

UNCONFIRMED MINUTES

D2022/18157

Legal Committee

6 October 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
Vacant	Committee Second Deputy Member	City of Swan

Legal Committee Meeting

6 October 2022

Table of Contents

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS	1
	1.1 ACKNOWLEDGEMENT OF COUNTRY	1
2	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	1
3	DISCLOSURE OF INTERESTS	1
4	ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING MEMBER WITHOUT DISCUSSION	1
5	PETITIONS, DEPUTATIONS AND PRESENTATIONS	1
6	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	2
	6.1 MINUTES OF THE LEGAL COMMITTEE MEETING HELD ON 23 JUNE 2022	2
7	QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN	2
8	QUESTIONS BY MEMBERS WITHOUT NOTICE	2
9	ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC	2
10	BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING	2
11	REPORTS OF EMPLOYEES	2
12	REPORTS OF DELEGATES	2
13	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PRESIDING MEMBER OR BY DECISION OF MEETING	2
14	CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	3
	14.1 LEGAL MATTER UPDATE [CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 S.5.23(2)(D)] (D2022/15959)	3
15	FUTURE MEETINGS OF THE LEGAL COMMITTEE	4
16	DECLARATION OF CLOSURE OF MEETING	4

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 5:03pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

The 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 Dylan O'Connor	Committee Chairman	City of Kalamunda
Cr Mel Congerton	Committee Deputy Chairman	City of Swan
Cr Steven Ostaszewskyj <i>(deputising for Cr Sutherland)</i>	Deputy Committee Member	City of Bayswater
Cr John Daw <i>(deputising for Cr Jeans)</i>	Deputy Committee Member	Shire of Mundaring

Apologies

Cr Michelle Sutherland	Committee Member	City of Bayswater
Cr Doug Jeans	Committee Member	Shire of Mundaring

EMRC Officers

Mr Marcus Geisler	Chief Executive Officer
Mr Hua Jer Liew	Chief Financial Officer
Ms Izabella Krzysko	Manager Procurement and Governance
Ms Theresa Eckstein	Executive Assistant to Chief Executive Officer (Minutes)

Observer(s)

Mr David Schmidt	Manager Information Services
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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 23 JUNE 2022

That the minutes of the Legal Committee Meeting held on 23 June 2022 which have been distributed, be confirmed.

LEGAL COMMITTEE RESOLUTION

MOVED CR OSTASZEWSKYJ SECONDED CR CONGERTON

THAT THE MINUTES OF THE LEGAL COMMITTEE MEETING HELD ON 23 JUNE 2022 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

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 CONGERTON SECONDED CR DAW

THAT:

1. THE LEGAL COMMITTEE UNDER DELEGATED AUTHORITY ENDORSES THE CONFIDENTIAL REPORT AND THE CONFIDENTIAL ATTACHMENTS.
2. LEGAL COMMITTEE INSTRUCTS THE CEO TO EXECUTE THE CONFIDENTIAL ATTACHMENTS REGARDING THE LEGAL MATTER AS OUTLINED WITHIN THE CONFIDENTIAL REPORT.
3. THE REPORT AND THE 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 5:09pm.