



**Special Council Meeting
18 October 2011**

Table of Contents

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	3
2. DECLARATION OF OFFICE OF COUNCILLORS	3
3. COUNCIL BUSINESS	3
3.1 Public Question Time (<i>in relation to Agenda items only</i>).....	3
3.2 Election of the Deputy Mayor.....	3
3.3 Committees of Council	5
3.4 Delegates from Council to External Organisations.....	8
4. CLOSURE	12

AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Chief Executive Officer

2. DECLARATION OF OFFICE OF COUNCILLORS

Jennifer Mathews, Director General, Department of Local Government to conduct Swearing-In Ceremony

3. COUNCIL BUSINESS

3.1 Public Question Time <i>(in relation to Agenda items only)</i>

3.2 Election of the Deputy Mayor

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/109
Date:	10 October 2011
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

This report outlines the statutory process for the election of the Deputy Mayor.

Background

At the first Council meeting held after the October 2011 Council election, the first item on the Agenda, is the election of the Deputy Mayor. This report outlines the process for electing the Deputy Mayor in accordance with Section 2.15 and Schedule 2.3 of the *Local Government Act 1995* (“the Act”).

Comment

Conduct of the Election

Under clause 7 of Schedule 2.3 of the Act, where the position of Mayor is not the subject of an election by the Council, the election of the Deputy Mayor is the first matter to be dealt with at the first meeting of Council after an Ordinary Election. The election can be conducted by the Chief Executive Officer if the Mayor is not present at the meeting, in accordance with the procedure prescribed.

Nominations

Nominations, in writing, are to be submitted to the person conducting the meeting either before the meeting or during the meeting before the close of nominations. Nominations close at the meeting at a time announced by the person conducting the election, which is a sufficient time after the opening of nominations to allow written nominations to be submitted. If a Councillor is nominated by another Councillor, then the Councillor nominated must consent to the nomination.

Ballot Papers

Once nominations have closed, the CEO prepares ballot papers in accordance with the prescribed form. The CEO must authenticate the ballot paper by initialling the back of the ballot paper. The order of names appearing on the ballot paper will be in alphabetical order.

The CEO may replace a ballot paper if the CEO is satisfied the ballot paper has been spoilt.

Voting

Councillor voting is conducted in secret and Councillors vote by placing a tick in the box opposite the name of the candidate whom the Councillor wishes to be elected. A Councillor must vote in secret and must mark the ballot paper in a manner that it cannot be seen by anyone else. The CEO may assist Councillors to mark their ballot papers if they require assistance. The completed ballot papers are returned to the CEO.

Counting of Votes

The CEO is to count the votes on the basis of 'first past the post' voting. If votes are tied then the matter is referred to a Special Council meeting to be held not more than 7 days later.

Declaration of the Election

The person conducting the election is to declare the result of the election. This declaration is to include the name of the candidates and the name and term of office of the candidate elected. The person conducting the election must also give local public notice of the result.

Records of the Election

The CEO must retain records of the election for a period of at least four years following the election.

Disputed Election

Any Councillor who is dissatisfied with the result or the way in which the election was conducted may lodge an invalidity complaint with the Court of Disputed Returns.

Consultation

Nil

Policy and Legislative Implications

This report has been prepared in accordance with the provisions of Clause 2.15 and schedule 2.3 of the *Local Government Act* which effect the manner in which the Deputy Mayoral election is to be conducted.

Financial Implications

Nil

Strategic Implications

The report aligns to Strategic Direction 6 of the Strategic Plan - *Governance – Ensure that the City's governance enables it to both respond to the community's vision and deliver on its service promises in a sustainable manner.*

Sustainability Implications

There are no sustainability implications for the City.

OFFICER RECOMMENDATION ITEM 3.2
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That the election of the Deputy Mayor proceed in accordance with the *Local Government Act*.

3.3 Committees of Council

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/108
Date:	10 October 2011
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

After each election, the Council must review the membership of each of its Committees. The purpose of this report is to recommend nomination of Council Members to sit on its internal Committees.

Background

The City currently has two committees of Council. These are the Audit and Governance Committee and the CEO Evaluation Committee.

Section 5.11 of the *Local Government Act* prescribes that the tenure of a committee member ends at the next ordinary election day. As 15 October 2011 was an ordinary election day, the tenure of all committee members has ended and the committees have effectively been disbanded. As a result, Council must review the committee membership.

The *Local Government Act* at section 5.10(4) provides that the Council must appoint the Mayor to each Committee if he informs the City of his wish to be a Member of a particular Committee. The committees then select the Chair.

Comment

The Audit and Governance Committee

This Committee was formed in 2004 to oversee the City's audit process and deal with a range of governance issues. The terms of reference (review/adopted February 2010) for the Audit and Governance Committee are:

That the Committee is responsible for providing guidance, assistance and oversight to the Council of the audit and review of the City's processes and performances in relation to:

- (a) *Annual Financial Audit;*
- (b) *City's Risk Management Framework;*
- (c) *Annual Statutory Compliance Audit;*
- (d) *Code of Conduct;*
- (e) *Access to Information;*
- (f) *Policy and Delegation Reviews;*
- (g) *Australian Business Excellence Framework; and*
- (h) *City's Local Laws.*

Section 7.1A of the *Local Government Act 1995* requires that each local government establish an audit committee consisting of at least 3 Members. The City's actions in establishing the Audit and Governance Committee in 2004 ensured the City was well prepared for this requirement.

The Committee meets on a needs basis during the year with the timing of each meeting coinciding with the conduct of a particular aspect of the City's audit and governance cycle. The membership of the committee has previously been determined by Council as the Mayor, and three Councillors, although Council is not bound by this. The CEO and relevant staff and advisors also attend the meeting to provide relevant information and advice.

The following are the current members of the Audit and Governance Committee:

Cr Doherty (Chair)

Mayor Best

Cr Cridland

Cr Lawrance

Cr Cala

Cr Grayden

Cr Skinner;

Cr Best

The Audit and Governance Committee has no delegated power and all recommendations made are referred to Council for decision.

The Council needs to appoint the membership of the Audit and Governance Committee for the two year period ending October 2013.

CEO Evaluation Committee

This Committee oversees the quarterly reviews of the CEO's performance and conducts annual performance reviews for the CEO.

The terms of reference (reviewed/adopted May 2010) of the CEO Evaluation Committee are to:

- (i) *To oversee Council's only staff function, that being the performance review and management of the Chief Executive Officer.*
- (ii) *At all times to act in the best interests of the City whilst ensuring the principles of natural justice and procedural fairness are met.*
- (iii) *To ensure the appropriate leadership is in place to allow the City's strategic planning processes to be realised through the setting of appropriate performance criteria.*
- (iv) *To ensure equity and transparency in all dealings with the Chief Executive Officer's performance outcomes and remuneration obligations are met.*
- (v) *To provide a safe forum for Council and the Chief Executive Officer to air any concerns or to discuss variances in any timelines that have been set as part of the performance criteria.*
- (vi) *To oversee the development of robust performance criteria that has a measurable return to the City.*
- (vii) *To set and oversee any changes in performance expectations for the review period*
- (viii) *To make recommendations to Council on all matters pertaining to the Chief Executive Officer Annual Review.*

The following are the current members of the CEO Evaluation Committee:

- Cr Travis Burrows (Chair)
- Mayor Best
- Cr Rob Grayden
- Cr Betty Skinner
- Cr Kevin Trent
- Cr Ian Hasleby
- Cr Best
- Cr Cala

The Committee meets on a needs basis during year. The CEO Evaluation Committee has no delegated power other than to progress the CEO's review and all recommendations made are referred to Council for decision.

Consultation

Nil

Policy and Legislative Implications

Establishment of Committees is in accordance with section 5.11 of the *Local Government Act 1995* which provides that the tenure of a committee member ceases at each ordinary election day.

Financial Implications

Nil

Strategic Implications

The report aligns to Strategic Direction 6 of the Strategic Plan - *Governance – Ensure that the City’s governance enables it to both respond to the community’s vision and deliver on its service promises in a sustainable manner.*

Sustainability Implications

There are no sustainability implications for the City.

OFFICER RECOMMENDATION ITEM 3.3
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That Council appoints Members and Deputy Members to the:

- (a) Audit and Governance Committee; and
- (b) the CEO Evaluation Committee.

3.4 Delegates from Council to External Organisations

Location: City of South Perth
 Applicant: Council
 File Ref: GO/109
 Date: 4 October 2011
 Author: Kay Russell, Executive Support Officer
 Reporting Officer: Chief Executive Officer

Summary

The Council is often invited to select a Member to be a Delegate from the City on a committee of an external organisation. The purpose of this report is to nominate Delegates to represent Council on several external organisations.

Background

A number of community, regional and statewide organisations regularly request that Council provide a member to be a Delegate and sit on a management or consultation committee of the external organisation. Where Council provides a delegate they may wish to nominate a deputy delegate to act in the absence of the delegate.

Council has previously provided Delegates to the following organisations:

ORGANISATIONS	DELEGATES
Rivers Regional Council (prev. SE Metro.Regional Council)	Two and a deputy
WALGA - South-East Metropolitan Zone	Two and a deputy
Perth Airport Municipalities Group	One and a deputy
Two Rivers Catchment Group (TRCG)	One and a Deputy
South East Regional Centre for Urban Landcare (S E R C U L)	One and a Deputy
Local Emergency Management Committee for Canning	One and a Deputy
Development Assessment Panel	Two and Deputies

Comment

Details of the external organisations previously provided with Delegates are provided hereunder:

Rivers Regional Council

The Rivers Regional Council (*previously South East Metropolitan Regional Council*) is a Regional Council formed under the *Local Government Act* where membership consists of the Cities of Armadale, Gosnells, Mandurah, South Perth and the Shires of Murray, Serpentine Jarrahdale and Waroona. Each member Council elects two Delegates to the Regional Council. The main purpose of the Council is to make decisions relating to strategic waste management issues and conduct research and investigations into future waste management options available to Member Councils.

The current Council representatives are Crs Cala and Trent with Cr Ozsdolay as the nominated Deputy Delegate (currently there is no provision for a formal deputy delegate). The director Infrastructure Services is the support officer. Meetings are held every two months and the City is entitled to nominate two members and a preferred deputy. The next Meeting of the Rivers Regional Council is scheduled to be held on Thursday 15 December 2011 at the City of Gosnells.

WALGA - South East Metropolitan Zone

The Western Australian Local Government Association (WALGA) is the single association for Local Governments in WA, representing the political and strategic interests of Local Government at State and Federal levels. The South East Metropolitan Zone Committee provides input to the West Australian Local Government Association State Council on issues relating to Local Government affecting members of the Local Government Association.

A paper providing information on WALGA, the role of State Councillors and what makes an effective State Councillor is at **Attachment 3.4**. Terms of office for elected representatives and deputy representatives will be two years.

The previous Council representatives were Mayor Best and Cr Trent with the CEO as the nominated Deputy Delegate. Meetings are held every two months on a Wednesday evening and the City is entitled to nominate two members and a deputy to the Zone Committee. The next meeting is scheduled for **Wednesday 30 November at the City of Canning**.

The WALGA South East Metropolitan Zone is comprised of representatives of the following Local Governments:

- City of Armadale
- City of Canning
- City of Gosnells
- Shire of Serpentine Jarrahdale
- City of South Perth
- Town of Victoria Park

Perth Airports Municipalities Group

The objectives of the PAMG are as follows:

- (a) To provide a forum of meaningful discussion on issues which affect the Perth International Airport and Jandakot Airport and their environs and to investigate, report and formulate recommendations in respect of matters affecting or likely to affect the development of these airports and to monitor their use and environmental impact on neighbouring communities.
- (b) To advise relevant State and Federal Ministers, State and Commonwealth Government departments, the Noise Management Committee, and Westralia Airports Corporation (WAC) and Jandakot Airport Holdings Pty Ltd (JAH) on issues of major concern affecting Airports and the surrounding communities.
- (c) To provide a medium for the expression of community views and a proper exchange of information with members of the community.
- (d) To consider all proposals affecting Airport development and operations before policy decisions are made and before changes are effected in relevant legislation and regulations.
- (e) To liaise with the Airport Emergency Procedures Committee where necessary on matters involving emergency co-ordination and rescue response.
- (f) To pursue active participation on the Australian Mayoral Aviation Council (AMAC) and such other bodies that may come into existence for the purpose of fostering participation in the development, use and impact of Airports.
- (g) To promote the benefits of Airports.

The PAMG's membership consists of 11 local government councils who are either directly or indirectly impacted by airports. The eleven local governments are the City of Armadale, Town of Bassendean, City of Bayswater, City of Belmont, City of Cockburn, City of Gosnells, Shire of Kalamunda, City of Melville, Shire of Mundaring, City of South Perth and City of Swan. The combined population of these 11 Councils is in excess of 700,000 residents, which is just under 50% of population of metropolitan Perth.

Meetings are held bi-monthly or as decided by the PAMG on a rotational basis at the members local government offices. The previous Council Delegate was Cr Burrows with Cr Hasleby as Deputy Delegate. The next meeting of this Committee is scheduled for Thursday 15 December 2011 at the City of Swan.

South East Regional Centre for Urban Landcare (SERCUL)

SERCUL is a sub-region of the Perth Natural Resource Management Organisation whose allocated region covers 12 local authorities. SERCUL is a 'not for profit' organisation and operates from an office at 69 Horley Road, Beckenham. The organisation currently has 8 full time staff and 4 part time staff working with Commonwealth, State and Local Governments to implement a wide range of NRM projects including community education.

As a member of the organisation Council will have the opportunities to:

- Gain first hand knowledge of projects being offered and occurring;
- Network with NRM officers, community, local and State Government officers involved with NRM; and
- Put forward requests for information or presentations on NRM topics or issues of interest to the City of South Perth.

The SERCUL Committee meets at 9.00am to 12 noon four times a year on the second Thursday of the month. Meetings are held at member local government offices on a rotating basis. The previous Council Delegate was Cr Best with Cr Ozsdolay as the Deputy Delegate.

Two Rivers Catchment Group (TRCG)

Two Rivers Catchment Group operates over a large area from Kalamunda through Belmont and to the Canning Plains area on the northern side of the Canning River. The Group is an integrated catchment body that allows the community to protect and preserve natural environments.

Meetings are held every two months on a Wednesday from 7pm on a rotational basis at the members local government offices. The previous Council Delegate was Cr Ozsdolay with Cr Best as the Deputy Delegate.

Local Emergency Management Committee for Canning

In 2005 with the introduction of the *Emergency Management Act* provision was made to combine Local Emergency Management Committees. The Local Emergency Management Committee for Canning (LEMC) comprises the Cities of Canning and South Perth and represents the interests of both local governments.

The Emergency Management Structure in accordance with the *Emergency Management Act 2005* is as follows:

1. **State Emergency Management Committee**
 - Authorises regulations.
 - Appoints SEMC members.
 - May declare "State of Emergency".
 - Determines emergency management districts under the Act.

2. **District Emergency Management Committee**
 - Provide advice and support to the district emergency management committee for the district in the development and maintenance of emergency management arrangements for its district.
 - To carry out other emergency management functions in accordance with the directions of the State Emergency Coordinator.
3. **Local Emergency Management Committee**
 - Develop and implement local emergency management arrangements.
 - To manage recovery following an emergency affecting the community in its district.
 - To perform other functions given to the local government under the Act.
4. **State Emergency Service**
 - Provides on-ground response to local emergencies.
 - Provides rescue volunteer support and resources to hazard management agencies.
 - Co-ordinates volunteers providing training and resources in preparedness of emergencies.
 - Maintains rescue equipment in fully functional condition in preparedness of emergencies.

The committee meets quarterly and meetings are held at Canning and South Perth local government offices on a rotating basis. The previous Council Delegate was Cr Lawrance with Cr Best as Deputy Delegate.

Development Assessment Panel (DAP)

Development Assessment Panels (DAPs) commenced operation in July 2011. Under DAP Regulation 26, each Local Government is required to nominate two DAP members and 2 alternate DAP members to the Department of Planning. DAPs are panels comprising a mix of technical experts and local government representatives with the power to determine applications for development approvals in place of the relevant decision-making authority.

The City of South Perth is within a Joint Development Assessment Panel (JDAP) along with the local governments of Bassendean, Bayswater, Belmont, Canning, Melville and Victoria Park. Two local government representatives are required from each local government included in the JDAP.

At the April 2011 Council meeting (held 3 May) Crs Cala and Cridland were appointed as the City's Members on the Development Assessment Panel and Crs Skinner and Trent as the Alternate Members. The Minister appointed all nominees for a two-year term, expiring on 26 April 2013.

The current Members of the DAP are not affected by the 15 October 2011 Local Government Elections and as such will continue as the City's representatives on the Development Assessment Panel until 26 April 2011.

Consultation

Council decision required to nominate Members to external groups/boards/committees.

Policy Implications

Consistent with Policy P670 'Delegates from Council'

Financial Implications

Minor representation costs.

Strategic Implications

The report aligns to Strategic Direction 6 of the Strategic Plan - *Governance – Ensure that the City’s governance enables it to both respond to the community’s vision and deliver on its service promises in a sustainable manner.*

Sustainability Implications

There are no sustainability implications for the City.

OFFICER RECOMMENDATION ITEM 3.4
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That Council provide the following organisations with the identified number of Elected Member Delegates for the two year period ending October 2013:

- | | |
|---|------------------|
| • Rivers Regional Council | Two and a deputy |
| • WALGA - South-East Metropolitan Zone | Two and a deputy |
| • South East District Planning Committee | One and a deputy |
| • Perth Airport Municipalities Group | One and a deputy |
| • South East Regional Centre for Urban Landcare (S E R C U L) | One and a deputy |
| • Two Rivers Catchment Group (TRCG) | One and a deputy |
| • Local Emergency Management Committee for Canning | One and a deputy |

4. CLOSURE