



# **WENTWORTH SHIRE COUNCIL**

## **EXTRAORDINARY MEETING MINUTES**

**20 JUNE 2022**

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## 1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 2:13pm

## 2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

### PRESENT:

**COUNCILLORS:** Councillor Tim Elstone (Mayor)  
Councillor Brian Beaumont  
Councillor Steve Cooper  
Councillor Peter Crisp  
Councillor Steve Heywood  
Councillor Daniel Linklater  
Councillor Susan Nichols  
Councillor Jo Rodda

**STAFF:** Ken Ross (General Manager)  
Simon Rule (Director Finance and Policy)  
Gayle Marsden (Executive Assistant to General Manager)

## 3 APOLOGIES AND LEAVE OF ABSENCE

Nil

## 4 DISCLOSURES OF INTERESTS

Director Roads And Engineering has declared a pecuniary interest in Item 7.1 as his son in law is a Contractor and as such the Director Roads and Engineering has been precluded from the entire Tender process for this item.

## 5 CONFIRMATION OF MINUTES

Nil

## 6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

Nil

## 7 CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION

Despite the right of members of the public to attend meetings of a council, the council may choose to close to the public, parts of the meeting that involve the discussion or receipt of certain matters as prescribed under section 10A(2) of the Local Government Act.

With the exception of matters concerning particular individuals (other than councillors) (10A(2)(a)), matters involving the personal hardship of a resident or ratepayer (10A(2)(b)) or matters that would disclose a trade secret (10A(2)(d)(iii)), council must be satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

The Act requires council to close the meeting for only so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security being protected. (section 10B(1)(a))

Section 10A(4) of the Act provides that a council may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Section 10B(4) of the Act stipulates that for the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:-

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may -
  - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
  - (ii) cause a loss of confidence in the council or committee.

### **Recommendation**

That Council adjourns into Closed Session, the recording of the meeting be suspended, and members of the press and public be excluded from the Closed Session, and that access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution.

This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:-

#### **7.1 Willow Bend Caravan Contract. (RPT/22/383)**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

**Council Resolution**

That Council adjourns into Closed Session, the recording of the meeting be suspended, and members of the press and public be excluded from the Closed Session, and that access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution.

**Moved Cr Linklater, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

## 8 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

### 7.1 WILLOW BEND CARAVAN CONTRACT

File Number: RPT/22/383

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Ken Ross - General Manager

Objective: 2.0 Wentworth is a desirable Shire to visit, live, work and invest  
Strategy: 2.1 Grow visitation to the Shire by developing a quality visitor experience and promoting our destination

#### **REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.*

The General Manager that Council received and noted the report and terminated the dealings with McMahon Services in accordance with Clause 74 (1) of the General Conditions of contract. Council also authorised the General Manager to serve notice to McMahons advising the termination of dealings and that Council retender the project by way of select tendering with recognised contractors being selected from within Council's register of Panel Tender contractors previously endorsed by Council.

**9 CONCLUSION OF THE MEETING**

The meeting closed at 3:22pm

**NEXT MEETING**

29 June 2022

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**CHAIR**