

**305<sup>TH</sup> Meeting**

**Erskineville Town Hall**  
**Erskineville**  
431864

**Monday, 2 September 2002**

An Extraordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 5.08 pm on Monday, 2 September 2002.

**PRESENT**

His Worship, The Mayor, Councillor John Fowler (Chairperson)

Councillors - John Bush, Peter Furness, Christine Harcourt, Jill Lay, Amanda Lennon, Shayne Mallard, Tony Pooley, Gregory Shaw.

**INDEX TO MINUTES**

<b>Subject</b>	<b>Page No.</b>
Minute by the General Manager -Judgement of Court of Appeal – Boundaries Inquiry	1028
Leave of Absence – Councillor Bush	1029

**GENERAL MANAGER**

**MINUTE BY THE GENERAL MANAGER**

2 September 2002

**LEGAL -JUDGEMENT OF COURT OF APPEAL –  
BOUNDARIES INQUIRY (2005300)**

A minute by the General Manager dated 2 September 2002, was circulated to all Councillors at the Council Meeting.

The reason for this matter being press and public excluded was that it dealt with a matter of litigation matter in accordance with Section 10A(2)(g) of the Local Government Act.

- (2)(g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

Michael Whittaker (SGD)  
**General Manager**

At this stage and at 5.09 pm, it was moved by Councillor Bush, seconded by Councillor Harcourt:-

That the Council resolve to meet as a Committee of the Whole with Press and Public excluded to discuss the foregoing matter, as it dealt with a litigation matter.

Carried.

Those present at the meeting of the Committee of the Whole being:

The Mayor and Councillors Bush, Furness, Harcourt, Lay, Lennon, Mallard, Pooley and Shaw.

At 5.36 pm the Council Meeting resumed.

The Mayor then asked the Supervising Committee Clerk to read out the recommendation of the Committee of the Whole.

The Supervising Committee Clerk read out the following recommendation, namely:

- (1) That the minute by the General Manager dated 2 September 2002, regarding the judgement of the Court Appeal relating to Boundary Inquiry of South Sydney City Council, be received and noted.

**GENERAL MANAGER**

- (2) That in view of the N.S.W. Government refusal to grant a Stay of Proceedings to enable South Sydney City Council to fully consider the judgement, Council seek special leave to appeal the decision of the N.S.W. Court of Appeal to the High Court.

The recommendation of the Committee of the Whole was then put and carried.

Councillors Lennon and Mallard requested that their names be recorded as voting against the foregoing motion.

**Leave of Absence - Councillor Bush**

A request was received from Councillor John Bush for leave of absence from the Council Meeting of 11 September 2002.

It was moved by Councillor Mallard, seconded by Councillor Lennon:-

That leave of absence be granted to Councillor John Bush from the Council Meeting of 11 September 2002.

Carried.

The Council Meeting terminated at 5.40 p.m.

Confirmed at a meeting of South Sydney City Council  
held on .....2002

**CHAIRPERSON**

**GENERAL MANAGER**

**GENERAL MANAGER**