



LEGAL COMMITTEE

AGENDA

to be held electronically on
Thursday, 6 May 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, 6 May 2021** commencing at **6:00pm**.



**Marcus Geisler
Chief Executive Officer**

4 May 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 (Chairman)	Town of Bassendean
Cr Mel Congerton (Deputy Chairman)	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

6 MAY 2021

(REF: D2021/07207)

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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 15 APRIL 2021

That the Minutes of the Legal Committee meeting held on 15 April 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: D2021/07208

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

Recording of the resolutions passed behind closed doors, namely:

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

REFERENCE: D2021/07208

LC RESOLUTION(S)

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