

ITEM NUMBER: 14.3**ATTACHMENT 2****CONFIDENTIAL - MINUTES – EXECUTIVE
COMMITTEE MEETING – 28 FEBRUARY 2023**

Pursuant to Section 83(5) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- d. **commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.**

Confidential Minutes of the Executive Committee of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg on Tuesday 28 February 2023.

5. CONFIDENTIAL REPORTS BY OFFICERS

5.1 Appointment of Qualified Independent Person (Report No: 59/23)

Motion – Exclusion of the Public – Section 90(3)(d) Order

- 1** That pursuant to Section 90(2) of the *Local Government Act 1999* the Executive Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager Strategy and Corporate and the Staff minute taker in attendance at the meeting in order to consider Report No: 59/23 Appointment of a Qualified Independent Person in confidence.
- 2.** That in accordance with Section 90(3) of the *Local Government Act 1999* the Executive Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 59/23 Appointment of a Qualified Independent Person on the following grounds:
 - d.** pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.
- 3.** The Executive Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Lonie, Seconded Councillor Fleming

Carried

At its meeting held 14 February 2023, Council resolved to seek Expressions of Interest for a qualified independent person to be appointed for a contract period of two plus two years aligning with the Council term to provide advice to the Executive Committee on the Chief Executive's performance review.

Following a call for expressions of interest from four reputable human resource management companies, two submissions were received.

Motion

The Executive Committee recommends to Council:

- 1. the appointment of Christine Molitor as the Advisor to the Executive Committee; and**
- 2. the term of the appointment of the Advisor be for a period of two years, with the option of an additional two years.**

Motion - Retain In Confidence - Section 91(7) Order

That having considered Agenda Item 5.1 Appointment of a Qualified Independent Person in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Executive Committee, pursuant to section 91(7) of that Act orders that the attachments be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.

Moved Councillor Fleming, Seconded Councillor Patton

Carried Unanimously

CONFIRMED

14 March 2023

CHAIRMAN