



**SHIRE OF MENZIES**

# Minutes

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

**THURSDAY, 27 NOVEMBER 2024**

**Commencing at 4.00 pm**

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

A handwritten signature in blue ink, appearing to read "Peter Bentley", is written over the printed name.

**Peter Bentley  
Acting Chief Executive Officer**

**Resolution Numbers 181/24 to 185/24**

## **DISCLAIMER**

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, any statement or limitation of approval made by a member or officer of the Shire of Menzies during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Menzies. The Shire of Menzies warns that anyone who has an application lodged with the Shire of Menzies must obtain and only should rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Menzies in respect of the application.

## **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 Presiding Member declared the meeting open at 4pm.

Cr J Dwyer confirmed that she was alone in a secure location at Room 14 Bayview Motel Esperance, which was suitable for discussing confidential matters. Accordingly, she applied for approval to attend the Council Meeting by electronic means.

The Shire President was satisfied that Cr J Dwyer was in a secure location appropriate for discussing confidential matters. The Shire President was also satisfied that the equipment she intended to use was suitable for effective engagement and allowed her full participation in the meeting.

## **2 ANNOUNCEMENT OF VISITORS**

Mr Neil Douglas, the Council's legal counsel, confirmed that he was alone in a secure location at his office in Perth, suitable for discussing confidential matters.

The Shire President was satisfied that Mr Douglas was in a secure location and allowed him to join the meeting at 4.02pm.

## **3 RECORD OF ATTENDANCE**

Councillors:      Cr P Warner, Shire President  
                         Cr S Sudhir, Deputy Shire President  
                         Cr G Dwyer  
                         Cr J Dwyer (joined electronically at 4pm)  
                         Cr A Tucker  
                         Cr I Baird  
                         Cr K Tucker

Staff:                Mr P Bentley, Acting Chief Executive Officer  
                         Ms M Yulo-Uy, Executive Officer (Minutes)

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

Nil

## **5 APPLICATION BY MEMBERS**

Nil

## **6 DISCLOSURES OF INTEREST**

Nil

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

Item 9.1.2 Matters Relating to the Previous Chief Executive Officer's Employment

## **8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

# 9 REPORTS OF OFFICERS

## BEHIND CLOSED DOORS – CONFIDENTIAL REPORTS

Item 9.1.2 Matters Relating to the Previous Chief Executive Officer’s Employment

This item is confidential in accordance with Section 5.23(2) 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
- e. a matter that if disclosed, would reveal: 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.

### OFFICER RECOMMENDATION/ COUNCIL DECISION:

<b>Council Resolution Number</b>	<b>181 / 24</b>
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**Moved**                      **Cr G Dwyer**                      **Seconded**                      **Cr I Baird**

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 9.1.2 Matters Relating to the Previous Chief Executive Officer’s 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 Executive Officer left the meeting room at 4.04pm.

### SUSPENSION OF STANDING ORDERS:

#### COUNCIL DECISION:

<b>Council Resolution Number:</b>	<b>182 / 24</b>
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**Moved:**                      **Cr S Sudhir**                      **Seconded:**                      **Cr I Baird**

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

**9.1 Administration Report**

Item 9.1.2 Matters Relating to the Previous Chief Executive Officer’s Employment

**COUNCIL DECISION:**

<b>Council Resolution Number</b>	<b>183 / 24</b>
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**Moved**                      **Cr G Dwyer**                      **Seconded**                      **Cr I Baird**

**That the Council:**

- 1. authorises the Shire President and the Deputy Shire President and Acting CEO to confer with McLeods to prepare written responses to Civic Legal’s letters of 20 November 2024;**
- 2. requires that the terms of the responses are to be consistent with the outcome of the Council’s consideration, at its meeting on 27 November 2024, of the issues raised in Civic Legal’s letters;**
- 3. requires that, before the terms of the responses are finalised, each Council member is to be given an opportunity to review and comment on the draft version; and**
- 4. requests the Acting CEO to send a copy of the final responses to each Council member.**

<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**

**RESUMPTION OF STANDING ORDERS:**

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>184 / 24</b>
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**Moved:**                      **Cr S Sudhir**                      **Seconded:**                      **Cr I Baird**

**That Standing Orders be resumed.**

<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**



**MEETING OPENED TO THE PUBLIC:**

<b>Council Resolution Number</b>	<b>185 / 24</b>
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**Moved**                      **Cr S Sudhir**                      **Seconded**                      **Cr A Tucker**

**That the meeting be opened to the Members of the Public.**

<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**

There was no member of the public present when the meeting was reopened.

**10 CLOSURE OF MEETING**

The Shire President, as Presiding Member declared the meeting closed at 5.30 pm.