



— *City of* —
Melville

**MINUTES
OF THE
SPECIAL MEETING OF THE COUNCIL
HELD ON
27 FEBRUARY 2008**

DISTRIBUTED: 29 February 2008

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— City of —
Melville

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MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBER, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.37PM ON WEDNESDAY, 27 FEBRUARY 2008.

PRESENT

1. ELECTED MEMBERS

His Worship the Mayor Russell Aubrey

COUNCILLORS

Cr H R Everett; Cr N Pazolli
Cr G S Wieland, Cr M J Barton
Cr C W Robartson; Cr R L Subramaniam
Cr D J Macphail, Cr A Ceniviva
Cr P M Phelan; Cr C M Halton
Cr J R Bennett

WARD

Applecross/Mount Pleasant
Bicton/Attadale
Bull Creek/Leeming
City
Palmyra/Melville/Willagee
University

2. IN ATTENDANCE

Marten Tieleman
Kylie Johnson

POSITION TITLE

A/Chief Executive Officer
Manager Organisational Development/
Minute Secretary

3. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr L M Reynolds (Apology) University

4. PUBLIC QUESTION TIME

There were no members of the public present and therefore no questions from the public.

5. DISCLOSURES OF INTEREST

Nil.

6. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

Members' interests in matters to be discussed at meetings to be disclosed

S.5.65 (1) A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

Meeting to be informed of disclosures

S.5.66 If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

Disclosing members not to participate in meetings

S.5.67 A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

Please refer to your Handbook for definitions of interests and other detail.

7. BUSINESS

At 6.38pm Cr R Subramaniam moved, seconded Cr H Everett -

THAT IN ACCORDANCE WITH SECTION 5.23 (2) (a) OF THE LOCAL GOVERNMENT ACT 1995 THE DISCUSSION REGARDING THE OPERATIONAL MATTER BE DISCUSSED CONFIDENTIALLY BEHIND CLOSED DOORS.

At 6.38pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

At 6.39pm Cr P Phelan moved, seconded Cr N Pazolli -

THAT MR NEIL DOUGLAS FROM MCLEODS, BARRISTERS & SOLICITORS, MR SIMON WHITE FROM WALGA WORKPLACE SOLUTIONS AND DR SHAYNE SILCOX BE INVITED TO ENTER THE CHAMBER FOR THE DISCUSSION OF THE CONFIDENTIAL ITEM.

At 6.40pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

At 6.41pm Cr R Subramaniam left the Council Chamber.

At 6.41pm Cr H Everett moved, seconded Cr Wieland -

THAT STANDING ORDERS BE SUSPENDED.

At 6.41pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (11/0)

At 6.42pm Cr R Subramaniam returned to the meeting and Mr Neil Douglas, Mr Simon White and Dr Shayne Silcox entered the Council Chamber.

C08/5003 – CONFIDENTIAL MATTER (REC) (CONFIDENTIAL ATTACHMENTS)

Ward	:	All
Category	:	Operational
Subject Index	:	CEO
Customer Index	:	N/A
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	N/A
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Marten Tieleman Acting Chief Executive Officer

AUTHORITY / DISCRETIONDefinition

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> | Review | <i>when Council review decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

C08/5003 – CONFIDENTIAL MATTER (REC) (CONFIDENTIAL ATTACHMENTS)

KEY ISSUES / SUMMARY

- The attached reports and recommendations are submitted as confidential, in accordance with the Local Government Act 1995.

BACKGROUND

Section 5.23. of the Local Government Act 1995 entitled “Meetings generally open to the public” provides

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal:
 - (i) information that has a commercial value to a person; or
 - (ii) information about the business, professional, commercial or financial affairs of a person,
 - (iii) where the trade secret or information is held by, or is about, a person other than the local government;
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

DETAIL

Attached are two confidential reports for consideration of Council. The matters contained in the reports are within the items outlined in Section 5.23 of the Local Government Act 1995, that can be heard as closed meetings.

C08/5003 – CONFIDENTIAL MATTER (REC) (CONFIDENTIAL ATTACHMENTS)

PUBLIC CONSULTATION/COMMUNICATION

The holding of this Special Meeting of Council was advertised through public notice boards and the internet on 26 February 2008.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Consultation conducted with WALGA Workplace Solutions and McLeods, Barristers & Solicitors.

STATUTORY AND LEGAL IMPLICATIONS

These implications are outlined in the attached confidential report.

FINANCIAL IMPLICATIONS

These implications are outlined in the attached confidential report.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

These implications are outlined in the attached confidential report.

For further information on risk management http://melvillenet/risk/risk_intro.html

POLICY IMPLICATIONS

N/A

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

N/A

CONCLUSION

The attached reports are to remain confidential.

At 8.32pm Cr J Bennett moved, seconded Cr C Robartson -

THAT STANDING ORDERS BE REINSTATED.

At 8.32pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

C08/5003 – CONFIDENTIAL MATTER (REC) (CONFIDENTIAL ATTACHMENTS)

OFFICER RECOMMENDATION C08/5003

(APPROVAL/REFUSAL)

COUNCIL RESOLUTION (C08/5003)

APPROVAL

At 8.33pm Cr P Phelan moved, seconded Cr G Wieland -

THAT THE RECOMMENDATIONS IN ATTACHMENT A, UNDER CONFIDENTIAL COVER, BE ACCEPTED.

At 8.34 Cr J R Bennett moved seconded Cr A Ceniviva –

THAT IN ADDITION TO THE ABOVE RESOLUTION COUNCIL REQUEST THE OUTCOME BE COMMUNICATED TO THE ELECTED MEMBERS

At 8.41pm Cr J R Bennett withdrew the motion.

At 8.42pm Cr A Ceniviva moved -

THAT IN ADDITION TO THE ABOVE RESOLUTION COUNCIL REQUEST THE OUTCOME BE COMMUNICATED TO THE ELECTED MEMBERS

At 8.42pm there being no seconder the motion was declared

LAPSED

At 8.43pm the Mayor submitted the original motion, which was declared

CARRIED (11/1)

There being no further business, the Mayor declared the Meeting closed at 8.44pm.