



MINUTES

CERTIFICATION OF CONFIRMATION OF SPECIAL COUNCIL MEETING MINUTES

25 February 2021

I, Cr Jai Wilson, hereby certify that the minutes from the Special Council Meeting held on 21 January 2021 pages (1) to (7) were confirmed at a meeting of Council held on 25 February 2021.

A handwritten signature in blue ink, appearing to read "Jai Wilson", is written over a horizontal line.

Signature

Cr Jai Wilson
Person presiding at Meeting

SPECIAL MEETING OF COUNCIL

MINUTES

(REF: D2020/00647)

A Special Meeting of Council was held at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, ASCOT WA 6104 on **Thursday, 21 January 2021**. The meeting commenced at **6:02pm**.

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1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman opened the meeting at 6.02pm and welcomed visitors.

1.1 ACKNOWLEDGEMENT OF COUNTRY

Kaya Maaman, Kaya Yorga, Kaya Bridia
Ngalak kaartij windji ngalak nynininy
Nagalak kaartij nidja boodja baal Whadjuk Noongar Boodja ngalak nyininy
Koorah, Nitja yeyi, Boordahwan

Translation

Greetings everyone

We all understand where we are meeting.

We know that we meet on the lands of the Whadjuk Noongar people

Always was, always will be.

2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Councillor Attendance

Cr Jai Wilson (Chairman)	EMRC Member	Town of Bassendean
Cr Doug Jeans (Deputy Chairman)	EMRC Member	Shire of Mundaring
Cr Kathryn Hamilton	EMRC Member	Town of Bassendean
Cr Lorna Clarke	EMRC Member	City of Bayswater
Cr Giorgia Johnson	EMRC Member	City of Bayswater
Cr Janet Powell	EMRC Member	City of Belmont
Cr Phil Marks	EMRC Deputy Member	City of Belmont
Cr Lesley Boyd	EMRC Member	City of Kalamunda
Cr Dylan O'Connor	EMRC Member	City of Kalamunda
Cr John Daw	EMRC Member	Shire of Mundaring
Cr Mel Congerton	EMRC Member	City of Swan
Cr Charlie Zannino	EMRC Member	City of Swan

EMRC Officers

Mr Marcus Geisler	Chief Executive Officer
Mr Hua Jer Liew	Chief Financial Officer
Mr Douglas Bruce	Chief Project Officer
Mrs Wendy Harris	Chief Sustainability Officer
Mr Brad Lacey	Chief Operating Officer
Mrs Lee Loughnan	Personal Assistant to Chief Financial Officer (Minutes)

EMRC Observers

Ms Izabella Krzysko	Manager Procurement and Governance
Ms Theresa Eckstein	Executive Assistant to the Chief Executive Officer

Observer(s)

Cr Ian Johnson (<i>from 6:12pm</i>)	EMRC Deputy Member	City of Swan
Ms Juliette Gillan	Acting Chief Executive Officer	City of Belmont
Mr Doug Pearson	Director Major Projects	City of Bayswater
Ms Michelle Bell	Director Corporate and Governance	City of Belmont
Ms Melanie Reid	Director Infrastructure Services	City of Belmont



Visitor(s)

Mr Dan Dragovic
Mr Stewart McWilliam

Partner
Senior Associate

Herbert Smith Freehills
Herbert Smith Freehills

3 DISCLOSURE OF INTERESTS

Nil

4 ANNOUNCEMENTS BY THE CHAIRMAN OR PERSON PRESIDING WITHOUT DISCUSSION

The Chair reminded Councillors of their sworn duty as representatives of this Council and their oath to act in the best interests of the EMRC for the benefit of the Region.

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6 PUBLIC QUESTION TIME

Nil

7 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

9 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

10 QUESTIONS BY MEMBERS WITHOUT NOTICE

Cr Congerton enquired when the review of the EMRC Establishment Agreement would occur.

The CEO advised that the review of the EMRC Establishment Agreement will be undertaken following the strategic review to ensure it is able to support the direction of the EMRC going forward.

Cr Congerton followed up his question and enquired the likely timeframes.

The CEO advised that the final strategic review report will be available by April/May 2021.

Cr Boyd enquired who makes the decision around circulating responses to Councillor questions.

The CFO advised that it was previously discussed by Council and the agreed process about whether to distribute the Councillor's questions reside with the Councillor. Any such requests to distribute can be accommodated.



11 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC

NOTE: Section 5.23(2) of the *Local Government Act 1995*, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters; security matters; among others.

The following report items are covered in Section 16 of this agenda:

11.1 SEEKING INSTRUCTIONS REGARDING LEGAL MATTER [CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 s.5.23(2)(d)]

12 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

Nil

13. REPORTS OF EMPLOYEES

Nil

14 MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

In accordance with *EMRC Standing Orders Local Law 2013* Clause 4.1(2), no business is to be transacted at a special meeting of Council other than that given in the notice as the purpose of the meeting.

15 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PRESIDING MEMBER OR BY DECISION OF MEETING

In accordance with *EMRC Standing Orders Local Law 2013* Clause 4.1(2), no business is to be transacted at a special meeting of Council other than that given in the notice as the purpose of the meeting.

16 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

RECOMMENDATION (Closing meeting to the public)

That with the exception of, the meeting be closed to members of the public in accordance with Section 5.23 (2) of the *Local Government Act 1995* for the purpose of dealing with matters of a confidential nature.

COUNCIL RESOLUTION

MOVED CR O'CONNOR

SECONDED CR HAMILTON

THAT WITH THE EXCEPTION OF THE CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER, CHIEF PROJECT OFFICER, CHIEF SUSTAINABILITY OFFICER, CHIEF OPERATING OFFICER, MANAGER PROCUREMENT AND GOVERNANCE, ACTING CHIEF EXECUTIVE OFFICER (CITY OF BELMONT), PARTNER OF HERBERT SMITH FREEHILLS, SENIOR ASSOCIATE OF HERBERT SMITH FREEHILLS, EXECUTIVE ASSISTANT TO THE CEO AND PERSONAL ASSISTANT TO THE CHIEF FINANCIAL OFFICER THE MEETING BE CLOSED TO MEMBERS OF THE PUBLIC IN ACCORDANCE WITH SECTION 5.23 (2) OF THE *LOCAL GOVERNMENT ACT 1995* FOR THE PURPOSE OF DEALING WITH MATTERS OF A CONFIDENTIAL NATURE.

CARRIED UNANIMOUSLY



Item 16 continued

The doors of the meeting were closed at 6:11pm. The Director Major Projects (City of Bayswater), Director Infrastructure Services (City of Belmont), Director Corporate and Governance (City of Belmont) departed the Council Chambers.

Cr Ian Johnson arrived at the meeting at 6:12pm around the time when the Council Chambers were closed.

The Chief Executive Officer, Chief Financial Officer, Chief Project Officer, Chief Sustainability Officer, Chief Operating Officer, Manager Procurement and Governance, Acting Chief Executive Officer (City of Belmont), Partner of Herbert Smith Freehills, Senior Associate of Herbert Smith Freehills, Executive Assistant to the CEO and Personal Assistant to the Chief Financial Officer remained in Council Chambers.

16.1 SEEKING INSTRUCTIONS REGARDING LEGAL MATTER [CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 s.5.23(2)(d)]

REFERENCE: D2021/00774

This item is recommended to be confidential because it contains matters of a legal advice nature.

The Council considered the Confidential Item circulated with the Agenda under Separate Cover.

RECOMMENDATION [Meeting re-opened to the public]

That the meeting be re-opened, the members of the public be invited to return to the meeting and the recommendations passed behind closed doors be recorded.

COUNCIL RESOLUTION

MOVED CR JEANS

SECONDED CR HAMILTON

THAT THE MEETING BE RE-OPENED, THE MEMBERS OF THE PUBLIC BE INVITED TO RETURN TO THE MEETING AND THE RECOMMENDATIONS PASSED BEHIND CLOSED DOORS BE RECORDED.

CARRIED UNANIMOUSLY

The doors were reopened at 6:42pm and members of the public returned to the meeting.



Item 16.1 continued

Recording of the resolutions passed behind closed doors namely:

16.1 SEEKING INSTRUCTIONS REGARDING LEGAL MATTER [CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 s.5.23(2)(d)]

REFERENCE: D2021/00774

COUNCIL RESOLUTION(S):

MOVED CR HAMILTON

SECONDED CR CONGERTON

THAT COUNCIL:

1. IN ACCORDANCE WITH CLAUSE 10.6 OF THE *EMRC STANDING ORDERS LOCAL LAW 2013* THE ITEM 16.1 OF THE AGENDA BE ADJOURNED TO THE NEXT ORDINARY MEETING OF COUNCIL TO BE HELD AT 6PM ON THURSDAY 25 FEBRUARY 2021.
2. COUNCIL NOTES THE REASON FOR THE ADJOURNMENT IS TO ADDRESS THE ISSUE OF LEGAL PROFESSIONAL PRIVILEGE AND TO ADDRESS THE POTENTIAL BREACH OF S.5.65 OF THE *LOCAL GOVERNMENT ACT 1995*.

MOTION CARRIED 8/4

**For: Crs Wilson, Jeans, Hamilton, Clarke, Johnson,
Daw, Congerton, Zannino**

Against: Crs Marks, Powell, O'Connor, Boyd

17 FUTURE MEETINGS OF COUNCIL

The next Ordinary meeting of Council is scheduled to be on **Thursday, 25 February 2021** electronically or at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 6:00pm.

Future Meetings 2021

Thursday	25	February		at	EMRC Administration Office
Thursday	25	March		at	EMRC Administration Office
Thursday	22	April	(if required)	at	EMRC Administration Office
Thursday	27	May	(If required)	at	EMRC Administration Office
Thursday	24	June		at	EMRC Administration Office
Thursday	22	July	(if required)	at	EMRC Administration Office
Thursday	26	August	(if required)	at	EMRC Administration Office
Thursday	23	September	(if required)	at	EMRC Administration Office
Thursday	25	November	(if required)	at	EMRC Administration Office

18 DECLARATION OF CLOSURE OF MEETING

There being no further business, the meeting closed at 6:43pm.