

REGISTER OF CONFIDENTIAL ITEMS

01/07/2022 to 30/06/2023



Council / Committee Meeting	Date of Meeting / Item Number	Confidential Item Subject	Nature of Confidentiality Section 90(3) Reference	S91(7) Resolution Number / Duration / Circumstances	Current / Released
CEO Performance Review Committee	14/07/2022 7.1	Review of 2021/22 CEO Performance Appraisal Report	a	CE12/22 Until further order of the Committee or Council. In accordance with Section 91(9)(c) of the Local Government Act 1999, the Chief Executive Officer is delegated the power to revoke this order in whole or part. The Committee notes, in accordance with Section 91(9)(a) of the Local Government Act 1999, this order will be reviewed at least once in every year.	CURRENT
CEO Performance Review Committee	14/07/2022 7.2	Consideration of CEO's Remuneration	a	CE15/22 As above	CURRENT
CEO Performance Review Committee	14/07/2022 7.3	Consideration of CEO's Draft KPIs for 2022/23	a	CE18/22 As above	CURRENT
CEO Performance Review Committee	14/07/2022 7.4	CEO's Future Contractual Arrangements – Consideration of Legal Advice	a	CE21/22	CURRENT
Ordinary Meeting	27/07/2022 17.1	Legal Matter – Claim Update	h & i	OM284/22 Until further order of the Council. In accordance with Section 91(9)(c) of the Local Government Act 1999, the Chief Executive Officer is delegated the power to revoke this order in whole or part. In accordance with Section 91(9)(a) of the Local Government Act 1999, this order will be reviewed at least once in every year.	CURRENT
Ordinary Meeting	27/07/2022 17.2	Potential Legal Matter Update	h & i	OM287/22 As above	CURRENT
Ordinary Meeting	27/07/2022 17.3	2021/22 Road Resheeting Program – Material Haulage Cost Variation Request	i	OM291/22 As above	RELEASED
Ordinary Meeting	27/07/2022 17.4	CEO Performance Review Committee Special Meeting 14 July 2022	a	OM302/22 As above	CURRENT

Current as at November 2022

CEO Performance Review Committee	10/08/2022 7.1	CEO's Employment Contract	a & h	CE25/22 As above	CURRENT
CEO Performance Review Committee	22/08/2022 7.1	CEO's Employment Contract	a & h	CE30/22 As above	CURRENT
Ordinary Meeting	24/08/2022 17.1	Notice of Claim Update	i	OM327/22 As above	CURRENT
Ordinary Meeting	24/08/2022 17.2	Sustech Update	h & i	OM330/22 As above	CURRENT
Ordinary Meeting	24/08/2022 17.3	Legal Matter – Claim Update	h & i	OM333/22 As above	CURRENT
Ordinary Meeting	24/08/2022 17.4	Unsolicited Proposal to Purchase Council Land	b	OM337/22 As above	CURRENT
Ordinary Meeting	24/08/2022 17.5	Detailed Design for Stage 1 of the Riverbank Precinct Master Plan	d	OM340/22 As above	CURRENT
Ordinary Meeting	24/08/2022 17.6	CEO Performance Review Committee	a	OM345/22 As above	CURRENT
Special Meeting	01/09/2022 5.1	RFT for Contract 2022/100 – Road Resealing Program 2022/23 – 2023/24	k	SM46/22 As above	CURRENT
Special Meeting	01/09/2022 5.2	RFT for Contract 2022/101 – Sealing of Footpaths in Solomontown	k	SM49/22 As above	CURRENT
Special Meeting	01/09/2022 5.3	Legal Matter – Claim Update	h & i	SM53/22 As above	CURRENT
Ordinary Meeting	28/09/2022 17.1	Sustech Update	h & i	OM367/22 As above	CURRENT
Ordinary Meeting	28/09/2022 17.2	Caretaker Period – Legal Advice	h	OM370/22 That having considered agenda item 17.2 Caretaker Period – Legal Advice in confidence under Section 90(2) and (3)(h) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act, orders that discussion and all documents and minutes be retained in confidence until further order of the Council. In accordance with Section 91(9)(c) of the Local Government Act 1999, the Chief Executive Officer is delegated the power to revoke this order in whole or part. To avoid doubt, the Chief Executive Officer may revoke the order with respect to some documents and some parts of the minutes while keeping other documents and parts of the minutes in confidence, and may progressively part-revoke the order so as to allow the publication of different documents and different parts of the minutes at different times	RELEASED

				<p>whenever the Chief Executive Officer considers appropriate.</p> <p>Council notes, in accordance with Section 91(9)(a) of the Local Government Act 1999, this order will be reviewed at least once in every year.</p>	
Ordinary Meeting	28/09/2022 17.3	<p>Legal Advice – Council Decisions</p> <p>05/10/2022 – As per instruction from CEO the following resolutions can be released along with the report cover sheet and extracts from the agenda report that relate to each of the following resolutions on the basis that they have been finalised:</p> <p><u>Community Assistance Funds</u> OM373/22 That Council endorse the decision from its meeting held 24 August 2022 actioned in good faith prior to receipt of the legal advice regarding the commencement of the caretaker period, being:</p> <ul style="list-style-type: none"> ▪ That Council approve the expenditure of \$500 to enhance the nomination of Crystal Brook as the Agricultural Town of the Year 2022. Funds to be in the favour of the Crystal Brook Community Association for the purpose of producing a short film showcasing the region. <p>OM377/22 The Council affirms its decision of 24 August 2022 to approve the contribution and conditions as outlined in the funding agreement with Port Pirie Australia Day Committee for a period of 4 years with the option to review at the end of the agreement period.</p> <p>OM385/22 That Council, having considered the information provided in the agenda report specifically regarding the issues that relate to clause 4.3.7 of the Caretaker Policy, determine it necessary to make a decision on this matter during the caretaker period primarily on the basis that support for the provision of events is a key outcome from Councils Community Plan, and that if the support were not provided it would significantly limit the ability to conduct the event.</p> <p>That Council endorse and affirm the actions of the Chief Executive Officer in the provision of a grant of \$4,000 from its Community Assistance Fund to the Northern Country</p>	h	<p>OM387/22 As above</p>	PARTIAL RELEASE

		<p>Music Association to support the Port Pirie Music Festival to be held on 6 – 9 October 2022.</p> <p>Further that Council determine that the usual requirement to acknowledge Council's financial commitment on any advertising be not required in this instance so as to limit any perception of promoting either the current or incoming Council.</p> <p>OM386/22 That Council, having considered the information provided in the agenda report specifically regarding the issues that relate to clause 4.3.7 of the Caretaker Policy, determine it necessary to make a decision on this matter during the caretaker period primarily on the basis that support for the wellbeing of the community is a key outcome from Councils Community Plan, and that acting in good faith the Club has been advised of the success of its application.</p> <p>That Council endorse and affirm the actions of the Chief Executive Officer in the provision of a grant of \$799 from its Community Assistance Fund to the Port Pirie Garden Club to support the purchase of a digital projector.</p> <p>Further that Council determine that the usual requirement to acknowledge Council's financial commitment on any advertising be not required in this instance so as to limit any perception of promoting either the current or incoming Council.</p> <p><u>Community Loans</u> OM384/22 That Council, having considered the information provided in the agenda report specifically regarding the issues that relate to clause 4.3.7 of the Caretaker Policy, determine it necessary to make a decision on this matter during the caretaker period, primarily on the basis that this is the fulfillment of a past commitment by Council upon which the Golf Club has relied in expending funds to green portion of the Course and there is an existing budget provision.</p> <p>That consistent with its resolution OM251/20 made 26 August 2020 to provide an offer of support including loan facilities of up to \$180,000 to the Port Pirie Golf Club to facilitate the greening of the Port Pirie Golf Course, Council endorse and affirm the actions of the Chief Executive Officer in the provision of a loan of \$70,546.20 over 6 years</p>			
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		<p>for this purpose, with Council's model loan agreement used as the basis for other necessary terms.</p> <p>15/11/2022 – As per instruction from CEO the following resolution can be released along with the relevant extract from the agenda report on the basis that the matter has been finalised:</p> <p>OM380/22 That Council note the decision made at Agenda item 4.2.1 “Port Pirie Recycling Depot – New Lessee” from Council's meeting held 24 August 2022 was a designated decision made during the election period and therefore was invalid and of no effect.</p> <p>That Council, having considered the information provided in the agenda report specifically regarding the issues that relate to clause 4.3.7 of the Caretaker Policy, determine it necessary that a new lease, albeit for a shorter maximum term and to be no more than 10 years combined, be agreed with Scouts SA.</p> <p>That the CEO is authorised:</p> <ul style="list-style-type: none"> ▪ to negotiate and enter into on behalf of the Council a new lease with Scouts SA for the recycling depot land, on substantively the same terms as previously offered, except with a shorter maximum term so that the value of the lease (in combination with any assignment of the existing lease: see below) is less than the Council's designated decision threshold (and the CEO is authorised to determine the appropriate maximum term which may in the CEO's discretion be structured as including any renewal rights the parties consider appropriate); and ▪ to consent to an assignment of the existing recycling depot lease from Malcom and Janice Meyers to Scouts SA if the CEO is unable to agree a new lease with Scouts SA or if such assignment is otherwise necessary or convenient in order to allow the sale of business between those parties to proceed; however, the combined value of any assigned balance of the term plus any new lease to Scouts SA must be less than the Council's designated decision threshold. <p>That a report on this matter be presented to the incoming Council as soon as reasonably practicable in its new term.</p>			
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		<p>15/11/2022 – As per instruction from CEO the following resolution can be released along with the relevant extract from the agenda report on the basis that the matter has been finalised:</p> <p>OM372/22 That Council, having considered the information provided in the agenda report specifically regarding the issues that relate to clause 4.3.7 of the Caretaker Policy, determine it necessary to make a decision on this matter during the caretaker period in order to provide opportunity for the continued provision of a community swimming pool at the level previously provided.</p> <p>That Council endorse the decision from its meeting held 24 August 2022 actioned in good faith prior to receipt of the legal advice regarding the commencement of the caretaker period, being that it approves:</p> <ul style="list-style-type: none"> ▪ the additional costs of \$55,000 to undertake repairs to the Crystal Brook Swimming Pool; and ▪ the reallocation of funds for the repairs to the Crystal Brook Swimming Pool from the following capital projects: <ul style="list-style-type: none"> ▪ Crystal Brook Institute Fire Safety upgrades \$50,000 ▪ Port Pirie Swimming Pool pipe work repairs (carry over) \$5,000. <p>15/11/2022 – As per instruction from CEO the following resolution can be released along with the relevant extract from the agenda report on the basis that the matter is directed for decision of the incoming council:</p> <p>OM374/22 That the Council maintains the Supplementary Elections Policy in the form that it was prior to 24 August 2022 and rescinds the changes which were decided at the 24 August 2022 Ordinary meeting.</p> <p>That the review of the Supplementary Election Policy be presented to the incoming Council for consideration and decision.</p> <p>15/11/2022 – As per instruction from CEO the following resolution can be released along with the relevant extract from the</p>			
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		<p>agenda report on the basis that the matter is directed for decision of the incoming council:</p> <p>OM375/22 That the Council maintains the Code of Practice for Meeting Procedures in the form that it was prior to 24 August 2022 and rescinds the changes which were decided at the 24 August 2022 Ordinary meeting.</p> <p>That the review of the Code of Practice Meeting Procedures be presented to the incoming Council for consideration and decision.</p> <p>15/11/2022 – As per instruction from CEO the following resolution can be released along with the relevant extract from the agenda report on the basis that the matter is directed for decision of the incoming council:</p> <p>OM376/22 That the Council rescinds the general approval regarding election signs which was approved on 24 August 2022.</p> <p>That the report entitled “Local Election Signs – Guidance for Council” be presented to the incoming Council for consideration and decision.</p> <p>15/11/2022 – As per instruction from CEO the following is required to stay in confidence as the matter has not been finalised. A report will be presented to the incoming Council for consideration and decision.</p> <p>OM378/22 Unsolicited Proposal to Purchase Council Land</p> <p>15/11/2022 – As per instruction from CEO the following is required to stay in confidence as the matter has not been finalised. An amended contract has been issued for consideration. Not to be released until contract signed by both parties.</p> <p>OM379/22 – Detailed Design for Stage 1 of the Riverbank Precinct Master Plan</p>			
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		<p>15/11/2022 – As per instruction from CEO the following resolution can be released along with the relevant extract from the agenda report on the basis that the matter is directed for decision of the incoming council:</p> <p>OM381/22 – That the report entitled “Port Pirie Junior Soccer Association – Licence Fee” be presented to the incoming Council for consideration so that the new Council can decide whether to affirm the decisions of the Council made in response to that report.</p> <p>15/11/2022 – As per instruction from CEO the following resolution can be released along with the relevant extract from the agenda report on the basis that the matter is directed for decision of the incoming council:</p> <p>OM382/22 That the Council maintains its Asset Management Strategic Documents in the form they were prior to 1 September 2022 and rescinds the new documents which were adopted at the 1 September 2022 Ordinary meeting.</p> <p>That the report entitled “Asset Management Strategic Documents – Adoption” be presented to the incoming Council for consideration and decision.</p> <p>15/11/2022 – As per instruction from CEO the following resolution can be released along with the relevant extract from the agenda report on the basis that the matter has been completed:</p> <p>OM383/22 That Council, having considered the information provided in the agenda report specifically regarding the issues that relate to clause 4.3.7 of the Caretaker Policy, determine it necessary to make a decision on this matter during the caretaker period primarily on the basis that:</p> <ul style="list-style-type: none"> ▪ the decision is not a designated decision, and ▪ the preferred tenderer is the lowest conforming tender from an open tender process, and ▪ a delay in awarding the tender may result in a delay in the provision of the works until into cooler, wetter months which is less favourable for these works, and 			
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		<ul style="list-style-type: none"> the provision of budget for sealing roads was part of the consultation process for the annual business plan and budget, and that the sealing of roads is an annual occurrence. <p>The Council affirms its decision made on 1 September 2022 to award a contract to Downer EDI Works Pty Ltd (the contractor) for the 2022-2023 Road Sealing Program (year 1) in accordance with the documents submitted in response to the Request for Tender for Contract 2022/100 – Road Sealing Program 2022/23 – 2023/24 for the amount of \$849,747.48 (excluding GST) subject to the agreement of terms and conditions.</p> <p>The Council revokes its delegation to the CEO to renew the contract with Downer EDI Works Pty Ltd for year 2.</p> <p>The Council requires a report to be provided to Council for consideration at the appropriate time regarding the performance of the contractor and the potential to award the contractor the 2023-2024 Road Sealing Program (year 2).</p>			
Ordinary Meeting	28/09/2022 17.4	Ombudsman Report – Legal Advice	h	OM390/22 As above	CURRENT
Ordinary Meeting	28/09/2022 17.5	CEO Employment Contract 2023	a	<p>OM394/22</p> <p>That having considered Agenda Item 17.5 CEO Employment Contract 2023 in confidence under Section 90(2) and (3)(a) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that discussion and all documents and minutes be retained in confidence until further order of the Council.</p> <p>In accordance with Section 91(9)(c) of the Local Government Act 1999, the Chief Executive Officer is delegated the power to revoke this order in whole or part.</p> <p>The Council notes, in accordance with Section 91(9)(a) of the Local Government Act 1999, this order will be reviewed at least once in every year.</p>	CURRENT
Special Meeting	12/10/2022 4.1	Sustech Update	h & i	SM60/22 As above	CURRENT
Ordinary Meeting	26/10/2022 17.1	Notice of Claim – Update	i	OM404/22 As above	CURRENT
Ordinary Meeting	26/10/2022 17.2	Sustech Update	h & i	OM408/22 As above	CURRENT