



**SHIRE OF MENZIES**

# Minutes

**OF THE SPECIAL MEETING OF THE COUNCIL  
HELD ON**

**THURSDAY, 17 OCTOBER 2024**

**Commencing at 4.00pm**

**At the Council Chambers,  
124 Shenton Street, Menzies**

A handwritten signature in black ink, appearing to read "Krusty".

**Kristy Van Kuyi  
Acting Chief Executive Officer**

**Resolution Numbers 143/24 to 147/24**

## **DISCLAIMER**

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## **DECLARATIONS OF INTEREST**

A member who has an Impartiality, Proximity or Financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice, given to the Chief Executive Officer, prior to the meeting, or at the meeting immediately before the matter is discussed.

A member who makes a disclosure in respect to a Proximity or Financial interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

## **Councillor Meeting Information**

### **Shire of Menzies Council Meetings**

Council Members are bound by legislation to act with integrity and make decisions for the whole of the Shire.

#### **Attending meetings**

Council Members have a duty to attend all the Council Meetings to ensure that electors are adequately represented. In recognition of this, under the *Local Government Act 1995* a Council Member who is absent from three consecutive meetings of the Council without leave being granted by the Council, is automatically disqualified. If a member wishes to be absent for more than six consecutive ordinary meetings, Ministerial approval is necessary as well as the Council approval.

It should be noted that applications for leave of absence are usually supported but must be approved by the Council before, or at, the meeting(s) the Council Member is to be absent from. Leave of absence cannot be approved retrospectively.

#### **Voting at meetings**

If a Council Member is present at a Council Meeting, he or she is required by law to vote on all matters before that meeting unless he or she has a financial interest in the matter. Agendas are delivered to the Council Members within the required timeframes of the Local Government Act 1995, being a minimum of seventy-two (72) hours prior to the advertised commencement of the meeting. While late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Council Members are required to give due consideration to all matters contained in the agenda. Without adequate time for reading the agenda, it is extremely difficult for the Council Members to make effective assessments of issues and provide constructive input to the Council debate and decision making. It is recommended that further information be requested if there is insufficient material available to make an informed decision.

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## **1 DECLARATION OF OPENING**

The Shire President, as the Presiding Member declared the meeting open at 4.05pm.

Cr I Baird confirmed that he was in a secure and private location at 16 The Esplanade, Esperance, which was suitable for discussing confidential matters. Accordingly, he applied for approval to attend the Council Meeting by electronic means.

The Shire President was satisfied that Cr I Baird was in a secure location appropriate for the discussion of confidential matters, and he was granted permission to join the meeting at 4.06pm.

## **2 ANNOUNCEMENT OF VISITORS**

Neil Douglas, McLeods Lawyer

## **3 RECORD OF ATTENDANCE**

Councillors:      Cr P Warner, Shire President  
                         Cr S Sudhir, Deputy Shire President  
                         Cr G Dwyer  
                         Cr J Dwyer  
                         Cr A Tucker  
                         Cr I Baird (joined electronically at 4.06pm)  
                         Cr K Tucker

Staff:                Ms G Teede, Chief Executive Officer  
                         Ms K Van Kuyl, Chief Financial Officer (Minutes)

## **4 PUBLIC QUESTION TIME (RELATING TO SPECIAL BUSINESS ONLY)**

Nil

## **5 APPLICATION BY MEMBERS**

Nil

**6 DISCLOSURES OF INTEREST**

Name	Item No	Interest	Nature
G Teede, CEO	Item 9.1.1 Matters relating to the Chief Executive Officer’s Contract of Employment	Impartiality	The item is about the CEO’s performance
K Van Kuyl, CFO	Item 9.1.1 Matters relating to the Chief Executive Officer’s Contract of Employment	Financial	The name and position title of the CFO are mentioned in the officer’s recommendation.

**7 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

Item 9.1.1 Matters relating to the Chief Executive Officer’s Contract of Employment

**8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**9 REPORTS OF OFFICERS**

**BEHIND CLOSED DOORS - CONFIDENTIAL REPORTS**

Item 9.1.1 Matters relating to the Chief Executive Officer’s Contract of Employment

This item is 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 matter affecting an employee or employees.

**OFFICER RECOMMENDATION/COUNCIL DECISION:**

<b>Council Resolution Number</b>	<b>143/24</b>
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**Moved**                      **Cr K Tucker**                      **Seconded**                      **Cr S Sudhir**

**That in accordance with Section 5.23(2) of the Local Government Act 1995 the meeting be closed to members of the public to consider Item 9.1.1 Matters relating to the Chief Executive Officer’s Contract of Employment**

<b>Carried</b>	<b>7 / 0</b>
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**For: Cr P Warner, Cr S Sudhir, Cr G Dwyer, Cr J Dwyer, Cr A Tucker, Cr I Baird and Cr K Tucker**  
**Against: Nil**

The Chief Executive Officer, Chief Financial Officer, and members of the public left the meeting room at 4.12pm.

**SUSPENSION OF STANDING ORDERS:**

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>144/24</b>
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**Moved:                      Cr S Sudhir                      Seconded:                      Cr J Dwyer**

**That Standing Orders be suspended to allow discussion.**

<b>Carried</b>	<b>7 / 0</b>
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**For: Cr P Warner, Cr S Sudhir, Cr G Dwyer, Cr J Dwyer, Cr A Tucker, Cr I Baird, and Cr K Tucker**  
**Against: Nil**

## 9 SPECIAL BUSINESS

### OFFICER RECOMMENDATION/ COUNCIL DECISION:

Council Resolution Number	145/24
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Moved                      Cr K Tucker                      Seconded                      Cr S Sudhir

#### That the Council:

1. confirms that it no longer has the trust and confidence in the CEO that is essential to an effective working relationship with the CEO;
2. terminates the employment of the CEO under clause 11.3.2 of her employment contract, effective immediately;
3. authorises the required termination payment to the CEO in lieu of the 3-month notice period (in addition to any payment for leave accrued but not taken as at today's date);
4. authorises the Shire President to write to the CEO in the terms of the draft letter attached to the report to the Council; and
5. in accordance with Policy 5.1, appoints the Chief Financial Officer, Kristy Van Kuyl, to be the Shire's interim Acting CEO for an initial period of two (2) weeks ending on 31 October 2024 (unless otherwise determined by the Council), and approves payment of a higher duties allowance to Ms Van Kuyl for that period set at the same Reward Package as current CEO.

Carried by Absolute Majority	4/3
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For: Cr P Warner, Cr S Sudhir, Cr A Tucker and Cr K Tucker

Against: Cr G Dwyer, Cr J Dwyer and Cr I Baird

### RESUMPTION OF STANDING ORDERS:

#### COUNCIL DECISION:

Council Resolution Number:	146/24
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Moved:                      Cr S Sudhir                      Seconded:                      Cr I Baird

That Standing Orders be resumed.

Carried	7 / 0
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For: Cr P Warner, Cr S Sudhir, Cr G Dwyer, Cr J Dwyer, Cr A Tucker, Cr I Baird, and Cr K Tucker

Against: Nil



