

Please note: These minutes are yet to be confirmed as a true record of proceedings

CITY OF BUSSELTON

MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 18 OCTOBER 2021

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MINUTES

MINUTES OF A SPECIAL MEETING OF THE BUSSELTON CITY COUNCIL HELD IN COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 18 OCTOBER 2021 AT 4.00PM.

1. ATTENDANCE, ACKNOWLEDGEMENT OF COUNTRY, APOLOGIES & LEAVE OF ABSENCE

The Chief Executive Officer opened the meeting at 4.00pm.

Presiding Member:

Cr Grant Henley Mayor
(*assumed the Chair at 4.23pm*)

Members:

Cr Paul Carter Deputy Mayor
Cr Sue Riccelli
Cr Ross Paine
Cr Kate Cox
Cr Phill Cronin
Cr Jodie Richards
Cr Anne Ryan
Cr Mikayla Love

Officers:

Mr Mike Archer, Chief Executive Officer (*Presiding Member until 4.23pm*)
Mr Oliver Darby, Director, Engineering and Works Services
Mr Paul Needham, Director, Planning and Development Services
Mrs Naomi Searle, Director, Community and Commercial Services
Mr Tony Nottle, Director, Finance and Corporate Services
Ms Sarah Pierson, Manager, Governance and Corporate Services
Mrs Emma Heys, Governance Coordinator
Ms Melissa Egan, Governance Officer

Apologies:

Nil

Approved Leave of Absence:

Nil

Media:

“Busselton-Dunsborough Times”
“Busselton-Dunsborough Mail”

Justice of the Peace:

Mr Brian Moulton, Justice of the Peace

Public:

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2. PURPOSE OF MEETING

The meeting was for the purposes of:

- The swearing in of the newly elected members following the elections held on Saturday 16 October 2021.
- The election of the Mayor and Deputy Mayor of the City of Busselton.
- Determine the appointments of elected members to committees established in accordance with section 5.8 of the *Local Government Act 1995*.
- The appointment of delegates to external groups where City representation is required.

3. DECLARATION BY MEMBERS OF COUNCIL

The Chief Executive Officer announced that Mr Brian Moulton would conduct the swearing in of all members elected to Council at the election held on Saturday 16 October 2021.

Mr Brian Moulton witnessed the declaration of office made by the elected Councillors:

- Ms Anne Ryan
- Ms Jodie Richards
- Mr Grant Henley
- Ms Mikayla Love

4. ELECTION OF MAYOR

The Chief Executive Officer called for nominations for the position of Mayor.

Cr Grant Henley and Cr Anne Ryan nominated for the position of Mayor and accepted the nominations.

The Chief Executive Officer invited Cr Grant Henley to present his case to Council for the position of Mayor.

Cr Grant Henley gave a brief presentation to Council.

The Chief Executive Officer invited Councillor Anne Ryan to present her case to Council for the position of Mayor.

Cr Anne Ryan gave a brief presentation to Council.

A ballot was conducted for the election of Mayor:

- Cr Grant Henley – 6 votes
- Cr Anne Ryan – 3 votes

With the results of the ballot, the Chief Executive Officer announced that Cr Grant Henley was elected as Mayor for a 2 year term.

5. DECLARATION OF MAYOR

The Chief Executive Officer invited Cr Grant Henley to make a declaration before Mr Brian Moulton.

Cr Grant Henley made and signed the declaration.

Mr Brian Moulton presented Cr Grant Henley with the Mayoral chain.

4.23pm: At this time, the Mayor assumed the Chair.

6. ELECTION OF DEPUTY MAYOR

The Chief Executive Officer called for nominations for Deputy Mayor.

Cr Paul Carter, Cr Jodie Richards and Cr Anne Ryan nominated for the position of Deputy Mayor and accepted the nominations.

The Mayor invited Cr Paul Carter to present his case to Council for the position of Deputy Mayor.

Cr Paul Carter gave a brief presentation to Council.

The Mayor invited Cr Jodie Richards to present her case to Council for the position of Deputy Mayor.

Cr Jodie Richards gave a brief presentation to Council.

The Mayor invited Cr Anne Ryan to present her case to Council for the position of Deputy Mayor.

Cr Anne Ryan gave a brief presentation to Council.

A ballot was conducted for the election of Deputy Mayor:

- Cr Paul Carter – 6 votes
- Cr Anne Ryan – 2 votes
- Cr Jodie Richards – 1 vote

With the results of the ballot, the Chief Executive Officer announced that Cr Paul Carter was elected as Deputy Mayor for a 2 year term.

7. DECLARATION OF DEPUTY MAYOR

The Mayor invited Cr Paul Carter to make a declaration before Mr Brian Moulton.

Cr Paul Carter made and signed the declaration.

8. ALLOCATION OF SEATING IN THE COUNCIL CHAMBERS

A ballot was conducted to allocate seating arrangements in the Council Chambers and Councillors assumed their seats.

9. PUBLIC QUESTION TIME

Nil

10. DISCLOSURE OF INTERESTS

Nil

11. FINANCE AND CORPORATE SERVICES REPORT**11.1 APPOINTMENT OF ELECTED MEMBERS TO COMMITTEES**

STRATEGIC THEME	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
STRATEGIC PRIORITY	4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
SUBJECT INDEX	Council Committees
BUSINESS UNIT	Corporate Services
REPORTING OFFICER	Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
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 REQUIREMENT	Absolute Majority
ATTACHMENTS	Nil

COUNCIL DECISION

C2110/065 Moved Councillor M Love, seconded Councillor K Cox

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

1. Appoints Elected Members to the following Committees:**(a) Audit and Risk Committee:**

- i. **Members: Crs Paul Carter, Anne Ryan, Grant Henley, Phill Cronin; and**
- ii. **Deputy Members: Crs Jodie Richards and Ross Paine**

(b) Finance Committee:

- i. **Members: Crs Paul Carter, Sue Riccelli, Anne Ryan, Grant Henley, Mikayla Love; and**
- ii. **Deputy Members: Crs Ross Paine, Jodie Richards, Phill Cronin, Kate Cox**

(c) Policy and Legislation Committee:

- i. **Members: Crs Phill Cronin, Ross Paine, Jodie Richards, Kate Cox, Anne Ryan; and**
- ii. **Deputy Members: Crs Grant Henley, Paul Carter, Sue Riccelli, Mikayla Love**

(d) Airport Advisory Committee:

- i. **Members: Crs Paul Carter, Phill Cronin, Jodie Richards, Anne Ryan; and**
- ii. **Deputy Members: Crs Mikayla Love, Kate Cox**

(e) Bush Fires Advisory Committee:

- i. **Member: Cr Kate Cox; and**
- ii. **Deputy Member: Cr Phill Cronin**

(f) Local Emergency Management Committee:

- i. **Members: Cr Grant Henley (Mayor), Cr Paul Carter (Deputy Mayor); and**
- ii. **Deputy Member: Cr Jodie Richards**

- (g) Meelup Regional Park Committee:**
- i. **Members:** Crs Sue Riccelli, Kate Cox; and
 - ii. **Deputy Member:** Cr Mikayla Love

CARRIED 9/0

BY ABSOLUTE MAJORITY

COUNCIL DECISION

C2110/066 Moved Councillor S Riccelli, seconded Councillor M Love

2. Appoints Elected Members to the following Reference/Working Groups/Panels:

- (a) Sustainability and Energy Working Group:**
- i. **Members:** Crs Phill Cronin, Ross Paine; and
 - ii. **Deputy Member:** Cr Jodie Richards
- (b) Economic Development Taskforce:**
- i. **Cr Grant Henley (Mayor);**
 - ii. **Members:** Crs Paul Carter, Jodie Richards; and
 - iii. **Deputy Member:** Cr Anne Ryan
- (c) Economic Development Working Group:**
- i. **Member:** Cr Anne Ryan
- (d) Busselton Jetty Reference Group:**
- i. **Members:** Crs Jodie Richards, Anne Ryan; and
 - ii. **Deputy Member:** Cr Grant Henley
- (e) Disability Access and Inclusion Plan Reference Group:**
- i. **Member:** Cr Ross Paine; and
 - ii. **Deputy Member:** Cr Jodie Richards
- (f) Marketing and Events Reference Group:**
- i. **Members:** Crs Sue Riccelli, Kate Cox, Jodie Richards; and
 - ii. **Deputy Member:** Cr Anne Ryan
- (g) BPACC Councillor Working Group:**
- i. **Members:** Crs Phill Cronin, Ross Paine, Kate Cox; and
 - ii. **Deputy Member:** Cr Jodie Richards
- (h) Lower Vasse River Advisory Group:**
- i. **Members:** Crs Sue Riccelli, Jodie Richards, Anne Ryan; and
 - ii. **Deputy Members:** Crs Kate Cox, Mikayla Love
- (i) CEO Performance Review Panel:**
- i. **Cr Grant Henley (Mayor); and**
 - ii. **Members:** Crs Paul Carter, Anne Ryan
- (j) Community Assistance Advisory Panel:**
- i. **Cr Grant Henley (Mayor); and**
 - ii. **Member:** Cr Paul Carter

- 3. Endorses the delegation of elected members to the following external groups:**
- (a) Peron-Naturaliste Partnership:**
 - i. Member: Cr Ross Paine; and**
 - ii. Deputy Member: Cr Paul Carter**
 - (b) Busselton and Sugito Cities Association:**
 - i. Member: Cr Phill Cronin; and**
 - ii. Deputy Member: Cr Kate Cox**
 - (c) Regional Roads Group and Convention:**
 - i. Member: Cr Paul Carter; and**
 - ii. Deputy Member: Cr Kate Cox**
- 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): Cr Grant Henley (Mayor).**
 - (b) Regional Capitals Western Australia Alliance: Cr Grant Henley (Mayor).**
 - (c) South West Zone Local Government Association:**
 - i. Cr Grant Henley (Mayor); and**
 - ii. Deputy Member: Cr Jodie Richards**
- 5. Endorses the appointment of elected members as required to the following Ministerial Committees subject to approval of the relevant Minister:**
- (a) Yallingup Land Conservation District Committee:**
 - i. Member: Cr Phill Cronin**
 - (b) Development Assessment Panel:**
 - i. Members: Crs Grant Henley, Paul Carter, Phill Cronin, Ross Paine**
 - (c) Vasse Ministerial Taskforce:**
 - i. Member: Cr Anne Ryan; and**
 - ii. Deputy Member: Cr Sue Riccelli**

CARRIED 9/0

BY SIMPLE MAJORITY

OFFICER RECOMMENDATION 1 – ABSOLUTE MAJORITY REQUIRED

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

1. Appoints Elected Members to the following Committees:

- (a) Audit and Risk Committee:**
 - i. 4 Members; and
 - ii. 2 Deputy Members
- (b) Finance Committee:**
 - i. 5 Members; and
 - ii. 4 Deputy Members
- (c) Policy and Legislation Committee:**
 - i. 5 Members; and
 - ii. 4 Deputy Members
- (d) Airport Advisory Committee:**
 - i. 4 Members; and
 - ii. 2 Deputy Members
- (e) Bush Fires Advisory Committee:**
 - i. 1 Member; and
 - ii. 1 Deputy Member
- (f) Local Emergency Management Committee:**
 - i. 2 Members (Mayor and Deputy Mayor); and
 - ii. 1 Deputy Member
- (g) Meelup Regional Park Committee:**
 - i. 2 Members; and
 - ii. 1 Deputy Member

OFFICER RECOMMENDATION 2 – SIMPLE MAJORITY REQUIRED**2. Appoints Elected Members to the following Reference/Working Groups/Panels:**

- (a) Sustainability and Energy Working Group:**
 - i. 2 Members; and
 - ii. 1 Deputy Member
- (b) Economic Development Taskforce:**
 - i. The Mayor;
 - ii. 2 Members; and
 - iii. 1 Deputy Member
- (c) Economic Development Working Group:**
 - i. 1 Member
- (d) Busselton Jetty Reference Group:**
 - i. 1 Member; and
 - ii. 1 Deputy Member

- (e) **Disability Access and Inclusion Plan Reference Group:**
 - i. **1 Member; and**
 - ii. **1 Deputy Member**
 - (f) **Marketing and Events Reference Group:**
 - i. **3 Members; and**
 - ii. **1 Deputy Member**
 - (g) **BPACC Councillor Working Group:**
 - i. **3 Members; and**
 - ii. **1 Deputy Member**
 - (h) **Lower Vasse River Advisory Group:**
 - i. **3 Members; and**
 - ii. **2 Deputy Members**
 - (i) **CEO Performance Review Panel:**
 - i. **The Mayor;**
 - ii. **2 Members**
 - (j) **Community Assistance Advisory Panel:**
 - i. **The Mayor;**
 - ii. **1 Member**
- 3. **Endorses the delegation of elected members to the following external groups:**
 - (a) **Peron-Naturaliste Partnership:**
 - i. **1 Member; and**
 - ii. **1 Deputy Member**
 - (b) **Busselton and Sugito Cities Association:**
 - i. **1 Member; and**
 - ii. **1 Deputy Member**
 - (c) **Regional Roads Group and Convention:**
 - i. **1 Member; and**
 - ii. **1 Deputy 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 Western Australia Alliance.**
 - (c) **South West Zone Local Government Association:**
 - i. **The 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) Yallingup Land Conservation District Committee:

- i. **1 Member**

(b) Development Assessment Panel:

- i. **4 Members**

(c) Vasse Ministerial Taskforce:

- i. **1 Member**
ii. **1 Deputy Member**

EXECUTIVE SUMMARY

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

BACKGROUND

The Council has five 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 implementing various initiatives. The Council is also represented by Elected Members on various external groups and Ministerial appointments.

OFFICER COMMENT

The Council is required to appoint Elected Members to its Committees. A brief overview of the function and membership of each Committee is set out below in Table 1 and Table 2.

Table 1 - Formal Committees (Elected Members only)

Committee / Group	Function	Membership
Audit and Risk Committee	Established pursuant to statute to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities relating to financial reporting, audit and risk. Meets as required.	<ul style="list-style-type: none"> • 4 elected members • 2 deputy members
Finance Committee	Assists the Council to oversee the allocation and use of the local government's finances and resources. Meets monthly.	<ul style="list-style-type: none"> • 5 elected members • 4 deputy members
Policy & Legislation Committee	Assists the Council to determine the local government's policies and to carry out its legislative functions. Meets monthly.	<ul style="list-style-type: none"> • 5 elected members • 4 deputy members
Airport Advisory Committee	Assist Council with the development of the Airport with a critical role under the Noise Management Plan. Meets as required.	<ul style="list-style-type: none"> • 4 elected members • 2 deputy members

Table 2 - Formal Committees (with elected and non-elected members)

Committee / Group	Function	Membership
Bush Fires Advisory Committee	Established pursuant to the <i>Bushfires Act 1954</i> to provide advice to Council in regard to all 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	Established pursuant to the <i>Local Emergency Management Act 2005</i> to assist Council and ensure local emergency management arrangements are established. Meets at least twice per year.	<ul style="list-style-type: none"> • 2 elected members (Mayor and Deputy Mayor) • 1 deputy member
Meelup Regional Park Committee	Assists the Council in managing and promoting Meelup Regional Park. Supported by a working group with the same membership. Meets at least twice per year.	<ul style="list-style-type: none"> • 2 elected members • 1 deputy member

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

Table 3 - City Formed Reference / Working Groups (elected and non-elected members)

Committee / Group	Function	Membership
BPACC Councillor Working Group	Consults with key stakeholders, seeks specialist advice and enables community participation in the development of initiatives aimed to attract tourism, business and events to the region.	<ul style="list-style-type: none"> • 3 elected members • 1 deputy member
Sustainability and Energy Working Group	Considers the development and implementation of energy efficiency initiatives.	<ul style="list-style-type: none"> • 2 elected members • 1 deputy member
Economic Development Taskforce	Provides advice and recommendations as to the Economic Development Strategy.	<ul style="list-style-type: none"> • Mayor • 2 elected members • 1 deputy member
Economic Development Working Group	Is a subsidiary working group of the Economic Development Taskforce.	<ul style="list-style-type: none"> • 1 elected member
Busselton Jetty Reference Group	Provides a forum for discussion on Jetty-related matters with Busselton Jetty Inc. and Council.	<ul style="list-style-type: none"> • 1 elected member • 1 deputy member
Disability Access and Inclusion Plan Reference Group	Assists with the implementation of initiatives identified in the Disability Access and Inclusion Plan.	<ul style="list-style-type: none"> • 1 elected member • 1 deputy member
Marketing and Events Reference Group	Makes recommendations to Council on the allocation of marketing and events funding.	<ul style="list-style-type: none"> • 3 elected members • 1 deputy member

Lower Vasse River Advisory Group	Assists and works with relevant stakeholders with respect to the health of the Lower Vasse River.	<ul style="list-style-type: none"> • 3 elected members • 2 deputy members
CEO Performance Review Panel	Authorised to undertake the CEO Performance Review, in accordance with the objectives of Council Policy: Chief Executive Officer Performance Review.	<ul style="list-style-type: none"> • Mayor • 2 elected members
Community Assistance Advisory Panel	Assesses and provides recommendation to Council on applications received through the Community Assistance Program (CAP).	<ul style="list-style-type: none"> • Mayor • 1 elected member

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

Table 4 - External Groups / Committees with elected member delegations

Committee / Group	Function	Membership
Peron-Naturaliste Partnership	One of 9 local governments on 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	Manages the sister city relationship with Sugito, Japan, and arranges adult and youth exchanges.	<ul style="list-style-type: none"> • 1 elected member • 1 deputy member
Regional Roads Group and Convention	The group prioritises and resolves projects for the allocation of monies received from State and Federal government.	<ul style="list-style-type: none"> • 1 elected member • 1 deputy member
Australian Coastal Councils Association	The City is a member of this group which is a lobby group to develop resources relating to climate change.	No set membership: an Elected Member is selected to attend conference as a representative of the City at the time of the conference.
Meelup Regional Park Working Group	Same membership as the Meelup Regional Park Committee.	

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 - Mayor / Board Appointments

Board	Function	Membership
Regional Capitals Australia	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 By appointment of the RCA Board.
Regional Capitals WA Alliance	Provides a WA alliance of regional capitals.	<ul style="list-style-type: none"> • Mayor
South West Zone Local Government Association	An association of 12 South West Local Governments that meets to consider WA Local Government Association initiatives.	<ul style="list-style-type: none"> • Mayor • 1 deputy member

There are a further four Committees/groups which Council is represented on where Elected Member nominations require Ministerial appointment, as outlined in Table 6.

Table 6 - Ministerial Appointments

Committee / Group	Function	Membership
Development Assessment Panel	The DAP reports to the Minister for Planning on planning decisions.	<ul style="list-style-type: none"> • 4 Elected Members Invite and appointment by relevant Minister. Cr Paul Carter, Cr Grant Henley and Cr Kelly Hick (alternate member) were appointed until 26 January 2022. Cr Carter and Cr Henley will continue the appointment until 26 January 2022, but Council will be required to appoint 4 elected members.
Yallingup Land Conservation District Committee	Statutory committee appointed by the Commissioner of Soil and Land Conservation in Western Australia, to administer land conservation districts to promote sustainable land management and undertake projects.	<ul style="list-style-type: none"> • 1 elected member • 0 deputy members Invite and appointment by relevant Minister.
Vasse Ministerial Taskforce	Invite and appointment by relevant Minister.	<ul style="list-style-type: none"> • 1 elected member • 1 deputy members Invite and appointment by relevant Minister.
GeoCatch	A multi-agency committee which provides direction and support to lead agencies responsible for activities to improve waterways health.	Mayor or delegate noting that they are also appointed by the Minister for a 3 year term. Current appointment is Cr Paine (appointed 2019, term will expire 2022)

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, 16 October 2021) and the Council must consider the future membership of these committees.

Section 5.10(4) of the Act provides that the Council must appoint the Mayor to each Committee if the Mayor informs the City of their wish to be a member of a particular Committee.

Section 5.10(2) of the Act provides that a member is entitled to be a member of at least one of the formal Committees.

The Committee, once appointed, must select a Chair at its first meeting.

Section 5.10(5) of the Act provides for the CEO or their delegate to be appointed to a Committee that has or will have an employee if the CEO so wishes.

Section 7.1A of the Act requires that each local government establish an audit committee consisting of at least three Elected Members.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted policies:

- Council Policy : Swearing in of Elected Members
- Council Policy : Fees, Allowances and Expenses for Elected Members

Appointing members of the Council to Committees is subject to the requirements of Council Policy: 'Swearing in of Elected Members'.

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/groups, as the costs associated with attendance at these Committees/groups have been allocated in the current budget.

Stakeholder Consultation

No external stakeholder consultation was required or undertaken in relation to this matter.

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/groups, subject to any statutory requirements and noting that each formal Committee must have a minimum of three members.

CONCLUSION

Membership of all the Committees / working groups is normally made at the Special Council Meeting immediately following the Council election. All Committees / working groups are detailed in this report including basic information about their function, how often they meet and membership.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Membership of Committees become effective upon being elected to a particular Committee (subject to the endorsement of the Minister where applicable).

12. CLOSURE

The meeting closed at 5.20pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 17 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 27 OCTOBER 2021.

DATE: _____ PRESIDING MEMBER: _____