



Shire *of* Capel

MINUTES

SPECIAL ELECTORS' MEETING
Friday 14 September 2018



SHIRE OF CAPEL

SPECIAL ELECTORS' MEETING – 14.09.18

TABLE OF CONTENTS

Purpose of Meeting: 2

PUBLIC QUESTIONS..... 3

MOTIONS..... 12

CLOSE OF MEETING 13

SHIRE OF CAPEL

MINUTES OF THE SPECIAL ELECTORS MEETING HELD IN THE CAPEL COMMUNITY CENTRE,
ROE ROAD, CAPEL ON FRIDAY 14 SEPTEMBER 2018 COMMENCING AT 4.33PM.

PRESENT:	Presiding Member, Deputy President and Councillor Councillors	B Hearne B Bell D Kitchen P McCleery S Schiano J Scott M Southwell I McCabe J Gick M Plume A Evans 101 2 (Media)
	Chief Executive Officer Executive Manager Engineering & Development Services Executive Manager Community Services Minute Secretary Electors Non-Electors	
APOLOGIES:		J Sanders OAM V Sanders C Terrantroy S Smith B Scott T Scott J Kus D Radisich
	Councillor	

Purpose of Meeting:

A request for a special meeting of electors was lodged by Ms Kaara Andrew of Stratham together with 151 signatures in accordance with regulation 16 of the Local Government (Administration) Regulations 1996, for the purpose of discussing 'The repayment of monies provided to Cr M Scott and ex-CEO Mr Sheedy to obtain legal advice and to retain legal representation to pursue cases for defamation against shire residents".

The Presiding Member, Deputy President, Cr Brian Hearne declared the meeting open at 4.33pm, provided an outline of the meeting rules and indicated that the meeting would only deal with the matters requested by the electors in the petition.

The Chief Executive Officer, Mr Ian McCabe read out the Explanatory Statement that was included in the Agenda:

Various statements about the former Chief Executive Officer (CEO), Paul Sheedy, and the Shire President, Cr Murray Scott, are alleged to have been made by a number of individuals; these statements are alleged to have been broadcast to the world at large via Facebook and terms used which legal advice has assessed as defamatory.

Legal advice presented to Council on 27 June 2018 indicated that the former CEO and the President have a cause of action in defamation against a number of individuals.

That advice also advised Council that the connection of those defamatory statements to their roles as CEO and President meant that Council could indemnify those persons for costs in issuing concerns notices to the individuals who made those defamatory statements. This advice is privileged.

Council decided at the meeting of 27 June 2018 to support the issue of concerns notices. This means that the Shire of Capel made a payment of up to \$6,000 to the legal advisor for the issue of those show cause concerns notices; no payment was made to the former CEO or Cr Scott for this purpose. This is not personal expenditure – it is payment for the issue of legal notices in connection to the offices of Chief Executive Officer and President.

Since Council made its decision on 27 June 2018, the notices have been issued and payment made to the legal advisor. The Decision of 27 June 2018 has been given full effect.

The matter of defamation is yet to be resolved and could eventuate in court action by either of the injured parties.

PUBLIC QUESTIONS

Ms Kaara Andrew of Stratham: it is stated in the minutes from the Council meeting dated 25 July 2018 that a purchase order for \$4,000 to cover the costs associated with obtaining legal advice was initiated by an officer other than the then CEO on 6 June 2018 which was subsequently approved by the then CEO. Which officer initiated that purchase order?

Chief Executive Officer, Mr I McCabe (CEO): The request to prepare the purchase order was made by the former CEO Paul Sheedy. The Purchase Order was prepared on 6 June 2018 by an Administrative Officer, who does not need to be named.

Ms Andrew: Was the purchase order generated in response to an invoice or was it generated prior to, with the intention of, obtaining legal advice?

CEO: The purchase order was prepared on 6 June 2018 with the intention of obtaining legal advice; there was no invoice at this point. It was a request for service.

Ms Andrew: If so, was the invoice/expenses incurred in the names of both Cr Scott and Mr Sheedy?

CEO: The purchased order names only the Shire of Capel and its legal advisor.

Ms Andrew: At the council meeting held on the 27 June 2018, it was noted in the minutes that the legal advice obtained as a result of the purchase order dated the 6 June 2018 has been tabled at the meeting. Was the original purchase order also tabled with that advice so Council officers were aware that \$4,000 of Council funds had already been allocated unilaterally at the complete discretion of the then CEO, within his powers as CEO, before deciding to allocate a further \$6,000?

CEO: No, the purchase order was not tabled, but when a purchase order is created there is not a lot of detail in there and the purchase was referred to in the papers tabled to Council so the disclosure was made that \$4,000 had been expended to get the advice tabled at the meeting.

Ms Andrew: In relation to Mr Sheedy's power as CEO to raise purchase orders and unilaterally authorise payment, that power is delegated as per the Shire's Delegations Register 2018, reference number 103, with the aim and I quote "to facilitate efficient management and allow Council to concentrate on matters of greater significance during meeting." Any purchase order raised by the CEO is subsequently produced at the next Council meeting, as per section 13(3) of the Local Government Financial Management Regulations 1996, did Mr Sheedy provide an explanation to Council in relation to how the \$4,000 met the above criteria?

CEO: Mr Sheedy presented that item on 27 June 2018. He finished work with the Shire on 29 June 2018. Any purchases that were listed, he would not have had a chance to give any further explanation to anything after 30 June 2018.

Ms Andrew: On the 26 July 2018, Mr Sheedy addressed a comment by a Shire resident where he described his authorisation of the \$4,000 as an administrative matter. An administrative matter is one which occurs within the process of running an organisation or during the management of public affairs. The 2005 Defamation Act makes clear that a governmental body cannot sue for defamation and that any defamation proceedings are undertaken as private citizens. While not privy to the legal advice provided at the Council meeting for reasons of privilege, there is no doubt the above fact would have been stated in any such advice. Can Council provide an explanation as to how a purchase order raised to cover the legal costs of a Councillor and the CEO taking action as private citizens could be deemed to be an administrative matter for the Council?

CEO: There are actually several issues here and I am not a lawyer. Technically councils themselves cannot sue. You cannot defame the Shire council but you can defame a Councillor or a Council officer. I do not want to speculate what Mr Sheedy may or may not have said after the 29 June 2018, as he was no longer employed (by the Shire) after that date.

Ms Andrew: Policy Section relating to Councillors, Policy 1.5, Section 2.2(c) states that "the Shire will not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action, instituted by a Councillor or employee." Within the Policy Documents, there is no definition provided for 'exceptional circumstances', requiring Council to form a consensus. Legally, exceptional circumstances are circumstances so unusual, special or out of the ordinary as to create a special disadvantage for the person claiming exceptional circumstances. Council formed a consensus to a closed door meeting on the 27 June 2018 that Cr Scott and Mr Sheedy, what were the unusual, special or unordinary circumstances of Cr Scott and Mr Sheedy that Council considered?

CEO: A meeting can be closed if it is a matter about an employee, if it affects a matter of legal advice, if it would reveal a matter commercial in confidence etc. It was a matter requiring legal advice. We cannot discuss what was actually in that legal advice. Council cannot give you a reason for that decision because that would go to the legal advice.

I am not a decision maker, I cannot say why the decision was made. They made their decision and anything in support of that is confidential at this time.

Ms Andrew: Was it an option? decreases the transparency possible for

CEO: I have to take that as a statement. It is unfortunate if anything is to be dealt with as confidential. This particular matter is to do with legal advice. At this particular time it has not fully resolved itself. If the legal matter was resolved, we could comment later and learn from that.

Ms Andrew: Was it a condition of the allocation of funds that any concerns notices that were to be issued would involve a monetary amount as a contribution towards legal costs?

CEO: I cannot refer directly to the deed because that is a legal document. Council Policy 1.5 Section 9 (b) which states "as much of those costs as are available to be paid by way of set-off where the Councillor or employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the Shire paid legal representation costs."

Ms Andrew: Has the total cost of legal advice exceeded the \$10,000 of Council funds provided to Cr Scott and Mr Sheedy?

How will any monies aid as contributions towards legal costs be divided if legal costs have exceeded \$10,000? Who is the priority payee; Council or the individuals?

CEO: The total amount spent on this matter since 6 June 2018 is \$10,411 plus GST; the amount directly related to the issue of concerns notices is \$5,775 plus GST.

Ms Andrew: Is Council to be paid first, or Cr Scott and Mr Sheedy?

CEO: I cannot directly answer that. The way that legal matters happen, it is negotiated with the lawyer.

Ms Andrew: Upon approval of the funds, did Council ensure Cr Scott and Mr Sheedy signed a copy of the Policy Section 1 as required by the aforementioned Policy 1.5 Section 3.2?

CEO: I will take that on notice and check.

CEO Note 28 September 2018: All papers considered by Council were presented at the meeting of 27 June 2018 and are subject to s.5.23 (2) of the Local Government Act 1995 and legal privilege.

Ms Andrew: Are Councillors aware that to seek a payment of personal damages for comments or criticisms levelled at their conduct in their respective roles is in direct violation of Policy Section 1, Policy 1.5, section 2.3?

Were personal damages what was inferred by the statement contained in the minutes from the Council meeting held on 27/6/2018 when discussing the desired outcome from the concerns notices 'with the view to obtaining a public apology and other amends'?

CEO: That is a question to Councillors and that would require an individual interrogation. I think all Councillors are aware of the policy. We have already given a commitment to do a policy review once the matter is resolved.

Ms Andrew: Do all Councillors and you, Ian, agree that that policy says that they are not to seek damages?

CEO: It all relates to their role, it does not relate to personal damages.

Ms Andrew: Do you agree that that policy statement does say and stipulate that they cannot sue for a payment of personal damages?

Presiding Member: the CEO has said he will take that question on notice. The policy is as it is at the time. That particular flow of transactions has happened and to the extent that some of those individuals have responded.

Ms Andrew: Have Council officers become aware retrospectively that two payments were made and thus breaching the policy, you awarded them for \$6,000.

CEO: You are asking about a legal notice, which I cannot comment on. With due respect, I think the last thing anyone wants to do is to become involved in a legal matter that they are not party to.

CEO Note 28 September 2018: Ms Andrew may be referring to the \$4,000 expense for acquiring the legal advice, and then the \$6,000 for issuing concerns notices. Council was made aware of both expenses.

Ms Andrew: Are Councillors aware that the Code of Conduct endorsed on the 26 July 2017, states as a part of section 2, values, principles and behaviour that Councillors are required to act in accordance with Shire policies to which Policy Section 1 pertaining to Councillors is one? And therefore a request for an amount of personal damages is in breach of Policy Section 1 and by default the Shire's own code of conduct?

CEO: You are asking for an opinion of all Councillors. I will take it as a statement.

Ms Andrew: How were the contact details for the recipients of the concerns notices sourced?

CEO: That is not known.

Ms Andrew: Since the Concerns Notices have been sent on behalf of private citizens and not on behalf of the Council, did Council receive a Freedom of Information request for residents private contact information?

CEO: What I am aware of is that some of the statements identified people.

Ms Andrew: Cindy has just nodded at me. The Voters (Electors) Register is obviously public knowledge. Cindy Lovett is on this official Capel Shire document for the purpose of receiving her rates notices. Resident Nigel Kite was a recipient of a concerns notice and subsequently issued a public apology to Mr Sheedy on 28 August 2018 via the Dalyellup Residents Facebook page, he has also paid the requested monetary amount of \$1,000 as a contribution to legal costs into the nominated account. Can Council confirm that the money paid as a contribution to legal costs has been received?

CEO: I cannot confirm that because of what I said earlier about how these things go through a trust fund so there will be a timing issue.

Ms Andrew: Are Council officers aware that Policy Section 1, policy 1.5, section 6 permits Council to revoke or vary the approval for the payment of legal representation costs? Section 9 of the aforementioned policy section states this is especially so in cases where inquiry confirms that the Councillor or employee has not acted in good faith or in a way that constitutes improper conduct, where action is against the interests of the local government or where information from that person is shown to have been false or misleading?

CEO: That is your statement. It would be a matter of opinion, wouldn't it? If you are performing your duties as an officer, as an elected member or an employee? The material provided to Council, they would have based their decision on that. In every situation, you would have to substantiate it.

Mr Ken Caratti, Capel: Where there is misunderstanding or misrepresentation posted or published that misleads and even arouses ratepayers on issues such as this, can the Council take action to rectify wrong impressions given either intentional or inadvertently to other ratepayers?

CEO: Thank you. I think it needs to be said that Council wants everyone in the district to be aware of the good work being done by the local government, members of our community and community groups and businesses within the Shire.

We have made a lot of progress in improving communication with the public through our website and Facebook pages but we do recognise there is a lot of work to do. It is our job to improve the situation.

Sometimes, members of our community will not understand the local government position; equally, the local government may not understand a point of view being expressed in our community.

Council recognises that our community has a great love for the places we live within and wants them to be the best they can and the local government is making changes to assure the community we are listening. Secondly, people are entitled to an opinion; it is important that we as a community have a respectful conversation about what the community needs and the ability of the local government to deliver on those aspirations.

Council's message is that we are focussed on delivering good outcomes for you and your family as we work together toward a very bright future.

I think what Mr Caratti was alluding to is that sometimes someone will get it wrong, they will say something they do not mean or they will say something that makes a misrepresentation. Before we know it, we have a situation that is harder to control but it does not represent life as we know it. Again, we just go out there and tell the truth. In a community of 17,000, it is very hard to provide a face to face conversation to everyone. We will listen. Thank you.

Mr Brian Fisher, Capel: In the Chief Executive Officer's explanatory statement it was made clear that a payment of \$6,000 was made directly to the Shire's legal advisors to underwrite the costs of issuing show concerns notices against a number of individuals who it is alleged made defamatory statement on social media. As no payment was provided to the ex CEO or Cr Scott, how can they be requested to repay monies?

CEO: The short answer is that no direct payment of Shire money was made to Mr Sheedy or Cr Scott. It has gone to the lawyer and it has gone for a service given.

Mr Fisher: On ABC South West news bulletin last week (September 9 2018) a ratepayer indicated that he had taken a principled step to accept responsibility, apologised for comments made on social media and paid \$1,000 settlement as requested. Was that payment to contribute to meeting the Shire's legal costs incurred? Will those funds be paid to the ex CEO, Cr Scott or the Shire of Capel?

CEO: The remedies and how they will be treated is addressed within the deed that addresses the legal representation. This deed is legally privileged and the terms within it cannot be disclosed. I referred earlier to Council Policy 1.5 Legal Representation, paragraph 9(b) requires the repayment to Council of any damages or costs to offset the amounts paid by the Shire.

Mr Fisher: The question for discussion at this meeting indicates that the ex CEO and Cr Scott have been provided with funds to pursue defamation against Shire residents. Were funds provided to the Shire's solicitors to issue "concerns notices" and/or to enter into legal proceedings to take defamation action?

CEO: The decision of Council was to support the issue of concerns notices.

Mr Fisher: If the Council funds approved were not provided to actually proceed with defamation action, can the ex CEO and Cr Scott take defamation action independently of the Shire?

CEO: I still decline to comment directly because that is a matter for those persons and their legal advisors.

Mr Fisher: Is there a statutory limitation period for bringing an action in defamation?

CEO: In regards to this, there is a caveat: seek your own legal advice. My understanding is, one year from the date of publication.

Mr Fisher: Can the ex CEO and Shire President apply to the Shire for financial assistance to proceed with a defamation action? If so, has an application been made?

CEO: I refer to Council's Policy 1.5 Legal Representation; the policy applies to current or former employees and elected members in connection with the performance of their duties. If such an application were made, it is subject to legal advice and a Council decision.

Mr Fisher: There was an article in the local paper (e.g. Busselton Dunsborough Mail) on July 4 2018 reporting the ex CEO confirming that the purpose of issuing of concerns notices is to provide an avenue for the parties to resolve matters without using formal legal proceedings. Is this correct? Was that the Shire's objective in supporting the issuing of concerns notices?

CEO: Part 3 of the Defamation Act 2005 is titled "Resolution of Civil Disputes without Litigation" and addresses the issue of concerns notices.

Mr Fisher: The question for discussion tonight, Form 1, mentions defamation action. Does the Shire have a duty of care, similar to most employers in the private sector, to its employees and Councillors to provide a safe work environment?

CEO: Council like other businesses has a duty of care under Section 19 of the Occupational Safety and Health Act 1984 to provide a safe workplace as far as practicable.

Mr Fisher: Your explanatory statement refers to various statements made on social media that legal advice has assessed as defamatory. Is this the reason the Shire initiated proceedings on behalf of the ex CEO and Councillor Scott?

CEO: Without making direct reference to the publications that initiated the legal advice or the notices of concern as these matters are legally privileged and subject to legal process, Council made a judgement and made their decision.

Mr Fisher: What is the risk to the Shire if it does not properly provide a duty of care to its staff and Councillors?

CEO: Again, I am not commenting directly on this subject, but if we did not look after our staff and provide a good environment there is a risk that we do not comply with the legislation, there is a risk that they will face some kind of harm; and that we damage our performance and our reputation.

Mr Fisher: Because the Shire has acted to issue concerns notices, could the ex CEO and Cr Scott still lodge a claim against the Shire for not providing a safe work environment?

CEO: The only comment that I am going to make is that the Shire works very hard at providing a safe environment for our employees and visitors.

Mr Fisher: Given the uninformed, selective and negative comments that have appeared on social media in recent times about the question to be discussed at tonight's meeting, and other issues, what steps can the Shire take to developing an effective communication strategy that encourages ratepayers to have confidence to seek factual information from the Shire as its first point of call?

CEO: Let's go through the question that Mr Caratti asked earlier. We have commenced the process of reviewing our communications strategy to ensure we listen

well and communicate in a manner that keeps our community informed. There is a willingness to discuss legitimate concerns with any member of our community in a respectful professional manner and I am available to meet with any resident or residents group to discuss how we can make this an even better place to live. I am confident that in time we will arrive at a position that sees your Council and Shire being a high performing organisation and our district a great place in which to live and invest.

Mr Fisher: Is this matter subject to legal professional privilege? Has any Shire officer or Councillors other than those mentioned, that is ex CEO Mr Sheedy and Cr Scott, who are presumably the clients, had dealings with or been involved in discussions with the Shire's lawyers?

CEO: The short answer is yes. Administrative officers would have processed any accounts and kept any record required under law. I was given permission by the former CEO and the President to ask some questions of the lawyers so that I was able to answer a reasonable level of questions from the community.

The Presiding Member asked if there were any questions without notice. He advised that these questions may be taken on notice.

Mr David Clews, Capel: Who will be paying the ongoing legal costs?

CEO: I will try to answer the question. There is an assumption there will be ongoing legal costs. Concerns notices are aimed at having no further action and not having to go to court.

Mr Clews: If there is?

CEO: You are speculating if there will be. It is all subject to further discussions if further action happens. It is subject to a Council decision. I think you are being mischievous.

Mr Clews: You say sometimes we get it wrong and the best course of action is to work together, resolve issues and move forward. Of course, the Shire officers are expected to maintain professionalism at a higher level than people on Facebook.

CEO: I assume you are not talking about me.

Mr Clews: I am directing my question at Council.

CEO: You are talking about someone and you are making a statement. Yes, I am quite happy to make a telephone call and have a conversation. If we are talking about this situation, it is something that has happened and now it is subject to legal process.

Mr Clews: Is the Council able to veto Council?

CEO: Once it is initiated, it must go through.

Mr Clews: Mr Sheedy (we now know) instructed, initiated and approved the use of Shire funds for personal legal costs. President Scott voted to make payments to himself as fire chief. These actions are the very definition of corruption.

Presiding Member: I am going to rule that comment invalid.

Mr Clews: Can you imagine the headlines in newspapers let alone Facebook comments that would flow if these actions were made by State or Federal public officers? Will Council (move a) motion to drop this legal case? What is the precedent for this legal action?

CEO: I cannot answer the question because you are asking what is a precedent for the action. The policy says if our employees require legal advice an application can be made. Some individuals allegedly made defamatory comments. The statements were ruled defamatory according to legal advice, therefore it specified law. We do not have to talk about a precedent. It is unfortunate that this is a precedent and it would be better if it could now be dealt with in a reasonable way.

Ms Gillian Piirto: I also work for a government department. What is your code of conduct for employees engaging on social media?

CEO: There is a code of conduct for Council employees, as long as they are acting in good faith and do not reflect badly on the local government, that is, if the staff member has been on social media.

Ms Piirto: When Mr Sheedy commented on Facebook, was he representing the Shire as CEO or was he engaging as a private person? I want to know what capacity is right. Was he speaking as an employee?

CEO: I cannot answer something that goes to possible events. Which role was he filling? So, without you and me actually picking up the comments and relating it back to the legal advice, it is an unanswerable question. It goes back to people making the comments.

Ms Piirto: So he was representing the Shire?

CEO: The advice presented that the defamatory comments related and identified the CEO and President.

Ms Piirto: I find it mystifying that we are paying for defamatory comments. Did he engage as CEO, or as P Sheedy?

CEO: Quite clearly the legal advice related to the CEO and the President.

Ms Piirto: Was he private or was he working? What are your work hours?

CEO: I don't have set work hours; potentially I'm available 24 hours a day.

Ms Piirto: If you engage in the public, why should the ratepayers meet the cost of your actions on defamatory actions? As the new CEO, could you please not go down that path and comment on social media.

Mr Shane Opperman: One of the people who was given a concerns notice has been quite active in criticising the Council. Is there any history between (the Shire) and one of the people who received a concerns notice?

CEO: A number of comments were made by individuals. That has been given to a lawyer and they have been seen as defamatory comments. There is no conspiracy or position of Council or staff for that matter that we want to have an antagonistic relationship with our community. We want to involve you as much as we can with what happens.

Mr Opperman: How much have you put into the budget to tackle future defamation action?

CEO: I cannot answer that conclusively. We are concerned about our Facebook page, we are concerned about our website and we are concerned about the positive messages we put out to the community. We are trying to improve.

Mr Opperman: I am one of the people who received a concerns notice. I have no intentionWhat are you going to do?

Presiding Member: That is up to the person who brought the concerns notice.

CEO: The Shire will not have a role in the decision making.

Mr Opperman: Who will pay for filing the law suit in the Supreme Court which will be a further \$1,300?

CEO: The injured parties, the people who were named in the concerns notices.

Mr Clews: Did Council speak to the alleged offenders or their legal representatives before making their decision or were they only interested in their own members?

CEO: The only answer is that legal advice was presented. Council made a decision based on that advice.

Presiding Member: I think he has given the answer.

Mr Clews: Did Council speak to the alleged offenders or their legal representatives before they made their decision?

CEO: Sometimes if you put in an extra step and you talk to people you compromise the situation. Concerns notices, as we have already discussed, is the minimal way to address a legal situation.

Mr Clews: It seems like a very bullying action. Did Council speak to the alleged offenders or their legal representatives before making their decision?

Presiding Member: Mr Clews, that question has been answered and that is the answer you are getting.

Ms Leanne Hobbs-Turner: Did the Council consider mediation to be a financially more viable action other than pursuing their ratepayers with a legal action? A more community supported kind of situation, like asking for the comments to be taken down from the Facebook page immediately?

CEO: Paraphrasing what I said to Mr Clews, the timeline was that legal advice was presented that said these things had occurred. Legal advice recommended the issue of concerns notice. Council was asked to vote on that and they did that in support of concerns notices. I cannot say anything more because it was a closed meeting.

Ms Hobbs-Turner: If this is such a matter of such significance, it has created a lot of stress, if this was such a big deal for them, did the Councillors request the Facebook site that the comments or threads be taken down immediately? It is my understanding that the comments were left up. The situation could have changed if you had asked for the comments to be taken down. Even after the legal action no one asked for the comments to be taken down.

CEO: I have to take it as a comment because I am not in a position to answer as to why. It would be easy for me to say what I would do but I think you have made a reasonable comment. Some events took place and actions have then occurred. The purpose of the meeting is whether this means all money can be paid back or can we get value for the community as a whole. You have to also accept that we are all trying to do a job and we are trying to do it in good faith, what is in the past and what is subject to legal process, it is not something we can do anything about now.

Ms Hobbs-Turner: Even if those comments are not defamatory. It is more expensive.

CEO: We are going to be making value judgements about something that has been regarded as defamatory. What I am trying to advise is not passing judgement on the legal advice because I cannot. Professional advice was received that some things were actionable and the concerns notice was judged as the least expensive way to deal with that. All the other comments, I will take it as a comment, and speak to you after the meeting.

Ms Toniette Bridges: What time does the CEO start in the morning and when does his day end?

Presiding Member: That does not relate to this matter. We employ the CEO to do a job and run the Shire.

CEO: All reasonable work places set reasonable hours, say 38 to 40 hours a week. I make myself available whenever required. For example, the CEO position may mean that if an emergency happens outside of work hours, you deal with it.

Ms Bridges: Were the Shire President and Mr Sheedy offered counselling because they were so hurt by those comments?

Presiding Member: That question does not relate to the matter of this meeting.

CEO: Employees and Councillors are entitled to get counselling services.

Mr Geoff Willis: The whole thing was instigated by an employee who raised a purchase order for \$4,000. They went down the path of proving what did happen. My question is to the Shire: has the Shire Council changed their policy so that no employee can raise a purchase requisition when they are personally involved? When doing this, somebody else has to oversee them doing this process so it does not go down the path. Personally these two people have been hurt and their reputation, I can understand that. Other people do not understand that social media is open for everybody and it is subject to liability. I think Council could have avoided that if the retiring CEO spoke to the incoming CEO. Is the Council set to change these sorts of policies?

CEO: There has not been a specific discussion about that sort of scenario but there is an intention to make a review of policies.

Ms Kim Begley: I draw caricatures. Would I be sued if I did a caricature of anybody here? What will constitute defamatory? Would a caricature be defamatory? Is satire defamatory?

MOTIONS

Electors' Motion 1

Moved Ms K Andrew, Seconded Ms C Lovett

We wish to state that we have no confidence in Cr Scott as President of the Capel Shire and as such calls on Council to undertake a vote of no confidence to have Cr Scott removed as Shire President.

Vote: For 40 / Against 55
Motion Lost

VOTING REQUIREMENTS

Simple majority

Electors' Motion 2

Moved Ms K Andrew, Seconded Ms T Bridges

This meeting calls on Council to revoke its approval for funding of legal action over alleged defamation on Facebook and seek to recover the funds.

Vote: For 49 / Against 38
Motion Carried

VOTING REQUIREMENTS

Simple majority

Electors' Motion 3

Moved Ms G Piirto, Seconded Ms S Staniforth-Smith

That no further rate payers' money gets spent on legal costs in regards to this matter.

Vote: For: 53 / Against ~30
Motion Carried

VOTING REQUIREMENTS

Simple majority

Electors' Motion 4

Moved Mr P Harbour, Seconded Ms K Andrew

To reinstate section 7 (Policy 1.5 Statement 7 a, b and c) back into Policy 1.5, in its entirety.

Vote: For: 53 / Against ~30
Motion Carried

VOTING REQUIREMENTS

Simple majority

CLOSE OF MEETING

The meeting was declared closed at 6.15pm.