



**I hereby give notice that an Ordinary Meeting of Council will be held on:**

**Date: Tuesday, 06 December 2022**

**Time: 2:00 PM**

**Location: Council Chambers, Wanderer Street Deniliquin**

## **MINUTES**

### **Extraordinary Council Meeting**

**Tuesday, 06 December 2022**

**Philip Stone  
General Manager**

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## 1. OPENING MEETING

**Present:** Mayor Cr Peta Betts, Deputy Mayor Cr Paul Fellows, Cr Shirlee Burge, Cr Harold Clapham, Cr Linda Fawns, Cr Pat Fogarty, Cr Marc Petersen, Cr Shannon Sampson

**Via Teams:** Cr Tarria Moore

**In Attendance:** Chief Executive Officer, Director Corporate Services, Acting Director Infrastructure, Acting Chief Financial Officer, Executive Assistant

Meeting Opened at 2pm

## 2. LIVE STREAMING STATEMENT

Edward River Council wishes to advise members of the public that Council Meetings will be recorded and will be available after each meeting on Council's website Councils Website All care will be taken to maintain the privacy of those in attendance, however As a visitor in the public gallery, your presence may be recorded. By remaining In the public gallery, it is assumed your consent is given in the event your image is broadcast. This includes any filming by television cameras if attendance is approved by the Chief Executive Officer or Mayor.

## 3. ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge that we are here today on the land of the Wamba Wamba Perrepa Perrepa people. I would also like to acknowledge and pay my respects to past Aboriginal Elders, the present Aboriginal and Torres Strait Islander people who reside within this area, and their future generations.

## 4. STATEMENT OF PURPOSE

I have come here as a Councillor freely and without bias to:

- Represent the views of the community in considering the matters before us today
- To vote in a matter I consider to be in the best interest of the community
- To observe the Code of Conduct and respect the rule of the chair and views of my fellow Councillors.

## 5. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil.

**6. CONFIRMATION OF MINUTES**

Nil

**7. DISCLOSURES OF INTERESTS**

Mayor Cr Betts declared an interest in agenda item 13.1 and will leave the Chambers for both discussion and voting on the matter.

**8. MAYORAL MINUTE(S)**

Nil

**9. REPORTS OF COMMITTEES**

Wanganella Hall Committee will be holding their Christmas Party on xxx at xxx and all Councillors are welcome to attend.

**10. REPORTS TO COUNCIL****11. FINANCIAL STATEMENTS 2021-22**

Brad Bohun from Crowe, being council's external auditor, joined the meeting online at 2.00pm and spoke to the audit findings for the draft Financial Statements 2021-22.

Brad left the meeting at 2.20pm.

Moved: Cr Marc Petersen

Seconded: Cr Harold Clapham

**RESOLUTION 2022/0612/11**

That Council

1. Adopt the Draft Financial Statements 2021-22 incorporating the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules.
2. Approve the signing of the 'Statement by Councillors and Management' in accordance with Section 413(2)(c) of the Local Government Act 1993 and Clause 215 of the Local Government (General) Regulation 2005 in relation to the Financial Statements 2021-22.
3. Delegate to the Chief Executive Officer (General Manager) the authority to submit the Financial Statements to the Office of Local Government and Australian Bureau of Statistics.
4. Exhibit the Financial Statements and Auditor's Reports and call for public submissions on those documents with submissions closing on 13 December 2022 in accordance with Section 420 of the Local Government Act 1993.

5. Note that the Audited Financial Statements and Auditor's Reports are being presented to the Extraordinary Meeting of Council scheduled for 6 December 2022 in accordance with Section 418(1) of the Local Government Act 1993

**CARRIED UNANIMOUSLY**

## **12. ARIC CHAIR PRESENTATION**

The Chair of the Audit Risk and Improvement Committee (ARIC), Mr Peter Rae, joined the meeting at 2.05pm

Moved: Cr Marc Petersen

Seconded: Cr Paul Fellows

### **RESOLUTION 2022/0612/10.1**

That Council note the verbal report provided by the Edward River Council Audit Risk and Improvement Committee Chair.

**CARRIED UNANIMOUSLY**

Peter Rae left the meeting at 2.31pm.

## **13. NOTICES OF MOTIONS**

Nil

## **14. QUESTIONS WITH NOTICE**

Nil

## **15. CONFIDENTIAL MATTERS**

Moved: Cr Pat Fogarty

Seconded: Cr Tarria Moore

### **RESOLUTION 2022/0612/15**

That Council move into Confidential to consider the matters listed in the confidential section of the agenda in accordance with Section 10(2) of the Local Government Act 1993 for the reasons specified as follows:

Agenda Item 13.1 Code of Conduct Report – Complaint and Investigation

*Item 13.1 is confidential under the Local Government Act 1993 Section 10A 2 (i) as it relates to matters concerning alleged contraventions of any code of conduct requirements applicable under S440 and council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**CARRIED UNANIMOUSLY**

At this stage, the time being 2:31pm, Council closed the meeting to the public.

**15.1. CODE OF CONDUCT REPORT - COMPLAINT AND INVESTIGATION**

Moved: Cr Pat Fogarty

Seconded: Cr Harold Clapham

**RESOLUTION 2022/0612/15.1**

That council not adopt the recommendation made by the conduct reviewer for the following reasons:

- A pattern of behaviour has been present for an extended period of time
- No reasonable action was undertaken to address the issue in its infancy to rectify these issues
- As a result of the extended timeframe, other factors have contributed to the outcome of this report
- Council requests the respondent acknowledges the impact of the behaviour on the council by way of a statement at the next closed session of council and commits to working cohesively
- Council have already undertaken training on 29 November in relation to behaviour and are on course to implement the learnings and have committed to achieving a respectful and cohesive team
- Council has intentions to engage in further training inclusive of the executive team to build an inclusive and cohesive leadership

**CARRIED UNANIMOUSLY**

Moved: Cr Pat Fogarty

Seconded: Cr Harold Clapham

**RESOLUTION 2022/0612/15.2**

At this stage, the time being 4:27pm, Council moved back into open session.

Mayor Cr Peta Betts, the Chief Executive Officer and Acting Director Infrastructure re-entered the Chambers at 4:28pm.

**16. CLOSE OF MEETING**

There being no further business, the meeting closed at 4:30pm.