

File No: 100/09
Our Ref: EAJ

25 September 2009

Dear Councillor

You are kindly requested to attend an **EXTRAORDINARY COUNCIL MEETING** of Wingecarribee Shire Council to be held in the Council Chambers, Civic Centre, Elizabeth Street, Moss Vale on **Wednesday, 30 September 2009** commencing at **8:30am**.

Yours faithfully

Scott Lee
Acting General Manager



Our Mission, Our Vision, Our Values

OUR MISSION

To augment the economic, environmental and social quality of life in the Wingecarribee Shire by serving the community well

OUR VISION

Enhance transparency and accountability in all decision making processes and outcomes

Gain the trust and confidence of our community by keeping our communities informed and respect their input

Enhance the services and civic and natural assets of the Shire for this and future generations

Promote a live locally, work locally sustainability focus

Support and encourage the Shire's tourism industry and character

OUR VALUES

Trust and integrity

Respect and responsibility

Communication

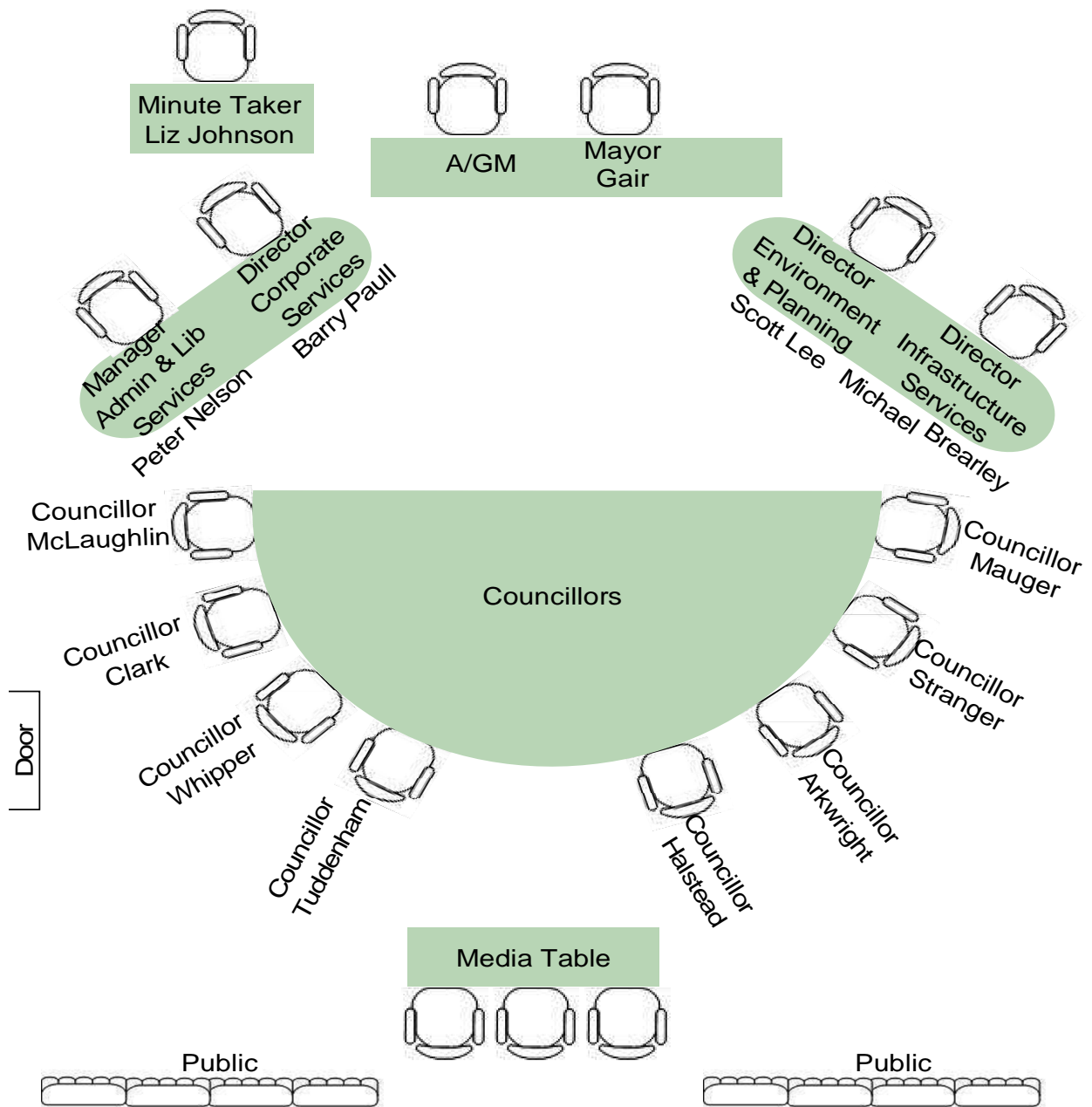
Service quality

WSC Council Chambers

Recording of Ordinary Meeting of Council

As authorised by the Local Government Act 1993, Wingecarribee Shire Council records the proceedings of the Ordinary Meeting of Council to ensure accurate transcription of resolutions.

No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of Council without prior permission of the Council.





AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 30 September 2009

AGENDA

1. OPENING OF THE MEETING
2. PRAYER – COUNCILLOR DUNCAN GAIR
3. APOLOGIES
4. DECLARATIONS OF INTEREST
5. OPEN COUNCIL
6. CLOSED COUNCIL



AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 30 September 2009

CONTENTS

OPEN COUNCIL.....	7
c-CS1 Closed Council.....	7



AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 30 September 2009

DECLARATIONS OF INTEREST

DECLARATIONS OF INTEREST

101/3

Councillors are requested to declare any pecuniary or non-pecuniary interests for items on the agenda.



OPEN COUNCIL

c-CS1 Closed Council

REF: DCS

107/9

To consider moving into Closed Council.

REPORT

The following confidential report has been distributed separately:

c-GM1 INTERVIEWS FOR GENERAL MANAGER

503/60

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):*
 - a. *Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
 - b. *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:*
 - 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.*



OPEN COUNCIL

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 report:

c-GM1 INTERVIEWS FOR GENERAL MANAGER

503/60

Relevant Legal Provision

This report is placed in Closed Committee as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting business under Clause 10A(2)(d) of the Local Government Act.

Brief Description

Consultants, John Kleem Consulting and Blackadder Associates, recruiting for the position of General Manager, have requested that Council conduct interviews for the position in closed Council to ensure the confidentiality of the interview process.

Public Interest

It is not in the public interest to consider this information in Open Council because it contains information which could prejudice the commercial position of the person who supplies it.



AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 30 September 2009

OPEN COUNCIL

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

Scott Lee
Acting General Manager

25 September 2009