



Special Council Meeting

Minutes

Friday 18 August 2023

CONFIRMED

MINUTES

Minutes of a Special Meeting of the Busselton City Council held in the Council Chambers, Administration Building, Southern Drive, Busselton, on Friday 18 August 2023 at 12:00pm.

TABLE OF CONTENTS

1. OFFICIAL OPENING AND PURPOSE OF MEETING.....	3
2. ATTENDANCE.....	3
3. DISCLOSURES OF INTEREST	4
4. PUBLIC QUESTION TIME.....	5
5. PRESENTATIONS BY PARTIES WITH AN INTEREST	5
6. CONFIDENTIAL REPORTS.....	5
6.1. APPOINTMENT OF DIRECTOR CORPORATE STRATEGY AND PERFORMANCE.....	6
6.2. APPOINTMENT OF DIRECTOR ECONOMIC AND BUSINESS DEVELOPMENT	7
6.3. LEGAL MATTER (LEG230017).....	8
6.4. LEGAL MATTER (LEG230071).....	10
7. CLOSURE.....	11

1. OFFICIAL OPENING AND PURPOSE OF MEETING

The meeting opened at 12:06pm.

The Presiding Member welcomed Councillors and staff to the Special Council Meeting of 18 August 2023.

The Presiding Member acknowledged the Wadandi and Bibbulmun people as the traditional custodians of this region and paid respects to Elders past and present.

The purpose of this meeting was to consider the appointment of senior employees, and to consider confidential item (LEG230017) and confidential item (LEG230071).

2. ATTENDANCE

PRESIDING MEMBER		MEMBERS	
Cr Grant Henley	Mayor	Cr Paul Carter	Deputy Mayor
		Cr Anne Ryan	
		Cr Jodie Richards	
		Cr Kate Cox	
		Cr Phill Cronin	
		Cr Ross Paine	

OFFICERS	
Mr Tony Nottle	Chief Executive Officer
Mr Oliver Darby	Director, Engineering and Works Services
Ms Sarah Pierson	Director, Corporate Strategy and Performance (<i>from 1:10pm</i>)
Mr Ben Whitehill	Manager Legal and Property Services (<i>from 1:10pm</i>)
Mr Mark Wong	Manager Waste and Fleet Services (<i>from 1:10pm</i>)
Mr Cobus Botha	Commercial and Contracts Advisor (<i>from 1:10pm</i>)
Mr Allan Miller	Waste Management Officer (<i>from 1:10pm</i>)

LEAVE OF ABSENCE	
Cr Sue Riccelli	C2303/016
Cr Mikayla Love	C2305/077

3. DISCLOSURES OF INTEREST

DISCLOSURES OF FINANCIAL INTEREST

Nil

DISCLOSURES OF IMPARTIALITY INTEREST

The Presiding Member noted that a disclosures of impartiality interest had been received from Chief Executive Officer Tony Nottle, in relation to Item 6.1 'Appointment of Director of Corporate Strategy and Performance, Item 6.2 'Appointment of Director of Economic and Business Development', and Item 6.3 'Confidential Item (LEG 230017)'.

He also noted he would be disclosing an impartiality interest in relation to Item 6.3 'Confidential Item (LEG 230017)'.

The Presiding Member advised that, in accordance with regulation 22(2)(b) of the *Local Government (Model Code of Conduct) Regulations 2021*, these disclosures would be read out immediately before these items were discussed.

4. PUBLIC QUESTION TIME

Nil

5. PRESENTATIONS BY PARTIES WITH AN INTEREST

Nil

6. CONFIDENTIAL REPORTS

The Presiding Member called on a member to move a motion to close the meeting to the public.

The motion was moved and carried.

COUNCIL DECISION

C2308/97 Moved Cr Jodie Richards, seconded Cr Paul Carter

That the meeting is closed to members of the public to discuss items which are confidential for the reasons as shown.

CARRIED 7 / 0

12:08pm At this time, the meeting moved into a closed session.

The Presiding Member called on a member to move a motion to suspend Standing Orders, in accordance with clause 16.1(2) of the City of Busselton *Standing Orders Local Law 2018*.

The motion was moved and carried.

COUNCIL DECISION

C2307/102 Moved Cr Ross Paine, seconded Cr Phill Cronin

That the operation of the *Standing Orders Local Law 2018* be suspended.

CARRIED 7 / 0

6.1. Appointment of Director Corporate Strategy and Performance

Strategic Theme:	Key Theme 4: Leadership 4.4 Govern a professional organisation that is healthy, capable and engaged.
Directorate:	Office of the Chief Executive Officer
Reporting Officer:	Chief Executive Officer - Tony Nottle
Authorised By:	Chief Executive Officer - Tony Nottle
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	Yes - Impartiality Interest Several applicants for this position are known to the CEO due to ongoing working relationships.
Attachments:	Nil

This report contains information of a confidential nature in accordance with section 5.23(2)(b) of the *Local Government Act 1995*, at it contains information relating to the personal affairs of any person.

DISCLOSURE OF INTEREST	
Date	18 August 2023
Meeting	Special Council
Name/ Position	Tony Nottle, Chief Executive Officer
Item No./ Subject	Item 6.1 Appointment of Director Corporate Strategy and Performance
Type of Interest	Impartiality Interest
Nature of Interest	Some of the applicants are known to me through working relationships.

COUNCIL DECISION

C2308/98 Moved Cr Jodie Richards, seconded Cr Ross Paine

That the Council:

1. Receive the report in relation to the recruitment and selection process for the Director Corporate and Strategic Performance; and
2. Acknowledge that, following the recruitment and selection process, appointment of the applicant named in this report will be progressed by the CEO, after being selected as the preferred applicant for the position of Director Corporate Strategy and Performance.

CARRIED 7 / 0

6.2. Appointment of Director Economic and Business Development

Strategic Theme:	Key Theme 4: Leadership 4.4 Govern a professional organisation that is healthy, capable and engaged.
Directorate:	Office of the Chief Executive Officer
Reporting Officer:	Chief Executive Officer - Tony Nottle
Authorised By:	Chief Executive Officer - Tony Nottle
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	Yes - Impartiality Interest Several applicants for this position are known to the CEO due to ongoing working relationships.
Attachments:	Nil

This report contains information of a confidential nature in accordance with section 5.23(2)(b) of the *Local Government Act 1995*, as it contains information relating to the personal affairs of any person.

DISCLOSURE OF INTEREST	
Date	18 August 2023
Meeting	Special Council
Name/ Position	Tony Nottle, Chief Executive Officer
Item No./ Subject	Item 6.2 Appointment of Director Economic and Business Development
Type of Interest	Impartiality Interest
Nature of Interest	Some of the applicants are known to me through working relationships.

COUNCIL DECISION

C2308/99 Moved Cr Paul Carter, seconded Cr Ross Paine

That the Council:

1. Receive this report in relation to the recruitment and selection process for the Director Economic and Business Development; and
2. Acknowledge that, following the recruitment and selection process, appointment of the applicant named in this report will be progressed by the CEO, after being selected as the preferred applicant for the position of Director Economic and Business Development.

CARRIED 7 / 0

Under clause 9.6(1) of the City of Busselton *Standing Orders Local Law 2018* the Presiding Member adjourned the meeting for a period of ten minutes.

1:00pm At this time, the meeting was adjourned.

1:10pm At this time, the meeting reconvened. Mr Darby, Ms Pierson, Mr Whitehill, Mr Wong, Mr Botha and Mr Miller entered the meeting.

6.3. Legal Matter (LEG230017)

Strategic Theme:	Key Theme 4: Leadership 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
Directorate:	Finance and Corporate Services
Reporting Officer:	Chief Executive Officer - Tony Nottle
Authorised By:	Chief Executive Officer - Tony Nottle
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations. Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
Voting Requirements:	Absolute Majority
Disclosures of Interest::	Yes - Impartiality Interest
Attachments	Nil

This item is confidential in accordance with section 5.23(2) (c) and (d) of the *Local Government Act 1995*, as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting, and legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

DISCLOSURE OF INTEREST	
Date	18 August 2023
Meeting	Special Council
Name/ Position	Tony Nottle, Chief Executive Officer
Item No./ Subject	Item 6.3 Legal Matter (LEG230017)
Type of Interest	Impartiality Interest
Nature of Interest	I have close personal friends who live in the area

DISCLOSURE OF INTEREST	
Date	18 August 2023
Meeting	Special Council
Name/ Position	Cr Grant Henley
Item No./ Subject	Item 6.3 Legal Matter (LEG230017)
Type of Interest	Impartiality Interest
Nature of Interest	I have close personal friends who live in the area

COUNCIL DECISION

C2308/100 Moved Cr Anne Ryan, seconded Cr Jodie Richards

That the Council adopt the Officer Recommendation as outlined in the Officer Comment section of this report.

CARRIED 6 / 1

BY ABSOLUTE MAJORITY

**FOR: Cr Grant Henley, Cr Paul Carter, Cr Anne Ryan, Cr Jodie Richards,
Cr Kate Cox and Cr Ross Paine**

AGAINST: Cr Phill Cronin

1:46pm At this time, Mr Wong and Mr Miller left the meeting.

6.4. Legal Matter (LEG230071)

Strategic Theme:	Key Theme 4: Leadership 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.
Directorate:	Finance and Corporate Services
Reporting Officer:	Chief Executive Officer - Tony Nottle
Authorised By:	Chief Executive Officer - Tony Nottle
Nature of Decision:	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
Voting Requirements:	Absolute Majority
Disclosures of Interest:	Yes - Impartiality Interest
Attachments:	Nil

This item is confidential in accordance with section 5.23(2) (c) and (d) of the *Local Government Act 1995*, as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting, and legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

SUBSTANTIVE MOTION

C2308/104 Moved Cr Ross Paine

That the Council adopt the Officer Recommendation as outlined in the Officer Comment section of this report.

LAPSED FOR WANT OF A SECONDER

The Presiding Member called on a member to move a motion to resume Standing Orders, in accordance with clause 16.1(2) of the City of Busselton *Standing Orders Local Law 2018*.

The motion was moved and carried.

COUNCIL DECISION

C2307/103 Moved Cr Jodie Richards, seconded Cr Ross Paine

That the operation of the *Standing Orders Local Law 2018* be resumed.

CARRIED 7 / 0

The Presiding member called on a member to move a motion to re-open the meeting to the public.

The motion was moved and carried.

COUNCIL DECISION

C2308/101 Moved Cr Anne Ryan, seconded Cr Paul Carter

That the meeting be re-opened to the public.

CARRIED 7 / 0

2:42pm At this time, the meeting was re-opened to the public. The Presiding Member read out the decisions to the Gallery.

7. CLOSURE

The Presiding Member closed the meeting at 2:43pm.

These minutes for the Special Council Meeting 18 August 2023 were confirmed as a true and correct record on

20 September 2023

Date:

Presiding Member:

