

*File No. 100/09*  
*Our Ref: EAJ*

24 April 2009

Dear Councillor

You are kindly requested to attend an **EXTRAORDINARY COUNCIL MEETING** of Wingecarribee Shire Council to be held in the Council Chambers, Elizabeth Street, Moss Vale on **Wednesday, 29 April 2009** commencing at **4:30pm**.

Yours faithfully

Mike Hyde  
**General Manager**

# BUSINESS

1. OPENING OF THE MEETING
2. PRAYER
3. APOLOGIES
4. DECLARATIONS OF INTEREST
5. MAYORAL MINUTE (*if any*)
6. COUNCIL MATTERS
  - General Manager
7. CLOSED COUNCIL

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# Our Values

**EQUITY, JUSTICE and CONSULTATION** in our obligations;

**PRIDE** in our lifestyle and environment;

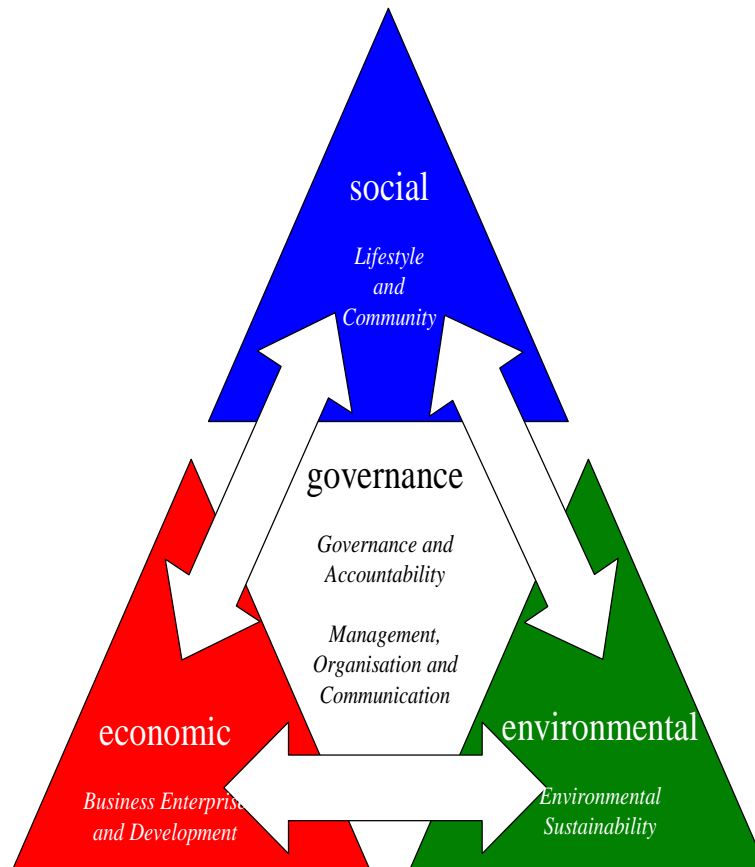
**EXCELLENCE** in the provision of services;

**TEAMWORK, INNOVATION and CO-OPERATION** in our business;

**INTEGRITY**, skill and **DEDICATION** in the achievement of our objectives;

**LEADERSHIP** in the growth and prosperity of our community.

## COUNCIL'S MANAGEMENT PLAN PROGRAMS



### **QBL ⇔ Sustainability**

**Economic** – The role of business with special attention to tourism in our community.

**Governance** – The way we go about making decisions and the supporting processes that enable action within our community

**Environmental** – Managing our natural and urban surrounds.

**Social** – All things that affect quality of life and our interactions in the southern highlands.

Each of these have a program associated with it. A program is a grouping of functional projects or services that Council provides to help feed each of these quadrants in the QBL. We have formed program teams in order to foster communication across branches. This then develops a holistic view of what the Council's role is within our community.



**AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 29 April 2009

**CLOSED REPORTS**

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**DECLARATION OF INTEREST**

*101/3*

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Councillors are requested to declare any Pecuniary or Non Pecuniary Interests for items on the agenda.

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**CLOSED REPORTS**

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<b>CS1</b>	<b>Closed Council</b>
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REF.	DCS	107/9
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To consider moving into Closed Council.

<b>REPORT</b>
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**BACKGROUND**

The following confidential reports have been distributed separately:

c-CS1 BRIEFING ON CURRENT STATUS OF LEGAL MATTER WSC V LEHMAN  
BROTHERS AUSTRALIA 107/9,  
2104

**STATUTORY**

Section 10A of the Local Government Act 1993, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

Subject to the provisions of Section 10 of the Act, so much of a meeting may be closed as comprises certain information as outlined in Section 10A(2).

However, the Act also contains the following provisions qualifying the use of Section 10A(2).

**Section 10B**

- (1) *[Time spent closed to be minimised] A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):*
  - (b) *Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
  - (c) *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-unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.*
- (2) *[Qualification of 10A(2)(g)] A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:*



**CLOSED REPORTS**

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- (a) *are substantial issues relating to a matter in which the council or committee is involved, and*
  - (b) *are clearly identified in the advice, and*
  - (d) *are fully discussed in that advice.*
- (3) *[Qualification of 10A(3)] If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).*
- (4) *[Irrelevant matters] 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.*

Attention is also drawn to provisions contained in Part 7 of Council's Code of Meeting Practice.

**DIRECTOR GENERAL'S GUIDELINES**

The Director General of the Department of Local Government has issued guidelines concerning the use of Section 10 of the Act. A copy of the Director General's guidelines has been sent to all Councillors. Section 10B(5) of the Act requires that council have regard to these guidelines when considering resolving into Closed Session.

**RECOMMENDATION**

1. **THAT** Council moves into Closed Council in accordance with the requirements of Section 10 of the Local Government Act 1993 as addressed below to consider the following reports:

**c-CS1 BRIEFING ON CURRENT STATUS OF LEGAL MATTER WSC V LEHMAN BROTHERS AUSTRALIA 107/9, 2104**

**Relevant Legal Provisions**

This report is placed in Closed Committee under Clause 10A2(g) of the Local Government Act, as it contains information that references advice that may be subject of legal professional privilege.



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Brief Description

Considering an update on the current status of legal matters. WSC V Lehman Brothers Australia.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information that may be subject of legal professional privilege.