



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

Administrator Delegations Meeting
18 November 2016

CONFLICTS OF INTEREST

A conflict of interest arises when the Administrator or Council staff are influenced, or are seen to be influenced, in carrying out their duties by personal interests. Conflicts of interest can be pecuniary or non-pecuniary in nature.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of a financial gain or loss.

A non-pecuniary interest can arise as a result of a private or personal interest, which does not relate to money. Examples include friendship, membership of an association or involvement or interest in an activity.

The Administrator or staff member who considers they may have a conflict of interest should read Council Policy.

The responsibility of determining whether or not the Administrator or Council employee has a pecuniary or non-pecuniary interest in a matter, is the responsibility of that individual. It is not the role of the Administrator or General Manager, or another Council employee to determine whether or not a person may have a conflict of interest.

Should you be unsure as to whether or not you have a conflict of interest you should err on the side of caution and either declare a conflict of interest or, you should seek the advice of the Director General of Local Government.

The contact number for the Director General of Local Government is 4428 4100.

COUNCIL CODE OF CONDUCT

The Council Code of Conduct is a requirement of Section 440 of the Local Government Act 1993, which requires all councils to have a code of conduct to be observed by the Administrator, members of staff and delegates of the Council attending a Council meeting or a meeting of a committee of Council.

The code of conduct sets out the responsibilities of the Administrator and Council employees attending a Council meeting or a meeting of a committee of Council. The code also sets out how complaints against a Council employee, the Administrator or General Manager are to be made.

COUNCIL CODE OF MEETING PRACTICE

The Council Code of Meeting Practice is a requirement of Section 360(3) of the Local Government Act 1993, which requires all councils to have a code of meeting practice. The code of meeting practice is to be observed by the Administrator, members of staff, delegates of the Council and members of the public attending a Council or a meeting of a committee of Council.

Acknowledgement of Owners of Land

Council wishes to show our respect to the First Custodians of this land the Ngarigo people and their Ancestors past and present who pass on this duty of custodianship of the land to us the current custodians. We are proud to be Australian and celebrate the diverse backgrounds and cultures that make up our Nation – our Land.

**ADMINISTRATOR DELEGATIONS MEETING
TO BE HELD IN HEAD OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON FRIDAY 18 NOVEMBER 2016
COMMENCING AT 9.00AM**

BUSINESS PAPER

1. OPENING OF THE MEETING

2. DECLARATIONS OF PECUNIARY INTERESTS/CONFLICT OF INTEREST

(Declarations also to be made prior to discussions on each item)

3. CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE

Nil

4. CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND

Nil

5. CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY

Nil

6. CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY

Nil

7. CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE

Nil

8. CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE

Nil

9. CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION

9.1 Annual Code of Conduct Complaints Statistics Report

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10. ADMINISTRATOR'S REPORT (IF ANY)

Nil

11. CONFIDENTIAL MATTERS 17

**11.1 Standard form licence agreement for easement to construct a storm water
dissapter to complete stormwater and capping upgrade works at jindabyne
landfill**

Item 11.1 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, (di) of the Local Government Act because it contains , commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, (dii) of the Local Government Act because it contains , information that would, if disclosed, confer a commercial advantage on a competitor of the council, (diii) of the Local Government Act because it contains , information that would, if disclosed, reveal a trade secret and (f) of the Local Government Act because it contains and details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

11.2 Storm Water upgrade works

Item 11.2 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, (di) of the Local Government Act because it contains , commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, (dii) of the Local Government Act because it contains , information that would, if disclosed, confer a commercial advantage on a competitor of the council and (diii) of the Local Government Act because it contains and information that would, if disclosed, reveal a trade secret and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

9.1 ANNUAL CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

Record No:

Responsible Officer:	Director Service Support
Author:	Manager Corporate/Governance
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1 Ensure that legislative obligations are met throughout all Council departments.
Operational Plan Action:	OP7.2 Completion of reporting requirements in accordance with legislation. Administrator Delegation at its meeting on 11 November 2016 resolved that the matter be deferred to the meeting to be held on 18 November 2016.
Attachments:	1. Code of Conduct Complaints Report - Former Bombala Council ↓ 2. Code of Conduct Complaints Report - Former Cooma-Monaro Shire Council ↓ 3. Code of Conduct Complaints Report - Former Snowy River Shire Council ↓ 4. Code of Conduct Complaints Report - Snowy Monaro Regional Council ↓
Cost Centre	Governance
Project	Annual Code of Conduct Complaints Statistics
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Under the Model Code of Conduct Procedures (Clause 12.1 and 12.2) each Council's Complaints Co-ordinator must, within three months of the end of September each year, report on a range of complaints statistics to the Council and to the Office of Local Government.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

- A. That Council receive and note the Code of Conduct Statistics Report for the former Bombala Council, Snowy River Shire Council and Cooma-Monaro Shire Council for the period 1 September 2015 to 12 May 2016 and for Snowy Monaro Regional Council for the period 13 May 2016 to 31 August 2016.
- B. These reports be forwarded to the Office of Local Government.

BACKGROUND

The reporting period for these Code of Conduct Complaints reports is 1 September 2015 to 31 August 2016 and the Office of Local Government has requested that these be returned to them by 30 November 2016.

Snowy Monaro Regional Council is required to report separately on each former entity (Bombala, Cooma-Monaro Shire and Snowy River Shire Councils) to the date of the merger (1 September 2015 to 12 May 2016) and also report on the new council from 13 May 2016 to 31 August 2016)

The Office intends to publish this data.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Statistics on Code of Conduct complaints for Councillors and the General Manager are required to be forwarded to the Office of Local Government and reported to Council.

2. Environmental

The recommendation contained in this report will not have any impacts on environmental sustainability.

3. Economic

The collection and reporting of the Code of Conduct Statistics Report is funded from the salaries and wages of the Corporate Governance Cost Centre in the 2017 budget.

4. Civic Leadership

The collection and reporting of these statistics enables the public to see that the activities of Council are conducted in an open and transparent manner and that Council is meeting its legislative obligations.

Determination by Administrator

Approved by Administrator Dean Lynch in accordance with *Section 226 dot point one (1) or two (2) of the Local Government Act 1993*.

Signature:

Date:

Model Code of Conduct Complaints Statistics Bombala Council		
Number of Complaints		
1 a	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	<input type="text" value="0"/>
b	The total number of complaints finalised in the period about councillors and the GM under the code of conduct	<input type="text" value="0"/>
Overview of Complaints and Cost		
2 a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	<input type="text" value="0"/>
b	The number of complaints referred to the Office of Local Government under a special complaints management arrangement	<input type="text" value="0"/>
c	The number of code of conduct complaints referred to a conduct reviewer	<input type="text" value="0"/>
d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	<input type="text" value="0"/>
e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	<input type="text" value="0"/>
f	The number of finalised code of conduct complaints investigated by a conduct reviewer	<input type="text" value="0"/>
g	The number of finalised code of conduct complaints investigated by a conduct review committee	<input type="text" value="0"/>
h	The number of finalised complaints investigated where there was found to be no breach	<input type="text" value="0"/>
i	The number of finalised complaints investigated where there was found to be a breach	<input type="text" value="0"/>
j	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	<input type="text" value="0"/>
k	The number of complaints being investigated that are not yet finalised	<input type="text" value="0"/>
l	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	<input type="text" value="0"/>

Preliminary Assessment Statistics	
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
a	To take no action <input type="text" value="0"/>
b	To resolve the complaint by alternative and appropriate strategies <input type="text" value="0"/>
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies <input type="text" value="0"/>
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police <input type="text" value="0"/>
e	To investigate the matter <input type="text" value="0"/>
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter <input type="text" value="0"/>
Investigation Statistics	
4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:
a	That the council revise its policies or procedures <input type="text" value="0"/>
b	That a person or persons undertake training or other education <input type="text" value="0"/>
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:
a	That the council revise any of its policies or procedures <input type="text" value="0"/>
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach <input type="text" value="0"/>
c	That the subject person be counselled for their conduct <input type="text" value="0"/>
d	That the subject person apologise to any person or organisation affected by the breach <input type="text" value="0"/>
e	That findings of inappropriate conduct be made public <input type="text" value="0"/>
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach <input type="text" value="0"/>
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 <input type="text" value="0"/>
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action <input type="text" value="0"/>
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures <input type="text" value="0"/>

Categories of misconduct	
7 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a General conduct (Part 3)	<input type="text" value="0"/>
b Conflict of interest (Part 4)	<input type="text" value="0"/>
c Personal benefit (Part 5)	<input type="text" value="0"/>
d Relationship between council officials (Part 6)	<input type="text" value="0"/>
e Access to information and resources (Part 7)	<input type="text" value="0"/>
Outcome of determinations	
8 The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	<input type="text" value="0"/>
9 The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	<input type="text" value="0"/>

Model Code of Conduct Complaints Statistics Cooma-Monaro Shire Council		
Number of Complaints		
1 a	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	<input type="text" value="0"/>
b	The total number of complaints finalised in the period about councillors and the GM under the code of conduct	<input type="text" value="0"/>
Overview of Complaints and Cost		
2 a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	<input type="text" value="0"/>
b	The number of complaints referred to the Office of Local Government under a special complaints management arrangement	<input type="text" value="0"/>
c	The number of code of conduct complaints referred to a conduct reviewer	<input type="text" value="0"/>
d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	<input type="text" value="0"/>
e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	<input type="text" value="0"/>
f	The number of finalised code of conduct complaints investigated by a conduct reviewer	<input type="text" value="0"/>
g	The number of finalised code of conduct complaints investigated by a conduct review committee	<input type="text" value="0"/>
h	The number of finalised complaints investigated where there was found to be no breach	<input type="text" value="0"/>
i	The number of finalised complaints investigated where there was found to be a breach	<input type="text" value="0"/>
j	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	<input type="text" value="0"/>
k	The number of complaints being investigated that are not yet finalised	<input type="text" value="0"/>
l	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	<input type="text" value="0"/>

Preliminary Assessment Statistics	
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
a	To take no action <input type="text" value="0"/>
b	To resolve the complaint by alternative and appropriate strategies <input type="text" value="0"/>
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies <input type="text" value="0"/>
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police <input type="text" value="0"/>
e	To investigate the matter <input type="text" value="0"/>
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter <input type="text" value="0"/>
Investigation Statistics	
4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:
a	That the council revise its policies or procedures <input type="text" value="0"/>
b	That a person or persons undertake training or other education <input type="text" value="0"/>
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:
a	That the council revise any of its policies or procedures <input type="text" value="0"/>
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach <input type="text" value="0"/>
c	That the subject person be counselled for their conduct <input type="text" value="0"/>
d	That the subject person apologise to any person or organisation affected by the breach <input type="text" value="0"/>
e	That findings of inappropriate conduct be made public <input type="text" value="0"/>
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach <input type="text" value="0"/>
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 <input type="text" value="0"/>
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action <input type="text" value="0"/>
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures <input type="text" value="0"/>

Categories of misconduct	
7 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a General conduct (Part 3)	<input type="text" value="0"/>
b Conflict of interest (Part 4)	<input type="text" value="0"/>
c Personal benefit (Part 5)	<input type="text" value="0"/>
d Relationship between council officials (Part 6)	<input type="text" value="0"/>
e Access to information and resources (Part 7)	<input type="text" value="0"/>
Outcome of determinations	
8 The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	<input type="text" value="0"/>
9 The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	<input type="text" value="0"/>

Model Code of Conduct Complaints Statistics Snowy River Shire Council		
Number of Complaints		
1	a The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	2
	b The total number of complaints finalised in the period about councillors and the GM under the code of conduct	2
Overview of Complaints and Cost		
2	a The number of complaints finalised at the outset by alternative means by the GM or Mayor	1
	b The number of complaints referred to the Office of Local Government under a special complaints management arrangement	0
	c The number of code of conduct complaints referred to a conduct reviewer	1
	d The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	0
	e The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
	f The number of finalised code of conduct complaints investigated by a conduct reviewer	1
	g The number of finalised code of conduct complaints investigated by a conduct review committee	0
	h The number of finalised complaints investigated where there was found to be no breach	0
	i The number of finalised complaints investigated where there was found to be a breach	1
	j The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	1
	k The number of complaints being investigated that are not yet finalised	0
	l The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	5,470

Preliminary Assessment Statistics	
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
a	To take no action <input type="text" value="0"/>
b	To resolve the complaint by alternative and appropriate strategies <input type="text" value="0"/>
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies <input type="text" value="0"/>
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police <input type="text" value="0"/>
e	To investigate the matter <input type="text" value="1"/>
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter <input type="text" value="0"/>
Investigation Statistics	
4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:
a	That the council revise its policies or procedures <input type="text" value="0"/>
b	That a person or persons undertake training or other education <input type="text" value="0"/>
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:
a	That the council revise any of its policies or procedures <input type="text" value="0"/>
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach <input type="text" value="1"/>
c	That the subject person be counselled for their conduct <input type="text" value="1"/>
d	That the subject person apologise to any person or organisation affected by the breach <input type="text" value="1"/>
e	That findings of inappropriate conduct be made public <input type="text" value="0"/>
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach <input type="text" value="0"/>
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 <input type="text" value="1"/>
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action <input type="text" value="0"/>
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures <input type="text" value="0"/>

Categories of misconduct	
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b	Conflict of interest (Part 4) <input type="text"/>
c	Personal benefit (Part 5) <input type="text" value="1"/>
d	Relationship between council officials (Part 6) <input type="text" value="1"/>
e	Access to information and resources (Part 7) <input type="text"/>
Outcome of determinations	
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation <input type="text" value="0"/>
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office <input type="text" value="0"/>

Model Code of Conduct Complaints Statistics Snowy Monaro Regional Council		
Number of Complaints		
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d To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	<input type="text" value="0"/>
e To investigate the matter	<input type="text" value="0"/>
f To recommend that the complaints coordinator convene a conduct review committee to investigate the matter	<input type="text" value="0"/>
Investigation Statistics	
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b That a person or persons undertake training or other education	<input type="text" value="0"/>
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b That the subject person undertake any training or other education relevant to the conduct giving rise to the breach	<input type="text" value="0"/>
c That the subject person be counselled for their conduct	<input type="text" value="0"/>
d That the subject person apologise to any person or organisation affected by the breach	<input type="text" value="0"/>
e That findings of inappropriate conduct be made public	<input type="text" value="0"/>
f In the case of a breach by the GM, that action be taken under the GM's contract for the breach	<input type="text" value="0"/>
g In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993	<input type="text" value="0"/>
h In the case of a breach by a councillor, that the matter be referred to the Office for further action	<input type="text" value="0"/>
6 Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures	<input type="text" value="0"/>

Categories of misconduct	
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a General conduct (Part 3)	<input type="text" value="0"/>
b Conflict of interest (Part 4)	<input type="text" value="0"/>
c Personal benefit (Part 5)	<input type="text" value="0"/>
d Relationship between council officials (Part 6)	<input type="text" value="0"/>
e Access to information and resources (Part 7)	<input type="text" value="0"/>
Outcome of determinations	
8 The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	<input type="text" value="0"/>
9 The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	<input type="text" value="0"/>

11. CONFIDENTIAL MATTERS

In accordance with Section 10A(2) of the Local Government Act 1993, Council can exclude members of the public from the meeting and go into Closed Session to consider confidential matters, if those matters involve:

- (a) personnel matters concerning particular individuals; or
- (b) the personal hardship of any resident or ratepayer; or
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; or
- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law; or
- (f) matters affecting the security of the council, councillors, council staff or council property; or
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place; or
- (h) an item of Aboriginal significance on community land.

and Council considers that the closure of that part of the meeting for the receipt or discussion of the nominated items or information relating thereto is necessary to preserve the relevant confidentiality, privilege or security of such information, and discussion of the material in open session would be contrary to the public interest.

In accordance with Section 10A(4) of the Local Government Act 1993 the Chairperson will invite members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential matters.

RECOMMENDATION

1. THAT pursuant to Section 10A subsections 2 & 3 and Section 10B of the Local Government Act, 1993 (as amended) the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

11.1 Standard form licence agreement for easement to construct a storm water dissapter to complete stormwater and capping upgrade works at jindabyne landfill

Item 11.1 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, (di) of the Local Government Act because it contains , commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, (dii) of the Local Government Act because it contains , information that would, if disclosed, confer a commercial advantage on a competitor of the council, (diii) of the Local Government Act because it contains , information that would, if disclosed, reveal a trade secret and (f) of the Local Government Act because it contains and details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

11.2 Storm Water upgrade works

Item 11.2 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, (di) of the Local Government Act because it contains , commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the

person who supplied it, (dii) of the Local Government Act because it contains , information that would, if disclosed, confer a commercial advantage on a competitor of the council and (diii) of the Local Government Act because it contains and information that would, if disclosed, reveal a trade secret and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

2. The press and public be excluded from the proceedings of the Council in Closed Session on the basis that these items are considered to be of a confidential nature.
3. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as confidential and be withheld from access by the press and public, until such time as the Council resolves that the reason for confidentiality has passed or become irrelevant.
4. That the resolutions made by the Council in Closed Session be recorded in the Minutes of the Council Meeting.
5. That upon this recommendation being moved and seconded, the Chairperson invite representations from the public as to whether this part of the meeting should be closed to consider the nominated item.