



**Minutes of the Special Meeting of the City of South Perth Council Held  
for the Purpose of Discussing Staff Matters at the Collier Park Community  
Centre Tuesday 11 April 2006**

**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Mayor declared the meeting open at 6.00pm and welcomed everyone in attendance.

**2. DISCLAIMER**

As there were no members of the public present in the gallery the Mayor did not read aloud the City's Disclaimer

**3. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**

Present:

Mayor J Collins, JP (Chairman)

Councillors:

G W Gleeson	Civic Ward
L M Macpherson	Como Beach Ward
L J Jamieson	Manning Ward
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward
D S Smith	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mrs K Russell	Minute Secretary

Apologies

Cr M B McDougall	Civic Ward	- leave of absence
Cr B W Hearne	Como Beach Ward	- leave of absence

**4. DECLARATION OF INTEREST**

Nil

**5. PUBLIC QUESTION TIME (*in relation to Item 6.1.1*)**

There were no members of the public present in the gallery.

## 6. MEETING CLOSED TO PUBLIC

### **COUNCIL DECISION : MEETING CLOSED TO THE PUBLIC**

Moved Cr Trent, Sec Cr Wells

That the meeting be closed to the public at 6.03pm in accordance with the *Local Government Act Sections 5.23(a) and (b)* as it relates to:

- a matter affecting employees; and
- the personal affairs of a person.

CARRIED (11/0)

**Note:** The Council Chamber doors were closed at 6.03pm.

### 6.1 Matters for which the Meeting May be Closed.

#### **6.1.1 Staff Matters *Confidential***

The Mayor reported that the Special Council Meeting had been called in response to a written request from Cr Smith together with supporting signatures from the following Members:

Crs: Maddaford, Wells, Gleeson, Doherty, Trent, Jamieson and Cala.

#### VERBAL REPORT BY THE MAYOR

The Mayor thought it was important to bring to Council's attention a reminder of the outcome of Council's meeting held on 13 December 2005 in relation to a "Code of Conduct" matter. The reports to Council included the following:-

- *Confidential* Report by CEO dated 6 December 2005;
- Private and *Confidential* Memorandum by Mayor to all Councillors dated 11 November 2005;
- Private and *Confidential* letter from Mr Neil Douglas, Partner, Minter Ellison dated 8 December 2005; and
- Chronology of events.

After due consideration, Council resolved that the Officer recommendation contained in the *Confidential* report dated 6 December 2005 be adopted.

#### MOTION

The Mayor reminded Members that the item under discussion was *Confidential*. He stated that in order for Cr Smith to put forward his proposed Motion that the Motion adopted at the Special Council Meeting held 13 December 2005, as follows, would have to be revoked.

***That the officer's recommendation contained in Confidential report Item 6.1.1 the subject of the Special Council Meeting held 13 December 2005 be adopted.***

The Mayor read aloud Clause 10 of the *Local Government (Administration) Regulations 1996* relating to 'Revoking or Changing Decisions made at Council'.

The Mayor then read aloud Cr Smith's proposed Motion which was tabled and circulated to the Mayor, Chief Executive Officer and Minute Secretary.

VERBAL REPORT BY THE CEO

The Chief Executive Officer stated that he had an obligation to make Members aware that the Motion as proposed by Cr Smith is clearly defamatory as all resolutions become public once the meeting has closed.

He cautioned Members in adopting the Motion in its present form and stated that Members would be putting themselves individually and collectively as a Council at risk. The CEO reminded Members of their obligation to adhere to the Code of Conduct and Standing Orders. He then read aloud from the Department of Local Government and Regional Development's paper - "Inquiry into the City of South Perth - Lessons for Local Government" and in particular the role of Elected Members.

The Mayor endorsed the Chief Executive's comments and in particular the point that if Council decides to revoke the 13 December 2005 resolution and adopt Cr Smith's proposed Motion that Members are fully informed as to the legalities involved in doing so.

WITHDRAWAL OF MOTION

Cr Smith stated that as it has been clearly demonstrated that there is a legality involved he was formally withdrawing his proposed Motion.

**Note:** Cr Smith retired from the meeting at 6.33pm.

Further points of clarification were raised by Members and responded to by the Mayor and the Chief Executive Officer.

**COUNCIL DECISION : MEETING OPEN TO THE PUBLIC**

Moved Cr Trent, Sec Cr Wells

That the meeting be open to the public at 6.43pm.

CARRIED (10/0)

- 6.2 Public Reading of Resolutions that may be made Public.**  
No resolution in relation to Item 6.1.1 was adopted.

- 7. OTHER BUSINESS**  
Nil

- 8. CLOSURE**  
The Mayor closed the meeting at 6.45pm and thanked everyone for their attendance.

**These Minutes were confirmed at a meeting on 26 April 2006**

Signed \_\_\_\_\_

**Chairperson at the meeting at which the Minutes were confirmed**