



**Minutes of the Special Meeting of the City of South Perth Council  
for the Purpose of Discussing a *Confidential* Staff Matter  
held in the Council Chamber, Sandgate Street, South Perth  
Tuesday 3 April 2007 commencing at 7.00pm**

**1. DECLARATION OF OPENING**

The Mayor opened the meeting at 7.00pm.

**2. DISCLAIMER**

The Mayor read aloud the City's Disclaimer.

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

Present

Mayor J Collins, JP (Chairman)

Councillors:

J Best	Civic Ward
G W Gleeson	Civic Ward
B W Hearne	Como Beach 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 S Cope	Acting Chief Executive Officer (until 7.15pm)
Ms A Spaziani	Manager Human Resources (until 7.15pm)
Mrs K Russell	Minute Secretary

Gallery

There were 4 members of the public and 1 member of the press present in the gallery

**4. DECLARATION OF INTEREST**

Nil

**5. PUBLIC QUESTION TIME (*in relation to Item 8*)**

Opening of Public Question Time

The Mayor stated that questions from the public gallery must relate only to the item the subject of the Special Council Meeting. He then opened public question time at 7.02pm.

**5.1 Mr Robert Simper, Sandgate Street, South Perth**

Summary of Question

The front page of the Southern Gazette newspaper, April 3 - 9 states that members of the public are welcome to attend this Special Council Meeting but that the discussion about the Chief Executive Officer would be behind closed doors whereas the advertisement on page 19 states the meeting is not open to the public. Who is responsible for the advertisement, was it the CEO?

Summary of Response

The Mayor stated that the meeting is not open to the public while the *Confidential* item is discussed.

**5.2. Mr Geoff Defrenne, 24 Kennard Street, Kensington**

Summary of Question

Is the Notice put out by the Chief Executive Officer that the meeting is not open to the public legal?

Summary of Response

The Mayor stated the question was taken on notice.

Summary of Question

There have been a number of press statements and comments in the newspaper recently. Is tonight's meeting regarding the CEO?

Summary of Response

The Mayor stated that the matter for discussion was a *confidential* item and that the Council resolution would be made public at the end of the meeting.

Summary of Question

Regarding the confidential item and the press release 29 March the Mayor states *not appropriate for me to comment etc* and to a further comment *have personal confidence in CEO.....etc* Was the confidential item regarding the CEO?

Summary of Response

The Mayor stated this was a similar comment as that given to the West Australian newspaper.

Summary of Question

The Local Government Act states that the Mayor speaks for Council. If the confidential item relates to confidence in the CEO is this press release in conflict with what Council resolved?

Summary of Response

The Mayor stated that he had been speaking personally and that he was not going to debate the issue.

Summary of Question

The President of the LGMA mentioned the CEO is honest etc is there any implication he is not?

Summary of Response

The Mayor suggested Mr Defrenne ask Mr Lumsden.

**5.3. Mr Phillip Martin, 212 Douglas Avenue, South Perth**

Mr Martin wished to raise a question not relevant to the subject of the meeting. The Mayor suggested that Mr Martin either forward his question in writing to the administration for a response or alternatively raise his question at the next Ordinary Meeting of Council.

**5.4. Mr Geoff Defrenne, 24 Kennard Street, Kensington**

Summary of Question

In the media statement of 30 March the first line says: *disappointing events - taken the focus away from good things of the City*. What are those good things happening in the City?

Summary of Response

The Mayor suggested Mr Defrenne read the Southern Gazette and West Australian newspapers.

Close of Public Question Time

The Mayor closed Public Question Time at 7.12pm

**6. PRESENTATIONS / PETITIONS / DEPUTATIONS**

Nil

**7. MEETING CLOSED TO PUBLIC**

**COUNCIL DECISION MEETING CLOSED TO THE PUBLIC**

Moved Cr Hearne, Sec Cr Doherty

That the meeting be closed to the public at 7.13pm in accordance with the *Local Government Act Sections 5.23(a), (b),(c), and (d)* while Agenda Item 7 is discussed as it relates to:

- (a) a matter affecting an employee;
- (b) the personal affairs of a person;
- (c) a contract entered into which relates to a matter to be discussed at the meeting;
- (d) legal advice obtained by the local government and which relates to a matter to be discussed at the meeting

**Note:** The Acting Chief Executive Officer and Manager Human Resources retired from the meeting at 7.15pm

The members of the public and the press left the Chamber at 7.15pm and the Council Chamber doors were closed at 7.16pm

**8. REPORT**

**8.1 Confidential Staff Matter (Item 13.1.2 referred from Council Meeting 27.3.2007)**

STATEMENT MAYOR COLLINS

The Mayor gave a brief summary of the events leading up to the calling of the Special Council Meeting. He then read aloud a Memorandum dated 2 April 2007 from the Chief Executive Officer and referred Members to the 'tabled' legal advice before them.

**COUNCIL DECISION ITEM 8.1**

Moved Cr Cala, Sec Cr Ozsdolay

That....

- (a) the *confidential* staff matter be deferred until the Special Council Meeting on Tuesday 10 April 2007 to give Council the opportunity to read the legal advice provided; and
- (b) the legal advice provider be invited to attend the Special Council Meeting on 10 April 2007.

CARRIED (11/2)

**NOTE: CR GLEESON REQUESTED THAT HE BE RECORDED AS HAVING VOTED AGAINST THE MOTION**

**9. OTHER BUSINESS**

**9.1 Proposed Press Release - Council Responds to LGMA**

Cr Best tabled a suggested press release in response to the LGMA article in the West Australian newspaper 29 March 2007. The proposed press release was discussed.

**COUNCIL DECISION MEETING OPEN TO THE PUBLIC**

Moved Cr Hearne, Sec Cr Ozsdolay

That the meeting be opened to the public at 8.03pm.

**Public Reading of Resolution**

For the benefit of the four members of the public that returned to the Council Chamber the Council Resolution for Item 8.1 was read aloud by the Mayor.

**10. CLOSURE**

The Mayor closed the meeting at 8.05pm

**These Minutes were confirmed at a meeting on 24 April 2007**

Signed \_\_\_\_\_  
**Chairperson at the meeting at which the Minutes were confirmed.**

MINUTES : SPECIAL COUNCIL MEETING : 3 APRIL 2007