

CONFIRMED MINUTES

OF THE EXTRAORDINARY COUNCIL MEETING OF PENRITH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS

ON MONDAY 12 MARCH 2018 AT 7:00PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor John Thain read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

PRAYER

The Council Prayer was read by the Governance Coordinator, Adam Beggs.

PRESENT

His Worship the Mayor, Councillor John Thain, Deputy Mayor, Councillor Tricia Hitchen, and Councillors Jim Aitken OAM, Bernard Bratusa, Todd Carney, Marcus Cornish, Kevin Crameri OAM, Greg Davies, Mark Davies, Aaron Duke, Ross Fowler OAM, Karen McKeown and Kath Presdee.

APOLOGIES

30 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies that apologies be received for Councillor Jim Aitken OAM.

DECLARATIONS OF INTEREST

Councillor Todd Carney declared a Non-Pecuniary Conflict of Interest – Significant in Notice of Motion to Rescind a Resolution Item 1 - *Committee of the Whole Item 10 - Commercial Matter - Waste Collection Services Tender RFT 17/18-07* as he is a member of the Transport Workers Union. Councillor Carney indicated he would leave the room when this item is considered.

SUSPENSION OF STANDING ORDERS

31 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Greg Davies that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:06pm.

Mr Simon Lofty

Committee of the Whole Item 10 - Commercial Matter - Waste Collection Services Tender RFT 17/18-07 - Ordinary Meeting 26 February 2018

Mr Lofty an employee of Suez Recycling & Recovery Pty Ltd and nominated representative of other employees affected, spoke against the recommendation. Mr Lofty expressed his concerns for the wages, entitlements and jobs for himself and other employees that will be impacted with the proposed rescission motion. If a new contractor wins the Waste Contact, employees could lose up to \$300 per week and there are no guarantees in the tender to ensure current workers keep their jobs or have a transmission of existing entitlements and

conditions to a possible new employer under the contract. Mr Lofty believes this will devalue the commitment made by drivers to the local Penrith City Community. Mr Lofty concluded by expressing to councillors that the Penrith City Waste Workers are not looking for more pay, they are looking for the chance to keep doing the same job they do now for the same pay, not less.

Mr John Myers

Committee of the Whole Item 10 - Commercial Matter - Waste Collection Services Tender RFT 17/18-07 - Ordinary Meeting 26 February 2018

Mr Myers an employee of Suez Recycling & Recovery Pty Ltd, spoke against the recommendation. Mr Myers voiced his concerns of the impacts of the proposed rescission motion will greatly affect himself and other drivers. Mr Myers described like so many other drivers this has been his career for many years and is concerned to lose all entitlements under the tender process. Mr Myers explained to Councillors that he is seeking continuity in the role and looking for the chance to keep doing the same job for the same pay. In closing, Mr Myers expressed to have his and other drivers' jobs protected so that they can ensure protection for his family and his future.

RESUMPTION OF STANDING ORDERS

32 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown that Standing Orders be resumed, the time being 7:18pm.

NOTICE OF MOTION TO RESCIND A RESOLUTION**1 Committee of the Whole Item 10 - Commercial Matter - Waste Collection Services Tender RFT 17/18-07 - Ordinary Meeting 26 February 2018**

Councillor Todd Carney left the meeting, the time being 7:18pm.

Chief Governance Officer, Stephen Britten read a statement that Council should consider moving this item to Committee of the Whole as it refers to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

COMMITTEE OF THE WHOLE

33 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Mark Davies that the meeting adjourn to the Committee of the Whole to deal with the following matter, the time being 7:18pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Ross Fowler OAM seconded Mark Davies that the press and public be excluded from Committee of the Whole to deal with the following matter:

2 Committee of the Whole Item 10 - Commercial Matter - Waste Collection Services Tender RFT 17/18-07 - Ordinary Meeting 26 February 2018

The matter was referred to Committee of the Whole as it refers to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 8:01pm and the General Manager reported that the Committee of the Whole met at 7:18pm on 12 March 2018, the following being present

His Worship the Mayor, Councillor John Thain, Deputy Mayor, Councillor Tricia Hitchen, and Councillors Jim Aitken OAM, Bernard Bratusa, Marcus Cornish, Kevin Crameri OAM, Greg Davies, Mark Davies, Aaron Duke, Ross Fowler OAM, Karen McKeown and Kath Presdee.

and the Committee of the Whole excluded the press and public from the meeting for the reasons set out in CW1 and that the Committee of the Whole submitted the following to Council.

2 Committee of the Whole Item 10 - Commercial Matter – Waste Collection Services Tender RFT 17/18-07 - Ordinary Meeting 26 February 2018

A MOTION was MOVED by Councillor Ross Fowler OAM seconded Councillor Mark Davies that the following motion as passed by Council at the Ordinary Meeting of 26 February 2018 be rescinded:

CW2 That:

1. The tender closing date be extended for 2 weeks.
2. Tenderers to the Waste Collection Services Tender RFT 17/18-07 be required to make any offer to any employees to be transferred from the previous contractor to the successful tenderer be on pay rates no less than the employees are on under the Enterprise Bargaining Agreement currently existing.
3. Employment entitlements including Long Service Leave, Annual Leave etc. be transferred to the successful tenderer to provide continuity of entitlements.

The MOTION was PUT.
The MOTION was LOST.

ADOPTION OF COMMITTEE OF THE WHOLE

Councillor Todd Carney returned to the meeting, the time being 8:01pm.

34 RESOLVED on the MOTION of Councillor Kath Presdee seconded Aaron Duke that the recommendation contained in the Committee of the Whole and shown as CW1 and CW2 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:02pm.

I certify that these 4 pages are the Confirmed Minutes of the Extraordinary Meeting of Penrith City Council held on 12 March 2018.

Chairperson

Date