



District Council of Coober Pedy

Minutes of the District Council of Coober Pedy ordinary meeting held Tuesday 19th February 2019 in the Council Chambers situated at Hutchison Street, Coober Pedy

1 Opening

Tim Jackson, Administrator, welcomed staff and the public and declared the meeting open at 7.00 pm

Tim Jackson, Administrator, acknowledged and honoured the thousands of years of indigenous heritage in this area and their contribution to our community.

2. ATTENDANCE RECORD

Present Tim Jackson, Administrator

In Attendance C Pitman, Acting CEO and Water Manager
D Hope, Financial Consultant
R Kumaran, Finance Manager
S Reynolds, Community Services Manager
R Phillips, Works Manager
M Grava, Electricity Manager
J Williams, Executive Assistant

Apologies Nil

3 Public Forum – Nil

4 Delegations - Nil

5 Minutes

- 5.1 **Ordinary Council Meeting held 22nd January 2019**
Special Council Meeting held 25th January 2019

C20190201

That the minutes of the Ordinary Council Meeting held 22nd January 2019 and the Special Council Meeting held 25th January 2019 be adopted as true and accurate records of those meetings.

ADOPTED BY ADMINISTRATOR

- 5.2 **Business Arising**

- 5.3 **Matters Laying on the Table** - Nil

- 5.4 **Items Deferred** – Nil

6 Reports

- 6.1 **Works Department Report for the month of January 2019**

Received and Noted

- 6.2 **Correspondence – REX Clarifies Impact of Airport Security Measures on Regional Aviation in South Australia**

Received and Noted

- 6.3 **Correspondence – Letter from the Croatian Club Seeking Assistance to Clean up Rubbish**

C20190202

That the request be dealt with by staff.

DETERMINED BY ADMINISTRATOR

- 6.4 **Electricity Department Report for the month of January 2019**

Received and Noted

6.5 Water Department Report for the month of January 2019

Received and Noted

6.6 Water Consumption Report for the month of January 2019

Received and Noted

6.7 Community Services Report

Received and Noted

6.8 Keeping the Community Informed

Received and Noted

6.9 Planning Review Draft Policies

C20190203

The information on the planning review policies be received and noted.

ADOPTED BY ADMINISTRATOR

6.10 Delegates to Community Groups

C20190204

1. That the Council express a preference for the current delegates to continue their roles during the period of administration.
2. That the organisations be asked whether they wish to continue to have a Council delegate on their governing body.
3. That current delegates be asked whether they are prepared to continue as the Council delegate.
4. That this motion only relate to delegates to external organisations and that a further report be prepared for the Council regarding its appointees to its Development Assessment Panel.

DETERMINED BY ADMINISTRATOR

6.11 Audit committee Terms of reference and policy

C20190205

That the policy as amended be referred to the Audit Committee for comment.

DETERMINED BY ADMINISTRATOR

6.12 Adoption of Meeting Procedures

C20190206

1. That, subject to paragraph 2, below the Council adopts the District Council of Coober Pedy Council and Committee Meeting procedures as presented in Attachment 1 to this report to the Ordinary Meeting of the Council dated 19 February 2019.
2. That Council determines that paragraph 8.4 of the District Council of Coober Pedy Council and Committee Meeting procedures document:
Provide as follows:
 - 8.4 A determination the effect of which, if carried, would be to revoke or Amend a decision of council made since the 2018 general election of the Council must be brought by written notice of proposed determination.

APPROVED BY ADMINISTRATOR

6.13 Finance Report

Received and Noted

6.14 Fees and Charges Schedule 2018-19

C20190207

That this matter be deferred to the next Council meeting.

DETERMINED BY ADMINISTRATOR

6.15 Internal Control Framework

Received and Noted

6.16 Budget Review 31 January 2019

C20190208

That the Budget Review to 31 January 2019 be received and the variations included therein be adopted.

ADOPTED BY ADMINISTRATOR

7 Petitions - Nil

8 Questions on Notice

Received from: Cr Boro Rapaic
Received on: 20th December 2018

Could the CEO supply all councillors with complaints made by George Naumovic against council before he became councillor and at what cost to ratepayers and how many complaints were upheld.

Answer

The costs recorded as the result of matters is as follows

- Flight and travel expenses associated with COC matter \$2,663 (not upheld)
- Costs associated with the independent assessor into the COC matter \$38,500 June 2018 (Not Upheld)
- Legal advice received in relation to Elected Member COC matter \$14,621 Oct and Dec 2017 (Details being investigated)
- Legal advice \$3,178 April, May and June 2018 (details of matter to be investigated)

9 Questions Without Notice

10 Motions on Notice - Nil

11 Motions Without Notice

12 Committee Minutes - Nil

13 Delegates Reports - Nil

14 Other Business

14.1 Questions Without Notice – Judicial Review

Received from: Cr George Naumovic

Received on: 22nd January 2019

1. That Pursuant to Schedule 3, Clause 10(d) of the Legal Practitioners Act, Council obtain from its solicitors a cost estimate of challenging the judicial review matter.
2. That Council obtain an updated opinion from its solicitors as to the prospects of succeeding on the judicial review matter taking into account all the available evidence.
3. That Council consider the downside, if any, if the judicial review proceedings are not challenged.

CEO Indication under Section 83(5) of the Local Government Act 1999

Notice is hereby given in accordance with Section 83(5) of the *Local Government Act 1999* that the information and matters contained in the following documents, being documents related to the agenda item No. 14.1 entitled Questions on Notice – Judicial Review dated 19th February 2019 may, if the Council so determines, be considered in confidence under Part 3 of the *Local Government Act 1999* under Section 90(2) and 90(3)(h) and 90(3)(i) of the *Local Government Act 1999*:

1. To enable the Council to consider the item in confidence on the basis it is necessary and appropriate to act in a meeting closed to the public in order to receive, discuss or consider in confidence information or matter relating to the item, the disclosure of which would involve the consideration of:
 - legal advice; and
 - information relating to actual litigation involving the Council,in that Council's legal advice and information relating to the litigation should not be publically disclosed in order to preserve the Council's position in the litigation (and any possible future litigation) and to maintain the Council's legal professional privilege over the advice.
2. Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public is outweighed by the need to keep the information or matter confidential.

Colin Pitman
Acting Chief Executive Officer

C20190209

That:

- (a) Under the provisions of Section 90(2) of the *Local Government Act 1999*, an order be made that the public with the exception of Colin Pitman (Acting Chief Executive Officer) and Judy Williams (Executive Assistant) be excluded from attendance at the meeting in order to receive, discuss and/or consider in confidence this item.
- (b) The Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting on the following grounds:
- Section 90(3)(h) of the *Local Government Act 1999*, legal advice; and
 - Section 90(3)(i) of the *Local Government Act 1999*, information relating to actual litigation involving the Council,

in that Council's legal advice and information relating to the litigation should not be publically disclosed in order to preserve the Council's position in the litigation (and any possible future litigation) and to maintain the Council's legal professional privilege over the advice.

- (c) Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.

ADOPTED BY ADMINISTRATOR

C20190210

That:

- (a) in accordance with Section 91(7) and Section 91(9) of the *Local Government Act 1999* and on the grounds that Item No. 14.1, on the Agenda for the meeting of the Council held on 19th February 2019 entitled Questions on Notice – Judicial Review, was received, discussed and considered in confidence pursuant to:
- Section 90(3)(h) of the *Local Government Act 1999* (legal advice); and
 - Section 90(3)(i) of the *Local Government Act 1999* (information relating to actual litigation involving the Council),

this meeting of the Council, does order that the agenda, report, documents a information relating to actual litigation involving the Council and any other associated information submitted to this meeting and the minutes of this meeting in relation to the matter remain confidential and not available for public inspection until further order of the Council on the basis that Council's legal advice and information relating to the litigation should not be publically disclosed in order to preserve the Council's position in the litigation (and any possible future litigation) and to maintain the Council's legal professional privilege over the advice;

- (b) the confidentiality of the matter be reviewed within a period of 12 months, and each 12 months thereafter; and

(c) the Chief Executive Officer (or anyone Acting in that position) be delegated the authority to review and revoke all or part of this order.

CARRIED BY ADMINISTRATOR

**15 Next Meeting – To be Advised.
Closure – 7.50 pm.**