



# **MINUTES**

## **SPECIAL MEETING OF COUNCIL**

held on

**Thursday 15 October, 2020**



WESTERN AUSTRALIA'S  
**WILDFLOWER COUNTRY**

*DISCLAIMER*

*No responsibility whatsoever is implied or accepted by the Shire of Morawa for any act, omission, statement or intimation occurring during Council Meetings. The Shire of Morawa disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.*

*Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Shire of Morawa advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.*

**Item 1 Opening of Meeting**

The President declared the meeting open at 6.00pm.

**Item 2 Acknowledgement of Traditional Owners and Dignitaries**

The President acknowledges the traditional custodians, the Yamatji people, and recognises the contribution of Yamatji elders past, present and future, in working together for the future of Morawa.

*'This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.'*

**Item 3 Recording of Attendance****3.1 Attendance****Council**

President Councillor Karen Chappel  
Deputy President Councillor Dean Carslake (by teleconference)  
Councillor Jane Coaker  
Councillor Debbie Collins  
Councillor Yvette Harris  
Councillor Shirley Katona  
Councillor Ken Stokes

**Staff**

Acting Chief Executive Officer Robert Paull  
Chief Executive Officer Recruitment Consultant Lydia Highfield (by teleconference)

**Members of the Public**

Nil

**3.2 Attendance by Telephone / Instantaneous Communications**

In accordance with section 14 of the *Local Government (Administration) Regulations 1996* "Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))", the President to declare that this Meeting may take place via instantaneous communication. All Councillors and staff are to be available either via telephone (teleconference) or in person.

**3.3 Apologies**

Nil

**3.4 Approved Leave of Absence**

Nil

**3.5 Disclosure of Interests**

Nil

**Item 4 Applications for Leave of Absence**

Nil

**Item 5 Response to Previous Questions**

Nil

**Item 6 Public Question Time**

*Important note:*

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**6.1 Public Question Time**

Nil

**6.2 Public Statement Time**

Nil

**6.3 Petitions/Deputations/Presentations/Submissions**

Nil

**Item 7 Questions from Members without Notice**

Nil

**Item 8 Announcements by Presiding Member without Discussion**

Nil

**Item 9 Declarations of All Members to have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting**

The Elected Members to declare that they have given due consideration to all matters contained in the agenda.

- President Councillor Karen Chappel
- Deputy President Councillor Dean Carslake
- Councillor Jane Coaker
- Councillor Debbie Collins
- Councillor Yvette Harris
- Councillor Shirley Katona
- Councillor Ken Stokes

**Item 10 Confirmation of Minutes of Previous Meetings**

Nil

**Item 11 Reports of Officers**

**11.1 Chief Executive Officer**

The Chief Executive Officer's Report forms part of the 'Confidential' Agenda.

**11.2 Executive Manager Corporate & Community Services**

Nil

**11.3 Economic Development Manager**

Nil

**11.4 Executive Manager Works & Assets**

Nil

**Item 12 Reports of Committees**

Nil

**Item 13 Motions of Which Previous Notice Has Been Given**

Nil

**Item 14 New Business of an Urgent Nature**

Nil

**Item 15 Matters for Which the Meeting May Be Closed (Confidential Items)****15.1 Closure of the Meeting to the Public**

**Author:** Acting Chief Executive Officer

**Authorising Officer:** Acting Chief Executive Officer

**Disclosure of Interest:** The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item as he won't be seeking to apply for the role.

**OFFICER'S RECOMMENDATION/RESOLUTION**

201025 Moved: Cr Collins Seconded: Cr Coaker

That Council closes the meeting to the public under section 5.23 (2) c) and e (ii) of the *Local Government Act 1995* and the *Shire of Morawa Standing Orders Local Law 2011 s 6.2 (2)* so that it can consider the recruitment of a permanent Chief Executive Officer.

**CARRIED BY SIMPLE MAJORITY 7/0**

**PURPOSE**

This item seeks Council's approval under s5.23 (2) (e) of the *Local Government Act 1995* to move into camera or closed session to consider the following confidential matter:

- Recruitment of a Permanent Chief Executive Officer.

**DETAIL**

Item 15.2 is presented with a recommendation to progress the recruitment of a permanent Chief Executive Officer.

**LEVEL OF SIGNIFICANCE**

High – Confidential Items

**CONSULTATION**

All Councillors  
Chief Executive Officer Recruitment Consultant

**LEGISLATION AND POLICY CONSIDERATIONS*****Local Government Act 1995***

Under section 5.23 (2) of the *Local Government Act 1995*, part of a council meeting may be closed, if the meeting deals with any of the following:

- a matter affecting an employee or employees;*
- 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) a trade secret;
  - (ii) information that has a commercial value to a person;
  - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
- (f) a matter that if disclosed, could be reasonably expected to —
  - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
  - (ii) endanger the security of the local government's property;
  - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
- (h) such other matters as may be prescribed.

### **Shire of Morawa Standing Orders Local Law 2011**

The key parts include:

- 6.2 (1) *The CEO may recommend that part of the meeting is closed.*
- 6.2 (2) *The Council may decide to close a meeting or part of a meeting.*
- 6.2 (3) *The presiding member is to direct everyone to leave the meeting except, members, the CEO and any officer specified.*
- 6.2 (5) *Clause 8.9 (re speaking twice)*
- 6.2 (7) *The presiding member is to ensure any resolution of the Council made while the meeting was closed is to read out including a vote of a member.*

### **Strategic Community Plan 2018 to 2028 (desktop Review June 2020)**

**Outcome 4.3** A local government that is respected, professional and accountable.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

Any known financial implications are addressed in the respective reports.

### **RISK MANAGEMENT CONSIDERATIONS**

There are no known risk management considerations.

### **CONCLUSION**

That Council closes the meeting to the public under section 5.23 (2) (e) of the *Local Government Act 1995* and the *Shire of Morawa Standing Orders Local Law 2011* s 6.2 (2) so that it can consider a report addressing the recruitment of a permanent Chief Executive Officer.

### **ATTACHMENT**

Nil





