADOWED AMENDMENT moved by Clr L A C Whipper and seconded by Deputy Mayor G M Turland

1. **THAT** it be noted that the General Manager is currently on extended leave.
2. **THAT** the Mayor be authorised to negotiate the finalisation of the General Manager's Contract in accordance with the provisions of Clause 10.3.5 and 11.3 of The Standard Contract of Employment for General Managers of Local Councils in NSW.
3. **THAT** the Mayor be authorised to negotiate and sign a Deed of Release that confirms the termination date of the General Manager's Contract of Employment as the date of the last day of the aforementioned extended leave, AND FURTHER that any accrued leave entitlements standing to the General Manager at the agreed termination date are to be paid in accordance with the provisions of Clause 9.1.1 and 9.1.2 of the General Manager's Contract of Employment.
4. **THAT** Council appoint Mr Barry Paull on a temporary basis as acting General Manager for a maximum period of 2 months.
5. **THAT** Council seek the assistance of the Office of Local Government to identify a suitably qualified independent person with relevant experience in local government as a matter of urgency to fill the interim position of General Manager.
6. **THAT** Council commence the process of advertising and recruitment for the position of General Manager.

THE FORESHADOWED AMENDMENT BECAME THE AMENDMENT

THE AMENDMENT WAS LOST

VOTING ON THE AMENDMENT

For the amendment: Clr K J Halstead OAM, Clr I M Scandrett, Deputy Mayor G M Turland and Clr L A C Whipper

Against the amendment: Clr G J Andrews, Mayor Clr T D Gair, Clr G Markwart, Clr G McLaughlin and Clr P W Nelson

FURTHER AMENDMENT moved by Deputy Mayor G M Turland and seconded by Clr I M Scandrett

1. **THAT** it be noted that the General Manager is currently on extended leave.
2. **THAT** the Mayor be authorised to negotiate the finalisation of the General Manager's Contract in accordance with the provisions of Clause 10.3.5 and 11.3 of The Standard Contract of Employment for General Managers of Local Government Councils in NSW.

3. THAT the Mayor be authorised to negotiate and sign a Deed of Release that confirms the termination date of the General Manager's contract of employment as the date of the last day of the aforementioned extended leave, AND FURTHER that any accrued leave entitlements standing to the General Manager at the agreed termination date are to be paid in accordance with the provisions of Clause 9.1.1 and 9.1.2 of the General Manager's Contract of Employment.
4. THAT the Deputy General Manager Corporate Strategy and Development Services, Mr Mark Pepping, be appointed as the Acting General Manager until the position of General Manager is recruited and filled on a permanent basis.

FURTHER AMENDMENT LOST

VOTING ON THE FURTHER AMENDMENT

For the further amendment: Cllr K J Halstead OAM, Cllr I M Scandrett, Deputy Mayor G M Turland and Cllr L A C Whipper

Against the further amendment: Cllr G J Andrews, Mayor Cllr T D Gair, Cllr G Markwart, Cllr G McLaughlin and Cllr P W Nelson

8. RESUMPTION OF OPEN AGENDA

107/10

MN 307/20

MOTION moved by Clr L A C Whipper and seconded by Clr G J Andrews

THAT Council moves from Closed Council into Open Council.

PASSED

No members of the public were present in the Chamber.

The recording and live streaming of the meeting recommenced and all present were reminded that the meeting was being recorded and live streamed via the internet for public viewing.

ADOPTION OF CLOSED COUNCIL

107/9

The Mayor read out the adopted Motion from Closed Council.

9. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.29 AM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 29 July 2020 numbered MN 304/20 to MN 307/20 were signed by me hereunder at the Council Meeting held on Wednesday 12 August 2020.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 12 AUGUST 2020

CHAIRMAN

PUBLIC OFFICER