

SECTION 15

D2022/12139 [LC D2021/11245]

Reports of Committees
Ordinary Meeting of Council
25 August 2022

Item 15.1
Legal Committee Minutes – 23 June 2022

UNCONFIRMED MINUTES

D2022/11245

Legal Committee

23 June 2022



Legal Committee Members

Cr Dylan O'Connor	Committee Chairman	City of Kalamunda
Cr Mel Congerton	Committee Deputy Chairman	City of Swan
Cr Kathryn Hamilton	Committee Member	Town of Bassendean
Cr Michelle Sutherland	Committee Member	City of Bayswater
Cr Doug Jeans	Committee Member	Shire of Mundaring

Legal Committee Deputies

Cr Hilary MacWilliam	Deputy Committee Member	Town of Bassendean
Cr Steven Ostaszewskyj	Deputy Committee Member	City of Bayswater
Cr Margaret Thomas	Deputy Committee Member	City of Kalamunda
Cr John Daw	Deputy Committee Member	Shire of Mundaring
Cr Charlie Zannino	Deputy Committee Member	City of Swan

Legal Committee Second Deputies

Cr Emily Wilding	Committee Second Deputy Member	Town of Bassendean
Cr Giorgia Johnson	Committee Second Deputy Member	City of Bayswater
Cr Janelle Sewell	Committee Second Deputy Member	City of Kalamunda
Cr Jo Cicchini	Committee Second Deputy Member	Shire of Mundaring
Cr Andrew Kiely	Committee Second Deputy Member	City of Swan

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1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Deputy Committee Chairman presided over the meeting and declared the meeting open at 5.35pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

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

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

Councillor Attendance

Cr Mel Congerton	Deputy Chairman	City of Swan
Cr Kathryn Hamilton	Committee Member	Town of Bassendean
Cr Margaret Thomas <i>(deputising for Cr O'Connor)</i>	Deputy Committee Member	City of Kalamunda
Cr Steven Ostaszewskj <i>(deputising for Cr Sutherland)</i>	Deputy Committee Member	City of Bayswater
Cr Doug Jeans	Committee Member	Shire of Mundaring

Apologies

Cr Dylan O'Connor	Committee Chairman	City of Kalamunda
Cr Michelle Sutherland	Committee Member	City of Bayswater

EMRC Officers

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

Observer(s)

Cr Charlie Zannino	Deputy Committee Member	City of Swan
Mr Brad Lacey	Chief Operating Officer	
Mrs Wendy Harris	Chief Sustainability Officer	
Mr Chris Snook	Information Services Support Officer	

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 25 NOVEMBER 2021

That the minutes of the Legal Committee Meeting held on 25 November 2021 which have been distributed, be confirmed.

LEGAL COMMITTEE RESOLUTION

MOVED CR JEANS

SECONDED CR CONGERTON

THAT THE MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 25 NOVEMBER 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.

- LEGAL MATTER UPDATE [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 HAMILTON

THAT WITH THE EXCEPTION OF THE CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER, CHIEF OPERATING OFFICER, CHIEF SUSTAINABILITY OFFICER, MANAGER PROCUREMENT AND GOVERNANCE, INFORMATION SERVICES SUPPORT OFFICER 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.

MOTION CARRIED 4/1

For: Crs Congerton, Hamilton, Thomas, Jeans
Against: Cr Ostaszewskyj

The doors of the meeting were closed at 5.39pm.

The Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, Chief Sustainability Officer, Manager Procurement and Governance, Information Services Support Officer and Personal Assistant to the Chief Financial Officer remained in the meeting.

14.1 LEGAL MATTER UPDATE [CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 s.5.23(2)(d)] (D2022/09849)

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 OSTASZEWSKYJ

SECONDED CR THOMAS

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 5.47pm.

Recording of the resolutions passed behind closed doors, namely:

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

LEGAL COMMITTEE RESOLUTION(S)

MOVED CR JEANS

SECONDED CR THOMAS

THAT:

1. THE LEGAL COMMITTEE NOTES THE CONFIDENTIAL REPORT.
2. THE REPORT REMAINS 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 5.47pm.