

## **Certification of Confirmation**

### **Legal Committee**

### **Minutes**

**6 October 2022**

I, Cr Paul Poliwka , hereby certify that the minutes from the Legal Committee held on 6 October 2022 pages (1) to (4) were confirmed at the Audit Committee held on 17 October 2024.



Signature

Cr Paul Poliwka  
Presiding Member

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

**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 CONGERTON                                  SECONDED CR DAW

THAT WITH THE EXCEPTION OF THE CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER, MANAGER PROCUREMENT AND GOVERNANCE, MANAGER INFORMATION SERVICES AND EXECUTIVE ASSISTANT TO THE CHIEF EXECUTIVE 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 3/1**

**For:        Crs Congerton, O'Connor, Daw**  
**Against: Cr Ostaszewskyj**

The doors of the meeting were closed at 5:05pm.

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

**14.1 LEGAL MATTER UPDATE [CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 s.5.23(2)(d)] (D2022/15959)**

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(S)**

MOVED CR OSTASZEWSKYJ                                  SECONDED CR DAW

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 5:09pm.

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.