

CONFIDENTIAL - Cove Sports Facility Investigation

Elected Member Mayor Kris Hanna

Report Reference: GC190611F08

Confidential Report**Confidential Motion:**

That pursuant to Section 90(2) and (3)(f) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ray Barnwell, Abby Dickson, Tony Lines, Kate McKenzie, Megan Hayward and Victoria Moritz, be excluded from the meeting as the Council receives and considers information relating to **CONFIDENTIAL - Cove Sports Facility Investigation**, upon the basis that the Council 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 given the information relates to information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial.

Motion:**That Council:**

1. allocate up to \$10,000 for an independent investigation into the past and continuing behaviour of sports club members using the Cove sports facility, focussing on:
 1. Intimidation of Council staff or other users of the facility; Behaviour inconsistent with a shared, family-friendly facility; Any other inappropriate behaviour; Whether it is likely the current clubs on site can share use of the clubhouse building harmoniously.
2. Receive the investigation report in confidence no later than the General Council meeting to be held on 27th August 2019.

Supporting Information:

Nil

Response Received From: Chief Executive Officer, Adrian Skull

Corporate Manager N/A

General Manager Chief Executive Officer - Adrian Skull

Staff Comments:

If this motion is successful, an independent investigator can be appointed in accordance with the resolution.

The cost estimate of \$10k is considered to be sufficient. If the investigation cannot be completed within this budget, management will report back to Council with the reasons why.

With co-operation from those involved, an independent investigator should be able to determine and assess the events of what has occurred however, they will have no powers to enforce the club and its members to

participate.

It is recommended that this motion on notice is considered in confidence to ensure that the process and procedural fairness of the investigation is not prejudiced. Depending of the outcomes/findings (e.g. criminal, civil or maladministration) Council may be required to report the matters to other authorities which may require the investigations to be confidential. It is recommended at the conclusion of the investigation, Council assess and determine what information can be publically released and what is of public interest.

Based on the above, it is recommended that the following confidential clause be included within the motion.

- 1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Cove Sports Facility Investigation and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(f) 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 confidentiality order will be reviewed at the General Council Meeting in December 2019.**