
MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
NOVEMBER 05, 2018

Meeting commenced at 6:00 p.m.

PRESENT: Councillor D. Turley (Mayor) Councillor M. Browne (Deputy Mayor),
Councillors C. Adams, D. Gallagher, T. Kennedy,
B. Licul, J. Nolan and R. Page.

General Manager, Manager Communications and Governance Officer.

Media - Nil, Members of the Public - Nil.

APOLOGIES: Councillor M. Clark.

Resolution:

Minute No. 45950

Moved Councillor D. Gallagher) That the apology submitted on behalf of Councillor
Seconded Councillor C. Adams) Clark be accepted and leave of absence granted.

CARRIED

Absent from the meeting: Councillor B. Algate.

PURPOSE OF THE MEETING

To consider the following matter:

Item 1 - Broken Hill City Council Report No. 187/18 - dated November 01, 2018 - Tender T16/11 -
Tender for Transfer Station at Waste Services Facility - Confidential

DISCLOSURE OF INTEREST

Nil.

Motion:

Minute No. 45951

Moved Councillor M. Browne,) That the meeting be closed to the public
Seconded Councillor D. Gallagher) in accordance with Section 10A(2) of the
Local Government Act, 1993.

CARRIED

There were no members of the public or media present.

CONFIDENTIAL MATTERS

**ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 187/18 - DATED NOVEMBER 01, 2018 -
TENDER T16/11 - TENDER FOR TRANSFER STATION AT WASTE SERVICES FACILITY -**

CONFIDENTIAL

T16/11

(General Manager's Note: This report considers legal advice and a tender and is deemed confidential under Section 10A(2) (c) (g) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).

Resolution:

Minute No. 45952

Moved Councillor C. Adams)

Seconded Councillor M. Browne)

1. That Broken Hill City Council Report No. 187/18 dated November 1, 2018, be received.

2. That having regard to the substantial breaches of contract by the Contractor, and associated damage and loss sustained by Council, the General Manager be authorised in relation to contract number T16/11:

- a) To take over the works, including but not limited to in such case where works must be subcontracted by Council without further tender due to the extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, and pursue such remedies as is required to mitigate the losses; and
- b) Pursue such losses as advised by Council's solicitors, Redenbach Lee, from time to time.

CARRIED

A Division was called which resulted in:

For: Councillors Adams, Browne, Gallagher, Licul, Nolan and Turley

Against: Councillors Kennedy and Page


Absent: Councillors Algate and Clark

At the Mayor's invitation, the General Manager read the resolution of the confidential item considered in closed session.

There being no further business the Mayor closed the meeting at 6:12 p.m.

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THE FOREGOING MINUTES WERE READ
AND CONFIRMED AT THE ORDINARY
MEETING OF THE BROKEN HILL CITY
COUNCIL HELD ON 28 NOVEMBER, 2018.

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CHAIRPERSON