



City of Cockburn
Special Council Meeting
Minutes

For Wednesday, 11 March 2020

These Minutes are confirmed.

Presiding Member's signature

A handwritten signature in black ink, which appears to read "Leon Howlett". The signature is written in a cursive style. Below the signature is a solid blue horizontal line.

Date: 9 April, 2020

CITY OF COCKBURN
SUMMARY OF MINUTES OF THE SPECIAL COUNCIL MEETING HELD
WEDNESDAY, 11 MARCH 2020 AT 7:00 PM

	Page
1. DECLARATION OF MEETING	3
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED).....	3
3. DISCLAIMER (TO BE READ ALOUD BY PRESIDING MEMBER)	3
4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)	4
5. APOLOGIES AND LEAVE OF ABSENCE	4
6. PUBLIC QUESTION TIME	4
7. DEPUTATIONS.....	5
8. DECLARATION BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING.....	5
9. PURPOSE OF MEETING.....	5
10. COUNCIL MATTERS	6
10.1 (2020/MINUTE NO 0030) CONSIDERATION OF A CONFIDENTIAL STAFF MATTER	6
(2020/MINUTE NO 0031) SUSPENSION OF STANDING ORDERS.....	8
(2020/MINUTE NO 0032) RESUMPTION OF STANDING ORDERS.....	8
11. CONFIDENTIAL BUSINESS	9
11.1 (2020/MINUTE NO 0033) CONFIDENTIAL STAFF MATTER 1.....	9
11.2 (2020/MINUTE NO 0034) CONFIDENTIAL STAFF MATTER 2.....	9
11.3 (2020/MINUTE NO 0035) CONFIDENTIAL STAFF MATTER 3.....	9
12. RESOLUTION OF COMPLIANCE	10
(2020/MINUTE NO 0036) RESOLUTION OF COMPLIANCE	10
13. CLOSURE OF MEETING	10



**CITY OF COCKBURN
MINUTES OF SPECIAL COUNCIL MEETING
HELD ON WEDNESDAY, 11 MARCH 2020 AT 7:00 PM**

PRESENT:**ELECTED MEMBERS**

Mr L Howlett	-	Mayor (Presiding Member)
Ms L Kirkwood	-	Deputy Mayor
Mr K Allen	-	Councillor
Mr M Separovich	-	Councillor
Ms P Corke	-	Councillor
Dr C Terblanche	-	Councillor
Mr P Eva	-	Councillor
Ms C Stone	-	Councillor
Mr T Widenbar	-	Councillor

IN ATTENDANCE

Mr S Downing	Acting Chief Executive Officer
Mr D Green	Director Governance and Community Services
Mr D Arndt (<i>dep 7.20pm</i>)	Director Planning and Development
Mr C Sullivan (<i>dep 7.20pm</i>)	Director Engineering and Works
Mrs B Pinto (<i>dep 7.20pm</i>)	Governance and Risk Officer
Mrs S D'Agnone (<i>dep 7.20pm</i>)	Council Minute Officer

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7pm.

“Kaya, Wanju Wadjuk Budjar” which means “Hello, Welcome to Wadjuk Land”

The Presiding Member acknowledged the Nyungar People who are the traditional custodians of the land on which the meeting is being held and pay respect to the Elders of the Nyungar Nation, both past and present and extend that respect to Indigenous Australians who are with us tonight.

2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)

Nil

3. DISCLAIMER (TO BE READ ALOUD BY PRESIDING MEMBER)

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.



4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

Mr Stuart Downing, Acting CEO - Impartiality Interest – Item 11.3

5. APOLOGIES AND LEAVE OF ABSENCE

Ms Lee-Anne Smith - Suspended until 3 April, 2020
Mr Stephen Cain, CEO - Leave of Absence

6. PUBLIC QUESTION TIME

Mr J Christie, Hammond Park

Agenda Item 10.1 – Confidential Staff Matter

As the Council of the City of Cockburn only has one employee (its Chief Executive Officer), I therefore make the assumption that the consideration of the staff matters at this Special Meeting can only be about the CEO, Mr Stephen Cain. As such I have the following questions.:

- Q1. If, as reported in the media, Mr Cain's assertion that there has been bullying of him and others is upheld, what actions will the Council take to prevent this reoccurring?
- A1. Mayor Howlett advised that an initial response to the issue raised is the subject of a Confidential Report to be considered by Council tonight.
- Q2. How much has it cost the City's ratepayers for the investigations and associated legal fees into the bullying and misconduct allegations?
- A2. Mayor Howlett advised these costs are not known at this stage.
- Q3. Under the Strategic Plan and Policy Implications, Agenda Item 10.1 refers to 'governance delivered through transparent and robust processes'. As all of these matters have been dealt with behind closed doors and remain undisclosed, what advice will the Council provide to the community of the outcomes of the bullying and misconduct matters, so that it has transparency as to what has occurred?
- A3. Mayor Howlett advised that any disclosure of Council decisions will need to be agreed by Council resolution.

Ms C Choo, Maylands

Agenda Item 10.1 – Confidential Staff Matter

- Q1. A recent study by the University of Western Australia showed the high level of bullying that occurs to Local Government CEOs. If the bullying investigation that the City has conducted reveals that bullying has occurred at the City, what actions would Council take to ensure a safe workplace for its Local Government employees?
- A1. Mayor Howlett advised an initial response to the issue raised is subject to a Confidential Report to be considered by Council tonight.



Mr R Tame, Bayswater

Agenda Item 10.1 – Confidential Staff Matter

- Q1. Is Council aware that Mr Cain attended the LG Professionals 2019 dinner in a private capacity, as he had been asked by Candy Choo to attend in order to assist me that evening? Also, that he was awarded a significant leadership award by LG Professionals that night, but because he was only at the event in a private capacity he did not go on stage to accept this?
- A1. Mayor Howlett advised that Council is aware of the matters raised, and are the subject of a Confidential Report to be considered by Council tonight.

7. DEPUTATIONS

Nil

8. DECLARATION BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING

Nil

9. PURPOSE OF MEETING

The purpose of the meeting is to consider a confidential staff matter.



10. COUNCIL MATTERS

10.1 (2020/MINUTE NO 0030) CONSIDERATION OF A CONFIDENTIAL STAFF MATTER

Author(s) D Green
Attachments N/A

RECOMMENDATION

That Council considers the matters contained in the reports provided to Elected Members under separate confidential cover behind closed doors, pursuant to Clause 7.2 of the City of Cockburn Standing Orders 2016.

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Cr P Eva

That Council:

- (1) as recommended; and
- (2) nominate Ms Renae Harding, Ms Brenna Swanson and Mr Matthew Reid (Jackson McDonald), Messrs Don Green, Daniel Arndt and Charles Sullivan (City of Cockburn) and Mr Paul Lewis (Department of Local Government, Sport and Cultural Industries (DLGSCI) – Observer) to remain in the Chamber during consideration of the matters behind closed doors.

LOST 4/5

COUNCIL DECISION

MOVED Cr M Separovich SECONDED Cr C Stone

That Council:

- (1) as recommended; and
- (2) nominate Ms Renae Harding, Ms Brenna Swanson and Mr Matthew Reid (Jackson McDonald), Mr Don Green (City of Cockburn), and Mr Paul Lewis (Department of Local Government, Sport and Cultural Industries (DLGSCI) – Observer), to remain in the Chamber during consideration of the matters behind closed doors.

CARRIED 6/3

Reason for Decision

There is no need for Mr Arndt and Mr Sullivan to remain in the meeting for a governance matter.



Background

By notification from the Mayor, dated 4 March 2020, the Acting Chief Executive Officer has prepared an agenda for consideration by Council. For this purpose, it is recommended that Council proceeds behind closed doors.

Submission

N/A

Report

As contained in the reports provided to Elected Members under separate confidential cover.

Strategic Plans/Policy Implications

Leading and Listening

Deliver sustainable governance through transparent and robust policy and processes.

Budget/Financial Implications

As contained in the reports provided under separate confidential cover.

Legal Implications

As contained in the reports provided under separate confidential cover.

Community Consultation

N/A

Risk Management Implications

As contained in the reports provided under separate confidential cover.

Advice to Proponent(s)/Submitters

N/A

Implications of Section 3.18(3) *Local Government Act 1995*

Nil



Council proceeded behind closed doors, the time being 7.20pm.

The Director Planning and Development, the Director Engineering and Works, the Governance and Risk Officer and the Council Minute Clerk departed the meeting at 7.20pm and did not return.

(2020/MINUTE NO 0031) SUSPENSION OF STANDING ORDERS

COUNCIL DECISION

MOVED Deputy Mayor L Kirkwood SECONDED Cr C Stone

That Council, pursuant to clause 22.1 of the Standing Orders suspend the meeting procedures, for the purpose of enabling open debate on the confidential reports contained in the agenda, the time being 7.22pm.

CARRIED 9/0

(2020/MINUTE NO 0032) RESUMPTION OF STANDING ORDERS

COUNCIL DECISION

MOVED Cr Separovich SECONDED Deputy Mayor L Kirkwood

That Standing Orders be resumed for the purpose of formally considering the confidential reports contained in the agenda, the time being 12.03am.

CARRIED 9/0



11. CONFIDENTIAL BUSINESS

11.1 CONFIDENTIAL STAFF MATTER 1

This report and its attachments are **CONFIDENTIAL** in accordance with Section 5.23(2) (a) 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.*

(2020/MINUTE NO 0033) CONFIDENTIAL STAFF MATTER 1

That Council adopts the actions agreed as specified in the Confidential Resolution made behind closed doors.

11.2 CONFIDENTIAL STAFF MATTER 2

This report and its attachments are **CONFIDENTIAL** in accordance with Section 5.23(2) (a) 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.*

(2020/MINUTE NO 0034) CONFIDENTIAL STAFF MATTER 2

That Council adopts the actions agreed as specified in the Confidential Resolution made behind closed doors.

11.3 CONFIDENTIAL STAFF MATTER 3

This report and its attachments are **CONFIDENTIAL** in accordance with Section 5.23(2) (a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (b) *a matter affecting an employee or employees.*

(2020/MINUTE NO 0035) CONFIDENTIAL STAFF MATTER 3

That Council adopts the actions agreed as specified in the Confidential Resolution made behind closed doors.



12. RESOLUTION OF COMPLIANCE

(2020/MINUTE NO 0036) RECOMMENDATION

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (3) managed efficiently and effectively.

COUNCIL DECISION

MOVED Cr K Allen SECONDED Cr P Eva

That the recommendation be adopted.

CARRIED 9/0

13. CLOSURE OF MEETING

The meeting closed at 12.39am (12 March 2020).

