



# Shire of Pingelly

## Minutes

Special Council Meeting  
7 February 2018

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## **1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Chairman, Cr Bill Mulroney declared the meeting open at 10.30am.

## **2. ACKNOWLEDGEMENT OF COUNTRY**

We acknowledge the Noongar people of this area and recognise their continuing connection to land, waters and community. We pay respect to both the Aboriginal and non-Aboriginal people and past and present.

## **3. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

### **3.1 Council Agenda Reports**

Please note that all elected members have been provided with the relevant information pertaining to each Officers reports within today's Agenda and the Officer Recommendations are based on Council Policy and or State Acts and Legislation.

## **4. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**

At the ordinary council meeting held on 1 November 2017 the following leave was granted:

### **Council Decision:**

#### **That Council Approve**

- 1. the Chief Executive Officer's request for leave from 16 December 2017 to 28 January 2018; and**
- 2. the appointment of Mr Stuart Billingham as Acting Chief Executive Officer for this period of leave; and**
- 3. the Chief Executive Officer offering Mr Stuart Billingham a remuneration salary for the period of stated leave within the Band 4 prescribed range of the Salaries and Allowances Tribunal under Section 7A of the Salaries and Allowances Act.**

**Carried 7:0**

At the ordinary council meeting held on 13 December 2017 the following leave was granted:

**12327 Moved Cr McBurney**

**Seconded Cr Hodges**

**That Council approve Cr Freebairn taking leave from 21<sup>st</sup> June to 28<sup>th</sup> July 2018 inclusive.**

**Carried 7:0**

## **MEMBERS PRESENT**

Cr WV Mulroney  
Cr DI Freebairn  
Cr JM Walton-Hassell  
Cr LN Steel  
Cr BW Hotham  
Cr J McBurney  
Cr EJ Hodges

## **STAFF IN ATTENDANCE**

Mr S Billingham	Director Corporate Community Services
Mr B Gibbs	Director Technical Services
Mrs L Boddy	Executive Assistant

## **APOLOGIES**

Cr PJ Wood

## **VISITORS**

Mr G Pollock

Mr David Nicholson from McLeods (from 11.33am to 11.34am via telephone)

**5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**6. PUBLIC QUESTION TIME**

There were no members of the public present.

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**8. DISCLOSURES OF INTEREST**

Nil

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

N/A

**10. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

Nil

**11. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Nil

**12. OFFICE OF THE CHIEF EXECUTIVE OFFICER**

Nil

**13. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES**

Nil

**14. DIRECTORATE OF TECHNICAL SERVICES**

Nil

12351 Moved: Cr Hodges Seconded: Cr Walton-Hassell

That as per section 5.23(2) of the *Local Government Act 1995* the meeting be closed at 10.35am to members of the public to allow Council to discuss a confidential matter regarding a previous employee of the Shire.

Carried 7:0

**15. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**15.1 Annual Electors Meeting 2016/17 Year**

Verbal report was given by the Shire President.

12354 Moved: Cr Walton-Hassell Seconded: Cr Steel

That the meeting be reopened to the public at 1pm.

Carried 7:0

**12355 Moved: Cr Hodges    Seconded: Cr Walton-Hassell**

**Council Decision:**

**That Council:**

- **Affirms its confidence in all Shire of Pingelly executive staff in light of the misleading and potentially defamatory public statements made by Mr Craig McLennan at the Shire of Pingelly Annual Electors Meeting held on 6 February 2018 and the signage on the window of the shop front in Parade Street, Pingelly;**
- **Instructs the Acting Chief Executive Officer as per Shire of Pingelly policy 2.6 to engage Mcleods to prepare a letter to Mr Craig McLennan addressing the issue of signage in Parade Street, Pingelly, potential defamatory statements in relation to Shire staff, misrepresentations as to Mr McLennan’s employment status with the Shire of Pingelly on Social Media and communicating that Council will not tolerate personal attacks on staff;**
- **Instructs the Acting Chief Executive Officer to engage Mcleods to provide advice on potential grounds for legal action regarding a possible breach of the deed of settlement and release;**
- **Instruct Mcleods to work with the Shire President to draft a public statement confirming that the Shire has transparent employment processes and supports the executive staff with reference to the recent Department of Local Government Better Practice Review conducted in 2017.**

Carried 7:0

**16. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

The Chief Executive Officer and Executive Staff unanimously support Council in its decision to support the motion that has been passed.

**17. CLOSURE OF MEETING**

The Chairman declared the meeting closed at 1.02pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 21<sup>st</sup> February 2018.

Signed.....  
Presiding Person at the meeting at which the minutes were confirmed.