



To: Mayor & Councillors

From: Chief Executive Officer

File No: COR/10/0008

Date: 25 October 2019

Special Council Meeting Agenda – Tuesday 29 October 2019 – updated agenda

Please note that Section 7 – Election of Deputy Mayor, on page 6, has been amended to include further information on the conduct of the election, and parts of the officer recommendation for Item 10.1 Appointment of Elected Members to Council Committees and external bodies, on page 7, have been amended as follows:

- The appointment of deputy members has been removed from points 3 and 4.
- Points 11 and 12 have been amended to stipulate that the Chief Executive Officer is to convene the meetings.

**ANTHONY VULETA
CHIEF EXECUTIVE OFFICER**



TOWN OF
VICTORIA PARK

Special Council Meeting Agenda – 29 October 2019



**WE'RE OPEN
VIC PARK**

Please be advised that a **Special Council Meeting** will be held at **6pm** on **Tuesday 29 October 2019** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Anthony Vuleta – Chief Executive Officer

24 October 2019

Table of contents

Item	Page no
1 Declaration of opening	3
2 Announcements from the Presiding Member	4
3 Attendance.....	5
3.1 Apologies	7
3.2 Approved leave of absence	8
4 Declarations of interest.....	9
5 Public question time	10
5.1 Public question time	10
6 Public statement time	11
7 Election of Deputy Mayor.....	13
8 Presentations	13
9 Method of dealing with agenda business.....	16
10 Chief Executive Officer reports	18
10.1 Appointment of Elected Members to Council Committees and external bodies	18
10.2 Investigation of Policy Committee	26
10.3 Extraordinary Election for Banksia Ward	32
11 Applications for leave of absence	35
12 Motion of which previous notice has been given	37
13 Questions from members without notice	37
14 New business of an urgent nature introduced by decision of the meeting.....	38
15 Public question time	39
16 Public statement time	40
17 Closure	41

1 Declaration of opening

Welcome to Country

Mr Shaun Nannup will perform a welcome to country.

2 Announcements from the Presiding Member

2.1 Recording and live streaming of proceedings

In accordance with clause 39 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, as the Presiding Member, I hereby give my permission for the administration to record proceedings of this meeting.

This meeting is also being live streamed on the Town's website. By being present at this meeting, members of the public consent to the possibility that their voice may be live streamed to public. Recordings are also made available on the Town's website following the meeting.

2.2 Public question time and public statement time

There are guidelines that need to be adhered to in our Council meetings and during question and statement time people speaking are not to personalise any questions, or statements about Elected Members, or staff or use any possible defamatory remarks.

In accordance with clause 40 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, a person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the presiding member.

A person present at or observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

When the presiding member speaks during public question time or public statement time any person then speaking, is to immediately stop and every person present is to preserve strict silence so that the presiding member may be heard without interruption.

In accordance with clause 7(4)a of the Local Government (Administration) Regulations 1996, public questions and statements at this Special Council Meeting must relate to the purpose of the meeting.

2.3 No adverse reflection

In accordance with clause 56 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, both Elected Members and the public when speaking are not to reflect adversely on the character or actions of Elected Members or employees.

2.4 Town of Victoria Park Meeting Procedures Local Law 2019

All meetings of the Council, committees and the electors are to be conducted in accordance with the Act, the Regulations and the *Town of Victoria Park Meeting Procedures Local Law 2019*.

3 Attendance

Mayor	Ms Karen Vernon
Banksia Ward	Cr Claire Anderson Cr Ronhhda Potter Cr Wilfred Hendriks
Jarrah Ward	Cr Bronwyn Ife Cr Brian Oliver Cr Vicki Potter Cr Jesvin Karimi
Chief Executive Officer	Mr Anthony Vuleta
Chief Operations Officer Chief Financial Officer A/Chief Community Planner	Mr Ben Killigrew Mr Michael Cole Mr Robert Cruickshank
A/Manager Development Services Manager Governance and Strategy	Ms Laura Sabitzer Ms Danielle Uniza
Secretary	Ms Amy Noon

3.1 Apologies

Chief Community Planner	Ms Natalie Martin Goode
--------------------------------	-------------------------

3.2 Approved leave of absence

4 Declarations of interest

Declarations of interest are to be made in writing prior to the commencement of the meeting.

Declaration 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 can continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

Declaration of proximity interest

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 to declare an interest in a matter if the matter concerns: a) a proposed change to a planning scheme affecting land that adjoins the person's land; b) a proposed change to the zoning or use of land that adjoins the person's land; or c) a proposed development (as defined in section 5.63(5)) of land that adjoins the persons' land.

Land, the proposed land adjoins a person's land if: a) the proposal land, not being a thoroughfare, has a common boundary with the person's land; b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land. A person's land is a reference to any land owned by the person or in which the person has any estate or interest.

Declaration 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.

5 Public question time

6 Public statement time

7 Election of Deputy Mayor

The election of the Deputy Mayor is to be conducted in accordance with the *Local Government Act 1995* and Regulations.

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 unavailable or 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.
4. 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.
5. 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.
6. Should there be more than one nomination, Elected Members are to vote on the matter by secret ballot as if they were electors voting at an election.
7. Subject to clause 9(1) of Schedule 2.3 of the *Local Government Act 1995*, the votes cast 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.
8. 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.

8 Presentations

8.1 Petitions

8.2 Presentations

8.3 Deputations

9 Method of dealing with agenda business

10 Chief Executive Officer reports

10.1 Appointment of Elected Members to Council Committees and external bodies

Location	Town-wide
Reporting officer	Amy Noon
Responsible officer	Danielle Uniza
Voting requirement	Absolute majority
Attachments	Nil

Recommendation

That Council:

1. Appoints four members to the Audit Committee.
2. Appoints five members and four deputy members to the Chief Executive Officer Recruitment and Performance Review Committee.
3. Appoints one member to the Mindarie Regional Council.
4. Appoints one member to the Tamala Park Regional Council.
5. Advises the Minister for Planning that the Town of Victoria Park nominates two members and two deputy members to the Metro Central Joint Development Assessment Panel.
6. Appoints one member to the Canning College Board.
7. Appoints one member and two deputy members to the Perth Airports Municipalities Group Inc.
8. Appoints two members and two deputy members to the Western Australian Local Government Association South-East Zone.
9. Appoints one member to the South East Metropolitan Regional Road Sub-Group.
10. Considers appointing two members to be ordinary members of Harold Hawthorne Senior Citizens' Centre and Homes Inc. Association and advises the association of this decision.
11. Requests that the Chief Executive Officer convenes an Audit Committee at 5.30pm on Monday 4 November 2019 in the Council Chamber at Town of Victoria Park administration building.
12. Requests that the Chief Executive Officer convenes a Chief Executive Officer Recruitment and Performance Review Committee meeting at 5pm on Tuesday 5 November 2019 in meeting room 3 at the Town of Victoria Park administration building.

Purpose

To appoint elected members to Council committees and external bodies that the Town of Victoria Park has membership on.

In brief

- The Town has two Council Committees – the Audit Committee and Chief Executive Officer Recruitment and Performance Review Committee.

- The Town has membership on eight external bodies that relate to the interests and functions of the Town and its community.
- A resolution of Council is required to appoint members to the committees and external bodies to allow for the Council to meet legislative responsibilities and be involved in matters that impact on the Town and its community.

Background

1. Following the local government elections held on 19 October 2019, consideration needs to be given to appointing representatives to Council committees and external bodies that the Town is a member of.
2. The Town has two Council committees – the Audit Committee and Chief Executive Officer Recruitment and Performance Review Committee.
3. The Town has membership on eight external bodies. These are two regional Councils, Mindarie Regional Council and Tamala Park Regional Council, the Metro Central Joint Development Assessment Panel, Harold Hawthorne Senior Citizens' Centre and Homes Inc. Association, Canning College Board, the Perth Airports Municipalities Group Inc., the South East Metropolitan Zone for the Western Australian Local Government Association and the South East Metropolitan Regional Road Sub-Group.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	<p>Maintaining the required Council committees and establishing/administering them correctly demonstrates that the Council has sound and accountable governance.</p> <p>Having representation on external bodies ensures that Council has input into matters affecting the Town of Victoria Park and its community.</p>

Legal compliance

[Part 15 – Establishment and Membership of Committees of the *Meeting Procedures Local Law 2019*](#)

[Sections 5.8, 5.9, 5.10, 5.11A and 5.11 of the *Local Government Act 1995*](#)

[Section 7.1A of the *Local Government Act 1995*](#)

[Section 16 of the *Local Government \(Audit\) Regulations 1996*](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance Failure to appoint members to the Audit or CEORPR Committee results in the committee not being able to perform its functions.	Moderate	Rare	Low	Elected members appoint members to these committees.
Reputational Failure to nominate or appoint members to external bodies that the Town has membership on could be perceived as the Town not having an interest in those matters or organisations.	Moderate	Unlikely	Moderate	Elected members appoint member to external bodies. If it is decided that it's inappropriate to appoint members to an external body, reasons for not appointing members are communicated clearly to that body.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Not applicable.

Analysis

4. The Council Committees and external bodies that the Town has membership on are all listed below. This information includes what each body does, how many elected members should be appointed, who was previously in the positions, any remuneration and the frequency of meetings.

Audit Committee

5. In line with the Local Government (Audit) Regulations 1996, the purpose of the Audit Committee is to:
 - a) Support council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems and external audit functions and ethical accountability.
 - b) Critically examine the audit and management reports from external audits and ensure that the Town appropriately implements any actions.
 - c) Receive and review reports prepared by the Chief Executive Officer in accordance with the Regulations and present a report back to Council on its findings and recommendations.

6. The role of the committee is to provide guidance and assistance to Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control, risk management and external audit.
7. The Town's Audit Committee does not have any delegated authority or authority to implement its recommendations without resolution of Council.
8. The committee can comprise of up to six members. It must have at least four members, with at least one member from each ward. The Town also appoints up to two independent members to its Audit Committee. This is dealt with as a separate matter and is not a consideration for this item.

Vacancies	Immediate past members	Remuneration	Meeting frequency
Four	Cr Jennifer Ammons Noble (Presiding Member) Cr Karen Vernon (Deputy Presiding Member) Cr Brian Oliver Cr Claire Anderson Mr Neil Formosa* Mr Jonathan Carley*	Not applicable	Subject to resolution of the committee

*independent member

Chief Executive Officer Recruitment and Performance Review Committee

9. The Chief Executive Officer Recruitment and Performance Review Committee (CEORPR Committee) exists for the purpose of:
 - (a) developing a process for the recruitment and selection of the Chief Executive Officer
 - (b) ensuring the selection process is in accordance with principles of merit and equity
 - (c) reviewing the Chief Executive Officer's performance on an annual basis
 - (d) reviewing the key performance indicators to be met by the Chief Executive Officer
 - (e) reviewing the Chief Executive Officer's employment contract and remuneration package
10. The CEORPR Committee does not have any delegated authority or authority to implement its recommendations without resolution of Council.
11. The committee comprises of five elected members being the Mayor and two elected member representatives from each of the Town's two wards, with four alternate deputy members in a hierarchal order.

Vacancies	Immediate past members	Remuneration	Meeting frequency
Five* with four deputies	Mayor Trevor Vaughan (Presiding Member) Cr Jennifer Ammons Noble Cr Bronwyn Ife Cr Julian Jacobs Deputy Mayor Vicki Potter	Not applicable	Subject to resolution of the committee

* one member must be the Mayor

Mindarie Regional Council

12. Mindarie Regional Council is an independent regional council with seven member councils. The members are the City of Wanneroo, City of Stirling, City of Perth, City of Joondalup, Town of Cambridge, City of Vincent and the Town of Victoria Park.
13. The regional council's primary role is for the managing and disposal of waste delivered to it by its member councils. It was established to run the waste disposal, recycling facility at Tamala Park and the resource recovery facility at Neerabup.
14. It comprises of delegates from each of the member local governments, on a basis of the acknowledged equity held within the landfill enterprise. The Town has one delegate on the regional council.
15. A deputy member can also be appointed however, the appointment of that deputy needs to be by Council resolution for the specific period that the appointed member is not available.

Vacancies	Immediate past member	Remuneration	Meeting frequency
One	Cr Karen Vernon Cr Brian Oliver (Deputy)	Meeting fee - \$10,300 per annum Technology expenses - \$1,000 per annum	Every second month

Tamala Park Regional Council

16. Tamala Park Regional Council is the corporate entity representing the interests of seven local governments in the urban development of 180 hectares of land in Clarkson and Mindarie located in Perth's northern suburbs. The seven local governments represented are the Cities of Joondalup, Perth, Stirling, Wanneroo and Vincent, and the Towns of Cambridge and Victoria Park.
17. The purpose of the Tamala Park Regional Council is to undertake the rezoning, subdivision, development, marketing and sale of the Tamala Park land.
18. The objectives of the regional council are to:
 1. develop and improve the value of the land
 2. maximise, within prudent risk parameters, the financial return to the participants
 3. balance economic, social and environmental issues
 4. produce a quality development demonstrating the best urban design and development practice
19. The Town has a one-twelfth share in the project, entitling it to be represented by one elected member.
20. A deputy member can also be appointed however, the appointment of that deputy needs to be by Council resolution for the specific period that the appointed member is not available.

Vacancies	Immediate past member	Remuneration	Meeting frequency
One	Cr Claire Anderson Cr Ronhhda Potter (Deputy)	Meeting fee - \$10,455 per annum	Every second month

Metro Central Joint Development Assessment Panel

21. The Metro Central Joint Development Assessment Panel (JDAP) exists to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge.
22. The Metro Central JDAP comprises of the Bassendean, Bayswater, Belmont, Canning, Melville, South Perth and Victoria Park local government areas.

23. Under the Planning and Development (Development Assessment Panels) Regulations 2011, each Development Assessment Panel (DAP) will determine development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme.
24. The role of DAP members is to determine development applications within a certain type and value threshold through consistent, accountable, and professional decision-making.
25. Development assessment panels consist of five panel members, three being specialist members and two local government Councillors. Each Council is responsible for nominating two elected members to be part of the JDAP. Two alternate deputy members are also nominated for when a member is unable to attend.
26. The current appointments to the JDAP end on 26 January 2020. All local governments have been requested to provide nominations by Friday 8 November 2019. These appointments will then be for a term ending on 26 January 2022.

Vacancies	Immediate past member	Remuneration	Meeting frequency
Two	Cr Claire Anderson Deputy Mayor Potter Cr Brian Oliver (Deputy) Cr Bronwyn Ife (Deputy)	\$425 per meeting	As required

Canning College Board

27. Canning College is located within the Town's boundaries in Bentley.
28. The Canning College Board is formed with the fundamental purpose of enabling members of the community to engage in activities that ensure students at the College receive a quality education and an enhanced student experience.
29. The Canning College Board participates fully in:
 1. endorsing the Delivery and Performance Agreement
 2. reviewing and endorsing the annual College budget and Business Plan
 3. processes to review the College's performance
 4. processes to determine satisfaction levels of parents, staff and students, with results reported in the College Annual Report
 5. endorsing the College Annual Report
 6. selecting the Principal when a vacancy arises
 7. the Department of Education Services (DES) independent review of the school in the final year of the Delivery and Performance Agreement (with the report made public)
 8. communicating with the broader school community regarding the Board's function and activities.
30. The Town of Victoria Park has been requested to appoint one member as a community representative on the board.

Vacancies	Immediate past member	Remuneration	Meeting frequency
One	Cr Brian Oliver	Not applicable	Quarterly

Perth Airports Municipalities Group Inc.

31. The Perth Airports Municipalities Group Inc (PAMG) is a not-for-profit association comprising of thirteen local government members. These are the cities of Armadale, Bayswater, Belmont, Canning, Cockburn, Gosnells, Kalamunda, Melville, South Perth and Swan, the Towns of Bassendean, Victoria Park and the Shire of Mundaring.
32. The group meets with stakeholders such as the operators of Perth Airport, Jandakot Airport, representatives from Airservices Australia and the Department of Infrastructure and Regional Development and Cities to discuss matters which either directly or indirectly impact on the community such as aircraft noise, flight paths, off-airport development and on-airport development.
33. The Town has one delegate on the group and two deputy delegates.

Vacancies	Immediate past member	Remuneration	Meeting frequency
One	Cr Jennifer Ammons Noble Cr Ronhhda Potter (Deputy) Ms Natalie Martin Goode (Deputy)	Not applicable	Quarterly

South East Metropolitan Zone - Western Australian Local Government Association

34. The Western Australian Local Government Association's (WALGA) structure includes a State Council and geographically aligned groups of local governments called zones, which advise the WALGA State Council.
35. The Town of Victoria Park belongs to WALGA's South Eastern Metropolitan Zone, which consists of two elected member representatives from each of the Cities of Armadale, Canning, Gosnells, South Perth and the Town of Victoria Park.
36. Zones have an integral role in shaping the political and strategic direction of WALGA. Zones are responsible for bringing relevant local and regional issues to the State decision making table along with developing policy and legislative initiatives for local government.
37. Being appointed as a member of the zone also entitles a member to nominate as a member for the WALGA State Council.

Vacancies	Immediate past member	Remuneration	Meeting frequency
Two	Cr Bronwyn Ife Cr Brian Oliver* Cr Ronhhda Potter (Deputy) Cr Karen Vernon (Deputy) Mr Anthony Vuleta (Non-voting deputy)	Not applicable	Quarterly

*Also appointed as State Councillor.

South East Metropolitan Regional Road Sub-Group

38. The South East Metropolitan Regional Road Sub-Group is established under the Metropolitan Regional Road Group to:
 1. assist to identify road funding priorities
 2. provide advice to the Regional Road Group

3. consider local roads issues to inform decision making by the Regional Road Group.
39. The Town is a member of the group along with the cities of Armadale, Belmont, Canning, Gosnells, South Perth and the Shire Serpentine-Jarrahdale.
40. The Town has one elected member representative on the sub-group.

Vacancies	Immediate past member	Remuneration	Meeting frequency
One	Mayor Trevor Vaughan	Not applicable	At least twice per year

Harold Hawthorne Senior Citizens' Centre and Homes Inc. Association

41. Harold Hawthorne Senior Citizens' Centre and Homes Inc. is located in Carlisle. The objects of the association are:
 1. to operate a community centre that promotes the well-being of seniors and people with disabilities, and to assist them to remain living independently within the District of the Town by conducting programs that encourage active participation and opportunities for social interaction.
 2. to conduct home and community care support services for seniors and people with disabilities (and their carers) to help them to live independently.
 3. to operate a meals on wheels service.
 4. to provide seniors with independent living accommodation within the District of the Town.
 5. to pursue objectives of a benevolent nature.
 6. to promote and assist the general wellbeing of all seniors and people with disabilities in the District of the Town by assisting the work of statutory authorities and voluntary organisations engaged in respect of seniors and people living with disabilities by providing facilities for physical and mental and exists to support the independence, personal growth and wellbeing of seniors and younger people with disability in the local community.
42. As part of the board's constitution, the Town of Victoria Park is entitled to nominate up to two representatives to be members of the board.
43. When the board's constitution was reviewed earlier in 2019, some concerns were raised about the value and appropriateness of having representation on the board. These concerns were related to Harold Hawthorne receiving an operating subsidy from the Town to support them in delivering their programs, services and events. That being said, the Town has historically appointed representatives to their board. Council may wish to consider these concerns when deciding whether to exercise the Town's entitlement to representation.

Vacancies	Immediate past member	Remuneration	Meeting frequency
Two	Cr Ronhhda Potter	Not applicable	Monthly

Relevant documents

[Mindarie Regional Council Constitution](#)

[Tamala Park Establishment Agreement](#)

[DAP Standing Orders 2017](#)

[About Perth Airports Municipalities Group Inc.](#)

[WALGA Zone Elected Member Prospectus](#)

10.2 Investigation of Policy Committee

Location	Town-wide
Reporting officer	Liam O'Neill
Responsible officer	Danielle Uniza
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Policy 051 Agenda Briefing Forum Concept Forum and workshops [10.2.1 - 5 pages]2. Town of Victoria Park - Policy Committee - Terms of Reference [10.2.2 - 1 page]

Recommendation

That Council:

1. Receives the report on the investigation into a policy committee.
2. Establishes an informal Policy Forum under Part 17 of the *Meeting Procedures Local Law 2019*.
3. Adopts the amendments to Policy 052 Agenda Briefing Forum, Concept Forum and workshops, as at attachment 10.2.1.

Purpose

To present the results of the investigation into a policy committee.

In brief

- At its September Ordinary Council Meeting (OCM), Council requested that an investigation occur into a potential policy committee to assist Council in managing its policy review workload.
- The Town has analysed three potential options, including the establishment of: (1) a policy committee, (2) a policy forum, and (3) both a policy committee and forum. The options have been generated and analysed based on the effect of each option on front-end engagement of elected members, inclusion of all elected members in policy discussions, and the policy review schedule.
- The recommended option is to establish a Policy Forum (option two).

Background

1. At its meeting held on 20 August 2019, Council resolved to adopt a minor review of the Town Policy Manual, which outlined a number of policies to be reviewed in the 2019-2020 financial year. To ensure that the policy review schedule could be managed appropriately, a further resolution was made to request that the Chief Executive Officer present a further report back in September outlining the policy review work plan.
2. To seek direction regarding the policy review work plan, further discussion was held at the August Concept Forum. Feedback received at the forum included:
 - (a) the need to better engage with elected members on policy review and development
 - (b) the need for an additional/alternative forum for engagement on policies
 - (c) the need for elected members to be engaged at the beginning of policy review/development to set the strategic direction, rather than at the end of the process.

3. Taking into account feedback received at the Concept Forum, a further report was presented to Council at the September Ordinary Council Meeting on the policy review work plan.
4. At September Ordinary Council Meeting, Council resolved to adopt the work plan and to request that the Chief Executive Officer investigate the establishment of a 'Policy Committee' to explore a different avenue to engage elected members on policy, outside of the Concept Forum.
5. The Town has since conducted research to identify other local governments that have a similar committee. The following local government have been identified:
 - (a) City of Joondalup – Policy Committee
This committee only considers the policy when making the final recommendation to Council. Any initial involvement by elected members occurs through 'Elected Member Strategy Sessions'.
 - (b) City of Cockburn - Delegated Authorities, Policies & Position Statements Committee
Similar to the City of Joondalup, this committee only considers the policy once it's been drafted to make a recommendation to Council.
 - (c) City of Fremantle - Finance, Policy, Operations and Legislation Committee
Unlike committees in the City of Joondalup and Cockburn, this committee has delegated authority to approve the public advertising of policies. However, the committee only receives the final draft policy which is recommended for public advertising. Should elected member feedback be needed at the beginning of the process, such guidance is received at an elected member workshop.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Ensuring an appropriate policy making process promotes sound and accountable governance.

Engagement

Internal engagement	
Stakeholder	Comments
Managers and Service Area Leaders	Managers and Service Area Leaders were involved in several discussions around the policy development process.

Legal compliance

[Part 5, Division 2, Subdivision 2 of the Local Government Act 1995](#)

Part 17 of the [Town of Victoria Park Meeting Procedures Local Law 2019](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance The Town does not complete the policy review schedule as endorsed by Council	Moderate	Likely	High	By ensuring that the policy review process is as efficient and streamlined as possible, it will allow the Town to complete the policy review schedule with minimal delays.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Not applicable.

Analysis

6. In conducting its investigation into the establishment of a 'Policy Committee', the Town has considered three different options:
 - a. Option one – Policy Committee
 - b. Option two – Policy Forum
 - c. Option three – both
7. In assessing each option, the Town considered the following factors:
 - a. Engagement with elected members on the front-end of the policy review process, as discussed at the August Concept Forum
 - b. Involvement of all elected members, as discussed at a Governance Workshop in December and report item [10.1 at the 19 March 2019 Council meeting](#)
 - c. Impacts on time and efficiency in the policy review process, and on the overall policy schedule as resolved by Council at its meeting held on 17 September 2019.
8. These three options have been analysed below:

Option 1 – Policy Committee

Area of assessment	Officer comment
Front-end engagement with elected members	<p>In line with Committee's role to make recommendations to Council, the creation of a policy committee would impact elected members' capacity to be involved in the front-end engagement of the process. Once an officer report and recommendation is presented to the Committee, this means that the policy would already have been drafted for consideration.</p> <p>For elected members to be engaged on the front-end, an additional forum and/or workshop will need to be held for the purpose of discussing the policies before they are presented to the policy committee. While viable, this would require that two additional meetings of elected</p>

	members be added to the existing meeting schedule. This is further discussed in option 3.
Involvement from all elected members	To ensure all elected members are involved in the process, the policy committee would need to be a committee of the whole Council.
Impact on time	<p>The policy committee can be held on the Monday before Agenda Briefing Forum (ABF); this is in addition to the current meeting schedule.</p> <p><u>Option A (without delegation)</u></p> <p>While reports to Council, in the current process, require items to first be presented at the ABF before the Ordinary Council Meeting, items from the policy committee would need to be presented straight to Council (bypassing ABF) to minimise its impact on time. It is to be noted that, in this process, members of the public will be unable to speak on items presented at the committee unless the meeting is opened to the public. An alternative option with delegation is discussed in Option B below.</p> <p><u>Option B (with delegation)</u></p> <p>If the committee was granted delegation to approve, amend or rescind policies, items presented to this committee would no longer need to be presented to both the Agenda Briefing Forum and the Ordinary Council Meeting. A committee with delegation is required to be open to the public, and include public question time.</p>
Officer comment	<p><u>Option A (without delegation)</u></p> <p>Taking this approach would require holding two additional meetings outside the existing meeting schedule to ensure elected members are engaged on the front-end, which poses a risk to delaying the completion of policy review as per the adopted work plan. As such, this option is not recommended. A terms of reference as requested is included at attachment 10.2.2.</p> <p><u>Option B (with delegation)</u></p> <p>Similar to option A, this would also require holding two additional meetings outside the current schedule. However, policies would be dealt with in a shorter timeframe than that of option A, as items considered by the committee will not need to be presented to the ABF and OCM. While not the recommended option, this is more preferable than Option A.</p>

Option 2 – No Policy Committee; only Policy Forum

Area of assessment	Officer comment
--------------------	-----------------

Front-end engagement with elected members	<p>The establishment of a separate policy forum would allow elected member to provide direction on policy review and/or development, outside of the concept forum.</p> <p>To ensure elected members are engaged on the front-end, a policy would need to be presented at the policy forum for the purpose of seeking direction before it is drafted. After the policy forum, the Town will then draft a policy for Council's consideration through the normal meeting schedule.</p>
Involvement from all elected members	<p>Similar to the concept forum, all elected members would be invited to the policy forum.</p>
Impact on time	<p>The policy forum can be held on the Monday before the Concept Forum (CF); this is in addition to the current meeting schedule.</p> <p>Policies presented at the Policy Forum would then be presented to the ABF and OCM the following month.</p>
Officer comment	<p>As a policy forum enables the front-end engagement of elected members, whilst only requiring one additional meeting outside the current schedule, the policy forum is the recommended option. This option is not anticipated to have a material impact the policy review workplan.</p>

Option 3 – Both a Policy Committee and a Policy Forum (as discussed in Option 1)

Area of assessment	Officer comment
Front-end engagement with elected members	<p>Should Council resolve to create a policy committee, a policy forum should also be created to allow elected members to provide direction at the front-end of policy review and development.</p> <p>A policy would first be presented at the policy forum for discussion, and later presented to the policy committee for recommendation to Council.</p>
Involvement from all elected members	<p>To ensure all elected members are involved in the process, the policy committee would need to be a committee of the whole Council.</p> <p>Similar to the concept forum, all elected members would be invited to the policy forum.</p>
Impact on time	<p>To minimise impact of time, it is proposed that a policy forum be held on the first Monday each month (before ABF). To allow the Town sufficient time to draft the policy, the policy committee would need to be held on</p>

	the fourth Monday each month. This would allow for the policy to be presented at the following month's ABF and OCM.
Officer comment	As this option will entail the creation of two additional meetings to achieve the same outcome, it is not the recommended option.

6. Upon analysing the three options, it is recommended that Option 2 - Policy forum be established. Should Council choose to proceed with this option, Policy 052 Agenda Briefing Forum, Concept Forum and workshops would need to be amended accordingly, as presented in attachment 10.2.1.

Relevant documents

Not applicable.

10.3 Extraordinary Election for Banksia Ward

Location	Burswood, Carlisle, Lathlain, Welshpool and parts of Victoria Park and East Victoria Park
Reporting officer	Liam O'Neill
Responsible officer	Danielle Uniza
Voting requirement	Absolute majority
Attachments	1. Victoria Park Cost Estimate Letter [10.3.1 - 3 pages]

Recommendation

That Council:

1. Holds an extraordinary election for the position of one (1) Councillor for Banksia Ward on Friday, 28 February 2020, in accordance with section 4.9(1)(b) of the *Local Government Act 1995*.
2. Appoints the Electoral Commissioner to conduct the extraordinary election of one (1) Councillor for the Banksia Ward, in accordance with section 4.20(4) of the *Local Government Act 1995*.
3. Decides that the method of conducting the election will be as a postal election, in accordance with section 4.61(2) of the *Local Government Act 1995*.
4. Amends the 2019-2020 budget to increase the current allocation for elections by \$37,000 for the extraordinary election.

Purpose

To fill a vacancy for the office of Councillor for Banksia Ward resulting from the election of former Councillor Karen Vernon to the office of Mayor of the Town of Victoria Park.

In brief

- As a result of the election of former Cr Karen Vernon to the office of Mayor, her office as Councillor for Banksia Ward is now vacant.
- In accordance with section 4.9 of the *Local Government Act 1995* (the Act), it is required that within one month of the vacancy occurring that Council fixes a date for the extraordinary election.
- A resolution of Council is required for both the appointment of the Electoral Commissioner to conduct the election, and to establish its conduct as a postal election.
- There is no funding allocated for the conduct of this extraordinary election, as such a budget amendment is required.

Background

1. On 19 October 2019, Ms Karen Vernon, former Councillor for Banksia Ward, was elected into the office of Mayor for the Town of Victoria Park. As a result, a vacancy now exists for her previously held office.
2. Section 4.9 of the Act sets out the requirements to hold an extraordinary election for the office of Councillor where a vacancy has arisen. Part 4 of the Act further sets out the process for conducting an election, which includes an extraordinary election.

3. On 21 October 2019, the Chief Executive Officer (CEO) wrote to the Electoral Commissioner (the Commissioner) to obtain written advice regarding the possibility of conducting an extraordinary election for the Town. A copy of the Commissioner's response is included as attachment 10.4.1.
4. The Commissioner has provided a recommended timeline for conducting the extraordinary election by postal vote, which stipulates an extraordinary election day of Friday, 28 February 2019. This timeline is included in attachment 10.4.1.
5. The endorsed 2019-2020 budget included a total cost of \$108,000 to conduct the 2019 ordinary election. This amount did not include the possibility of conducting an extraordinary election. The estimated cost of an extraordinary election, as advised by the Commissioner, is \$35,000. It is anticipated that the Town will need an additional \$2,000 for the purpose of promoting the election. This brings the total additional cost needed to \$37,000.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Conducting an extraordinary election in the event of a vacancy is a requirement of the Act.

Engagement

Internal engagement	
Stakeholder	Comments
Financial Services	Provided advice in relation to budget amendments

Other engagement	
Stakeholder	Comments
Western Australian Electoral Commission	Has provided advice regarding the possibility of conducting an extraordinary postal election, included its costings and proposed timeline.

Legal compliance

[Section 4.9 of the Local Government Act 1995](#)

[Section 4.20\(4\) of the Local Government Act 1995](#)

[Section 4.61\(2\) of the Local Government Act 1995](#)

[Section 6.8 of the Local Government Act 1995](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Financial The Town is not sufficiently resourced to conduct the extraordinary election.	Moderate	Unlikely	Moderate	The budget is amended to include costs for holding an extraordinary election.

Financial implications

Current budget impact	Sufficient funds do not exist within the annual budget. The estimated cost of the extraordinary election is \$35,000 with an additional \$2,000 required to promote the election. As such, there is a need to increase the current budget allocation for elections by \$37,000. The additional funds will be sought through the Town's budget review process.
Future budget impact	Not applicable.

Analysis

- The Act requires that the Town holds an extraordinary election within four months of a vacancy, unless approval is received from the Commission to hold an extraordinary election at a later date. In accordance with the Act, the extraordinary election is to be held no later than 19 February 2020. However, upon advice and approval from the Commissioner, it is recommended that the date of the extraordinary election be set for Friday, 28 February 2020.
- It is to be noted that the Electoral Commissioner has advised its preference for holding the extraordinary election on 28 February 2020 as it is the earliest practical date to hold an extraordinary election. The Commission has advised that extraordinary elections do not need to be held on a Saturday.
- The conduct of the extraordinary election may be done in-person or by postal voting. Council has opted to conduct all its previous ordinary elections by post. Noting this, and that only the Electoral Commission may conduct an election by post, it is recommended that the Electoral Commission be appointed to conduct the extraordinary election.
- The Town has not considered costings or the practicality of internally running an in-person election at this time.

Relevant documents

Not applicable.

- 11 Applications for leave of absence**
- 12 Motion of which previous notice has been given**
- 13 Questions from members without notice**
- 14 New business of an urgent nature introduced by decision of the meeting**
- 15 Public question time**
- 16 Public statement time**
- 17 Closure**