



City of Busselton
Geographe Bay

Special Council Agenda

23 October 2019

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city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 23 OCTOBER 2019

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Special Council will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on Wednesday, 23 October 2019, commencing at 6.00pm.

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.



MIKE ARCHER

CHIEF EXECUTIVE OFFICER

23 October 2019

CITY OF BUSSELTON

AGENDA FOR THE SPECIAL COUNCIL MEETING TO BE HELD ON 23 OCTOBER 2019

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1. ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE**Apologies**

Nil

Approved Leave of Absence

Nil

2. PURPOSE OF MEETING

The purpose of this Special Council Meeting is to:

- Swear in Council Elect Joanne Barrett-Lennard
- Consider the approval of the remote attendance of Councillor Paul Carter at Meetings
- Appoint a Deputy Member to the Local Emergency Management Committee

3. DECLARATION BY COUNCIL ELECT JOANNE BARRETT-LENNARD

The Mayor, as a member of the City of Busselton Council, will conduct the swearing in of Council Elect Joanne Barrett-Lennard.

Councillor Elect Barrett-Lennard has indicated her acceptance of the nominations to the membership of the various committee and working groups and resolved by Council at its Special Council Meeting on 21 October 2019.

4. PUBLIC QUESTION TIME**5. DISCLOSURE OF INTERESTS**

6. FINANCE AND CORPORATE SERVICES REPORT

6.1 REMOTE ATTENDANCE AT MEETINGS

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Governance
BUSINESS UNIT	Governance Services
REPORTING OFFICER	Governance Officer - Melissa Egan 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 strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Nil

OFFICER RECOMMENDATION

That the Council:

- Approves the following location to be a suitable place in accordance with regulation 14A of the *Local Government (Administration) Regulations 1996*:**
 - conference/meeting room or Councillor Carter's private accommodation at Yandi Accommodation Village and**
 - conference/meeting room or Councillor Carter's private accommodation at Mulla Mulla Accommodation Village (Mining Area C); and**
- Approves an arrangement for Councillor Paul Carter to attend by telephone or other means of instantaneous communication the Ordinary Council Meeting to be held on 30 October 2019 and the Finance Committee Meeting to be held on 21 November 2019.**

EXECUTIVE SUMMARY

Council is requested to approve a continuing arrangement allowing Councillor Paul Carter to attend specified meetings of Council and Finance Committee by telephone or other means of instantaneous communication in accordance with regulation 14A of the *Local Government (Administration) Regulations 1996* (Regulations).

BACKGROUND

At its Ordinary Meeting held on 26 September 2018, Council resolved (C1809/193) to approve the remote attendance of Councillor Carter at the Ordinary Council Meetings held on 24 October 2018, 14 November 2018 and 28 November 2018 and Finance Committee meeting on 15 November 2018.

The Council gave further approval at its Ordinary Council Meetings on 30 January 2019 (C1901/011) and 5 May 2019 (C1905/088) for Councillor Carter to remotely attend Finance Meetings held on 21 February, 21 March, 18 April, 16 May, 20 June, 25 July, 15 August, 19 September and 17 October 2019. In doing so Council considered a conference / meeting room or private accommodation lodgings at either Yandi Accommodation Village or Mulla Mulla Accommodation Village (Mining Area C) to be a suitable place in accordance with Regulation 14A of the *Local Government (Administration) Regulations 1996* (the Regulations).

In doing so Council considered that the locations provided for a place:

- where instantaneous communication can be easily maintained;
- reasonably free of noise, distractions or interruptions;
- where, as required, confidentiality can be maintained (noting that the majority of the time Council meetings are open to the public); and
- where City provided equipment can be safely used without potential of damage.

Councillor Carter was re-elected to Council on 21 October 2019 and requires approval to remotely attend the Council Meeting of 30 October 2019 and the Finance Committee Meeting of 21 November 2019 as he is working away and is unable to physically attend these meetings.

OFFICER COMMENT

Councillor Carter is currently employed on an eight days on and six days off roster. His roster generally enables Councillor Carter to attend Council meetings, held on the second and fourth Wednesday of each month. Given the election timing however, the Council meeting was scheduled in October for the 5th Wednesday, 30 October 2019; and Councillor Carter will be unable to physically attend the meeting. Based on his roster, Councillor Carter will also be unable to physically attend the Finance Committee Meeting, of which he was re-appointed as a member, on 21 November 2019.

Under regulation 14A(2) of the Regulations, Council may not approve this arrangement if to do so would mean that Councillor Carter would miss more than half the meetings of the Council or Committee, as the case may be, in this financial year. In the financial year 1 July 2019-30 June 2020, Cr Carter has attended four Finance Committee Meetings remotely. Should Council approve the officer recommendation, the additional date would still constitute less than half the meetings of the Finance Committee.

Statutory Environment

Regulation 14A of the *Local Government (Administration) Regulations 1996* states:

- (1) it is the role of the Council to determine that a person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if the person is:
 - (a) simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and
 - (b) in a suitable place, and
 - (c) the council has approved of the arrangement (by absolute majority).
- (2) A council cannot give approval under sub-regulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person (other than a person with a disability) who was not physically present was taken to be present in accordance with Regulation 14A.

A “suitable place”, as per regulation 14A(4)(b) means a place that the council has approved (by absolute majority) as a suitable place for the purpose of the regulation and must be located:

- i. in a townsite or other residential area; and
- ii. 150 km or further from the place at which the meeting is to be held ... measured along the shortest road route ordinarily used for travelling;

“Townsite” has the same meaning given to that term in section 3(1) of the *Land Administration Act 1997*, that is, a townsite constituted by the Minister for Lands.

The “suitable place” approved by Council at its meeting on 26 September 2018 (C1809/001), namely the Yandi or Mulla Mulla Accommodation Village, is the same place to be used by Councillor Carter to attend future meetings for which he requires further approval from Council. This accommodation is, as per previous legal advice, considered to be “other residential” for the purposes of the Regulation’s requirements and in the view of officers remains conducive to proper participation in the meeting and decision-making process.

Relevant Plans and Policies

There are no relevant plans or policies to consider in relation to this matter.

Financial Implications

There are no financial implications associated with the officer recommendation.

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 decide to not approve the remote attendance by Councillor Carter at the specified Council and Finance Committee meetings. In this case Councillor Carter would be an apology.

CONCLUSION

Council is requested to consider and approve an arrangement allowing Councillor Paul Carter to attend the Ordinary Council Meeting of 30 October 2019 and the Finance Committee Meeting of 21 November 2019 by telephone or other means of instantaneous communication.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented on the meeting dates specified.

6.2 APPOINTMENT OF DEPUTY MEMBER TO THE LOCAL EMERGENCY MANAGEMENT COMMITTEE

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.2 Council engages broadly and proactively with the community.
SUBJECT INDEX	Committees of Council
BUSINESS UNIT:	Governance Services
REPORTING OFFICER:	Governance Coordinator - Emma Heys
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
PRIMARY NATURE OF DECISION	Executive: substantial direction setting, including adopting strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Nil

OFFICER RECOMMENDATION

That the Council:

- 1. Appoints Cr Kelly Hick, Deputy Mayor, as a Member of the Local Emergency Management Committee; and**
- 2. Appoints the following Elected Member as the Deputy Member of the Local Emergency Management Committee – XX XX**

EXECUTIVE SUMMARY

This report is presented to enable Council to endorse the appointment of Cr Kelly Hick, as the Deputy Mayor of Council, to the position of member for the Local Emergency Management Committee (LEMC) and appoint an Elected Member to the position of deputy member for the LEMC.

BACKGROUND

At the Special Council Meeting 21 October 2019, Council resolved to appoint the following Elected Members to the following positions of the LEMC (C1910/201):

Local Emergency Management Committee:

- Members (Mayor): Cr Henley*
- Deputy: Cr Hick*

On verifying the appointments, officers noted that the Terms of Reference for the LEMC state the Mayor and Deputy Mayor are to both be appointed as members and a deputy member is required.

OFFICER COMMENT

The Council is required to appoint Elected Members to Committees of Council. The Terms of Reference for LEMC state membership as including two Elected Members (Mayor and Deputy Mayor) and one deputy member. Therefore, the LEMC still requires a deputy member to be appointed.

Nominations will be required and if there is more than one nomination, the Mayor will be required to conduct ballot to determine the appointment.

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 (19 October 2019) and the Council has accordingly undertaken to appoint elected members to Committees.

Relevant Plans and Policies

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 the Council's representative.

Financial Implications

There are no specific financial implications associated with officer recommendation.

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 a deputy member is required under the LEMC terms of reference, there are no alternatives to the officer recommendation.

CONCLUSION

The Terms of Reference for the LEMC require the Mayor and Deputy Mayor of Council to be appointed as members of the LEMC and an Elected Member to be appointed as the deputy member.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will become effective upon Council Resolution.

7. CLOSURE