



Special Council Meeting

Agenda

25 October 2023



Our Vision

Where environment, lifestyle and opportunity meet

Community Aspirations



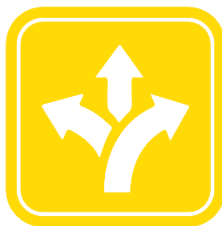
KEY THEME 1
Environment

An environment that is valued, conserved and enjoyed by current and future generations.



KEY THEME 2
Lifestyle

A place that is relaxed, safe and friendly, with services and facilities that support positive lifestyles and wellbeing.



KEY THEME 3
Opportunity

A vibrant City with diverse opportunities and a prosperous economy.



KEY THEME 4
Leadership

A Council that connects with the community and is accountable in its decision making.

NOTICE OF MEETING

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a Special Council Meeting will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on 25 October 2023, commencing at 5:00pm.

Newly Elected Members will be sworn in at 4:30pm.

Your attendance is respectfully requested.

DISCLAIMER

Statements or decisions made at Council meetings or briefings should not be relied on (or acted upon) by an applicant or any other person or entity until subsequent written notification has been given by or received from the City of Busselton. Without derogating from the generality of the above, approval of planning applications and building permits and acceptance of tenders and quotations will only become effective once written notice to that effect has been given to relevant parties. The City of Busselton expressly disclaims any liability for any loss arising from any person or body relying on any statement or decision made during a Council meeting or briefing.



TONY NOTTLE

CHIEF EXECUTIVE OFFICER

24 October 2023

BEHAVIOUR PROTOCOLS

The City of Busselton values are:

- Listening
- Considered Decision Making
- Appreciation
- Respect
- Teamwork

In accordance with these values, the following outlines the behaviour expectations while attending a Council meeting, Community Access Session, or Public Agenda Presentation:

- Listen respectfully through the meeting or presentation
- Respect the Council process and comply with directions from the Presiding Member
- Use respectful language when addressing Council, staff, and other members of the public
- Behave in a manner that is respectful and non-confrontational
- Do not use offensive language or derogatory language towards others

The City values the diverse input of the community and seeks to ensure that all members of the community can attend a meeting and have their say.

Council members, Committee members and Candidates are bound by the City's Code of Conduct and agree to uphold the values of the City of Busselton and principles of good behaviour, maintaining and contributing to a harmonious, safe, and productive environment.

Anyone who does not behave in accordance with the above values and behaviours may be asked by the Presiding Member to leave the gallery.

CITY OF BUSSELTON

Agenda for the Special Council Meeting to be held on Wednesday 25 October 2023

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1. OFFICIAL OPENING

The City of Busselton welcomes Councillors, staff, guests and members of the public to the Special Council Meeting of 25 October 2023.

The City of Busselton acknowledges the Wadandi and Bibbulmun people as the traditional custodians of this region and pay respects to Elders past and present.

This meeting will be audio recorded for minute taking purposes and will also be live streamed on the City of Busselton YouTube channel.

2. ATTENDANCE

3. PURPOSE OF MEETING

The meeting is for the purposes of:

- Election of the Deputy Mayor of the City of Busselton;
- Appointing Elected Members to committees established in accordance with section 5.8 of the *Local Government Act 1995*; and
- Appointing Elected Members to working groups and as delegates to external groups where City representation is required.

4. ELECTION OF DEPUTY MAYOR

5. DECLARATION BY DEPUTY MAYOR

6. ALLOCATION OF SEATING IN THE COUNCIL CHAMBERS

7. DISCLOSURES OF INTEREST

DISCLOSURES OF FINANCIAL INTEREST

A declaration under section 5.65 of the *Local Government Act 1995* requires that the nature of the interest must be disclosed. An elected member or employee who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter on which the subject of the declaration without the approval of the Council in accordance with the Act.

DISCLOSURES OF IMPARTIALITY INTEREST

Elected members and employees are required, in addition to declaring any financial interest, to declare an interest that might cause or perceive to cause a conflict. If the elected member or employee declares that their impartiality will not be affected then they may participate in the decision-making process.

8. PUBLIC QUESTION TIME

Public question time allows members of the public to participate in local government by asking questions of the Council in relation to issues affecting the City.

8.1. QUESTION TIME FOR PUBLIC

Public question time procedures and guidance

- The City will allocate a minimum of 15 minutes and a maximum of 30 minutes per Council meeting for public question time.
- Members of the public should register their intent to ask a question at a Council meeting by completing and submitting the [Public Question Time form](#) before 4pm the day prior to the relevant meeting.
- Members of the public will be invited to ask their question in order of registration.
- Questions will be limited to three per person. Additional questions may be permitted by the Presiding Member where time permits.
- Where a person is not present to ask their submitted question it will be responded to administratively as general correspondence.
- Questions may be taken on notice, to be responded to at a later time by the CEO in accordance with clause 6.7 of the Standing Orders.
- Public question time is for the tabling of questions, not for members of the community to make statements. For context, the Presiding Member may allow a short preamble.
- Questions containing defamatory remarks or offensive language, or that question the competency or personal affairs of Elected Members or employees may be ruled inappropriate by the Presiding Member subject to the Presiding Member taking reasonable steps to assist the member of the public to rephrase the question.
- There will be no debate or discussion on the response provided.

For further information, please see the [Meetings, Information Sessions and Decision Making Processes Policy](#).

9. CORPORATE STRATEGY AND PERFORMANCE REPORTS

9.1. Appointment of Elected Members to Committees

| | |
|---------------------------------|---|
| Strategic Theme: | Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making. |
| Directorate: | Corporate Strategy and Performance |
| Reporting Officer: | Governance Officer - Jo Barrett-Lennard |
| Authorised By: | Director of Corporate Strategy and Performance - Sarah Pierson |
| Nature of Decision: | Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations. |
| Voting Requirements: | Absolute Majority |
| Disclosures of Interest: | No officers preparing this item have an interest to declare. |
| Attachments: | Nil |

OFFICER RECOMMENDATION 1

Absolute Majority Required

That the Council, pursuant to section 5.8 of the *Local Government Act 1995*:

1. Appoints Elected Members to the following Committees:

- a) **Audit and Risk Committee**
 - i. **4 Elected Members; and**
 - ii. **2 Deputy Members**

- b) **Finance Committee**
 - i. **5 Elected Members; and**
 - ii. **4 Deputy Members**

- c) **Policy and Legislation Committee**
 - i. **5 Elected Members; and**
 - ii. **4 Deputy Members**

- d) **Airport Advisory Committee**
 - i. **4 Elected Members; and**
 - ii. **2 Deputy Members**

- e) **CEO Performance Review Committee**
 - i. **Mayor;**
 - ii. **2 Councillors; and**
 - iii. **1 Deputy Member**

- f) Behaviour Complaints Committee**
 - i. Mayor; and**
 - ii. 8 Councillors**

- g) Meelup Regional Park Committee**
 - i. 2 Elected Members; and**
 - ii. 1 Deputy Member**

- h) Bush Fires Advisory Committee**
 - i. 1 Elected Member; and**
 - ii. 1 Deputy Member**

- i) Local Emergency Management Committee**
 - i. Mayor;**
 - ii. Deputy Mayor; and**
 - iii. 1 Deputy Member**

OFFICER RECOMMENDATION 2

Simple Majority Required

That the Council:

- 2. Appoints Elected Members to the following Reference Groups, Working Groups and Panels:**
 - a) Saltwater Working Group**
 - i. 2 Elected Members; and**
 - ii. 1 Deputy Member**

 - b) Community Assistance Program Panel**
 - i. 3 Elected Members**
 - ii. 1 Deputy Member**

 - c) Economic Development Advisory Group**
 - i. 3 Elected Members; and**
 - ii. 1 Deputy Member**

 - d) Busselton Jetty Reference Group**
 - i. 2 Elected Members; and**
 - ii. 1 Deputy Member**

 - e) Disability Access and Inclusion Plan Reference Group**
 - i. 2 Elected Members; and**
 - ii. 1 Deputy Member**

 - f) Business Development and Events Marketing Group**
 - i. 3 Elected Members; and**
 - ii. 1 Deputy Member**

- g) Meelup Regional Park Working Group**
Note: Membership is as per Meelup Regional Park Committee
 - i. 2 Elected Members; and**
 - ii. 1 Deputy Member**

3. Endorses the delegation of Elected Members to the following external groups:

- b) Peron-Naturaliste Partnership**
 - i. 1 Elected Member; and**
 - ii. 1 Deputy Member**
- c) Busselton and Sugito Cities Association**
 - i. 1 Elected Member; and**
 - ii. 1 Deputy Member**
- d) Regional Road Group and Convention**
 - i. 1 Elected Member; and**
 - ii. 1 Deputy Member**
- e) Busselton Jetty Inc.**
 - i. 1 Elected Member**

4. Endorses the appointment of the Mayor to the following external groups:

- a) Regional Capitals Australia Alliance (subject to appointment by the Regional Capitals Australia Alliance Board)**
- b) Regional Capitals West Australia Alliance**
- c) South West Zone Local Government Association**
 - i. Mayor; and**
 - ii. 1 Deputy Member**

5. Endorses the appointment of Elected Members as required to the following Ministerial Committees subject to approval of the relevant minister:

- a) Development Assessment Panel**
 - i. 2 Elected Members; and**
 - ii. 2 Deputy Members**
- b) Yallingup Land Conservation District Committee**
 - i. 1 Elected Member**
- c) Vasse Ministerial Taskforce**
 - i. 1 Elected Member**
- d) GeoCatch**
 - i. Mayor; or**
 - ii. Mayor's delegate**

EXECUTIVE SUMMARY

This report is provided to enable Council to appoint Elected Members to the City’s formal committees of Council, various working groups and as delegates to external groups requiring Elected Member representation.

STRATEGIC CONTEXT

The appointment of Elected Members to formal committees, reference groups, working groups and Ministerial committees aligns with Strategic Theme 4.2 by delivering governance systems that facilitate open, ethical and transparent decision making.

BACKGROUND

The Council has seven Council committees established under the *Local Government Act 1995* (the Act), one committee established under the *Emergency Management Act WA 1995* and one committee established under the *Bush Fires Act 1954*. The Council has also established several working and advisory groups to assist with the progressing of various initiatives. In addition, the Council is also represented by Elected Members on various external groups and committees.

OFFICER COMMENT

The Council is required to appoint Elected Members to its Committees, and to nominate Elected Members for ministerial appointment where required.

In order to facilitate this process elected members (current and elect) have been asked to nominate for the various committees. Where there are more nominations than positions a secret ballot will be conducted whereby each member will be asked to select those they feel should be on the committee / working group. Officers will tally the results with the members receiving the most votes being appointed to the committee or working group.

A brief overview of the function and membership of each of the Council committees is set out in the tables below.

Table 1: Formal Committees – Elected Members only

| Committee | Function | Membership |
|--------------------------|---|---|
| Audit and Risk Committee | <ul style="list-style-type: none"> Assists Council to fulfil its corporate governance, stewardship, leadership and control responsibilities Meets four times per year | <ul style="list-style-type: none"> 4 Elected Members 2 Deputy Members |
| Finance Committee | <ul style="list-style-type: none"> Assists Council to oversee the allocation and use of the local governments finances and resources Meets monthly | <ul style="list-style-type: none"> 5 Elected Members 4 Deputy Members |

| Committee | Function | Membership |
|----------------------------------|---|---|
| Policy and Legislation Committee | <ul style="list-style-type: none"> Assists the Council to determine the Local Government Policies and to carry out its legislative functions Meets every second month | <ul style="list-style-type: none"> 5 Elected Members 4 Deputy Members |
| Airport Advisory Committee | <ul style="list-style-type: none"> Assist Council in considering Airport associated policies and oversees development of the Airport Meets every second month | <ul style="list-style-type: none"> 4 Elected Members 2 Deputy Members |
| CEO Performance Review Committee | <ul style="list-style-type: none"> Assists the Council in reviewing the performance of the Chief Executive Officer Meets every second month | <ul style="list-style-type: none"> Mayor 2 Councillors 1 Deputy Member |
| Behaviour Complaints Committee | <ul style="list-style-type: none"> Established for the purpose of dealing with complaints submitted under Part 3, clause 13 of the City of Busselton Code of Conduct for Council Members, Committee Members and Candidates | <ul style="list-style-type: none"> Mayor All Councillors |

Table 2: Formal Committees – with elected and non-elected members

| Committee | Function | Membership |
|--------------------------------------|---|--|
| Meelup Regional Park Committee | <ul style="list-style-type: none"> Assist Council in managing and promoting Meelup Regional Park. Supported by a working group with the same membership <i>Working Group meets monthly</i> | <ul style="list-style-type: none"> 2 Elected Members 1 Deputy Members <p><i>Note: Also appointed to Meelup Regional Park Working Group</i></p> |
| Bush Fires Advisory Committee | <ul style="list-style-type: none"> Established pursuant to the <i>Bush Fires Act 1954</i> to provide advice to Council in regard to matters relating to bush fire control, prevention and management | <ul style="list-style-type: none"> 1 Elected Member 1 Deputy Member |
| Local Emergency Management Committee | <ul style="list-style-type: none"> Established pursuant to the <i>Local Emergency Management Act 2005</i> to assist Council and ensure local emergency management arrangements are established. | <ul style="list-style-type: none"> Mayor Deputy Mayor 1 Deputy Member |

The City has a number of non-statutory working groups to which elected members, and other non-elected members, are appointed. A brief overview of the function and membership of each working group is set out in table 3 below.

Table 3: City formed reference and working groups

| Group | Function | Membership |
|--|--|---|
| Saltwater Working Group | <ul style="list-style-type: none"> • Consults with key stakeholders, seeks specialist advice and enables communication regarding the promotion of Saltwater | <ul style="list-style-type: none"> • 2 Elected Members • 1 Deputy Member |
| Community Assistance Program Panel | <ul style="list-style-type: none"> • Assesses and provides recommendations to Council on applications received through the Community Assistance Panel | <ul style="list-style-type: none"> • 3 Elected Members • 1 Deputy Member |
| Economic Development Advisory Group | <ul style="list-style-type: none"> • Provides advice and recommendations as to the Economic Development Strategy • Supported by a working group | <ul style="list-style-type: none"> • 3 Elected Members • 1 Deputy Member |
| Busselton Jetty Reference Group | <ul style="list-style-type: none"> • Provides a forum for discussion on Jetty related matters between Busselton Jetty Inc. and Council | <ul style="list-style-type: none"> • 2 Elected members • 1 Deputy Member |
| Disability Access and Inclusion Plan Reference Group | <ul style="list-style-type: none"> • Assists with the implementation of initiatives identified in the Disability Access and Inclusion Plan | <ul style="list-style-type: none"> • 2 Elected Members • 1 Deputy Member |
| Business Development and Events Marketing Program | <ul style="list-style-type: none"> • Makes recommendations to Council on the allocation of marketing and events funding | <ul style="list-style-type: none"> • 3 Elected Members • 1 Deputy Member |
| Meelup Regional Park Working Group | <ul style="list-style-type: none"> • Supports the Meelup Regional Park Committee • Working Group meets monthly | <ul style="list-style-type: none"> • Elected member appointments as per Meelup Regional Park Committee |

The City has been invited to provide representation to a number of external groups and committees. A brief overview of the function and membership of each group is set out in table 4 below.

Table 4: External Groups – Elected Member representation

| Group | Function | Membership |
|--|---|---|
| Peron-Naturaliste Partnership | <ul style="list-style-type: none"> • One of nine local governments that form the board • Works with State Government to lobby Federal Government about environmental issues | <ul style="list-style-type: none"> • 1 Elected Member • 1 Deputy Member |
| Busselton and Sugito Sister Cities Partnership | <ul style="list-style-type: none"> • Manages the sister city relationship with Sugito, Japan and arranged adult and youth exchanges | <ul style="list-style-type: none"> • 1 Elected Member • 1 Deputy Member |
| Regional Road Group and Convention | <ul style="list-style-type: none"> • The group prioritises and resolves projects for the allocation of monies received from State and Federal Governments | <ul style="list-style-type: none"> • 1 Elected Member • 1 Deputy Member |
| Busselton Jetty Inc. | <ul style="list-style-type: none"> • Supports the management of the Busselton Jetty | <ul style="list-style-type: none"> • 1 Elected Member |

The Mayor is appointed to three committees by virtue of the office held. A brief overview of the function and membership of these committees is set out in table 5 below.

Table 5: Mayoral Appointments

| Group | Function | Membership |
|--|---|--|
| Regional Capitals Australia (RCA) | <ul style="list-style-type: none"> • Brings Australia's 51 regional capital cities together as one unified voice to provide an alliance that understands and presents to the Federal Government the needs of combined regional communities | <ul style="list-style-type: none"> • Mayor <i>By appointment by the RCA board</i> |
| Regional Capitals Western Australia Alliance (RCAWA) | <ul style="list-style-type: none"> • Provides a Western Australian alliance of regional capitals | <ul style="list-style-type: none"> • Mayor |
| South West Zone Local Government Association | <ul style="list-style-type: none"> • An association of 12 South West Local Governments that meet to consider WA Local Government initiatives. | <ul style="list-style-type: none"> • Mayor • 1 Deputy Member |

There are a further four committees which Council is represented on where Elected Member nominations require Ministerial appointment, as outlined in table 6 below.

Table 6: Ministerial Appointments

| Group | Function | Membership |
|--|--|---|
| Development Assessment Panel (DAP) | <ul style="list-style-type: none"> The Development Assessment Panel reports to the Minister for Planning on planning decisions | <ul style="list-style-type: none"> 2 Elected Members 2 Deputy Members |
| Yallingup Land Conservation District Committee | <ul style="list-style-type: none"> Statutory committee appointed by the Commissioner of Soil and Land Conservation in Western Australia, to administer land | <ul style="list-style-type: none"> 1 Elected Member |
| Vasse Ministerial Taskforce | <ul style="list-style-type: none"> Invite and appointment by the relevant Minister | <ul style="list-style-type: none"> 1 Elected Member |
| GeoCatch | <ul style="list-style-type: none"> A multi-agency committee which provides direction and support to lead agencies responsible for activities to improve waterway health | <ul style="list-style-type: none"> Mayor or delegate <p><i>Appointment is for a 3 year term, current term expires 2025</i></p> |

Statutory Environment

Section 5.11 of the *Local Government Act 1995* (the Act) prescribes that the tenure of a committee member ends on the Ordinary Council Election day (in this instance being 21 October 2023) and the Council must consider the future membership of these committees.

Section 5.10(2) of the Act provides that each council member is entitled to be a member of at least one of the committees of Council.

Section 5.10(4) of the Act provides that, if a committee can have a council member as a member, and the Mayor informs the local government of their wish to be a member of that committee, the Council must appoint the Mayor to that committee.

Section 5.10(5) of the Act provides that, if a committee can have an employee as a member, and the CEO informs the local government of their wish to be a member of that committee, the Council must appoint the CEO or their representative to that committee.

Section 7.1A of the Act requires that each local government is to establish an audit committee consisting of at least three elected members.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Not applicable.

Policy:

[Meeting, Information Sessions and Decision Making Processes](#)

In accordance with Council Policy '[Fees, Allowances and Expenses for Elected Members](#)', Elected Members are entitled to be paid a travelling allowance for attending meetings of community groups or other external organisations of which the Elected Member has been appointed as the Council's representative.

Financial Implications

There are no specific financial implications associated with the appointment of members to committees and groups, as the costs related to travel (where required) and other related expenses have been allocated in the Annual Budget.

External Stakeholder Consultation

Not Applicable.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place.

No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could determine that it requires more or less members on any of the committees or groups, subject to any statutory requirements and noting that each formal Committee must have a minimum of three members.

CONCLUSION

Elected Members are required to be appointed to the Council committees and working groups, and various external groups outlined in this report at the first Special Council meeting following the local government election.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

| Milestone | Completion Date |
|---|---|
| Elected Members appointed to Council committees and working groups | 25 October 2023 |
| Elected Members appointed to external groups where Ministerial approval is required | Following approval of the relevant Minister |

10. CLOSURE