

1.	URGENT BUSINESS
17.1 [179-2019]	<u>Confidential Report</u> Moved: Cr VS Morley: Seconded: Cr BJ Richards That pursuant to the provisions of Section 90(2) of the Local Government Act 1999, that the public, with the exception of the Chief Executive Officer and Personal Assistant to the Executive, be excluded from attendance at the Meeting, it being necessary and appropriate to discuss and consider a matter in confidence, the matter, pursuant to Section 90(3)(a) being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead). CARRIED
	<u>Report:</u> Councillors were handed copies of the following documents ‘ in confidence ’ given the personal nature and sensitivity of the documentation sought under Section 61 of the Act, as it could reasonably be seen as in connection with the performance or discharge of the functions or duties of Members in undertaking the Chief Executive Officer’s Annual Performance Review, namely: 1. Current employment contract (included performance indicators); and 2. Previous Performance Appraisal Review Determination.
[180-2019]	Moved: Cr BJ Richards Seconded: Cr JK Woolford That the Council, having considered this matter in confidence pursuant to section 90(2) and 90(3)(a) of the Local Government Act 1999, now resolves, pursuant to Section 91(7) & (9) of the Act, that all documents and discussions relating to Item 17.1 remain in confidence for a period until 30 June 2023. CARRIED
17.2 [181-2019]	<u>Confidential Matter</u> Moved: Cr IF Keller Seconded: Cr BJ Richards That pursuant to the provisions of Section 90(2) of the Local Government Act 1999, that the public with the exception of the Chief Executive Officer, Deputy Chief Executive Officer and Personal Assistant, be excluded from attendance at the Meeting, it being necessary and appropriate discuss and consider a matter in confidence, pursuant to Section 90(3)(g), in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty. CARRIED
	<u>Discussion 1:</u> Cr Keller sought information about the process for him to get legal advice on a matter that he felt that he, and two (2) other Councillors, may need to report to the Independent Commissioner Against Corruption (ICAC), being that it had been reported to him by two

person(s) that there was possible bullying in the workplace. He also felt that the persons reporting the matter should not be identified (and they were not identified during discussions), and did not believe that they were afforded the same protection under the new 'Public Interest Disclosure Act' that they would have had under the 'Whistleblowers Protection Act' (*now ceased*).

Councillors were reminded that matters that concern ICAC should not be discussed with anyone else, even if they too were involved in the matter, without ICAC permission.

The Chief Executive Officer outlined, in general terms, the Council's processes for bullying and harassment in the workplace including council policies, and how senior management dealt with these matters. It was highlighted that Council executive staff took any complaint of this nature very seriously and would investigate any such complaint, including in recent times, bringing in Council's lawyers to conduct an independent investigation. There was general discussion by Councillors on the matter.

Councillors were advised that Councillors should report any alleged bullying and harassment in the workplace to the Chief Executive Officer as the responsible officer, as soon possible, to enable him to initiate the appropriate processes.

There was some discussion as to the higher level required for the ICAC to investigate a matter. Notwithstanding, Cr Keller was advised that if he (or any other Councillor) felt that a matter at any time needed, or was required, to be reported to ICAC, then to report it, and let the ICAC decide how they wished to proceed, including referring it back to the Council to deal with.

The Chief Executive Officer undertook to seek legal advice on the matter for the information of Councillors and for the avoidance of doubt.

Discussion 2:

Cr Keller sought information regarding Councillors' emails and who had access to them. He believed that he had the right to request that his emails be kept confidential and not allow staff to have access to them.

It was explained that Council had an obligation regarding records management to have access to and record relevant Councillor emails in our electronic system, which has several layers of security and limited who had access to what documents. Any sensitive or confidential documents would receive a higher security level. However all correspondence including emails, Councillor diaries and other information is effectively the property of Council and not the Councillors.

Cr Keller advised the meeting that he had advice to the contrary, and that he could request to keep his emails confidential, but would not disclose the source.

The Chief Executive Officer undertook to seek legal advice on the matter for the information of Councillors and for the avoidance of doubt.

Moved: Cr VS Morley:

Seconded: Cr BJ Richards

That the Council, having considered this matter in confidence pursuant to section 90(2) and (3)(g) of the Local Government Act 1999, now resolves, pursuant to Section 91(7) & (9) of the Act, that all documents and discussions relating to Item 17.2 remain confidential for a period of twelve (12) months.

CARRIED

