

Special Council Meeting

29 November 2023

4:30pm

Alternative Recommendations

Item 7.1

Pulled by

Cr Riccelli

Cr Love

Officers

Alternative Recommendations

Item 7.2

Pulled by

Officers

ITEMS FOR DEBATE

Item No. 7.1	Committee Appointments	Pulled by Cr Riccelli	Page 8
<p><u>ALTERNATIVE RECOMMENDATION</u></p> <p>That the Council:</p> <ol style="list-style-type: none">1. Appoint an independent member position to the Audit and Risk Committee Terms of Reference;2. Request the CEO to undertake an expression of interest process for a suitably qualified and experienced independent member and recommend appointment to the Council;3. Remove all appointed members from the Behaviour Complaints Committee pending a review of the Behaviour Complaints Committee.			
<p><u>REASONS FOR ALTERNATIVE</u></p> <p>The role of the audit committee is to support Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, internal and external audit functions, and ethical accountability.</p> <p>Given the significance of this committee and the indication that the ARC requires some changes moving forwards, I believe it would be extremely beneficial to have an independent member appointed to the committee. This would ensure balance and perspective moving forwards.</p>			
<p><u>OFFICER COMMENT</u></p> <p>Officers previously recommended (Ordinary Meeting 15th November) that Council appoint an independent member position to the Audit and Risk Committee and are supportive of this.</p> <p>Officers note Council has resolved (at its Ordinary Meeting 15th November - C2311/178) to request the CEO to provide a further report on the implications of and brief for the attracting and appointment of an independent member.</p> <p>The implications of the appointment of an independent member is outlined in the officer report for this agenda item, and was also outlined in the previous report to the Council for the 15 November 2023 Council meeting (Item 17.1). That is, the Audit and Risk Committee would no longer be a committee of the type outlined at s 5.9(2)(a) or (b) of the <i>Local Government Act 1995</i> (the Act) – a committee comprising of council members, or a committee comprising of council members and employees. It would instead be a committee comprising of council members and other persons as per 5.9(2)(d) of the Act. Further, the implications of this, is that s 5.10.(2) of the Act would not apply to the Audit and Risk Committee, and the entitlement of council members to, at any given time, be appointed to the committee would fall away.</p> <p>Officers note that the alternative motion does not propose to appoint Cr Ryan to the Audit and Risk Committee. While officers have recommended Cr Ryan’s appointment to the Audit and Risk Committee, and also recommended the appointment of Cr Ryan previously alongside an independent member, it is ultimately for the Council to determine committee appointments (by absolute majority).</p>			

If Council was to resolve in favour of the alternative recommendation, officers would seek to provide a report to Council outlining the brief for attracting the member (as per Council's previous resolution) and also then undertake as per part 2 of this alternative the expression of interest process.

The recommendation to remove all appointed members from the Behaviour Complaints Committee pending a review is consistent with the Officer Recommendation.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations* 1996, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

Item No. 7.1	Committee Appointments	Pulled by Cr Love	Page 8
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ALTERNATIVE RECOMMENDATION

That the Council:

- 1. Appoint an independent member position to the Audit and Risk Committee Terms of Reference;**
- 2. Request the CEO to undertake an expression of interest process for a suitably qualified and experienced independent member and recommend appointment to the Council;**
- 3. In addition to the elected members appointed at the Special Council Meeting on 25 October 2023, appoint Cr Kaigg, Cr Ryan, Cr Love and Cr Cox to the Audit and Risk Committee;**
- 4. Remove all appointed members from the Behaviour Complaints Committee pending a further review of the Behaviour Complaints Committee.**

REASONS FOR ALTERNATIVE

The reason for this is I believe that it is important to have an independent member sit on the Audit and Risk Committee with a specialised skillset of Audit and Risk, as this will add to the efficiency of the committee.

It has been recommended that Cr Kaigg be appointed to replace Cr Woodhams. I would also like to be a part of this committee, as I want to learn more about Audit and Risk. I believe that Cr. Ryan could bring great insight to this committee and support her involvement. I believe Cr Cox has also indicated a desire to be on the committee.

OFFICER COMMENT

Officers previously recommended (Ordinary Meeting 15th November) that Council appoint an independent member position to the Audit and Risk Committee and are supportive of this.

Officers note Council has resolved (at its Ordinary Meeting 15th November - C2311/178) to request the CEO to provide a further report on the implications of and brief for the attracting and appointment of an independent member.

The implications of the appointment of an independent member is outlined in the officer report for this agenda item, and was also outlined in the previous report to the Council for the 15 November 2023 Council meeting (Item 17.1). That is, the Audit and Risk Committee would no longer be a committee of the type outlined at s 5.9(2)(a) or (b) of the *Local Government Act 1995* (the Act) – a committee comprising of council members, or a committee comprising of council members and employees. It would instead be a committee comprising of council members and other persons as per 5.9(2)(d) of the Act. Further, the implications of this, is that s 5.10.(2) of the Act would not apply to the Audit and Risk Committee, and the entitlement of council members to, at any given time, be appointed to the committee would fall away.

Officers note that, regardless, the alternative motion proposes to appoint Cr Ryan to the Audit and Risk Committee, along with Cr Kaigg (as per the officer recommendation for Item 7.2), Cr Love and Cr Cox. Any decision to appoint Cr Cox is subject to her nomination or acceptance of a nomination and officers recommend that this be confirmed prior to the item being considered.

It is ultimately for the Council to determine committee appointments (by absolute majority).

If Council was to resolve in favour of the alternative recommendation, officers would seek to provide a report to Council outlining the brief for attracting the member (as per Council's previous resolution) and then undertake, as per part 2 of this alternative, the expression of interest process.

The recommendation to remove all appointed members from the Behaviour Complaints Committee pending a review is consistent with the Officer Recommendation.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations 1996*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

Item No. 7.1	Committee Appointments	Pulled by Officers	Page 8
<p><u>AMENDED RECOMMENDATION</u></p> <p>That the Council:</p> <p>Remove all appointed members from the Behaviour Complaints Committee pending a further review of the Behaviour Complaints Committee.</p>			
<p><u>REASONS FOR AMENDMENT/ ALTERNATIVE</u></p> <p>The officer recommendation put forward in the report for item 7.1 included a recommendation regarding the appointment of Elected Members to the Audit and Risk Committee. A Special Council Meeting was subsequently called for at 9:30am on 29 November 2023, at which time Council resolved on the appointment of Elected Members and an independent member to the Audit and Risk Committee. As such, part 1 of the officer recommendation put forward in the report for item 7.1 – that the Council appoint Councillor Ryan and any other nominating Elected Members to the Audit and Risk Committee – has already been resolved on and is no longer required.</p> <p>Part 2 of the officer recommendation – that the Council removes all appointed members from the Behaviour Complaints Committee pending a further review of the Behaviour Complaints Committee – is unchanged above, and detailed officer comments are available in the report.</p>			
<p><u>OFFICER COMMENT</u></p> <p>As above</p>			
<p><u>LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT</u></p> <p>Pursuant to regulation 11(da) of the <i>Local Government (Administration) Regulations 1996</i>, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.</p>			

Item No.	7.2 Committee and Working Group Appointments – Valerie Kaigg	Pulled by Officers Disclosure of Interest Cr Love	Page 3 (supplementary agenda)
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AMENDED RECOMMENDATION

That the Council:

- 1. Appoint Councillor Valerie Kaigg to the following committees pursuant to section 5.8 and 5.11A of the Local Government Act 1995:**
 - a. Behaviour Complaints Committee;
 - b. Finance Committee (fourth deputy); and
 - c. Policy and Legislation Committee (second deputy).

ABSOLUTE MAJORITY REQUIRED

- 2. Appoint Councillor Valerie Kaigg to the Business Development and Events Marketing Group.**
- 3. Appoint Councillor Valerie Kaigg as deputy member to the Busselton and Sugito Cities Association.**

REASONS FOR AMENDMENT/ ALTERNATIVE

The officer recommendation put forward in the report for item 7.2 included a recommendation that incoming Councillor Valerie Kaigg be appointed to the Audit and Risk Committee. A Special Council Meeting was subsequently called for at 9:30am on 29 November 2023, at which time Council resolved on the appointment of Elected Members, including Cr Kaigg, to the Audit and Risk Committee. As such, part 1a of the officer recommendation put forward in the report for item 7.2 – that Cr Kaigg be appointed to the Audit and Risk Committee – has already been resolved on and is no longer required.

All other parts of the officer recommendation are unchanged above, and detailed officer comments are available in the report. Of specific note – officers continue to recommend that the Presiding Member consider this item ahead of Item 7.1.

OFFICER COMMENT

As above

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations 1996*, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.