



To: His Worship the Mayor and Councillors

Please be advised that a Special Council Meeting will be held at 6.30pm on Monday 17 October 2011 in the Council Chambers, Administration Centre, 99 Shepperton Road, Victoria Park.

PLEASE BE ADVISED THAT A MEAL WILL NOT BE PROVIDED PRIOR TO THE MEETING. HOWEVER LIGHT REFRESHMENTS WILL BE AVAILABLE AFTER THE MEETING.

A handwritten signature in black ink, appearing to read "Kyron", is positioned above the name of the Chief Executive Officer.

**ATHANASIOS (ARTHUR) KYRON
CHIEF EXECUTIVE OFFICER**

11 October 2011

**AGENDA
Special Council Meeting
17 October 2011**

**AGENDA – SPECIAL COUNCIL MEETING
MONDAY 17 OCTOBER 2011**

Special Council Meeting
Council Chambers, 99 Shepperton Road, Victoria Park
Tuesday, 17 October 2011
6.30pm

Prior to the formal commencement of the meeting the following preliminary procedures will be conducted, in order:

- *The Chief Executive Officer to conduct the Swearing In and Declaration of Office of the newly elected Mayor.*
- *The Chief Executive Officer will allocate the seating positions in the Council Chambers in accordance with the Town’s Standing Orders.*
- *As names for the position are drawn, the Mayor will conduct the declaration of office of the newly elected Councillors prior to them assuming their allocated seating position.*

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1. OPENING AND PRAYER

Almighty God, under whose providence we hold responsibility for this Town, grant us wisdom to understand its present needs, foresight to anticipate its future growth and grace to serve our fellow citizens with integrity and selfless devotion.

And to Thee, be all blessing and glory forever.

AMEN

Acknowledgement of Country (by Mayor)

I would like to show my respect and acknowledge the traditional custodians of the land on which this meeting takes place, the Nyoongar people.

2. ATTENDANCE AND APOLOGIES

Attendance:

Mayor: Mayor-elect Mr T (Trevor) Vaughan (*elected unopposed*)

Banksia Ward: Cr-elect C (Claire) Anderson (*elected unopposed*)
Cr-elect J (John) Bissett (*elected unopposed*)
Cr K (Keith) Hayes
Cr R (Rowena) Skinner

Jarrah Ward: Cr D (David) Ashton
Cr-elect D V (Vin) Nairn (*elected unopposed*)
Cr-elect V (Vicki) Potter (*elected unopposed*)
Cr A (Adam) Vilaca

Chief Executive Officer: Mr Athanasios (Arthur) Kyron

Directors: Mr Brian Callander
Ms R (Rochelle) Lavery
Mr A (Anthony) Vuleta

Secretary: Kathleen Highfield

Public:

Apologies:

3. ELECTION OF DEPUTY MAYOR

The Mayor is to conduct an election in accordance with the Local Government Act and Regulations. ***(Nominations to be submitted in writing to the Chief Executive Officer no later than 6.15pm on 17 October 2011 – refer to nomination form [see page 17] attached. The nominator is to complete his or her details and the nomination must be accepted by the Elected Member being nominated.)***

The role of the Deputy Mayor is to perform the functions of the Mayor when authorised to do so, that is when the office of Mayor is vacant or the Mayor is not available or is unwilling to perform the functions of the Mayor.

The office of Deputy Mayor is to be filled as the first matter dealt with at the first meeting of the Council after an ordinary election. Upon election of the Deputy Mayor, there is a requirement for the incumbent to make a further declaration for that office.

How the Deputy Mayor is elected:

- 1 The Council is to elect a Councillor (other than the Mayor) to fill the office;
- 2 The election is to be conducted in accordance with the procedure prescribed by the Mayor, or if he or she is not present, by the CEO;
- 3 Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- 3(a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with;
- 4 If a Councillor is nominated by another Councillor, the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office;
- 5 The Council members are to vote on the matter by secret ballot as if they were electors voting at an election;
- 6 Subject to Clause 9(1) of Schedule 2.3 of the Local Government Act 1995, the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 of the Local Government Act 1995, as if those votes were votes cast at an election;
- 7 As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

4. DECLARATION OF MEMBERS' INTEREST

Declarations of interest are to be made in writing prior to the commencement of the Meeting, (a form to assist Elected Members and Staff is attached at the end of this Agenda).

Disclosure of Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

Name/Position	
Item No/Subject	
Nature of Interest	
Extent of Interest	

Disclosure of Interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

Name/Position	
Item No/Subject	
Nature of Interest	
Extent of Interest	

5. PUBLIC QUESTION TIME (*items relating on this agenda only*)

6 Appointment – Elected Members Briefing Session Committee

File Ref:	ADM0027	In Brief <ul style="list-style-type: none">▪ The Council needs to re-appoint the Elected Members to the EMBS to provide a forum to facilitate questions and presentations of reports being presented to the next Council meeting.▪ It is recommended that all Elected Members be re-appointed to the EMBS.
Appendices:	No	
DA/BA Ref:	N/A	
Date:	6 October 2011	
Reporting Officer:	Russ Fishwick	
Responsible Officer:	Arthur Kyron	

BACKGROUND:

The Council has established the Elected Member Briefing Session (EMBS) as a Committee of the whole Council to inform Elected Members of relevant and material facts and circumstances pertaining to matters to be decided at a forthcoming Ordinary Council meeting.

It is customary to appoint all Elected Members to this Committee at the Special Meeting of the Council following an Ordinary Election.

DETAILS:

The *Local Government Act 1995* (the Act) stipulates that membership of a Council Committee ceases at the time of an ordinary election. All positions on the EMBS are therefore currently vacant and new appointments need to be made.

Any appointments made by Council to a Committees continues until the next ordinary election day in October 2013 unless, in the intervening period:

- an elected member no longer holds office;
- an elected member resigns, or
- the committee is disbanded.

At the commencement of the first meeting of the EMBS after an Ordinary Election, the first item of business is the election of a presiding member and, if considered necessary or desirable, a deputy presiding member. Both these positions are elected from all the members then present, the quorum being at 50% of the appointed membership. All members of the EMBS are entitled to vote.

It is however customary and protocol that the Mayor be appointed as the Presiding Member and the Deputy Mayor as the Deputy Presiding Member.

Purpose of Elected Members Briefing Session (EMBS)

The EMBS is a constituted Committee of the Council in accordance with Section 5.8 of the *Local Government Act 1995*. The function of the EMBS is to inform Elected Members of relevant and material facts and circumstances pertaining to matters to be decided at a forthcoming Ordinary Council meeting.

The EMBS:

1. Has no delegated power to make decisions;
2. Does not make recommendations about the adoption of reports of employees or others to the forthcoming Ordinary Council meeting;
3. Will involve Elected Members, staff, and external advisors (where appropriate) and will be open to the public; and
4. Provides an opportunity for Elected Members to be equally informed and seek additional information on reports, items and matters prior to them being presented to the forthcoming Ordinary Council meeting for formal consideration and decision.

Procedures for EMBS

A meeting of the EMBS will be conducted in accordance with the Standing Orders Local Law. The following procedures will also apply:

1. The EMBS will be open to the public except for matters of a confidential nature. The guide for determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
2. There is no debate amongst Elected Members on any matters raised during the EMBS.
3. Relevant employees of the Town will be available to make a presentation or respond to questions on matters listed on the agenda of the EMBS.
4. Elected Members have the opportunity to request reports or raise other matters at item; *VIII General Business* on the EMBS Agenda.
5. A record (brief minutes) shall be kept of all EMBS meetings. As no decisions are made at an EMBS, the record will only be a record of;
 - 5.1 items listed on the agenda by heading and number;
 - 5.2 questions asked and the response provided; and
 - 5.3 any disclosure of interest as declared by individuals.
6. Persons having an interest in or knowledge of matters to be decided by the Council may be invited by the Chief Executive Officer to address an EMBS. Such persons making an address will be limited to 15 minutes. An address must relate to matters listed on the Agenda.

Legal Compliance:

Section 5.8 of the *Local Government Act 1995* (the Act) states that:

“A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.”

** Absolute majority required.*

Section 5.9 of the Act stipulates the types of committees that the Council may establish and who may be appointed.

The Council therefore has the power under the Act to appoint a Committee of the whole Council. In this case being the Elected Members Briefing Session which has no delegated powers and its purpose has been addressed in the ‘Details’ section of this report.

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:

Nil

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENTS:

The continuance of the EMBS Committee is required to enable Elected Members to be briefed about reports that are being presented to the next meeting of the Council at least until the proposed new Standing Orders Local Law is promulgated. It also provides the Administration with an opportunity to present a report and for Elected Members to ask questions.

RESPONSIBLE OFFICER RECOMMENDATION

1. In accordance with Section 5.8 of the *Local Government Act 1995*, the Elected Members Briefing Session be re-establish as a Committee of the Council;
2. In accordance with Section 5.9 of the *Local Government Act 1995*, His Worship the Mayor, Councillors Anderson, Ashton, Bissett, Hayes, Nairn, Potter, Skinner and Vilaca be appointed as Members of the Elected Members Briefing Session Committee.

(Absolute Majority Required)

7 Appointments to Regional Councils and other Outside Organisations

File Ref:	ADM0027	In Brief
Appendices:	No	
DA/BA Ref:	N/A	
Date:	6 October 2011	
Reporting Officer:	Russ Fishwick	
Responsible Officer:	Arthur Kyron	

▪ The Council needs to appoint Elected Members to the Regional Councils and other outside organisations.
 ▪ It is recommended that Council gives consideration to making these appointments particularly the Regional Councils.

BACKGROUND:

The Mindarie and Tamala Park Regional Councils comprise seven member Local Governments being the Cities of Joondalup, Perth, Stirling Vincent and Wanneroo, and the Towns of Cambridge and Victoria Park. The Town has a one twelfth share in both Regional Councils which entitle it to be represented by one Elected Member on each of these two Councils.

It also has representation on the Mindarie Regional Council's Technical Committee which is a meeting of the seven member Councils senior engineering technical officers. The Town has therefore being represented by the Director of Renew Life.

The Town is also represented on the following outside organisations:

- Development Assessment Panel;
- Swan River Trust;
- WA Local Government Association (WALGA) – South-East Zone;
- Harold Hawthorne Senior Citizens Centre Board of Management;
- Metropolitan Regional Road Sub-Group;
- Two Rivers Catchment Group;
- Gurney VC RSL & Community Centre Management Committee;
- Kensington Police & Citizen Youth Club Committee;
- Burswood Park Board;
- SERCUL - South East Regional Centre for Urban Land Care.

After each Ordinary Election all previous appointments on the Regional Councils cease and the Council is required to consider new or reappointments of Elected Members for a further period of two years until the next Ordinary Election on 19 October 2013. It is also customary to consider new appointments or reappointments to outside bodies and organisations immediately following the elections.

DETAILS:

No special procedures apply for membership to an outside or statutory body. The Town’s Administration will write to the organisation advising which persons have been appointed as primary and deputy delegates, where appropriate. Where the primary delegate is unable to attend a scheduled meeting, he or she should inform the deputy (if any) as early as possible to enable the deputy to attend in his or her place.

In particular, there is some urgency required with the appointment of an Elected Member to represent the Council on the Mindarie Regional Council (MRC) due to the need to convene meetings of its Committees dealing with the Process Review of its operations and the appointment of a new Chief Executive Officer. If appointments are not made by its seven Member Local Governments there is no elected body in place to re-appoint committees or convene a special meeting should an emergency arise.

Any appointments made by Council to a Regional Council or outside organisation continues until the next ordinary election day in October 2013 unless, in the intervening period:

- an elected member no longer holds office;
- an elected member resigns, or
- the organisation is disbanded.

The Regional Councils purpose with a brief description and overview of their role and the Town’s current representation is shown below:

Regional Council	Brief description/overview	Primary	Deputy	Officer
Mindarie	An independent Regional Council from 7 member councils (Cambridge, Joondalup, Perth, Stirling, Victoria Park, Vincent and Wanneroo) established to run the waste disposal, recycling facility at Tamala Park and the Resource Recovery Facility at Neerabup on land owned by the member councils. Meets every second month and as required.	Previous: Cr Bissett	No previous deputy	Observer Director Renew Life
Mindarie Regional Council -Technical Committee	Committees of officers of the member councils that provide technical and professional advice to the MRC Meets as required	N/A	N/A	Director Renew Life

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<p>Tamala Park Regional Council</p>	<p>An independent Regional Council from the 7 member councils (Cambridge, Joondalup, Perth, Stirling, Victoria Park, Vincent and Wanneroo) established to develop (i.e. subdivide) the land surplus to waste disposal operations.</p> <p>Meets every second month.</p>	<p>Previous: the Mayor</p>	<p>No previous deputy</p>	<p>Observer CEO</p>
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The other organisations that request / require representation from the Town, with a brief description and overview of their role and also naming the Town's current representation, is shown below:

Organisation	Brief description/overview	Primary	Deputy	Officer
<p>Development Assessment Panel (DAP)</p>	<p>Comprises two elected members representatives and two elected members as deputies to be appointed to the DAP</p> <p>The DAP meets as required.</p>	<p><u>Previous:</u> Cr Ashton Cr Bissett</p>	<p><u>Previous</u> Cr Hayes Cr Skinner</p>	<p><u>Observer</u> Director Future and Built Life or her nominee</p>
<p>Swan River Trust</p>	<p>The Trust invites an elected member and officer to the meeting whenever an application by the Town is being considered. (Rare event)</p>	<p><u>Previous:</u> Cr Hayes</p>	<p>N/A</p>	<p><u>Observer</u> Officer at CEO discretion</p>
<p>WA Local Government Association (WALGA) – South-East Zone</p>	<p>2 delegates from each of the councils comprising the south-east zone (i.e. Serpentine-Jarrahdale, Armadale, Gosnells, Canning, Victoria Park and South Perth) meet every 2 months to discuss LG issues of the region and matters listed for consideration by WALGA's State Council)</p>	<p><u>Previous:</u> Cr Ashton Cr Bissett</p>	<p><u>Previous:</u> CEO (non-voting)</p>	<p>NA</p>
<p>Harold Hawthorne Senior Citizens Centre Board of Management</p>	<p>2 Elected members have, under their Constitution, seats on the Board. Meets, at the CSC centre. Meets monthly</p>	<p><u>Previous:</u> The Mayor Cr Hayes</p>	<p>No previous deputy</p>	<p>NA</p>
<p>Metropolitan Regional Road Sub-Group</p>	<p>Determines and considers road funding priorities for the SE Region for submission to Main Roads WA for funding (1 or 2 meetings per year, at most)</p>	<p><u>Previous:</u> The Mayor</p>	<p>No previous deputy</p>	<p><u>Observer</u> Director Renew Life</p>
<p>Two Rivers Catchment Group</p>	<p>Meets monthly</p>	<p><u>Previous:</u> Cr Skinner</p>	<p>No previous deputy</p>	<p><u>Observer</u> Environmental Officer</p>

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Gurney VC RSL & Community Centre Management Committee	Committee manages the Centre. Meets monthly	<u>Previous:</u> Cr Bissett	<u>Previous:</u> Cr Nairn	N/A
Kensington Police & Citizen Youth Club Committee	Tries to meet every second month	<u>Previous:</u> Cr Vilaca	No previous deputy	N/A
Burswood Park Board	Government appointed Board that manages all Reserve land north of Great Eastern Highway and the railway, from the Causeway to Windan Bridge.	<u>Previous:</u> Cr Nairn	N/A	N/A
SERCUL - South East Regional Centre for Urban Land Care	Meets 4 times per year 9am to noon on 2 nd Thurs of each month. SERCUL requests either a Councillor or officer to be a member.	N/A	N/A	<u>Previous</u> Environmental Officer

Legal Compliance:

Nil

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:

Nil

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENTS:

The *Local Government Act 1995* (the Act) stipulates that membership of the Regional Councils ceases at the time of an ordinary election. It has also been customary to review the Town's representation on the other outside organisations due to a possible change in the line-up of its Elected Members due to the election or a change in circumstances and also interest shown by other Elected Members wanting an opportunity to represent the Town on a particular organisation or board.

The Council is requested to give consideration to appointing representatives to the Regional Councils and the other organisations shown in the above tables.

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

- 1. Appoints _____ to represent the Town on the Mindarie Regional Council until 19 October 2013;**
- 2. Appoints _____ to represent the Town on the Tamala Park Regional Council until 19 October 2013;**
- 3. Appoints the Director Renew Life to represent the Town on the Mindarie Regional Council Technical Committee until 19 October 2013;**
- 4. Appoints _____ and _____ to represent the Town on the Development Assessment Panel until 19 October 2013 and appoints _____ and _____ as the Deputy Members to represent the Town on the Development Assessment Panel until 19 October 2013;**
- 5. Appoints _____ to represent the Town on the Swan River Trust until 19 October 2013;**
- 6. Appoints _____ and _____ to represent the Town on the Western Australian Local Government Association (WALGA) South-East Zone until 19 October 2013 and appoints the CEO as a non-voting Deputy Member until 19 October 2013;**
- 7. Appoints _____ and _____ to represent the Town on the Harold Hawthorne Senior Citizens Centre Board of Management until 19 October 2013;**
- 8. Appoints _____ to represent the Town on the Metropolitan Regional Road Sub-Group until 19 October 2013;**

9. Appoints _____ to represent the Town on the Two Rivers Catchment Group until 19 October 2013;
10. Appoints _____ to represent the Town on the Gurney VC RSL & Community Centre Management Committee until 19 October 2013;
11. Appoints _____ to represent the Town on the Kensington Police & Citizen Youth Club Committee until 19 October 2013;
12. Appoints _____ to represent the Town on the Burswood Park Board until 19 October 2013;
13. Appoints the Environmental Officer to represent the Town on the South East Regional Centre for Urban Land Care (SERCUL) until 19 October 2013.

8 CLOSURE



DEPUTY MAYOR – NOMINATION & NOMINATION ACCEPTANCE FORM

To His Worship The Mayor

Dear Mr Mayor

In accordance with Section 2.15 and Schedule 2.3, Division 2. of the *Local Government Act 1995* I hereby nominate;

..... for the position of **Deputy Mayor** of the Town
(Print name of nominee)
of Victoria Park for the period 17 October 2011 to 19 October 2013.

(Insert nominator's name).....
(Print name of nominator)

(signature).....Date:2011
(Signature of nominator)

ACCEPTANCE

I accept this nomination for the office of **Deputy Mayor** for the Town of Victoria Park

(Insert nominee's name).....
(Print name of nominee)

(signature).....Date:2011
(Signature of nominee)

RECEIVED

(signature).....Date: 17 October 2011

**TREVOR VAUGHAN
MAYOR**



Town of Victoria Park

DECLARATION OF

FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

To: **CHIEF EXECUTIVE OFFICER**

TOWN OF VICTORIA PARK

Name & Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest* Interest that may affect impartiality* *Delete where not applicable
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or*
- (b) at the meeting immediately before the matter is discussed.”*