

## **ITEM NUMBER: 18.1**

### **ADJOURNED REPORT- CONFIDENTIAL**

#### **MOTION ON NOTICE – ORDER OF AUSTRALIA NOMINATION – COUNCILLOR LINDOP**

*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:*

- a. **information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead).**
- o. **information relating to a proposed award recipient before the presentation of the award**

**Recommendation – Exclusion of the Public – Section 90(3)(a) & (o) Order**

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 126/23 Adjourned Report – Motion on Notice – Order of Australia Nomination – Councillor Lindop in confidence.
  2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 126/23 Adjourned Report – Motion on Notice – Order of Australia Nomination – Councillor Lindop on the following grounds:
    - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 85/23 Motion on Notice – Order of Australia Nomination – Councillor Lindop is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Sarah Tinney because all nominations are confidential, and the person being nominated should not be advised of the nomination or approached for information.
    - o. information relating to a proposed award recipient before the presentation of the award.
  3. The Council 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.
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Item No: 18.1

Subject: **ADJOURNED REPORT – MOTION ON NOTICE – ORDER OF AUSTRALIA NOMINATION – COUNCILLOR LINDOP**

Date: 11 April 2023

Written By: Executive Officer and Assistant to the Mayor

Chief Executive Officer: Mr R Bria

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### **SUMMARY**

This motion was most recently tabled at the ordinary meeting of Council on 14 March 2023 (Item 18.1 Motion on Notice – Order of Australia Nomination – Councillor Lindop (Report No: 85/23)) and was adjourned under Regulation 19, Local Government (Proceedings at Meetings) Regulations 2013, to allow Council to contact Cancer Council SA for additional information.

The adjourned motion needs to be considered before any new motion can be considered, with the debate to commence at the point of interruption.

Councillors Bradshaw, Fleming and Snewin spoke to the motion. Councillor Lindop has the right of reply as the mover.

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### **MOTION:**

**From Council Meeting 14 March 2023:**

1. **That Council Administration prepare and submit a nomination for Brighton Resident Sarah Tinney for an Order of Australia, in recognition of her outstanding fundraising efforts and contribution to the community through the Brighton Marilyn Jetty Swim.**
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### **ADMINISTRATION COMMENT**

Council needs to determine if the motion should be retained in confidence. If so, the following clause is recommended to be included in the motion:

*That having considered Agenda Item 18.1 126/23 Adjourned Report – Motion on Notice – Order of Australia Nomination – Councillor Lindop in confidence under section 90(2) and (3)( b) and (d) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the report, attachment and minutes be retained in confidence until further notice and the Chief Executive Officer is retained in confidence until the recipient is given the award or until notification is received that the application is unsuccessful and/or the Chief Executive Officer is authorised to release the documents and that this order be reviewed every 24 months*

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**STRATEGIC PLAN**

Not applicable

**COUNCIL POLICY**

Not applicable

**STATUTORY PROVISIONS**

*Local Government Act 1999*

Regulation 19, Local Government (Proceedings at Meetings) Regulations 2013

**BACKGROUND**

A confidential motion was most recently tabled at the ordinary meeting of Council on 14 March 2023 (Item 18.1 Motion on Notice – Order of Australia Nomination – Councillor Lindop (Report No: 85/23)) and was adjourned under Regulation 19, Local Government (Proceedings at Meetings) Regulations 2013, to allow Council to contact Cancer Council SA for additional information.

*Refer Attachment 1*

**REPORT**

Following the adjournment of the confidential motion at the ordinary meeting of Council on 14 March 2023 (Item 18.1 Motion on Notice – Order of Australia Nomination – Councillor Lindop (Report No: 85/23)) with the resolution that the report be adjourned to seek further information on the Order of Australia nomination and be brought back to Council once the information has been attained.

General Manager, Community and Business, Ms M Lock spoke with the General Manager, Strategy, Engagement and Communication, Ms Sally Warner from Cancer Council SA to discuss the information asked by Council:

1. Have the Cancer Council SA nominated Sarah Tinney for an Order of Australia?
2. If not, are they considering nominating Sarah Tinney for an Order of Australia?

Cancer Council SA advised they have not nominated Sarah Tinney for an Order of Australia and were not considering submitting an application; however Cancer Council SA would be happy to support and provide a letter on behalf of their Chief Executive Officer.

**BUDGET**

Not applicable

**LIFE CYCLE COSTS**

Not applicable

# Attachment 1



## **ITEM NUMBER: 18.1**

### **CONFIDENTIAL REPORT**

#### **MOTION ON NOTICE – ORDER OF AUSTRALIA NOMINATION – COUNCILLOR LINDOP**

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- a. **information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead).**
- o. **information relating to a proposed award recipient before the presentation of the award**

**Recommendation – Exclusion of the Public – Section 90(3)(a) Order**

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 85/23 Motion on Notice – Order of Australia Nomination – Councillor Lindop in confidence.
  2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 85/23 Motion on Notice – Order of Australia Nomination – Councillor Lindop on the following grounds:
    - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 85/23 Motion on Notice – Order of Australia Nomination – Councillor Lindop is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Sarah Tinney because all nominations are confidential, and the person being nominated should not be advised of the nomination or approached for information.
    - o. information relating to a proposed award recipient before the presentation of the award.
  3. The Council 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.
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Item No: 18.1

Subject: **MOTION ON NOTICE – ORDER OF AUSTRALIA NOMINATION – COUNCILLOR LINDOP**

Date: 14 March 2023

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## PROPOSED MOTION

Councillor Lindop proposed the following motion:

1. **That Council Administration prepare and submit a nomination for Brighton Resident Sarah Tinney for an Order of Australia, in recognition of her outstanding fundraising efforts and contribution to the community through the Brighton Marilyn Jetty Swim.**

### RETAIN IN CONFIDENCE - Section 91(7) Order

2. **That having considered Agenda Item 18.1 Report No: 85/23 Motion on Notice – Order of Australia Nomination – Councillor Lindop in confidence under section 90(2) and (3)(a)&(o) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and minutes be retained in confidence until the recipient is given the award or until notification is received that the application is unsuccessful and/or the Chief Executive Officer is authorised to release the documents and that this order be reviewed every 24 months.**
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## BACKGROUND

Sarah was the Australian of the Year 2022 Local Hero nominee for South Australia.

Sarah Tinney received the Australia Day Citizen of the Year Community Event Commendation in 2021 for both the City of Holdfast Bay Australia Awards and South Australia Awards.

Sarah Tinney's mother was diagnosed with uterine cancer in 2006, passing away a year later. From that point on, Sarah pledged to help raise money to cure cancer in her mother's honour.

It was in 2013 that Sarah suggested a fundraiser with a difference. What started as a light-hearted conversation at the Brighton Surf Lifesaving Club, later turned into the Marilyn Jetty Swim. The event sees hundreds of women (and men) dress up as Marilyn Monroe for a swim around the Brighton Jetty.

The Marilyn Jetty Swim is now the biggest community event supporting Cancer Council SA, with over \$1 Million raised since its inception. It also won the Guinness World Record for the largest gathering of people dressed as Marilyn Monroe in 2020 – with 254 blonde bombshells dressed as the 1950s icon.



Devoted to her local Brighton community, Sarah gathers adventurous women and men from all different walks of life, united by their desire to see the end of cancer.

Order of Australia nominations are generally processed in order of receipt and the nomination process can take between 18 months and two years.

All nominations are confidential, and the person being nominated should not be advised of the nomination or approached for information. The information on the nomination form is used only to assist the Council to assess the nominee.

If a nomination is unsuccessful, the nominee may be reconsidered after an interval of three years from the Council's consideration of a previous nomination. A member of the Order of Australia may be considered for a promotion within the Order five years after the previous appointment or award.

CONFIDENTIAL - ADJOURNED MOTION