



*Minutes of the Adjourned Special Meeting of Council of
24 May 2007 which was continued on 25 May and onto 10:07 am
on 30 May 2007*

RESUMPTION OF THE MEETING

The meeting resumed at 10:07 am with the attendance of the Mayor; Cr Berwick; Cr Egan; Cr Bellerio; Cr Cox; Cr Davis; Cr Sciacca; Cr Pitt; Acting Chief Executive Officer, Julia Leu; General Manager Community & Corporate, David Carey; General Manager Finance & Administration, Ian Barton; and Corporate Support Officer, Susanna Andrews.

EMERGENT ISSUE

Cr Pitt advised the Council of an emergent issue regarding whether lack of public advertisement of the Special Meeting of Council that was called for 24 May 2007, (Adjourned to 25 May 2007), was a breach of the Local Government Act 1993 and brought the legality of the meeting into question.

SUSPENSION OF STANDING ORDERS

It was agreed standing orders be suspended to deal with this emergent issue and that therefore it be included in the agenda for determination.

ATTENDANCE/WITHDRAWAL

Corporate Services Officer, Susanna Andrews, withdrew from the meeting at 10:23 am and re-attended the meeting at 10:24 am.

07/0524/05 ADJOURNED SPECIAL MEETING OF COUNCIL – 24 MAY 2007

Moved Cr Pitt

“That Council recognises that the Special Meeting of Council, 24 May 2007, was not a legal meeting.”

Lost for want of a seconder

ADJOURNMENT OF THE MEETING

At 10:44 am the meeting was adjourned so Council officers could consult the Local Government Act 1993 to verify their advice regarding the advertisement of Special Meetings of Council.



RESUMPTION OF THE MEETING

The meeting resumed at 10:55 am.

ADVERTISING OF SPECIAL MEETINGS OF COUNCIL

The Acting Chief Executive Officer reported that under the Local Government Act 1993, Section 464, the requirement to publicly advertise council meetings applies only to Ordinary Meetings of the Council.

07/0524/06 ADVERTISING OF SPECIAL MEETINGS OF COUNCIL

Moved Cr Pitt

Seconded Cr Sciacca

"That Council notes that there are no requirements specified in the Local Government Act 1993, Section 464, or any other sections, with respect to the public advertising of Special Meetings of the Council and that therefore there had been no breach of the legislation in failing to advertise this special meeting of the Council; and that this information be conveyed in response to any enquires from members of the public."

Carried unanimously

NOTATION

With the permission of the Chair it was noted that Cr Pitt requested it be noted in the minutes that he raised the matter of the advertising of Special Meetings of Council at the Adjourned Special Meeting of Council held on 25 May 2007.

07/0524/07 APPOINTMENT OF A TEMPORARY CHIEF EXECUTIVE OFFICER

Moved Cr Davis

"That Council:

- 1. meets the prospective Acting Chief Executive Officers before a decision is made, and*
- 2. staff have the opportunity to vote on the appointment of an Acting Chief Executive Officer."*

Lost for want of a seconder



07/0524/08 ITEMS OF BUSINESS FOR THE MEETING

Moved Cr Berwick

Seconded Cr Davis

"That the following matters are accepted as being required to be considered at this meeting:

- 1. consideration of legal advice received by the General Manager Finance & Administration regarding the termination of the tenure of the former Chief Executive Officer as previously decided at the Special Meeting of Council of 23 May 2007; and*
- 2. the appointment of a temporary Chief Executive Officer beyond 18 June 2007."*

Carried unanimously

**LEGAL ADVICE REGARDING THE TERMINATION OF EMPLOYMENT
OF THE FORMER CHIEF EXECUTIVE OFFICER**

This item was previously discussed, and an agreement of the Council reached, at the Special Meeting of 23 May 2007.

ADJOURNMENT OF THE MEETING

At 11:20 am the Chair adjourned the meeting to allow the General Manager Finance & Administration to obtain advice regarding the availability of legal counsel.

RESUMPTION OF THE MEETING

At 11:35 am the meeting resumed.



**07/0524/07 LEGAL ADVICE REGARDING THE TERMINATION OF
EMPLOYMENT OF THE CHIEF EXECUTIVE OFFICER**

Moved Cr Egan

Seconded Cr Pitt

"That:

- 1. Council engages John Carey of Wilson Ryan Grose Lawyers to work with Stephen Fynes-Clinton, Barrister-at-Law.*
- 2. Councillors be provided with the brief that Stephen Fynes-Clinton provides to Danny Gore, Queens Counsel (QC), and that Councillors be provided with a telephone link to Danny Gore QC on the completion of his investigation in order to discuss his advice with him.*
- 3. John Carey be invited to attend the Ordinary Meeting of Council on 5 June 2007 for the purposes of being further briefed by the Council."*

For: Cr Egan, Pitt, Sciacca, Bellerio

Against: Cr Davis, Berwick, Cox

Carried

07/0524/03 APPOINTMENT OF A TEMPORARY CHIEF EXECUTIVE OFFICER

Moved Cr Bellerio

Seconded Cr Berwick

"That Council determines to make no further decisions regarding the appointment of an Acting Chief Executive Officer until the legal advice referred to in the previous decisions is obtained."

For: Cr Bellerio, Berwick, Davis, Cox, Sciacca

Against: Cr Pitt, Egan

Carried

TERMINATION OF THE MEETING

The meeting was closed at 11:57 am.

Presented to and confirmed by Council on the *fifth* day of *June* 2007.

**M P Berwick
Chair**