

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

CITY OF BUSSELTON

MINUTES OF THE POLICY AND LEGISLATION COMMITTEE MEETING HELD ON 25 JANUARY 2022

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MINUTES

MINUTES OF POLICY AND LEGISLATION COMMITTEE HELD IN COMMITTEE ROOM, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 25 JANUARY 2022 AT 10.15AM.

1. DECLARATION OF OPENING, ACKNOWLEDGEMENT OF COUNTRY AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 10.16am.

The Presiding Member noted the meeting is held on the lands of the Wadandi people and acknowledged them as Traditional Owners, paying respect to their Elders, past and present, and Aboriginal Elders of other communities who may be present.

2. ATTENDANCE

Presiding Member:

Cr Ross Paine

Members:

Cr Anne Ryan
Cr Kate Cox
Cr Phill Cronin
Cr Jodie Richards

Officers:

Ms Sarah Pierson, A/Director, Finance and Corporate Services
Mrs Emma Heys, Governance Coordinator

Public:

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Apologies:

Cr Ryan (from 10.45am)

3. PUBLIC QUESTION TIME

Nil

4. DISCLOSURE OF INTERESTS

Nil

5. **CONFIRMATION AND RECEIPT OF MINUTES**

5.1 Minutes of the Policy and Legislation Committee Meeting held 8 December 2021

COMMITTEE DECISION

PL2201/435 Moved Councillor K Cox, seconded Councillor P Cronin

That the Minutes of the Policy and Legislation Committee Meeting held 8 December 2021 be confirmed as a true and correct record.

CARRIED 5/0

6. REPORTS

Nil

10.40am At this time, Cr Ryan left the meeting.

10.40am At this time, a motion was moved to adjourned for a 5 minute recess.

COMMITTEE DECISION

PL2201/436 Moved Councillor P Cronin, seconded Councillor K Cox

That the meeting be adjourned for a 5 minute recess.

CARRIED 4/0

10.45am At this time, Cr Paine reopened the meeting.

7. GENERAL DISCUSSION ITEMS

7.1 COMMUNITY ACCESS SESSIONS

COMMITTEE DECISION

PL2201/437 Moved Councillor K Cox, seconded Councillor P Cronin

That the Committee request the CEO to develop a policy in accordance with the outcomes of the discussion item.

CARRIED 4/0

OFFICER RECOMMENDATION

That the Committee request the CEO to develop a policy in accordance with the outcomes of the discussion item.

BACKGROUND

With recent requests received from members of the public Councillors had indicated a preference for Community Access Session to be recorded (audio only) and a link to the recording added to the City's website.

Accordingly officers presented an amended Council policy: Recording and Livestreaming of Council Meetings and Community Access Sessions to the Policy and Legislation Committee at the meeting of 8 December 2021. The amendment incorporated suggested provisions around the audio recording of Community Access Sessions and the time that recordings of Council Meetings were to be made publicly available.

The Committee resolved not to adopt the proposed amended policy and instead to further consider the parameters and guidelines for Community Access Sessions prior to deciding on the recording; and for the CEO bring information forward as a general discussion item at a future Policy and Legislation Committee meeting.

The City has a current policy - Meetings Information Sessions and Decision-making Processes - which touches on Community Access Sessions. It is proposed that this policy is updated dependent on discussions and Committee direction.

OFFICER COMMENT

The City utilises a range of mechanisms to ensure Councillors can make informed decisions including workshops, agenda briefing sessions, briefing sessions, and Community Access Sessions (CAS), in addition to its formal Council and committee meetings.

The purpose of CAS specifically is to provide an informal opportunity for the public to present to, or ask questions of Council. It is not a forum for debate and decisions are not made at CAS. Statements made at CAS should also not be relied upon as being a position of Council. Councillors and officers do not generally have notice of the matters to be raised and the public need to be aware that information given at CAS should not be relied upon without verification.

With Council's strategic direction to facilitate increased community engagement, interest in attending CAS and Ordinary Meetings of Council, particularly for Public Question Time, has increased in recent months. Officers recommend that prior to considering whether the recording of CAS is appropriate, Council should adopt a policy position that outlines the purpose, principles and management of CAS.

CAS currently provides opportunity for general exchange of information and new ideas between Council and members of the public. CAS also provides an opportunity for community members with an interest in a matter before Council and who do not qualify as a party with an interest under the City's Standing Orders to present to Council.

Officers suggest that further clarity could be provided around the differences between Ordinary Meetings of Council and CAS in this respect and an order of priority provided at CAS between general matters and matters before Council.

While CAS do not involved debate or decision, it is important that they are conducted in a way that is consistent with the intent of the Local Government Act in relation to the conduct of business. A policy should also set out the framework for the conduct of CAS.

A policy could include the following:

- *The City's Standing Orders will be followed, with all matters directed through the Presiding Member.*
- *There will be no debate on any matter;*
- *No decisions will be made at a CAS and no reliance on statements made as a decision;*
- *Community members wishing to speak to items that are listed on a Council Agenda are encouraged to use Public Question Time or Presentations by Parties with an Interest, if applicable, during an Ordinary Meeting of Council and will be heard after general matters at CAS;*
- *A record of issues raised at CAS will be kept by the City for a period of 12 months;*
- *When addressing Council at a Community Access Session, speakers must comply with relevant provisions of the City of Busselton Standing Orders Local Law and the City's Behaviour Protocols.*
- *Speakers must show respect at all times to Councillors and employees and must not make adverse reflections on the character or conduct of a Councillors or employee;*
- *The Presiding Member may request a speaker to refrain from any inappropriate behaviour and to withdraw inappropriate comments. Where a speaker fails to comply, the Presiding Member may immediately require the person to stop speaking and further to leave the CAS.*
- *The Presiding Member may refuse further requests from that person to speak at Community Access Session for such a period as the Presiding Member considers appropriate.*

Officers have reviewed several example policies from other local governments, and along with the Department Guideline and WALGA policies, these are provided to Committee members under separate cover, along with the current Meetings Information Sessions and Decision-making Processes Council policy and a suggested revision of that policy. This is provided as a starting point for discussions and not as a policy for Committee endorsement.

8. NEXT MEETING DATE

Wednesday, 23 February 2022

9. CLOSURE

The meeting closed at 11.09am.

THESE MINUTES CONSISTING OF PAGES 1 TO 8 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 23 FEBRUARY 2022.

DATE: _____ PRESIDING MEMBER: _____

8. **NEXT MEETING DATE**

Wednesday, 23 February 2022

9. **CLOSURE**

The meeting closed at 11.09am.

THESE MINUTES CONSISTING OF PAGES 1 TO 8 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 23 FEBRUARY 2022.

DATE: 2/3/2022 PRESIDING MEMBER: *Pearce*