

**AGENDA**

**FOR THE**

**SPECIAL MEETING OF THE COUNCIL**

**TO BE HELD ON**

**MONDAY, 18 OCTOBER 2021**

**AT 5.00PM IN THE COUNCIL CHAMBERS**

**MELVILLE CIVIC CENTRE**

This meeting will be publically broadcast to the community and the minutes and the audio recording of the meeting will be available on the City's website as soon as practicable after the meeting to meet the requirements of Regulation 14E(3)(b)(i) and (ii) of the *Local Government (Administration) Regulations 1996*

Use this link to attend electronically, [Register for the Special Meeting of Council 18 October 2021](#)

**The City of Melville acknowledges the Bibbulmun people as the Traditional Owners of the land on which the City stands today and pays its respect to the Whadjuk people, and Elders both past and present.**

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In accordance with the Council Policy CP- 088 Creation, Access and Retention of Audio Recordings of the Public Meetings this meeting is electronically recorded. All recordings are retained as part of the City's records in accordance with the State Records Act 2000 and the General Disposal Authority for Local Government Records.

The Audio Recording will be available within 10 days of the meeting and may be accessed at [www.melvillecity.com.au](http://www.melvillecity.com.au) in accordance with the provisions of the Policy.

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## NOTICE OF MEETING

I respectfully bring to the attention of Elected Members that a Special Meeting of the Council will be held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon commencing at **5:00pm** on Monday, 18 October 2021. As a result of the Council Elections held on Saturday, 16 October 2021 a Declaration of Office Ceremony for the newly elected Councillors will take place prior to the commencement of the Special Meeting of the Council.

## PURPOSE OF MEETING

- Conduct a Declaration of Office Ceremony for newly elected Councillors.
- Elect the Deputy Mayor and Declaration of Office.
- Elect Councillors to the Financial Management, Audit, Risk and Compliance Committee and the Governance Committee.

The meeting will be followed by a meal for all Elected Members and their partners.

The business paper for the meeting is scheduled below and your attendance is requested.

**Marten Tieleman**  
Chief Executive Officer

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## **AGENDA**

### **WELCOME TO COUNTRY**

Cr T Fitzgerald

#### **1. OFFICIAL OPENING**

#### **2. PRESENT**

#### **3. IN ATTENDANCE**

#### **4. DECLARATION OF OFFICE CEREMONY FOR NEWLY ELECTED MAYOR AND COUNCILLORS.**

Prior to the conduct of the Meeting, the Declaration of Office Ceremonies for newly elected Councillors will take place.

Mayor Honourable George Gear will swear in the newly elected members

### **COUNCIL PRAYER**

Following the Declaration of Office Ceremonies Cr N Pazolli is invited to read the Prayer for the City of Melville.

#### **4. APOLOGIES AND APPROVED LEAVE OF ABSENCE**

##### **4.1 APOLOGIES**

##### **4.2 APPROVED LEAVE OF ABSENCE**

Cr M Woodall  
Cr D Macphail

Bull Creek - Leeming  
Bateman – Kardinya - Murdoch

#### **5. PUBLIC QUESTION TIME**

#### **6. DISCLOSURES OF INTEREST**

#### **7. APPLICATIONS FOR NEW LEAVES OF ABSENCE**

#### **8. BUSINESS**

### **ELECTION OF DEPUTY MAYOR 2021-2023**

The Chief Executive Officer will assist the Mayor in conduct of the Election in accordance with the provisions of the *Local Government Act 1995*.

Nominations must be received in writing preferably prior to the meeting and provided to the Chief Executive Officer or if a nomination is to be made at the meeting, the nomination is to be given to the Presiding Member prior to the close of nominations.

Nominations for Deputy Mayor close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations to be received.

Following the conduct of the secret ballot, the Mayor will declare the position of Deputy Mayor.

### **DECLARATION**

The Chief Executive Officer will request the newly elected Deputy Mayor to make the **DECLARATION OF OFFICE**, in accordance with Section 2.29 of the *Local Government Act 1995*, which will be duly signed by the Deputy Mayor and the Mayor.

**M21/5871 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)**

Ward	:	All
Category	:	Policy
Subject Index	:	Elected Members Profile
Customer Index	:	Elected Members
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item M19/5709 – Election of Representatives to Occasional, Advisory, Local government and Community Committees – Special Meeting of the Council 21 October 2019
Works Program	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Corrine Newman Governance Coordinator

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**M21/5871 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)****KEY ISSUES / SUMMARY**

- The Financial Management, Audit, Risk and Compliance Committee has been established for the purpose of providing guidance and assistance to the Council on matters under Part 7 – Audit of the *Local Government Act 1995*.
- The Governance Committee has been established to provide guidance and assistance to the Council on matters of Corporate Governance other than Financial Management, Audit, Risk and Compliance issues.
- This report seeks to appoint the membership of these two committees for the 2021 – 2023 term.

**BACKGROUND**

Following each election cycle, it is necessary to appoint the membership of the two City of Melville Committees:

- **The Financial Management, Audit, Risk and Compliance Committee (FMARCC)** is established for the purpose of providing guidance and assistance to the Council on matters under Part 7 – Audit of the *Local Government Act 1995*, including
  - Engaging and monitoring the performance of internal and external audit firms;
  - Agreeing the scope of works of the internal and external audit programmes with the respective auditors;
  - Safeguarding the independence of the audit firms;
  - Ensuring that Elected Members are provided with financial and non-financial information that is of high quality and relevant to the judgements to be made by them;
  - Ensuring that controls are established and maintained in order to safeguard the City of Melville’s financial and physical resources;
  - Ensuring that systems or procedures are in place so that the City of Melville complies with relevant statutory and regulatory requirements;
  - Assessing enterprise risks arising from the City of Melville’s operations and considering the adequacy of measures taken to treat or insure against those risks;
  - Acting as the principal line of communication between Elected Members, the City of Melville’s External and Internal Auditors.

**M21/5871 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)**

This Committee is established in accordance with the requirements of section 7.1 of the Local Government Act 1995:

**“7.1A. Audit committee**

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*  
*\* Absolute majority required.*
- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee.”*

This committee meets a minimum of four times per year, usually on dates set in advance.

It should be noted that in addition to the Elected Members the membership of this Committee includes one external member appointed by the Council. Mr Lindsay Hay is the current member his term of appointment will expire in October 2022, as resolved by the Council at its Ordinary Meeting held 20 and 21 October 2020.

Further details of the FMARC Committee can be found [FMARC Committee Charter](#)

- **The Governance Committee** has been established for the purpose of providing guidance and assistance to the Council on matters of Corporate Governance other than Financial Management, Audit, Risk and Compliance issues, as these will be monitored by the Financial Management, Audit, Risk & Compliance Committee.

The Governance Committee is to ensure that appropriate standards are applied by the Elected Members of the Council and its various Committees as well as the Officers of the Council when performing the functions delegated to them, or for which they are specifically made responsible for by *the Local Government Act 1995*. The Committee will promote excellence in governance within the City of Melville

This Committee meets on as needs basis.

Further details on the Governance Committee can be found [Governance Committee Charter](#)

It should be noted that these committees do not have delegated powers for decision making under section 5.16 of the *Local Government 1995*.

**M21/5871 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)****DETAIL****Membership of Committees**

Legislative requirements for the appointment of committee members are dealt with in Section 5.10 of the *Local Government Act 1995*. Section 5.10 states as follows:-

*(1) A committee is to have as its members - (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and (b) persons who are appointed to be members of the committee under subsection (4) or (5).*

*\* Absolute majority required.*

*(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides. (Note section 5.9(2) states that a committee is to comprise - (a) council members only; or (b) council members and employees...)*

*(3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*

*(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

Note: - In accordance with Section 5.10(4) of the *Local Government Act 1995*, the Mayor may, where a Committee has a Councillor as a Member, give notice of intention to be a member of that Committee. In such circumstances, the local government is to appoint the Mayor to be a member of that Committee.

As the City is divided up into six wards, membership of Committees is usually evenly distributed across the wards so that each ward receives equal representation on the Committees.

**M21/5871 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)**

**RECOMMENDATION (5871-1)**

**ABSOLUTE MAJORITY**

- 1 That the Council confirms that the membership of the Financial Management, Audit, Risk and Compliance Committee for the 2021-2023 period consist of six members comprising of equal representation from each of the wards, where practicable, plus the Mayor and an external member.**
- 2 That the Council confirms that the membership of the Governance Committee for the 2021-2023 period consists of six members comprising of equal representation from each of the wards, where practicable, plus the Mayor and Deputy Mayor.**
- 3 That Deputies be appointed to cover periods of absence by individual members.**

**Financial Management, Audit, Risk and Compliance Committee**

**RECOMMENDATION (5708-2)**

**ABSOLUTE MAJORITY**

**That by absolute majority decision of the Council the following Elected Members and their Deputies be appointed to the Financial Management, Audit, Risk and Compliance Committee from October 2021 to October 2023.**

<b>Member</b>	<b>Deputy</b>	<b>Ward</b>
Mayor Gear		Section 5.10(4) Mayoral Position
		Applecross – Mount Pleasant
		Bicton – Attadale – Alfred Cove
		Bull Creek – Leeming
		Central
		Palmyra-Melville-Willagee
		Bateman- Kardinya- Murdoch

**Governance Committee**

**RECOMMENDATION (5871-3)**

**ABSOLUTE MAJORITY**

**That by absolute majority decision of the Council the following Elected Members and their Deputies be appointed to the Governance Committee from October 2021 to October 2023.**

<b>Member</b>	<b>Deputy</b>	<b>Ward</b>
Mayor Gear		Section 5.10(4) Mayoral Position
		Deputy Mayor
		Applecross – Mount Pleasant
		Bicton – Attadale – Alfred Cove
		Bull Creek – Leeming
		Central
		Palmyra-Melville-Willagee
		Bateman- Kardinya- Murdoch

**The Election of Presiding Member and Deputy Presiding Member of the Governance Committee and Financial Management, Audit, Risk and Compliance Committee will be conducted as the first item of business at the next meeting of each Committee.**

**9. CLOSURE**