

Swearing in of Elected Members following Local Government Elections on 15 October 2011

Prior to the formal commencement of the meeting the following swearing in procedures were conducted, in order:

6.30pm The Chief Executive Officer conducted the Swearing In and Declaration of Office of the newly elected Mayor Trevor Vaughan.

6.34pm Mayor Trevor Vaughan read aloud and signed the Declaration of Office.

6.35pm The Chief Executive Officer allocated the seating positions in the Council Chambers in accordance with the Town's Standing Orders.

As names for the position are drawn, the Mayor conducted the declaration of office of the newly elected Councillors prior to them assuming their allocated seating position.

The Chief Executive Officer drew out the following Councillor Names:

6.36pm Cr Claire Anderson was allocated seating position 8; then read aloud and signed the Declaration of Office and was sworn in by the Mayor.

6.37pm Cr Hayes was allocated seating position 2.

6.37pm Cr David Ashton was allocated seating position 1.

6.37pm Cr Vin Nairn was allocated seating position 3; then read aloud and signed the Declaration of Office and was sworn in by the Mayor.

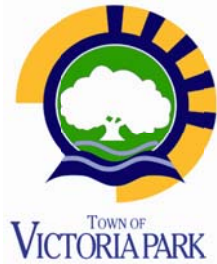
6.39pm Cr Adam Vilaca was allocated seating position 4.

6.39pm Cr Vicki Potter was allocated seating position 5; then read aloud and signed the Declaration of Office and was sworn in by the Mayor.

6.41pm Cr Rowena Skinner was allocated seating position 6.

6.41pm Cr John Bissett was allocated seating position 7; then read aloud and signed the Declaration of Office and was sworn in by the Mayor.

6.42pm The Special Council Meeting was officially declared open.



**Minutes
Special Council Meeting
Council Chambers, 99 Shepperton Road, Victoria Park
Monday, 17 October 2011
6.42pm**

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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 acknowledge the traditional custodians of this land the Noongar people and pay my respects to the Elders both past, present and future for they hold the memories, the traditions, the culture and hopes of Indigenous Australians.

2 ATTENDANCE AND APOLOGIES

Attendance:

Mayor:	Mayor-elect Mr T (Trevor) Vaughan (<i>elected unopposed</i>)
Banksia Ward:	Cr-elect C (Claire) Anderson (<i>elected unopposed</i>) Cr-elect J (John) Bissett (<i>elected unopposed</i>) Cr K (Keith) Hayes Cr R (Rowena) Skinner
Jarrah Ward:	Cr D (David) Ashton Cr-elect D V (Vin) Nairn (<i>elected unopposed</i>) Cr-elect V (Vicki) Potter (<i>elected unopposed</i>) Cr A (Adam) Vilaca
Chief Executive Officer:	Mr A (Athanasios) Kyron
Directors:	Mr B (Brian) Callander Ms R (Rochelle) Lavery Mr A (Anthony) Vuleta Ms T (Tina) Ackerman
Secretary:	Ms K (Kathleen) Highfield
Public:	26
Apologies:	Nil

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.

There were two nominees for Deputy Mayor, Cr Rowena Skinner and Cr John Bissett.

A secret ballot was then conducted by the CEO to appoint the new Deputy Mayor.

The final vote was 6-3 in favour of Cr Bissett being appointed as Deputy Mayor.

Deputy Mayor John Bissett read aloud and signed the Declaration of Office.

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

Nil

Disclosure of Interest affecting impartiality

Nil

5 PUBLIC QUESTION TIME (ITEMS RELATING ON THIS AGENDA ONLY)

Nil

6 REPORTS

6.1 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.

RESOLVED:

Moved: Councillor Bissett

Seconded: Councillor Hayes

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.

CARRIED BY AN ABSOLUTE MAJORITY (9-0)

6.2 Appointments To Regional Councils And Other Outside Organisations

File Ref:	ADM0027	In Brief <ul style="list-style-type: none">▪ 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.
Appendices:	No	
DA/BA Ref:	N/A	
Date:	6 October 2011	
Reporting Officer:	Russ Fishwick	
Responsible Officer:	Arthur Kyron	

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 re-appointments 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.	<u>Previous:</u> Cr Bissett	<u>Previous</u> Cr Hayes (see notes)	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
Tamala Park Regional Council	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. Meets every second month.	<u>Previous:</u> the Mayor	No previous deputy but one can be appointed	Observer CEO

Note:

Due to the MRC being formed and constituted under the 1960 Local Government Act and in accordance with the Interpretations Act, on each occasion that the appointed Member cannot attend, the Council by resolution needs to appoint its Deputy for a specific meeting.

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
# # Development Assessment Panel (DAP)	Comprises two elected members representatives and two elected members as deputies to be appointed to the DAP The DAP meets as required.	<u>Current:</u> Cr Ashton Cr Bissett (see note)	<u>Current</u> Cr Hayes Cr Skinner (see note)	<u>Observer</u> Director Future and Built Life or her nominee
Swan River Trust	The Trust invites an elected member and officer to the meeting	<u>Previous:</u> Cr Hayes	N/A	<u>Observer</u> Officer at CEO

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	whenever an application by the Town is being considered. (Rare event)			discretion
WA Local Government Association (WALGA) – South-East Zone	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)	Previous: Cr Ashton Cr Bissett	Previous: CEO (non-voting)	NA
Harold Hawthorne Senior Citizens Centre Board of Management	2 Elected members have, under their Constitution, seats on the Board. Meets, at the CSC centre. Meets monthly	Previous: The Mayor Cr Hayes	No previous deputy	NA
Metropolitan Regional Road Sub-Group	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)	Previous: The Mayor	No previous deputy	Observer Director Renew Life
Two Rivers Catchment Group	Meets monthly	Previous: Cr Skinner	No previous deputy	Observer Environmental Officer
Gurney VC RSL & Community Centre Management Committee	Committee manages the Centre. Meets monthly	Previous: Cr Bissett	Previous: Cr Nairn	N/A
Kensington Police & Citizen Youth Club Committee	Tries to meet every second month	Previous: 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.	Current Cr Hayes (see note)	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	Previous Environmental Officer

Notes:

The Council at its meeting held on 27 April 2011 resolved to recommend to the Minister for Planning that he appoints Councillors Ashton and Bissett as the two DAP members and Councillors Hayes and Skinner as the two alternate members. These appointments were approved by the Minister and remain in force for 2 years and 3 months and therefore will not expire until July 2013. Consequently there are no vacant positions on the DAP.

* In relation to the Burswood Park Board the Council at its meeting held on 25 May 2010 resolved to recommend to the Minister for Racing and Gaming that Cr Hayes be appointed. The Minister appointed Cr Hayes for the period 1 August 2010 until 31 July 2013. Consequently there is no vacant position on the Burswood Park Board.

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.

RESOLVED:

Moved: Councillor Bissett

Seconded: Councillor Potter

That the Council:

1. Appoints Cr Bissett to represent the Town on the Mindarie Regional Council until 19 October 2013 and Cr Hayes as the Deputy Member until 19 October 2013, noting that the appointment of the Deputy needs to be by Council resolution for each specific meeting;
2. Appoints Mayor Vaughan to represent the Town on the Tamala Park Regional Council until 19 October 2013 and Cr Ashton as the Deputy Member 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 Cr Hayes to represent the Town on the Swan River Trust until 19 October 2013;
5. Appoints Cr Vilaca and Cr Bissett 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;
6. Appoints Cr Hayes and Mayor Vaughan to represent the Town on the Harold Hawthorne Senior Citizens Centre Board of Management until 19 October 2013;
7. Appoints Mayor Vaughan to represent the Town on the Metropolitan Regional Road Sub-Group until 19 October 2013;
8. Appoints Cr Skinner to represent the Town on the Two Rivers Catchment Group until 19 October 2013;
9. Appoints Cr Nairn to represent the Town on the Gurney VC RSL & Community Centre Management Committee until 19 October 2013;
10. Appoints Cr Vilaca to represent the Town on the Kensington Police & Citizen Youth Club Committee until 19 October 2013;
11. Appoints the Environmental Officer to represent the Town on the South East Regional Centre for Urban Land Care (SERCUL) until 19 October 2013.

CARRIED (9-0)

7 CLOSURE

There being no further business the Mayor declared the meeting closed at 6.56pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed Mayor

Dated this Day of 2011