

AGENDA.

Special Council Meeting

31 March 2026

Notice of Meeting

Mayor and Councillors

The next Special Council Meeting of the City of South Perth Council will be held on Tuesday 31 March 2026 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.

The purpose of the meeting is:

To consider a motion to revoke Council Resolution 0326/061 adopted at the Ordinary Council Meeting held on 24 March 2026 (Item 14).



ANITA AMPRIMO
ACTING CHIEF EXECUTIVE OFFICER

27 March 2026

Acknowledgement of Country

Kaartdjinin Nidja Nyungar Whadjuk Boodjar Koora Nidja Djining Noonakoort kaartdijin wangkiny, maam, gnarnk and boordier Nidja Whadjuk kura kura.

We acknowledge and pay our respects to the traditional custodians of this land, the Whadjuk people of the Noongar nation and their Elders past and present.

Our Guiding Values



Disclaimer

Members of the public are cautioned against taking any action as a result of a Council decision until such time as they have seen a copy of the Minutes or been advised, in writing, by the Council's Administration with regard to any particular decision.

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Special Council Meeting - Agenda

1. **DECLARATION OF OPENING**
2. **ANNOUNCEMENTS FROM THE PRESIDING MEMBER**
3. **ATTENDANCE**
 - 3.1 **APOLOGIES**
 - 3.2 **APPROVED LEAVE OF ABSENCE**
Nil.
4. **DECLARATION OF INTERESTS**
5. **PUBLIC QUESTION TIME**

In accordance with Regulation 7 of the Local Government (Administration) Regulations 1996 all questions asked at this meeting must relate to the purpose of the meeting.

6. REPORTS

6.0 STRATEGIC DIRECTION 4: LEADERSHIP

6.0.1 Revocation - Councillor Tim Houweling - Item 14 - New Business of an Urgent Nature

File Ref: D-26-7548

Reporting Officer(s): Anita Amprimo, Acting Chief Executive Officer

Summary

This report is to consider a motion submitted by Councillor Tim Houweling (and supported by two additional Councillors) to revoke Council Resolution Number 0326/061 considered by Council at its meeting held 24 March 2026.

Revocation Motion

That the motion resolved at the Ordinary Council Meeting held 24 March 2026 which reads:

“COUNCIL DECISION 0326/061

Moved: Mayor Greg Milner

Seconded: Councillor Stephen Russell

That Council requests the Chief Executive Officer to:

1. *Discontinue all work on the Psychosocial Risk Assessment described in the email from the Chief Executive Officer to Councillors dated 23 March 2026.*
2. *Convene a workshop inviting:*
 - (a) *the Chief Executive Officer;*
 - (b) *Councillors;*
 - (c) *the two external expert members of the City’s Audit, Risk and Improvement Committee; and*
 - (d) *the Local Government Monitor (**Monitor**),*

to discuss:

 - (e) *the proper scope of works for a formal assessment of workplace conditions, culture and psychological health and safety (**Workplace Assessment**); and*
 - (f) *the appropriate timing of the Workplace Assessment, given that the Monitor is currently anticipated to:*
 - (i) *assist in the development of an Action Plan setting out any necessary governance and/or relationship improvements (**Action Plan**); and*
 - (ii) *provide a report (**Monitor Report**) to the Local Government Inspector by 29 April 2026.*

3. *Following the above workshop, present a confidential Item at the next Audit, Risk and Improvement Committee (ARI Committee) meeting, proposing the scope of works for the Workplace Assessment and outlining the process by which Council will appoint the external body that performs the Workplace Assessment (External Body).*
4. *Following the above ARI Committee meeting, present the ARI Committee's recommendation to Council as a confidential Item for decision.*

CARRIED (5/3)

For: *Mayor Greg Milner, Councillors André Brender-A-Brandis, Kathy Lees, Jacqueline Raison and Stephen Russell.*

Against: *Councillors Blake D'Souza, Tim Houweling and Hayley Prendiville.*

be revoked and replaced with:

That Council:

1. Accept that the matters raised and within its knowledge are of sufficient seriousness to warrant independent consideration.
2. Request the Acting Chief Executive Officer to progress the report on psychosocial affects on the Local Government by Azuhr, and obtain and present to Council, as soon as practicable a report in respect to:
 - a) The intra-council work environment (how elected members function together);
 - b) The Council-Leadership work environment (interactions between elected members and City leaders); and
 - c) The Council-Administration work environment (interactions between elected members and non-leadership) employees in Council-facing roles.
3. Ensure that any such review is progressed with urgency, with an interim report on progress to be provided within 28 days.
4. Ensure that no Officer or Council member affect, impact, interfere with the independence of the consultant, or the terms of reference and instructions, and that the consultant do make a declaration to the effect;
5. That no Council member at any time contact or speak to the Consultant, except at the request of the Consultant for the purpose of undertaking the report, but only if asked by the Consultant; and
6. That the Acting CEO do instruct Azuhr in writing, and that all such communication with the Consultant be appended to any report.
7. That the Report be presented for Council and identify any proposed response to any action items identified by Azuhr.

Absolute Majority Required

Background

At its meeting held 24 March 2026, Council considered an Item 14 – New Business of an Urgent Nature received from Mayor Greg Milner. The revocation motion submitted by Councillor Tim Houweling (in accordance with City of South Perth Standing Orders Local Law 2007) is supported by Councillor Bronwyn Waugh and Councillor Hayley Prendiville.

Reason for Revocation (provided by Councillor Tim Houweling)

The direction to the Chief Executive Officer (CEO) is inappropriate and extends to operational matters. Not to proceed with the appointment of Azuhr in the present circumstances is not appropriate given we are aware of the circumstances raised by the CEO relating to workplace environment, governance, and organisational culture, and to determine whether further action, including an organisational review, ought to be undertaken.

URGENCY AND JUSTIFICATION

The requisition is made on the basis that:

- Serious allegations have been raised which engage Council's obligations to ensure a safe working environment and proper governance oversight;
- Council must act reasonably, in good faith, and in the best interests of the local government as a whole; and
- Delay in reconsidering the relevant resolution risks undermining both staff welfare and public confidence in the governance of the organisation.

It could also adversely reflect on any claim or prosecution by Work Safe brought against the City in pro-active steps are not taken.

Under Work Health and Safety (WHS) legislation, neither the local government council nor individual elected members are considered a "Person Conducting a Business or Undertaking" (PCBU), and councillors are explicitly excluded from the definition of an "officer".

The Strategic Role of the Council

The Council's role in health and safety is strategic rather than operational. However, because Council decisions can have WHS implications for workers and others at the workplace, the Council must have an understanding of the risks within the local government's control and how their decisions impact health and safety.

Elected members play an important role in supporting the officers of the PCBU, such as the CEO and directors, to comply with their WHS responsibilities, but can never assume responsibility for those roles, the reality is if they do they act in the position as if they are responsible, this exceeds authority and could place persons so acting as taking upon themselves the responsibility.

Individual Responsibilities of Councillors

Individually, Councillors are classified as "other persons at the workplace" under Section 29 of the WHS Act. Under this classification, their legal obligations include:

- Taking reasonable care for their own health and safety.
- Taking reasonable care that their acts or omissions do not adversely affect the health and safety of other persons.

6.0.1 Revocation - Councillor Tim Houweling - Item 14 - New Business of an Urgent Nature

- Complying, so far as they are reasonably able, with any reasonable instruction provided by the local government (the PCBU) to enable its compliance with the WHS Act and regulations.

Councillors must comply with these duties while at the workplace, which includes participating in decision-making (such as debating and voting), attending Council meetings, and interacting with the administration.

WORKPLACE CULTURE AND PSYCHOSOCIAL HAZARDS

A Councillor's WHS duties intersect with their obligations under the *Local Government Act 1995*, which requires them to facilitate good working relationships and support a workplace culture that promotes fair and respectful treatment. Psychosocial health and safety issues where persons are going on leave citing circumstances relevant to psychosocial safety has expressly been brought to the Council's Notice.

On 25 March, the monitor informed Council that there were various staff on leave who have cited psychosocial risks. Psychosocial risks concern all members of Council, and we are aware in one instance of psychosocial harm being cited in an email to all Council Members.

Comment

Following the resolution passed by Council at its meeting held 24 March 2026, the City received a revocation motion from Councillor Tim Houweling on the 25 March 2026.

A person conducting a business or undertaking (PCBU) is the term given to a person conducting a business or undertaking, alone or with others, whether for not for profit or gain. PCBUs have a primary duty of care to ensure the health and safety of their workers while they are at work. In this context, workers are people engaged by the PCBU and whose activities in carrying out the work are influenced or directed by the PCBU.

The local government (City of South Perth) has the duties of a PCBU. The local government Council are not the PCBU under the *Work Health and Safety Act 2020*, and the local government Chief Executive Officer (CEO) has the duties of a worker and an officer for the purposes of the legislation.

Local government Councillors must comply, so far as they are reasonably able, with any reasonable instruction provided by the local government (the PCBU) to enable its compliance with the WHS Act and *Work Health and Safety (General) Regulations 2022*.

As a PCBU, the local government has a duty to eliminate psychosocial risks so far as is reasonably practicable. If it is not reasonably practicable to eliminate psychosocial risks, the local government must minimise the risks so far as is reasonably practicable.

Notwithstanding part 1 of Council Decision 0326/061 which sought to request the Chief Executive Officer discontinue all work on the Psychosocial Risk Assessment described in the email from the Chief Executive Officer to Councillors dated 23 March 2026, the CEO has the ability to so far as is reasonably practicable, ensure health and safety for its workers by eliminating risks to health and safety. This can include monitoring the health of workers and the condition of the workplace to prevent injury or illness, including psychosocial hazards.

The City considers that it is the role of the CEO to determine if any risk assessment is required and the relevant scope. The CEO intends to undertake this body of work and can present any advice or recommendation to Council.

Consultation

Nil.

Policy and Legislative Implications

Revoking or changing decisions made at Council Meetings is dealt with under Section 5.25(1)(e) of the *Local Government Act 1995*, Regulation 10 of the Local Government (Administration) Regulations 1996 and Part 16 of the City of South Perth Standing Orders Local Law 2007.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Medium
Mitigation and actions	Ensure the City appropriately responds to public and media enquires and adheres to WHS obligations.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Leadership
Aspiration:	A local government that is receptive and proactive in meeting the needs of our community
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

Attachments

Nil.

7. CLOSURE

