



City of Cockburn
Special Council Meeting
Minutes

For Thursday, 14 May 2020

These Minutes are subject to confirmation

Presiding Member's signature

A handwritten signature in black ink, which appears to read "Logan Hewitt", is written over a solid blue horizontal line.

Date: 11 June 2020

CITY OF COCKBURN

SUMMARY OF MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON THURSDAY, 14 MAY 2020

	Page
1. DECLARATION OF MEETING	3
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED).....	4
3. DISCLAIMER (TO BE READ ALOUD BY PRESIDING MEMBER)	4
4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)	4
5. APOLOGIES & LEAVE OF ABSENCE	4
6. PUBLIC QUESTION TIME	4
7. DEPUTATIONS.....	4
8. DECLARATION BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING.....	4
9. PURPOSE OF MEETING.....	5
10. COUNCIL MATTERS	6
10.1 (2020/MINUTE NO 0108) CONSIDERATION OF A CONFIDENTIAL MATTER	6
(2020/MINUTE NO 0109) SUSPENSION OF STANDING ORDERS.....	8
(2020/MINUTE NO 0110) RESUMPTION OF STANDING ORDERS.....	8
11. CONFIDENTIAL BUSINESS	8
11.1 (2020/MINUTE NO 0111) CONFIDENTIAL STAFF MATTER.....	8
(2020/MINUTE NO 0112) SUSPENSION OF STANDING ORDERS.....	9
(2020/MINUTE NO 0113) RESUMPTION OF STANDING ORDERS.....	9
11.2 (2020/MINUTE NO 0114) CONFIDENTIAL STAFF MATTER	9
(2020/MINUTE NO 0115) REOPEN MEETING FROM BEHIND CLOSED DOORS	10
12. (2020/MINUTE NO 0116) RESOLUTION OF COMPLIANCE	10
13. CLOSURE OF MEETING	11



CITY OF COCKBURN

MINUTES OF SPECIAL COUNCIL MEETING HELD ON THURSDAY, 14 MAY 2020

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Ms L Kirkwood	-	Deputy Mayor
Mr K Allen	-	Councillor
Mr M Separovich	-	Councillor
Ms P Corke	-	Councillor
Ms L Smith	-	Councillor
Dr C Terblanche	-	Councillor
Mr P Eva	-	Councillor
Ms C Stone	-	Councillor
Mr T Widenbar	-	Councillor – left meeting at 10:05pm

IN ATTENDANCE

Mr D Arndt	-	Acting Chief Executive Officer
Mr D Green	-	Director Governance & Community Services
Mr S Downing	-	Director Finance & Corporate Services
Mr C Sullivan	-	Director Engineering & Works
Mrs B Pinto	-	Governance & Risk Officer (Moderator)
Mrs L Spearing	-	Personal Assistant to Chief Executive Officer
Mr M Reid	-	Jackson MacDonald
Ms R Harding	-	Jackson MacDonald

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 9:51pm.

“Kaya, Wanju Wadjuk Budjar” which means “Hello, Welcome to Wadjuk Land”

The Presiding Member acknowledged the Nyungar People who are the traditional custodians of the land on which the meeting is being held and pay respect to the Elders of the Nyungar Nation, both past and present and extend that respect to Indigenous Australians who are with us tonight.

Mayor Howlett made the following announcements:

He welcomed Mr M Reid and Ms Renae Harding from Jackson MacDonald.



2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)

Nil

3. DISCLAIMER (TO BE READ ALOUD BY PRESIDING MEMBER)

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

Cr Widenbar	- Financial Interest - Item 11.1
Cr Widenbar	- Financial interest - Item 11.2
Mr Daniel Arndt	- Financial Interest - Item 11.1
Cr Smith	- Impartiality Interest - Item 11.2
Cr Allen	- Impartiality Interest - Item 11.2
Mayor Howlett	- Impartiality Interest - Item 11.2

5. APOLOGIES & LEAVE OF ABSENCE

Nil

6. PUBLIC QUESTION TIME

Nil

7. DEPUTATIONS

Nil

8. DECLARATION BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING

Nil



9. PURPOSE OF MEETING

The purpose of the meeting is to consider a confidential staff matter.



10. COUNCIL MATTERS

10.1 (2020/MINUTE NO 0108) CONSIDERATION OF A CONFIDENTIAL MATTER

Author(s) D Arndt
Attachments N/A

RECOMMENDATION

That Council:

- (1) consider the matters contained in the report provided to Elected Members under separate confidential cover, behind closed doors, pursuant to Clause 7.2 of the City of Cockburn Standing Orders 2016; and
- (2) nominate Ms Renae Harding, Ms Brenna Swanson (*not in attendance*) and Mr Matthew Reid (Jackson McDonald), Messrs Don Green, Stuart Downing and Charles Sullivan (City of Cockburn) and Mr Ron Murphy (Department of Local Government, Sport and Cultural Industries (DLGSCI) (*not in attendance*) to remain in the meeting during consideration of the matters behind closed doors.

COUNCIL DECISION

MOVED Mayor Howlett SECONDED Cr K Allen

That the recommendation be adopted.

CARRIED ON CASTING VOTE OF PRESIDING MEMBER 5/5

Reason

Lawyers are in attendance to provide legal advice to the Council.

Mr Ord has requested that an observer from the Department (Mr Murphy) be allowed to remain in the Chamber during discussion and consideration of the proceedings behind closed doors.

The Standing Orders (Clause 7.3) requires a resolution of Council to this effect.



Background

The Acting Chief Executive Officer has prepared an agenda for consideration by Council. For this purpose, it is recommended that Council proceeds behind closed doors.

Submission

N/A

Report

As contained in the reports provided to Elected Members, under separate confidential cover.

Strategic Plans/Policy ImplicationsLeading and Listening

Deliver sustainable governance through transparent and robust policy and processes.

Budget/Financial Implications

As contained in the report, provided under separate confidential cover.

Legal Implications

As contained in the report, provided under separate confidential cover.

Community Consultation

N/A

Risk Management Implications

As contained in the report, provided under separate confidential cover.

Advice to Proponent(s)/Submitters

N/A

Implications of Section 3.18(3) *Local Government Act 1995*

Nil

Cr Widenbar left the meeting at 10:05pm



(2020/MINUTE NO 0109) SUSPENSION OF STANDING ORDERS

COUNCIL DECISION

MOVED Cr P Eva SECONDED Cr C Terblanche

That Council, pursuant to clause 22.1 of the Standing Orders, suspend the meeting procedures, for the purpose of the Mayor discussing the Declarations of Interest for the confidential reports contained within the agenda, the time being 10:00pm

CARRIED 9/0

(2020/MINUTE NO 0110) RESUMPTION OF STANDING ORDERS

COUNCIL DECISION

MOVED Cr L Smith SECONDED Deputy Mayor L Kirkwood

That Standing Orders be resumed for the purpose of formally considering the confidential reports contained in the agenda, the time being 10:07pm.

CARRIED 9/0

11. CONFIDENTIAL BUSINESS

11.1 (2020/MINUTE NO 0111) CONFIDENTIAL STAFF MATTER

This report and its attachments are CONFIDENTIAL in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (a) *a matter affecting an employee or employees.*

CONFIDENTIAL STAFF MATTER

That Council adopts the actions agreed as specified in the Confidential Resolution made behind closed doors.



(2020/MINUTE NO 0112) SUSPENSION OF STANDING ORDERS**COUNCIL DECISION**

MOVED Cr C Stone SECONDED Cr P Corke

That Council, pursuant to clause 22.1 of the Standing Orders, suspend the meeting procedures, for the purpose of enabling open debate on the confidential report contained in the agenda, the time being 10:36pm.

CARRIED 9/0

(2020/MINUTE NO 0113) RESUMPTION OF STANDING ORDERS**COUNCIL DECISION**

MOVED Cr K Allen SECONDED Cr L Smith

That Standing Orders be resumed for the purpose of formally considering the confidential reports contained in the agenda, the time being 11:28pm.

CARRIED 5/4

11.2 (2020/MINUTE NO 0114) CONFIDENTIAL STAFF MATTER

This report and its attachments are CONFIDENTIAL in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (a) *a matter affecting an employee or employees.*

CONFIDENTIAL STAFF MATTER

That Council adopts the actions agreed as specified in the Confidential Resolution made behind closed doors.

Cr Chamonix Terblanche left the meeting at 12:01am.

Cr Chamonix Terblanche returned to the meeting at 12:10am.



(2020/MINUTE NO 0115) REOPEN MEETING FROM BEHIND CLOSED DOORS

COUNCIL DECISION

MOVED Cr P Corke SECONDED Deputy Mayor L Kirkwood

That Council resume from behind closed doors, the time being 12:11am.

CARRIED 9/0

12. (2020/MINUTE NO 0116) RESOLUTION OF COMPLIANCE

RECOMMENDATION

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (3) managed efficiently and effectively.

COUNCIL DECISION

MOVED Cr L Smith SECONDED Cr P Eva

That the recommendation be adopted.

CARRIED 5/4

For: Mayor L Howlett, Deputy Mayor L Kirkwood, Cr K Allen, Cr L Smith and Cr P Eva

Against: Cr M Separovich, Cr P Corke, Cr C Terblanche and Cr C Stone



13. CLOSURE OF MEETING

The meeting closed at 12:27am

