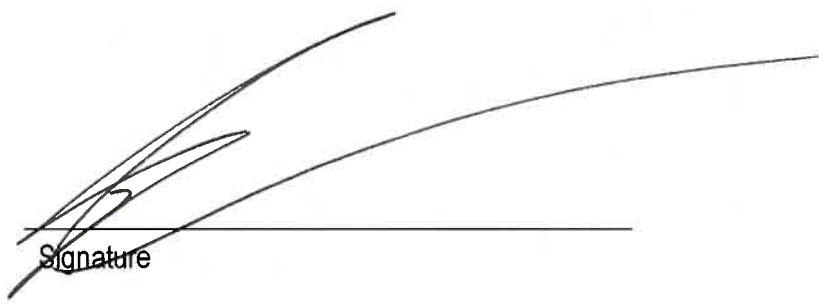


**Certification of Confirmation  
Legal Committee  
Minutes**

**29 September 2021**

I, Cr Dylan O'Connor, hereby certify that the minutes from the Legal Committee Meeting held on 29 September 2021 pages (1) to (4) were confirmed at the Legal Committee Meeting held on 25 November 2021.



Signature

Cr Dylan O'Connor  
Presiding Member

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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 11:30am.

### 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.

### Legal Committee Member Attendance

Cr Jai Wilson	Committee Chairman	Town of Bassendean
Cr Mel Congerton	Deputy Committee Chairman	City of Swan
Cr Lorna Clarke	Committee Member	City of Bayswater
Cr Dylan O'Connor	Committee Member	City of Kalamunda

### EMRC Officers

Mr Marcus Geisler	Chief Executive Officer
Mr Hua Jer Liew	Chief Financial Officer
Ms Izabella Krzysko	Manager Procurement and Governance
Mr David Schmidt	Manager Information Services
Mrs Lee Loughnan	Personal Assistant to Chief Financial Officer (Minutes)

**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 29 JULY 2021**

That the minutes of the Legal Committee Meeting held on 29 July 2021 which have been distributed, be confirmed.

MOVED CR CONGERTON                      SECONDED CR O'CONNOR

THAT THE MINUTES OF THE LEGAL COMMITTEE MEETING HELD ON 29 JULY 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 CLARKE

SECONDED CR CONGERTON

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

The doors of the meeting were closed at 11.33am.

The Chief Executive Officer, Chief Financial Officer, Manager Procurement and Governance, Manager Information Services and Personal Assistant to the Chief Financial Officer, 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: D2021/19037

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

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.

**LEGAL COMMITTEE RESOLUTION**

MOVED CR CLARKE

SECONDED CR O'CONNOR

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 11.41am.

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: D2021/19037

**LEGAL COMMITTEE RESOLUTION(S)**

MOVED CR CONGERTON                      SECONDED CR CLARKE

THAT:

1. THE LEGAL COMMITTEE NOTES THE CONFIDENTIAL REPORT.
2. THE LEGAL COMMITTEE INSTRUCTS THE CEO TO ISSUE THE RESPONSE LETTER FORMING ATTACHMENT NO.3 OF THIS CONFIDENTIAL REPORT IN RESPONSE TO THE LEGAL MATTER AS OUTLINED.
3. 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 11.41am.