



MINUTES OF THE MEETING OF SPECIAL COUNCIL MEETING

held on Wednesday 2 July 2025 commencing at 5.00pm
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

MINUTES

Welcome by Mayor Bim Lange who declared the meeting open at 5.00pm.

1. ATTENDANCE RECORD

1.1 Members Present

Mayor Bim Lange, Crs John Angas, Don Barrett, David de Vries, Tony Hurn, Kathryn Schilling, Jane Evans and Rick Lane.

Apologies

Crs Cathy Troup, Jess Greatwich and Bruce Preece

Not Present

Cr Heidi Thompson

Leave of Absence

Nil

2. CONFIDENTIAL REPORTS

2.1 Office of the Mayor and CEO

2.1.1 CEO PERFORMANCE REVIEW 2025 OUTCOMES **25/47412**

Pursuant to Section 120(1) of the Local Government Act 1999, Mr Martin McCarthy as Chief Executive Officer, disclosed a Conflict of Interest in the matter 2.1.1 - CEO Performance Review 2025 Outcomes as it pertains to his employment contract, conditions and remuneration.

Mr Martin McCarthy advised that he will stay in the room to answer any questions, and then leave the meeting before any debate commences.

There is strong public interest in enabling members of the public to observe Council's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a Council meeting is one means of satisfying this interest. The public will only be excluded from a Council meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that it is relating to the performance and employment contract of the CEO

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

MOVED Cr de Vries

That Council:

- (1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the CEO (if required), in order to consider in confidence a report relating to being information that must be considered in confidence pursuant to:

Section 90(3)(a) of the *Local Government Act 1999*:

information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that it is relating to the performance and employment contract of the CEO.

SECONDED Cr Evans

CARRIED 2022-26/760

Ms Jo Moen, Mr Jake McVicar, Mr Steve Kaesler and the Minute Secretary left the meeting at 5.02pm

The meeting moved into confidence at 5.02pm

Mr McCarthy left the meeting at 5.03pm

MOVED Cr Angas

That Council:

- (1) Council resolution
- (2) Council resolution
- (3) Council resolution
- (1) Having considered this matter in confidence under Sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments other than the minutes relating to this confidentiality order of the Confidential CEO Performance Review Committee Meeting held on 2 July 2025 in relation to item 2.1.1 CEO Performance Review 2025 Outcomes be kept confidential and not available for public inspection until Councils annual review of confidential orders.

SECONDED Cr de Vries**CARRIED CO 2022-26/761***Resumption of open council meeting at 5.21pm*

2.1.2 STRATEGIC WORKFORCE PLANNING URGENT UPDATES **25/47487**

There is strong public interest in enabling members of the public to observe Council's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a Council meeting is one means of satisfying this interest. The public will only be excluded from a Council meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the matter outlines findings pertaining to the organisational structure and future needs of Council and requires further employee engagement prior to public release.

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

MOVED Cr Barrett

That Council:

- (1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services, Strategy and Innovation, Director Development and Community Services, Acting Director Infrastructure and Environmental Services and the Minute Secretary, in order to

consider in confidence a report relating to being information that must be considered in confidence pursuant to:

Section 90(3)(a) of the Local Government Act 1999:

information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that outlines findings pertaining to the organisational structure and future needs of Council and requires further employee engagement prior to public release.

SECONDED Cr Hurn

CARRIED 2022-26/762

The meeting moved into confidence at 5.22pm

MOVED Cr Angas

That Council:

- (1) Council resolution
- (2) Council resolution
- (3) Having considered this matter in confidence under Sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 2 July 2025 in relation to item 2.1.2 Strategic Workforce Planning Urgent Updates be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr de Vries

CARRIED CO 2022-26/763

Resumption of open council meeting at 5.25pm

3. NEXT MEETING

Tuesday 15 July 2025 at 5.30pm

4. CLOSURE

Mayor Lange declared the meeting closed at 5.25pm.

Confirmed at Council Meeting on 15 July 2025

Date:.....

Mayor:.....