

SECTION 15

D2021/14461

**Minutes of Committees
Ordinary Meeting of Council
26 August 2021**

**Item 15.1
Legal Committee Minutes - 29 July 2021**

UNCONFIRMED MINUTES

D2021/13385

Legal Committee

29 July 2021

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1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting which was held electronically and welcomed everyone to the meeting. The meeting commenced at 10:07am.

1.1 ACKNOWLEDGEMENT OF COUNTRY

The Chairman acknowledged the traditional custodians of the land on which the meeting is held and paid respects to the elders, past present and future.

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)

The Chairman did a roll call of Councillors who individually declared that they were located in a secure room, as this was an online meeting with a confidential item on the agenda.

Cr O'Connor has sent his apologies and deputising for him is Cr Boyd.

Legal Committee Member Attendance

| | | |
|------------------|----------------------|--------------------|
| Cr Jai Wilson | EMRC Chairman | Town of Bassendean |
| Cr Doug Jeans | EMRC Deputy Chairman | Shire of Mundaring |
| Cr Lorna Clarke | EMRC Member | City of Bayswater |
| Cr Lesley Boyd | EMRC Deputy Member | City of Kalamunda |
| Cr Mel Congerton | EMRC Member | City of Swan |

EMRC Officers

| | |
|-------------------|-----------------------------------|
| Mr Marcus Geisler | Chief Executive Officer |
| Mr Hua Jer Liew | Chief Financial Officer (Minutes) |
| Mr David Schmidt | Manager Information Services |

3 DISCLOSURE OF INTERESTS

Nil

4 ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING MEMBER WITHOUT DISCUSSION

Nil

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 MINUTES OF THE LEGAL COMMITTEE MEETING HELD ON 3 JUNE 2021

That the minutes of the Legal Committee Meeting held on 3 June 2021 which have been distributed, be confirmed.

LEGAL COMMITTEE RESOLUTION

MOVED CR JEANS

SECONDED CR CONGERTON

THAT THE MINUTES OF THE LEGAL COMMITTEE MEETING HELD ON 3 JUNE 2021 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.

CARRIED UNANIMOUSLY

7 QUESTIONS BY MEMBERS FOR 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

Nil

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

Nil

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

LEGAL COMMITTEE RESOLUTION

MOVED CR JEANS SECONDED CR CONGERTON

THAT WITH THE EXCEPTION OF THE CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER AND MANAGER INFORMATION SERVICES 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

The doors of the meeting were closed at 10.10am.

The Chief Executive Officer, Chief Financial Officer and Manager Information Services remained in the meeting.

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

REFERENCE: D2021/13090

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

The Legal Committee 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.

LEGAL COMMITTEE RESOLUTION

MOVED CR JEANS SECONDED CR BOYD

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 10:38am.

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: D2021/13090

LEGAL COMMITTEE RESOLUTION(S)

MOVED CR CONGERTON SECONDED CR BOYD

THAT

1. THE LEGAL COMMITTEE NOMINATES CANDIDATE NO. 1 AS ITS FIRST PREFERRED CANDIDATE WITH CANDIDATE NO. 2 AS ITS SECOND PREFERRED CANDIDATE AND INSTRUCTS THE CHIEF EXECUTIVE OFFICER TO APPOINT THE EXPERT IN RESPONSE TO THE LEGAL MATTER AS OUTLINED WITHIN THE CONFIDENTIAL REPORT.
2. THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND THE CEO.

CARRIED UNANIMOUSLY

15 FUTURE MEETINGS OF THE LEGAL COMMITTEE

Meetings of the Legal Committee are held as required.

16 DECLARATION OF CLOSURE OF MEETING

There being no further business the meeting was closed at 10.39am.