



## LEGAL COMMITTEE

# AGENDA

to be held electronically on  
**Thursday, 15 April 2021**  
At **6:00pm**

The EMRC Council Chambers are closed to the public for this meeting.

This meeting of the Legal Committee will be held to address a confidential matter for which the meeting will be closed to the public in accordance with s.5.23(2) of the *Local Government Act 1995*.

**EASTERN METROPOLITAN REGIONAL COUNCIL  
LEGAL COMMITTEE MEETING**

**NOTICE OF MEETING**

Dear Legal Committee Members

I wish to advise that a meeting of the Legal Committee will be held electronically on **Thursday, 15 April 2021** commencing at **6:00pm**.



**WENDY HARRIS**  
**Acting Chief Executive Officer**

12 April 2021

**Please note**

If any member has a **query regarding the report item** or requires additional information in relation to the report item, please **contact the responsible Officer** (SOURCE OF REPORT) prior to the meeting.

**Legal Committee Members**

Cr Jai Wilson ( <b>Chairman</b> )	Town of Bassendean
Cr Mel Congerton ( <b>Deputy Chairman</b> )	City of Swan
Cr Lorna Clarke	City of Bayswater
Cr Dylan O'Connor	City of Kalamunda
Cr Doug Jeans	Shire of Mundaring

**LEGAL COMMITTEE**

**AGENDA**

**15 April 2021**

**(REF: D2021/05522)**

**TABLE OF CONTENTS**

---

<b>1</b>	<b>DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS</b>	<b>4</b>
<b>2</b>	<b>ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)</b>	<b>4</b>
<b>3</b>	<b>DISCLOSURE OF INTERESTS</b>	<b>4</b>
<b>4</b>	<b>ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING MEMBER WITHOUT DISCUSSION</b>	<b>4</b>
<b>5</b>	<b>PETITIONS, DEPUTATIONS AND PRESENTATIONS</b>	<b>4</b>
<b>6</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b>	<b>4</b>
	<i>6.1 MINUTES OF THE LEGAL COMMITTEE MEETING HELD ON 10 FEBRUARY 2021 (Ref: D2021/02387)</i>	
<b>7</b>	<b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN</b>	<b>4</b>
<b>8</b>	<b>QUESTIONS BY MEMBERS WITHOUT NOTICE</b>	<b>5</b>
<b>9</b>	<b>ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC</b>	<b>5</b>
	<i>9.1 SEEKING INSTRUCTIONS REGARDING LEGAL MATTER [CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 s.5.23(2)(d)]</i>	
<b>10</b>	<b>BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING</b>	<b>5</b>
<b>11</b>	<b>REPORTS OF EMPLOYEES</b>	<b>5</b>
<b>12</b>	<b>REPORTS OF DELEGATES</b>	<b>5</b>
<b>13</b>	<b>NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PRESIDING MEMBER OR BY DECISION OF MEETING</b>	<b>5</b>
<b>14</b>	<b>CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC</b>	<b>5</b>
	<i>14.1 SEEKING INSTRUCTIONS REGARDING LEGAL MATTER [CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 s.5.23(2)(d)] (Ref: D2021/05559)</i>	
<b>15</b>	<b>FUTURE MEETINGS OF THE LEGAL COMMITTEE</b>	<b>6</b>
<b>16</b>	<b>DECLARATION OF CLOSURE OF MEETING</b>	<b>6</b>



## **1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

### **1.1 ACKNOWLEDGEMENT OF COUNTRY**

*Kaya Maaman, Kaya Yorga, Kaya Bridia  
Ngalak kaartitj windji ngalak nynininy  
Nagalak kaartitj 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)**

## **3 DISCLOSURE OF INTERESTS**

## **4 ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING MEMBER WITHOUT DISCUSSION**

## **5 PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Nil

## **6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **6.1 MINUTES OF LEGAL COMMITTEE MEETING HELD ON 10 FEBRUARY 2021**

That the Minutes of the Legal Committee meeting held on 10 February 2021 which have been distributed, be confirmed.

### **LC RESOLUTION**

MOVED CR

SECONDED CR

## **7 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil



**8 QUESTIONS BY MEMBERS WITHOUT NOTICE**

Nil

**9 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 14 of this agenda.

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

**10 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING**

Nil

**11 REPORTS OF EMPLOYEES**

Nil

**12 REPORTS OF DELEGATES**

**13 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 meeting other than that given in the notice as the purpose of the meeting.

**14 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)(c) of the *Local Government Act 1995* for the purpose of dealing with matters of a confidential nature.

**LC RESOLUTION**

MOVED CR

SECONDED CR



*Item 14 continued*

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

**REFERENCE: D2021/05559**

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

See 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.

**LC RESOLUTION**

MOVED CR

SECONDED CR

**15 FUTURE MEETINGS OF THE LEGAL COMMITTEE**

Meetings of the Legal Committee are held as required.

**16 DECLARATION OF CLOSURE OF MEETING**