

ADDITIONAL ITEM

26 June 2013

To the Ordinary Council Meeting

Councillor

2.5 Mayoral Minute - Provision to United Services Union of Confidential Report on Future of Beach Safety Services

TRIM REFERENCE: F2004/06257 - D03372861

AUTHOR: Doug Eaton; Councillor

On 12 June 2013 Council received a confidential report on Future of Beach Safety Services and resolved the following:

- “787/13 That Council receive and note the report on Council’s Beach Safety Services.*
- 788/13 That Council undertake a competitive tender process for a beach safety service at the existing service standard, while also requesting new service models to be identified by the tenderers, this option includes:*
- That Council permit staff to make a bid for the Beach safety service*
 - That Council commence consultation with the unions and affected staff in accordance with the Local Government Award*
- 789/13 That Council directs the General Manager to comply with all provisions of the Award in the implementation of Councils resolution.”*

Since adoption of that resolution the United Services Union (USU) has commenced proceedings against Council in the Industrial Relations Commission of NSW (IRC) in respect to the resolution of Council concerning competitive tendering of Beach Safety Services. At the first listing before the IRC the USU called for a copy of the confidential report to be produced. Council indicated to the IRC that it could not produce a copy of the Confidential Report due to constraints imposed under the *Local Government Act 1993*. The IRC has the power to compel that production. Council submitted to the IRC that it would prefer to provide the confidential report without the IRC exercising its statutory powers, and to that end advised the IRC that on 26 June 2013 a resolution would be sought from Council that permitted a copy of the report to be provided to the USU for the purposes of the pending proceedings. This report included personal information, this information will need to be redacted from the report prior to distribution to the Union. The report also included information on possible tender considerations, as such the report needs to remain confidential to ensure the probity of the tender process.

The Union are not to distribute the report to other members.

I formally move:

- 1 That, subject to resolutions 2 and 3 below, Council provide a redacted copy of the Confidential Council report on Beach Safety Services from the Ordinary Meeting of Council on 12 June 2013 to the United Services Union (“USU”) for the sole purpose of assisting in proceedings IRC492 of 2013 before the Industrial***

2.5 Mayoral Minute - Provision to United Services Union of Confidential Report on Future of Beach Safety Services (contd)

Relations Commission of NSW.

- 2** *That the redacted report be provided to the USU on receipt of an undertaking from the USU that:*
 - a** *The USU will keep the report confidential; and*
 - b** *The USU will only use the report for the purpose of the IRC proceedings.*

- 3** *That Council redact personal information contained in this report prior to distribution to the USU.*

ATTACHMENTS

Nil.