



GLAMORGAN SPRING BAY
COUNCIL

Special Meeting Minutes

For the Special
Meeting of Council
held at the
Triabunna
Council Offices

18 February, 2019

THAT NOTICE OF SPECIAL MEETING

Notice is hereby given that the Mayor has called a Special Meeting of the Glamorgan Spring Bay Council to be held at the Triabunna Council Offices on Monday the 18th February 2019 at 6.30pm.



Dated this Friday 15th February, 2019

David Metcalf
GENERAL MANAGER

"I certify that with respect to all advice, information and recommendations provided to Council with this agenda:

- 1. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation, and**
- 2. Where any advice is given directly to the Council by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice the advice from any appropriately qualified or experienced person. "**

Note: Section 65 of The Local Government Act 1993 states:

- (1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.**
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council or council committee.**



David Metcalf
GENERAL MANAGER

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Audio/Video Recording of Ordinary Meetings of Council

As determined by Glamorgan Spring Bay Council in April 2017 all Ordinary and Special Meetings of Council are to be audio/visually recorded and streamed live. A link is available on the Glamorgan Spring Bay Council website to the YouTube platform, where the public can view the meeting live and watch recordings of previous Council meetings.

In accordance with the Local Government Act 1993 and Regulation 33, these video/audio files will be retained by Council for at least 6 months and made available for viewing live, as well as online within 5 days of the scheduled meeting. The written minutes of a meeting, once confirmed, prevail over the video/audio recording of the meeting.

1. Opening

The Mayor welcomed Councillors, staff and members of the public and declared the meeting open at 6.31pm.

1.1 Acknowledgement of Country

The Glamorgan Spring Bay Council acknowledges the Traditional Owners of our region and recognises their continuing connection to land, waters and culture. We pay our respects to their Elders past, present and emerging.

1.2 Present and Apologies

Present: Mayor Debbie Wisby, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Keith Pyke, Cllr Michael Symons.

Apologies:

1.3 In Attendance

Daniel Smee (Acting General Manager), Angela Turvey (Executive Officer) and approximately 13 members of the public.

1.4 Declaration of Interest or Conflict

The Mayor requests Elected Members to indicate whether they have:

- 1. any interest (personally or via a close associate) as defined in s.49 of the Local Government Act 1993; or*
- 2. any conflict as described in Council's Code of Conduct for Councillors,*

in any item included in the Agenda.

2. Notice of Motions

2.1 Independent Reports on Triabunna Wharf/Marina, PPRWS and Marina Views, Triabunna

Councillor Rob Churchill

The Motion

Moved Cllr Churchill

That Council determines to engage an independent and suitably qualified consultants/firm within twenty one days to review the information available and prepare a report for Council that details relevant probity and potential risk implications related to the proposed extension to the Triabunna Wharf/Marina, Prosser Plains Raw Water Project (including Hobbs Lagoon and the Expression of Interest) and Marina Views, Triabunna.

The General Manager is directed to give the consultants/firm full and unfettered access to all information, documentation and records of any kind held by Council in respect to these proposals/projects.

The selection committee for the consultant will comprise Mayor Wisby, Deputy Mayor Woods and Councillor Churchill.

The background information is:

At a Council Workshop on the 8th of January 2019, Council requested the General Manager to provide them with a comprehensive report on the following:

Proposed Extension to the Triabunna Wharf/Marina

Prosser Plains Raw Water Project (including Hobbs Lagoon and the Expression of Interest)

Marina Views, Triabunna

At the Council Workshop on the 22nd of January 2019, the General Manager provided a paragraph of information on each item listed above. Plans of the Triabunna Wharf/Marina were provided separately by email. As the reports received by the General Manager did not contain sufficient information, I request that Council determines to engage an independent and suitably qualified consultant to review the information available and prepare a report for Council that details relevant probity and potential risk implications.

General Manager's Comments - Motions 2.1 and 2.2 – Independent Reports on Major Projects

The reason given for motions 2.1 and 2.2 is an alleged lack of information held by Councillors despite requests made to the General Manager. The background information in the motions refer to workshops on both the 8th January and the 22nd January 2019 and the motions continue on to say that Council requested the General Manager to provide them with a comprehensive report.

I refer to both sets of workshop notes from the Mayor and quote the following as item 10 in each set of notes:

Item 10 reads Council Projects/Major projects.

Mayor to provide a draft to Council on template document to be used to provide information.

Councillors to provide Mayor with list of projects for inclusion ASAP.

I did provide a general update at the first workshop I was invited to, which was 22nd January 2019. I have never been instructed to provide any of this information in detail. I do not believe motions 2.1 and 2.2 are necessary. The staff have not been given a reasonable opportunity to address these queries or the detail required. It is unclear as to why Council would want this report as the motions to do these projects are live and considerable work has been commenced.

Council should not and cannot be project managers and engage in operational matters.

The last point regarding these motions is the cost to the ratepayer of these reports. In my experience, an open brief like is proposed on these projects, could cost the Council and the ratepayers in excess of \$100,000. This is unbudgeted and in my view unnecessary. I ask Council where they see this money being reallocated from within the already tight budget?

Decision: 17/19

Moved Cllr Rob Churchill, seconded Cllr Keith Breheny, that Council determines to engage an independent and suitably qualified consultants/firm within twenty one days to review the information available and prepare a report for Council that details relevant probity and potential risk implications related to the proposed extension to the Triabunna Wharf/Marina, Prosser Plains Raw Water Project (including Hobbs Lagoon and the Expression of Interest) and Marina Views, Triabunna.

The General Manager is directed to give the consultants/firm full and unfettered access to all information, documentation and records of any kind held by Council in respect to these proposals/projects.

The selection committee for the consultant will comprise Mayor Wisby, Deputy Mayor Woods and Councillor Churchill.

**The motion was put and carried
(5 Votes to 3)**

For: Mayor Debbie Wisby, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Keith Pyke.

Against: Cllr Michael Symons, Cllr Cheryl Arnol, Deputy Mayor Jenny Woods.

2.2 Independent Report on Solis Development

Councillor Keith Breheny

The Motion

Moved Cllr Breheny

That Council determines to engage an independent and suitably qualified consultants/firm within twenty one days to review the information available and prepare a report for Council that details relevant probity and potential risk implications related to the Solis Development.

The General Manager is directed to give the consultants/firm full and unfettered access to all information, documentation and records of any kind held by Council in respect to this development.

The selection committee for the consultant will comprise the Mayor Wisby, Deputy Mayor Woods and Councillor Breheny.

Background

On the 8th of January 2019, Cllrs Breheny, Churchill, Browning and Mayor Wisby met to review the Solis development files with the permission of the General Manager. Several matters required clarification and Mayor Wisby requested further information from the General Manager on the 8th of January 2019. As this information has not been forthcoming, I request that Council determines to engage an independent and suitably qualified consultant to review the information available and prepare a report for Council that details relevant probity and potential risk implications.

Decision: 18 /19

Moved Cllr Keith Breheny, seconded Cllr Annie Browning, that Council determines to engage an independent and suitably qualified consultants/firm within twenty one days to review the information available and prepare a report for Council that details relevant probity and potential risk implications related to the Solis Development.

The General Manager is directed to give the consultants/firm full and unfettered access to all information, documentation and records of any kind held by Council in respect to this development.

The selection committee for the consultant will comprise the Mayor Wisby, Deputy Mayor Woods and Councillor Breheny.

**The motion was put and carried
(5 Votes to 3)**

For: Mayor Debbie Wisby, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Keith Pyke.

Against: Cllr Michael Symons, Cllr Cheryl Arnol, Deputy Mayor Jenny Woods.

2.3 Media Policy Replacement

Councillor Keith Breheny

The Motion

Moved Cllr Breheny that:

Council endorses the replacement Media Policy effective immediately.

Background

At the Workshop on the 12th of February 2019, Council discussed a proposed new media policy. I request Council consider replacing its existing Policy - Media Statements 4.5 Version 1 Dated 25.10.06 Minutes Dated 23 March 2009 with the attached.

Decision: 19 /19

Moved Cllr Keith Breheny, seconded Deputy Mayor Jenny Woods, that Council endorses the replacement Media Policy effective immediately.

**The motion was put and carried unanimously
(8 Votes to 0)**

For: Mayor Debbie Wisby, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Keith Pyke, Cllr Michael Symons.

Against:

Attachment: Media Policy - Draft 2019

Attachment Item 2.3: Media Policy - Draft 2019

MEDIA POLICY

Review: Four (4) years from Council Resolution Date

Objective

The purpose of this policy is to provide clarity around the role of the Mayor as the official spokesperson of Council and ensure the quality, consistency and timeliness of all media communications on behalf of Council.

Scope

This policy applies to all Glamorgan Spring Bay Council Councillors, management and staff members.

Definitions

Media Statements – means statements or responses to questions from the media whether verbal, written or in electronic format.

Policy Statement

Section 27 of the *Local Government Act 1993* provides that the Mayor is the official spokesperson of Council.

This function is not co-shared with other Councillors or the General Manager other than at the Mayor's discretion. The Mayor is the only person authorised to speak on behalf of Council.

The Mayor may authorise the General Manager, other Councillors or Council officers to communicate on behalf of Council on certain technical or factual matters as the Mayor considers appropriate. This will ordinarily be done by way of an express authorisation to make a comment on a particular topic. However, the Mayor may provide a standing authorisation to make comments on particular matters to other persons, as the Mayor sees fit.

Any authorisation by the Mayor to communicate on behalf of Council is provided on the basis that all communications must deliver a consistent message, must not be contrary to any official position adopted by Council and must portray Council's position accurately, irrespective of whether that position has been previously expressed in public.

Role of Executive Officer

Council's Executive Officer (or equivalent) is responsible for coordinating and monitoring Council's external communications activities. In practice, this includes dealing with the media and overseeing all media communication made on behalf of Council.

The position reports directly to the General Manager and liaises with and provides advice on day to day communication matters with the General Manager and the Mayor.

The position also has a broader role in providing high level strategic advice on media and communication issues to the Mayor and the General Manager.

The Executive Officer may, in practice, be the first point of contact for media inquiries. However, the position is not able to authorise a person to communicate on behalf of Council, unless the Mayor has given that authorisation.

Where staff are involved in the preparation of an event which may attract media attention, staff are required to liaise with the Executive Officer who will coordinate any media activity associated with that event. Staff must not contact media at their own initiative, except with the express authorisation of the Mayor or the Executive Officer.

Media Statements

The Mayor will be responsible for the final approval of any Council media statements.

The Mayor may consult with Councillors, the General Manager or Council staff when preparing a media release, but is not required to.

Council's Executive Officer (or equivalent) will liaise regularly with the Mayor and General Manager to ensure that Council media releases are properly drafted and communicated.

The Executive Officer will also support the Mayor and General Manager in drafting responses to media requests.

Copies of all media statements released by Council will be provided to Councillors and the General Manager as soon as practicable either before (if possible) or after they are released (with the exception that this will be within 24 hours other than in exceptional circumstances). Where it is practical to do so, Councillors are to be copied into any correspondence which provides copies of media statements to media outlets.

Media Requests

All staff members who receive media requests must pass the information on to the Mayor or, if the Mayor is unavailable, the Executive Officer, who will advise the Mayor and support the Mayor in preparing a response.

Staff who receive unsolicited media inquiries should:

- Inform the outlet that they are not authorised to speak on Council's behalf
- Obtain basic information about the topic of the inquiry and of the contact details of the person making the request
- Ask the caller when their deadline is, and
- Relay the request and the above information to the Mayor, or, where the Mayor is unavailable, Council's Executive Officer.

Under no circumstances are staff to provide:

- Any verbal or written comment or digital information to the media, unless expressly authorised by the Mayor, or
- Any Council document, unless publicly available and authorised by the Mayor, to any media outlet.

Councillors and media

This policy does not take away the right of any Councillor to engage in public debate or speak with or appear in the media. However, Councillors must advise and have sought permission from the Mayor if they are representing Council, and must not purport to speak on behalf of Council unless the Mayor has expressly authorised them to do so.

Whenever speaking with or appearing in media Councillors must:

- (a) When asked to comment on Council's position on any matter, portray Council's position accurately, and
- (b) When asked for their opinion on a matter, clearly and unambiguously indicate when they are putting forward their personal views and do so in a way that does not bring Council into disrepute. For example, if a Councillor is being interviewed in their official capacity, but during the course of the interview is asked to express an opinion, the Councillor must indicate that their opinion is personal and not the official position of Council.

Background

To ensure that Council delivers clear and consistent messages to the media and the public, Council must ensure that clear guidelines and expectations are in place to govern Council's interactions with the media, and that these are communicated to both Councillors and staff members.

Additionally, a policy is required to ensure compliance with:

- Section 27 of the Local Government Act 1993, which provides that the Mayor is the official spokesperson of Council
- Glamorgan Spring Bay Council Code of Conduct

Responsible person

General Manager

2.4 Engagement of an Industrial Relations Lawyer

Councillor Keith Breheny

The Motion

Moved Cllr Breheny

That Council endorses the engagement of Craig Green, Senior Associate, Dobson, Mitchell and Allport for the purpose of matters pertaining to the General Managers contract of employment, performance and any other matters.

Background

That Council considers engaging an independent lawyer, Craig Green, Senior Associate, Dobson, Mitchell and Allport for the purpose of matters pertaining to the General Manager's contract of employment, performance and any other matters.

General Manager's Comments - Motion 2.4 – Engagement of an Industrial Relations Lawyer

The appointment of an industrial relations lawyer by Councillors is considered unnecessary and a cost that Council and ratepayers should not have to bear.

The General Manager's current contract has been in place since late 2017 and is based on the LGAT model General Manager's contract. The contract is signed by both myself and the Mayor at the time. All my performance reviews indicate my performance as a General Manager is highly effective.

Decision: 20/19

Moved Cllr Keith Breheny, seconded Cllr Rob Churchill, that Council endorses the engagement of Craig Green, Senior Associate, Dobson, Mitchell and Allport for the purpose of matters pertaining to the General Managers contract of employment, performance and any other matters.

**The motion was put and carried
(5 Votes to 3)**

For: Mayor Debbie Wisby, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Keith Pyke.

Against: Cllr Michael Symons, Cllr Cheryl Arnol, Deputy Mayor Woods

2.5 Strategic Plan

Councillor Cheryl Arnol

The Motion

Moved Cllr Arnol

That Council undertakes a review of the current Strategic Plan.

A sub-committee consisting of Mayor Wisby, Deputy Mayor Woods and Councillor Arnol to work with the General Manager to develop a scope of works for the review of the Strategic Plan and to enable the General Manager to seek expressions of interest from suitably qualified consultants.

The sub-committee will review the expressions of interest and a report is to be provided to Council no later than its April 2019 Ordinary Meeting.

Background

In accordance with *the Local Government Act 1993* Council must have a ten year Strategic Plan.

General Manager's Comments - Motion 2.5 – Strategic Plan

At the last workshop the Mayor indicated we would update the current plan internally and adopt it for 10 years. This could then be reviewed where necessary. No money has been allocated to the appointment of a consultant to undertake this task in the current budget.

Decision: 21 /19

Moved Cllr Cheryl Arnol, seconded Deputy Mayor Jenny Woods, that Council undertakes a review of the current Strategic Plan.

A sub-committee consisting of Mayor Wisby, Deputy Mayor Woods and Councillor Arnol to work with the General Manager to develop a scope of works for the review of the Strategic Plan and to enable the General Manager to seek expressions of interest from suitably qualified consultants.

The sub-committee will review the expressions of interest and a report on potential consultants is to be provided to Council no later than its April 2019 Ordinary Meeting with the review of the Strategic Plan occurring in the 2019/20 financial year.

**The motion was put and carried unanimously
(8 Votes to 0)**

For: Mayor Debbie Wisby, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Keith Pyke, Cllr Michael Symons.

Against:

3. Confidential Items (Closed Session)

The Mayor to declare the meeting closed to the public in order to rescind a motion relating to the General Manager's annual leave.

Under regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 Statutory Rules 2015, No.38 the meeting will be closed to the public according to regulation 15 (2) (a) *personnel matters*.

- Item 1: Overturn Motion Directing the General Manager to Take Annual Leave

Please note: Cllr Symons left the room at 7.12pm.

Please note: Cllr Symons returned at 7.14pm.

Decision: 22/19

Moved Deputy Mayor Jenny Woods, seconded Cllr Keith Breheny, that Council moves into a closed session (7.14pm).

**The motion was put and carried unanimously
(8 Votes to 0)**

For: Mayor Debbie Wisby, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol, Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Keith Pyke, Cllr Michael Symons.

Against:

The live streaming and recording of meeting will now be switched off. Mayor to check that the streaming has been terminated.

4. Close

The Mayor declared the Special Meeting closed at 7.18pm.

CONFIRMED as a true and correct record.

Date:

Mayor Debbie Wisby