

**MINUTES OF
CONFIDENTIAL ITEM**

**9.16pm Code of Conduct - Preliminary Report - matter 1
Reference: GC180911F05**

Moved Councillor Hutchinson, Seconded Councillor Telfer that:

1. Pursuant to section 90(2) and (3)(a) of the Local Government Act 1999 the Council orders that all person present, with the exception of the following, Adrian Skull, Chief Executive Officer, Kate McKenzie, Manager Corporate Governance, and Victoria Moritz, Acting Governance Quality Coordinator, be excluded from the meeting where the Council receive and consider information pertaining to the item Code of Conduct, upon the basis it is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential on the grounds that the report contains information relating to personnel matters.

Carried Unanimously

9.16pm the meeting went into confidence

Councillor Prior declared an actual conflict of interest in the item as he indicated he will be nominating as a candidate in the upcoming Local Government Election in the same ward as Councillor Bruce Hull who currently a candidate in the elections.

Moved Councillor Crossland, Seconded Councillor Byram that the meeting be extended until 10.30pm

Carried

9.27pm meeting extended

The Mayor asked Councillor Hull if he wished to make a personal explanation before leaving the meeting due to his conflict of interest in the item.

Councillor Hull gave a personal explanation in relation to the item claiming:

- There should be a final report with clear allegations for him to respond too.
- Councillor Hull read out clause 10 of ██████████ Statement that states "*Cr Hull said that ██████████ had wanted to speak to him about his "reaction" to the hotel and he didn't know what he could say and if it was ok to talk to ██████████. I told him that we had made a deal with the Messenger not to publish the story before 5:00pm. As ██████████ had the information ██████████ was – in my opinion – free to speak with ██████████ without breaking the intent of the embargo.*"
- This statement is the first indication that he had been given provided the wrong advice.
- He had taken the initiative to get advice from ██████████ as the journalist had contacted him
- That the record of events provided ██████████ recollection may not be accurate as he was unwell at the time.
- He indicated to ██████████ that he was going to contact ██████████ and he made no objection.
- Following this, ██████████ sent the email out to all Elected Members.

- After being told that the stakeholders had been advised by [REDACTED], he initiated the phone call to [REDACTED]
- The email proves Councillor Hull's position
- He questioned why incorrect information had been sent out and why staff had released the information prior to the "close of business" deadline.
- This should have been included in the motion, which could have been clearer.
- The motion applies to staff and council members.
- If he did in fact make misleading comments, why wasn't this included in the media?
- There is a lot at stake for his reputation as he is also a Justice of the Peace.
- Believes that Council should consider the extenuating circumstances and that staff provided incorrect information.
- There was a miscommunication in carrying out the duties of the motion and in notifying the stakeholders.
- Once realising there was an issue, why string a Council Members up when there was no intent to compromise the Council. The intent was to take the most responsible position possible.

9.50pm Councillor Hull left the meeting.

9.50pm Councillor Prior left the meeting.

Moved Councillor Crossland, Seconded Councillor Westwood that formal meeting procedures be suspended to discuss the item further.

Carried Unanimously

9.51pm formal meeting procedures suspended

10.15pm formal meeting procedures resumed

Moved Councillor Crossland, Seconded Councillor Hutchinson that Council:

1. Determines that Councillor Hull has breached section(s) 2.2, 2.6, 2.7 and 2.8 of the Code of Conduct for Council Members.

Carried

Moved Councillor Hutchinson, Seconded Councillor Crossland that the meeting be extended until the conclusion of time critical matters.

Carried

10.20pm meeting extended

Moved Councillor Crossland Seconded Councillor Hutchinson that Council:

2. Determines the following actions be applied in accordance with section 5 of the Elected Member Code of Conduct Procedure for Investigating Complaints:
 - a) Notes the mitigating circumstances presented by Councillor Hull
 - b) Councillor Hull writes a letter of apology to [REDACTED] in relation to the manner in which he initially described the Council motion.

Carried

Councillor Kerry called a Division

The vote was set aside

Those for: Councillors Pfeiffer, Telfer, Hutchinson, Byram, Appleby and Crossland
Those against: Councillors Kerry, Westwood and Veliskou

Carried

10.42pm Councillor Pfeiffer left the meeting

Moved Councillor Hutchinson Seconded Councillor Crossland that Council:

3. Finalise the Preliminary Report with the following changes:
 1. Appendix 1:
 - Redact the names of stakeholders and staff
 - Not release publicly any of the statements produced (Documents 1, 3, 4 and 5) and the fees referred to in Document 2
 - Include the resolution regarding the sections of the code of conduct that were breached
 - Remove reference to clause 3.3 of the code of conduct
 -]Remove the reference to [REDACTED]
 4. Refers the Final Report and recommendations to the next public meeting of the Council

Carried Unanimously

10.45pm Councillor Pfeiffer re-entered the meeting

10.45pm Councillor Kerry left the meeting

Moved Councillor Crossland, Seconded Councillor Hutchinson that:

5. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, and any attachments to this report and the minutes arising from this report having been considered in confidence under section 90(2) and (3)(a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidential order will be reviewed at the General Council meeting in December 2018.

Carried Unanimously

10.45pm the meeting came out of confidence