

COUNCIL MINUTES

Unfirmed Minutes

Special Council Meeting

5:30pm, 24 January, 2022

Council Chambers (Level 1), Civic Centre,
23 Dundebur Road, Wanneroo

wanneroo.wa.gov.au



CONFIRMED MINUTES OF SPECIAL COUNCIL MEETING

HELD ON MONDAY 24 JANUARY, 2022

CONTENTS

<u>ITEM 1</u>	<u>ATTENDANCE</u>	<u>2</u>
<u>ITEM 2</u>	<u>APOLOGIES AND LEAVE OF ABSENCE</u>	<u>3</u>
<u>ITEM 3</u>	<u>PUBLIC QUESTION TIME</u>	<u>3</u>
<u>ITEM 4</u>	<u>REPORTS</u>	<u>3</u>
<u>ITEM 5</u>	<u>CONFIDENTIAL</u>	<u>3</u>
SCR01-01/22	COUNCIL MEMBER, COMMITTEE MEMBER AND CANDIDATE CODE OF CONDUCT COMPLAINT - COMPLAINT ADMINISTRATORS REPORT 03557	4
SCR02-01/22	COUNCIL MEMBER, COMMITTEE MEMBER AND CANDIDATE CODE OF CONDUCT COMPLAINT - COMPLAINT ADMINISTRATORS REPORT 03556	4
SCR03-01/22	COUNCIL MEMBER, COMMITTEE MEMBER AND CANDIDATE CODE OF CONDUCT COMPLAINT - COMPLAINT ADMINISTRATORS REPORT CIT-10-001	5
<u>ITEM 6</u>	<u>LATE REPORTS</u>	<u>6</u>
<u>ITEM 7</u>	<u>DATE OF NEXT MEETING</u>	<u>6</u>
<u>ITEM 8</u>	<u>CLOSURE</u>	<u>6</u>

Minutes

Mayor Roberts declared the meeting open at 5:35pm and read the prayer.

Good evening Councillors, staff, ladies and gentlemen, we wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk people. We would like to pay respect to the Elders of the Nyoongar nation, past and present, who have walked and cared for the land and we acknowledge and respect their continuing culture and the contributions made to the life of this city and this region and I invite you to bow your head in prayer:

Lord, We ask for your blessing upon our City, our community and our Council. Guide us in our decision making to act fairly, without fear or favour and with compassion, integrity and honesty. May we show true leadership, be inclusive of all, and guide the City of Wanneroo to a prosperous future that all may share. We ask this in your name. Amen

Item 1 Attendance

TRACEY ROBERTS, JP

Mayor

Councillors:

CHRIS BAKER	North Ward
SONET COETZEE	North Ward
LINDA AITKEN, JP	North-East Ward
JACQUELINE HUNTLEY	Central-East Ward
PAUL MILES	Central-East Ward
HELEN BERRY	Central-West Ward
NATALIE SANGALLI	Central-West Ward
FRANK CVITAN, JP	Central Ward
JORDAN WRIGHT	Central Ward
NATALIE HERRIDGE	South-West Ward
VINH NGUYEN	South-West Ward
JAMES ROWE	South Ward
BRETT TREBY	South Ward

Officers:

DANIEL SIMMS	Chief Executive Officer
NOELENE JENNINGS	Director, Corporate Strategy & Performance
KATE OOSTERHOF	Acting Manager Governance & Legal
NATASHA SMART	Manager, Council & Corporate Support
BASIA LAMB	Minute Officer

Guests:

MATT READ	Complaints Administrator (Wise) - <i>present for Items SCR01-01/22 and SCR02-01/22 only</i>
CONOR FAHEY	Complaints Administrator (Mapien) - <i>present for Item SCR03-01/22 only</i>

Item 2 Apologies and Leave of Absence

GLYNIS PARKER

North-East Ward - Apology

There were nil members of the public and nil members of the press in attendance.

Item 3 Public Question Time

Nil

Item 4 Reports

Declarations of Interest by Council Members, including the nature and extent of the interest. Declaration of Interest forms to be completed and handed to the Chief Executive Officer.

Cr Baker declared an impartiality interest in SCR01-01/22. The nature of the declared interest is subject to the confidentiality provisions of section 5.23 of the Local Government Act.

Cr Huntley (22/31946) declared an impartiality interest in SCR02-01/22. The nature of the declared interest is subject to the confidentiality provisions of section 5.23 of the Local Government Act.

Cr Nguyen declared an impartiality interest in SCR02-01/22 and SCR03-01/22. The nature of the declared interest is subject to the confidentiality provisions of section 5.23 of the Local Government Act.

Cr Treby (22/31940) declared an impartiality interest in SCR03-01/22. The nature of the declared interest is subject to the confidentiality provisions of section 5.23 of the Local Government Act.

Item 5 Confidential**Procedural Motion**

Moved Cr Miles, Seconded Cr Treby

That Council move into a Confidential Session to discuss these items under the terms of the Local Government Act 1995 Section 5.23(2).

CARRIED UNANIMOUSLY

The meeting was closed to the public and all recording ceased at 5:37pm.

Cr Baker declared an impartiality interest in SCR01-01/22. The nature of the declared interest is subject to the confidentiality provisions of section 5.23 of the Local Government Act. Cr Baker left the meeting, the time being 5:40pm.

SCR01-01/22 Council Member, Committee Member and Candidate Code of Conduct Complaint - Complaint Administrators Report 03557

File Ref: 42329 – 21/566978
Responsible Officer: Executive Manager Governance & Legal

This report was dealt with in confidential session, under the terms of the Local Government Act 1995 Section 5.23(2), as follows:

- (b) the personal affairs of any person*
- (f)(i) a matter that if disclosed, could be reasonably expected to – impair the effectiveness of any lawful method of procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law*
- (h) such other matters as may be prescribed (consider regulations)*

Procedural Motion to Refer Back

Moved Cr Sangalli, Seconded Cr Huntley

For Council to refer the report back to the Complaints Administrator to validate the information pertaining to the complaint and the complainants original submission and then follow 5.6(b)(i)(c) of the City's *Council Member Committee and Candidate Code of Conduct and Complaints Handling Policy*.

**CARRIED 8/5
ABSTENTION 1**

For the Motion: Cr Berry, Cr Cvitan, Cr Huntley, Mayor Roberts, Cr Rowe, Cr Sangalli, Cr Treby and Cr Wright.

Against the Motion: Cr Aitken, Cr Coetzee, Cr Herridge, Cr Miles and Cr Nguyen.

Abstention: Cr Baker.

Cr Baker returned to the meeting, the time being 7:20pm.

Cr Huntley (22/31946) declared an impartiality interest in SCR02-01/22. The nature of the declared interest is subject to the confidentiality provisions of section 5.23 of the Local Government Act.

Cr Nguyen declared an impartiality interest in SCR02-01/22. The nature of the declared interest is subject to the confidentiality provisions of section 5.23 of the Local Government Act.

SCR02-01/22 Council Member, Committee Member and Candidate Code of Conduct Complaint - Complaint Administrators Report 03556

File Ref: 43370 – 22/20747
Responsible Officer: Executive Manager Governance & Legal

This report was dealt with in confidential session, under the terms of the Local Government Act 1995 Section 5.23(2), as follows:

- (b) the personal affairs of any person*

- (f)(i) *a matter that if disclosed, could be reasonably expected to – impair the effectiveness of any lawful method of procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law*
- (h) *such other matters as may be prescribed (consider regulations)*

Moved Cr Miles, Seconded Cr Aitken

That Council:-

- 1. ACCEPTS the finding as set out in the Complaint Administrator’s Report 03556 at Attachments 1 and 2; and**
- 2. ACCEPTS the proposed Action Plan as recommended by the Complaint Administrator as detailed in the Complaint Administrator’s Report 03556 at Attachment 1.**

CARRIED UNANIMOUSLY

Cr Nguyen declared an impartiality interest in SCR03-01/22. The nature of the declared interest is subject to the confidentiality provisions of section 5.23 of the Local Government Act.

Cr Treby (22/31940) declared an impartiality interest in SCR03-01/22. The nature of the declared interest is subject to the confidentiality provisions of section 5.23 of the Local Government Act.

SCR03-01/22 Council Member, Committee Member and Candidate Code of Conduct Complaint - Complaint Administrators Report CIT-10-001

File Ref: 28962 – 22/20808
Responsible Officer: Executive Manager Governance & Legal

This report was dealt with in confidential session, under the terms of the Local Government Act 1995 Section 5.23(2), as follows:

- (b) *the personal affairs of any person*
- (f)(i) *a matter that if disclosed, could be reasonably expected to – impair the effectiveness of any lawful method of procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law*
- (h) *such other matters as may be prescribed (consider regulations)*

Moved Cr Sangalli, Seconded Cr Berry

That Council:-

- 1. ACCEPTS the findings as set out in the Complaint Administrator’s Report at Attachment 1; and**
- 2. DISMISSES the complaint that alleged a breach of the Council Member, Committee Member and Candidate Code of Conduct.**

CARRIED 12/2

For the Motion: Cr Aitken, Cr Baker, Cr Berry, Cr Cvitan, Cr Herridge, Cr Huntley, Cr Miles, Mayor Roberts, Cr Rowe, Cr Sangalli, Cr Treby and Cr Wright.

Against the Motion: Cr Coetzee and Cr Nguyen.

Procedural Motion

Moved Cr Treby, Seconded Cr Rowe

That the meeting be reopened to the public.

CARRIED UNANIMOUSLY

The meeting was reopened to the public and all recording recommenced at 8:37pm.

Mayor Roberts read aloud the resolutions carried on Items SCR01-01/22, SCR02-01/22 and SCR03-01/22

Item 6 Late Reports

Nil

Item 7 Date of Next Meeting

The next Council Members' Briefing Session has been scheduled for 6:00pm on Tuesday 8 February 2022 to be held at the Civic Centre, 23 Dundobar Road, Wanneroo.

Item 8 Closure

There being no further business, Mayor Roberts closed the meeting at **8:40pm**.

In Attendance

TRACEY ROBERTS, JP

Mayor

Councillors:

CHRIS BAKER	North Ward
SONET COETZEE	North Ward
LINDA AITKEN, JP	North-East Ward
JACQUELINE HUNTLEY	Central-East Ward
PAUL MILES	Central-East Ward
HELEN BERRY	Central-West Ward
NATALIE SANGALLI	Central-West Ward
FRANK CVITAN, JP	Central Ward
JORDAN WRIGHT	Central Ward
NATALIE HERRIDGE	South-West Ward
VINH NGUYEN	South-West Ward
JAMES ROWE	South Ward
BRETT TREBY	South Ward