

**MINUTES**

**FOR THE**

**SPECIAL MEETING OF THE COUNCIL**

**MONDAY, 18 OCTOBER 2021**

**COMMENCING AT 5.00PM**

**Held electronically in accordance with Regulation 14D(2)(a) of the  
Local Government (Administration) Regulations 1996.**

Due to the State of Emergency declared in Western Australia, effective 16 March 2020 and the subsequent government directives with regard to public gatherings and physical distancing only a limited number of the public were able to physically attend this meeting.

This meeting was publically broadcast to the community and the minutes and the audio recording of the meeting 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.

*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.*

**DISCLAIMER**

**PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:**

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Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

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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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## 1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 5:00pm.

### WELCOME TO COUNTRY

Cr Tomas Fitzgerald read the Acknowledgement of Country.

*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.*

The Presiding Member advised those present of the Purpose of the Special Meeting of Council, the Disclaimer, the Affirmation of Civic Duty and Responsibility and the Audio Recording Advice.

#### **Affirmation of Civic Duty and Responsibility**

I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and Meeting Procedures Local Law to ensure the efficient, effective and orderly decision making within this forum.

## 2. PRESENT

Mayor Honourable G Gear

### COUNCILLORS

Cr T Fitzgerald (Deputy Mayor)  
Cr K Wheatland  
Cr N Pazolli, Cr C Ross  
Cr N Robins  
Cr D Macphail  
Cr M Woodall  
Cr J Spanbroek  
Cr G Barber, Cr J Edinger  
Cr M Sandford, Cr K Mair

### WARD

Palmyra – Melville - Willagee  
Palmyra – Melville - Willagee  
Applecross – Mount Pleasant  
Bateman – Kardinya - Murdoch  
Bateman – Kardinya - Murdoch (*electronic attendance*)  
Bull Creek – Leeming (*electronic attendance*)  
Bull Creek - Leeming  
Bicton – Attadale – Alfred Cove  
Central

**3. IN ATTENDANCE**

Mr M Tieleman	Chief Executive Officer
Ms C Young	Director Community Development
Mr S Cope	Director Urban Planning
Mr M McCarthy	Director Technical Services
Mr A Ferris	Director Corporate Services
Mr L Hitchcock	Executive Manager Governance and Legal Services
Mr B Taylor	Manager Governance and Property
Ms C Newman	Governance Coordinator
Ms R Davis	Governance Officer
Ms J Head	Governance Officer

At the commencement of the meeting, there were 13 members of the public in the Council Chambers, 5 members of the public and no representatives from the Press in attendance electronically.

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

The Mayor Honourable George Gear requested that the newly Elected Members of the Council to individually take the **DECLARATION OF OFFICE** in accordance with section 2.29 of the *Local Government Act 1995*, after each the Declarations documents were signed.

The following Members were sworn in as Councillors for the period 2021 – 2025 by His Worship the Mayor Honourable George Gear.

Cr Karen Wheatland	Palmyra – Melville – Willagee Ward
Cr Nicole Robins	Kardinya - Murdoch Ward
Cr Jane Edinger	Bicton – Attadale – Alfred Cove Ward
Cr Katy Mair	Central Ward
Cr Clive Ross	Applecross – Mount Pleasant Ward
Cr Jennifer Spanbroek	Bull Creek Leeming Ward

**COUNCIL PRAYER**

At 5:16pm, following the Declaration of Office Ceremonies Cr Pazolli was invited to read the Prayer for the City of Melville.

*“O Lord God, the Father of Light, from Whom comes every good and perfect gift; we ask You to give to Your servants who bear office in this City, the spirit of prudence, justice and charity and the foresight to anticipate its future growth, that we may faithfully serve the people committed to our charge and to You be all blessing and glory forever. Amen.”*

**4. APOLOGIES AND APPROVED LEAVE OF ABSENCE****4.1 APOLOGIES**

Nil.

**4.2 APPROVED LEAVE OF ABSENCE**

Cr M Woodall	Bull Creek - Leeming
Cr D Macphail	Bateman – Kardinya - Murdoch

Both Cr Woodall and Cr Macphail have approved leave of absence for this meeting, however attended the meeting electronically with the approval of the Mayor.

**5. PUBLIC QUESTION TIME**

Nil.

**6. DISCLOSURES OF INTEREST**

Nil.

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

At 5:17pm Cr Wheatland moved, seconded Cr Sandford –

**That the application for new leave of absence submitted by Cr Barber on 18 October 2021 be granted.**

At 5:17pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

## 8. BUSINESS

### ELECTION OF DEPUTY MAYOR 2021-2023

At 5:17pm the Mayor invited nominations for the office of Deputy Mayor for the 2021-2022 period as requested by the *Local Government Act 1995*.

The following nominations for the position of Deputy Mayor were received –

- Cr M Sandford
- Cr T Fitzgerald

The Mayor closed the nominations at 5:18pm and gave each of the candidates the opportunity to make a brief presentation to the meeting.

The Chief Executive Officer then conducted the Election in accordance with the provisions of the *Local Government Act 1995* and a secret ballot was conducted.

At 5:34pm Cr Fitzgerald was declared Deputy Mayor from October 2021 to October 2022.

### DECLARATION

The Mayor Honourable George Gear requested Cr Tomas Fitzgerald take the **DECLARATION OF OFFICE** for the position of Deputy Mayor, in accordance with Section 2.29 of the *Local Government Act 1995*.

**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 AND COUNCIL RESOLUTION (5871-1) ABSOLUTE MAJORITY**

At 5:36pm Cr Wheatland moved, seconded Cr Mair –

- 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.**

At 5:36pm, the Mayor declared the motion

**CARRIED BY ABSOLUTE MAJORITY (13/0)**

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

**RECOMMENDATION (5708-2) ABSOLUTE MAJORITY**

At 5:36pm Cr Wheatland moved, seconded Cr Mair –

**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
Cr Nicholas Pazolli	Cr Clive Ross	Applecross – Mount Pleasant
Cr Jane Edinger	Cr Glynis Barber	Bicton – Attadale – Alfred Cove
Cr Matthew Woodall	Cr Jennifer Spanbroek	Bull Creek – Leeming
Cr Katy Mair	Cr Margaret Sandford	Central
Cr Tomas Fitzgerald	Cr Karen Wheatland	Palmyra-Melville-Willagee
Cr Duncan Macphail	Cr Nicole Robins	Bateman- Kardinya- Murdoch

At 5:39pm, the Mayor declared the motion

**CARRIED BY ABSOLUTE MAJORITY (13/0)**

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

**Governance Committee**

**RECOMMENDATION AND COUNCIL RESOLUTION (5871-3) ABSOLUTE MAJORITY**

At 5:36pm Cr Wheatland moved, seconded Cr Mair –

**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
Cr Tomas Fitzgerald		Deputy Mayor
Cr Clive Ross	Cr Nicholas Pazolli	Applecross – Mount Pleasant
Cr Glynis Barber	Cr Jane Edinger	Bicton – Attadale – Alfred Cove
Cr Jennifer Spanbroek	Cr Matthew Woodall	Bull Creek – Leeming
Cr Margaret Sandford	Cr Katy Mair	Central
Cr Karen Wheatland	Cr Tomas Fitzgerald	Palmyra-Melville-Willagee
Cr Nicole Robins	Cr Duncan Macphail	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.**

At 5:39pm, the Mayor declared the motion

**CARRIED BY ABSOLUTE MAJORITY (13/0)**

**9. CLOSURE**

There being no further items to discuss, the Mayor declared the meeting closed at 5:40pm.