

**NOTES OF THE
AGENDA BRIEFING FORUM
HELD ON
TUESDAY 6 FEBRUARY 2018
AT 6.30PM
AT THE MELVILLE CIVIC CENTRE
2ND FLOOR IN THE COUNCIL CHAMBERS
10 ALMONDBURY ROAD, BOORAGOON**

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DISTRIBUTED: 9 February 2018

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**Notes of the Agenda Briefing Forum held in the Council Chambers, Melville Civic Centre,
10 Almondbury Road, Booragoon, on Tuesday, 6 February 2018 commencing at 6:30pm.**

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6.30pm. Mr J Clark, Governance and Compliance Advisor, read aloud the Disclaimer and the Purpose of the Agenda Briefing Forum and then the Mayor advised that the meeting was being recorded for minute taking purposes and read aloud the following Affirmation of Civic Duty and Responsibility.

Purpose of Agenda Briefing Forum

The purpose of this Forum is to provide an opportunity for Elected Members to ask questions and obtain additional information in respect to reports and items on the attached Council Agenda. It is not a decision making forum, nor is it open for debate on matters. Members of the public are able to make submissions or present deputations in respect to matters on the draft Council Agenda at this Forum, prior to matters being formally deliberated upon at the next Ordinary Council Meeting.

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. ELECTED MEMBERS PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

Cr M Woodall (Deputy Mayor)
Cr C Robartson
Cr N Pazolli, Cr S Kepert
Cr T Barling, Cr N Robins
Cr J Barton; Cr G Wieland
Cr D Macphail, Cr K Mair
Cr P Phelan, Cr K Wheatland

WARD

Bull Creek - Leeming
Bull Creek - Leeming
Applecross - Mount Pleasant
Bateman - Kardinya - Murdoch
Bicton - Attadale – Alfred Cove
Central
Palmyra - Melville - Willagee

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr S Cope	Director Urban Planning
Mr M Tieleman	Director Corporate Services
Mr M McCarthy	Director Technical Services
Mr B Dawkins	A/Director Community Development
Mr L Hitchcock	Executive Manager Governance and Legal Services
Ms K Johnson (<i>until 9:24pm</i>)	Executive Manager Organisational Development
Mr J Rae (<i>until 9:53pm</i>)	Strategic Land and Property Executive
Mr J Clark	Governance and Compliance Advisor
Ms C Newman	Governance Coordinator

At the commencement of the meeting there were 12 members of the public and one representative from the Press in the Public Gallery.

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

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS**5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.**

Nil.

5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.

Nil.

7. QUESTIONS

7.1 Mr E Nielsen, Booragoon

Item M18/5595 – Public Question time at Council and Committee Meeting Policy.

Question 1

With reference to the statement 'The provision of an answer is the end of the matter', are we to take that literally in the sense that if the answer (or response) that has been provided is either incorrect or not relevant to the question that will be the end of the matter regardless of common sense dictating otherwise?

Response

The full paragraph associated with this statement is

"The provision of an answer is the end of the matter. The Council and the City officers will not debate or discuss the question raised. Discussion or debate directly with an elected member or a City officer or within the public gallery is not permitted and will be deemed a breach of the *City of Melville Meeting Procedures Local Law 2017* (section 7.17).

As outline in the policy responses will be concise and to the point and will contain reasonable detail. Public question time is not an appropriate forum for lengthy questions and responses.

Question 2

Please explain the rationale behind a) first restricting the number of questions one can ask and then b) asking the public to submit outstanding questions (which are questions for the elected members) to the CEO, who will then provide a written reply. A reply from officers, we know from the past, will not be recorded in the Minutes. Furthermore, if the reply is 'incorrect' will that reply be deemed to be the end of the matter?

Response

- a) The purpose of the policy is to ensure the effective and equitable use of public question time for the wider community. The restriction of two questions at a time is to provide for all persons wishing to ask questions the opportunity to do so in an equitable manner in the time allotted.
- b) Questions Taken on Notice will be recorded in the next Ordinary Meeting's agenda and minutes, otherwise a written response will be provided to all questions submitted to the CEO, which will provide the opportunity for the questioner to seek further clarification where appropriate.

7.1 *Questions Mr E Nielsen continued.*

Question 3

Why is it not considered prudent anymore to provide some relevant background to a question that will assist in the clarification and better understanding of the question?

Response

The purpose of the policy is to ensure the effective and equitable use of public question time for the wider community. Legislation requires a minimum of 15 minutes be allocated for public questions before the meeting moves on to the purpose of the meeting, which is making decisions. The limiting of lengthy preambles provides equal opportunities for the wider community to ask questions and receive responses in the time allotted.

6. DISCLOSURE OF INTEREST

- Item C18/5591 CEO Performance Review Dr S Silcox, CEO

8. DEPUTATIONS

7.1 City of Melville Residents and Ratepayers Association (Inc)

Item M18/5594 – Elected Members Social Media Policy

7.2 City of Melville Residents and Ratepayers Association (Inc)

Item M18/5955 – Public Question Time at Council or Committee Meetings Policy

7.3 Mr D Maynier and Mr C Ross

Item 18/5601 – Special Meeting of Electors – Wave Park Ground Lease and Tompkins Park Redevelopment – Motion Carried

7.4 City of Melville Residents and Ratepayers Association (Inc)

Item C18/5591 – CEO Performance Review Process

9. BUSINESS

PROCEDURE FOR AGENDA BRIEFING FORUMS

PRINCIPLES

The Agenda Briefing Forum which occurs two weeks prior to the Council meeting provides an opportunity for Elected Members to ask questions and clarify issues relevant to the specific agenda items before Council. The briefing is not a decision-making forum and the Council has no power to make decisions in the Forum.

In order to ensure full transparency the meetings will be open to the public to observe the process. Where matters are of a confidential nature, they will be deferred to the conclusion of the briefing and at that point the briefing session closed to the public. The reports provided are the officers' professional opinions. While it is acknowledged that Members may raise issues that have not been considered in the formulation of the report and recommendation, it is a basic principle that as part of the briefing sessions Elected Members cannot direct officers to change their reports or recommendations.

PROCESS

The Agenda Briefing Forum will commence at 6.30pm in accordance with the Schedule of Public Meetings (except January). It will be chaired by His Worship the Mayor or in his absence, the Deputy Mayor or in his/her absence the immediate past serving Deputy Mayor. In the absence of all, Elected Members will elect a Presiding Member from amongst those present. In general, Meeting Procedures Local Law will apply, EXCEPT THAT Members may speak more than once on any item and there is no moving or seconding of items.

Where an interest is involved in relation to an item, the same procedure which applies to Ordinary Meeting of Council will apply. It is a breach of the City's Code of Conduct for an interest to not be declared. The briefing will consider items on the agenda only and proceed to deal with each item as they appear. The process will be for the Presiding Member to call each item number in sequence and ask for questions. Where there are no questions regarding the item, the briefing will proceed to the next item.

AGENDA CONTENTS

While every endeavour is made to ensure that all items to be presented to Council at the formal council meeting are included in the Agenda Briefing Forum, it should be noted that there will be occasions when, due to necessity, items will not be ready in time for the forum session and will go straight to the Council agenda as a matter for decision. Further, there will be occasions when items are TABLED at the briefing rather than the full report being provided in advance. In these instances, staff will endeavour to include the item on the agenda as a late item.

AGENDA DISTRIBUTION

The agenda will be distributed to Elected Members on the FRIDAY prior to the Agenda Briefing Forum. Copies will be made available to the libraries and the Internet for interested members of the public. Spare agendas will be available at the Agenda Briefing Forum for interested members of the public.

DEPUTATIONS

Deputations may be heard prior to the commencement of an item.

The following guidelines have been prepared to assist groups who have requested or been invited to a Council Meeting, Agenda Briefing Forum or Committee Meeting to present a submission.

A deputation must relate to a report on the meeting agenda.

- (a) Notice of a request for deputation must be in writing and include the name, office and contact details of member/s of the deputation and be forwarded to the Chief Executive Officer, by either **Mail** at Locked Bag 1, Booragoon WA 6954, **Email** at deputations@melville.wa.gov.au or **Fax** on 9364 0285 by 9.00am on the Monday prior to the meeting.
- (b) The request should be received at least two working days before the meeting and a response will be given by the Governance and Compliance Advisor. If approved, the G&CA will respond to the email and include as attachments the "Guidelines and Protocols" document and the "purpose of the Agenda Briefing Forum".
- (c) A deputation may comprise a maximum of three people of which only two may speak.
- (d) An outline of the points to be made in addressing the Council, Agenda Briefing Forum or the Committee must be submitted in writing by 9.00am on Monday prior to the meeting.
- (e) The person/s requesting the deputation will be required to advise the main points they wish to make in a given time of 10 minutes (dot points are fine).
- (f) The representatives of the deputation will be met in the Council Chamber of the Civic Centre by a Council Officer 10 minutes prior to the commencement of the meeting.
- (g) Hardcopies of the presentation will be required if a copy of the presentation is to be distributed to Elected Members and staff (20 copies).
- (h) The Presiding Member will ask the leader of the deputation to present the submission on behalf of the Group. The leader of the deputation may call on one other member of the deputation to assist.
- (i) The deputation period, including the time allowed for the questions and answers from Members of the Committee, should not exceed 15 minutes, of which 10 minutes is for the presentation and five minutes is for question time, unless the Council grants an extension of time.
- (j) The Presiding Member has discretion to permit a deputation to present a submission under other circumstances.

RECORD OF BRIEFING

The formal record of the briefing session will be limited to notes regarding any agreed action to be taken by staff or elected members. No recommendations will be included.

DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

Members' interests in matters to be discussed at meetings to be disclosed

S.5.65 A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for two years.

Meeting to be informed of disclosures

S.5.66 If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

Disclosing members not to participate in meetings

S.5.67 A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for two years.

Please refer to your handbook for definitions of interests and other detail.

9. AGENDA ITEMS FOR PRESENTATION

At 6:40pm the Mayor requested that Item “M18/5594 – Elected Members Social Media Policy” be brought forward for the convenience of members of the Public Gallery.

At 7:12pm Cr Wheatland left the meeting and returned at 7:13pm.

At 7:28pm Cr Woodall left the meeting and returned at 7:30pm.

M18/5594	Elected Members Social Media Policy
	<p>OFFICER PRESENTATION – IF REQUESTED Corrine Newman – Governance Coordinator</p> <p>DEPUTATION PRESENTATION/S Mr M McLerie, Mr G Crawford and Mr S Wallace City of Melville Residents and Ratepayers Association (Inc)</p> <p>From 6:40pm to 7:27pm the representatives of the City of Melville Residents and Ratepayers Association presented to the meeting on this item.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p> <p>The CEO undertook to provide further information in the Elected Members Bulletin on other policies associated with managing social media at the City.</p>

At 7:28pm Cr Macphail requested that the exchange between Mr Crawford and the Chief Executive Officer be recorded in accordance with section 9.18 of the City of Melville Meeting Procedures Local Law 2017.

At 7:27pm

CEO

“Mr Crawford has told Governance that he is not a member or president of the MRRA, so I was wondering what his capacity is here today?”

Mayor

“Mr Crawford do you wish to answer that question?”

Mr Crawford

“Dr Silcox take a hike.”

At 7:40pm the Mayor requested that Item “M18/5595 – Public Question Time at Council and Committee Meetings Policy” be brought forward for the convenience of members of the Public Gallery.

At 7:49pm Dr S Silcox left the meeting and returned at 7:51pm.

At 7:52pm Cr Phelan left the meeting and returned at 7:55pm.

At 7:54pm Mr Crawford was issued with a first warning for interrupting the meeting.

At 8:00pm Cr Kepert left the meeting and returned at 8:02pm.

At 8:18pm the Mayor adjourned the meeting.

At 8:25pm the Mayor reconvened the meeting.

M18/5595	Public Question Time at Council and Committee Meetings Policy
	<p>OFFICER PRESENTATION – IF REQUESTED Corrine Newman – Governance Coordinator</p> <p>DEPUTATION PRESENTATION/S Mr M McLerie and Mr G Crawford City of Melville Residents and Ratepayers Association (Inc)</p> <p>From 7:40pm to 8:17pm the representatives of the City of Melville Residents and Ratepayers Association presented to the meeting on this item.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p> <p>Cr Pazolli advised of his intention to foreshadow a motion to amend dot point three in section “Allocation of Time”.</p>

At 8:41pm the Mayor requested that “Item M18/5601 – Special Meeting of Electors – Wave Park Ground Lease and Tompkins Park Redevelopment – Motion Carried” be brought forward for the convenience of members of the Public Gallery.

At 8:52pm Mr Maynier was issued with a first warning for negative reflection on the professional performance of an Elected Member.

At 8:54pm Mr Maynier was issued with a second warning for not presenting factual information.

At 9:01pm moved Cr Pazolli, seconded Cr Mair

That Mr Maynier be granted an extension of time to present to the meeting.

At 9:01pm the Mayor declared the motion

CARRIED

At 9:33pm Mr M Tieleman left the meeting and returned at 9:36pm.

At 9:34pm Cr Woodall left the meeting and returned at 9:38pm.

At 9:36pm Mr B Dawkins left the meeting and returned at 9:38pm.

At 9:41pm Ms K Johnson left the meeting and returned at 9:46pm.

At 9:48pm Cr Barton left the meeting and returned at 9:50pm.

M18/5601	Special Meeting of Electors – Wave Park Ground Lease and Tompkins Park Redevelopment – Motion Carried
	<p>OFFICER PRESENTATION – IF REQUESTED Jeff Clark – Governance and Compliance Advisor</p> <p>DEPUTATION/PRESENTATION/S Mr D Maynier and Mr C Ross From 8:42pm to 9:38pm pm Mr Maynier and Mr Ross presented to the meeting on this item.</p> <p>DISCLOSURE OF INTEREST Nil.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p> <p>The Executive Manager Governance and Legal Services advised that Elected Members could request access to legal opinions at any time.</p>

At 9:53pm Mr J Rae left the meeting and did not return.

At 9:53pm the Mayor requested that "Item C18/5591 – CEO Performance Review Process 2018" be brought forward for the convenience of members of the Public Gallery.

At 10:01pm Cr Robartson left the meeting and returned at 10:10pm.

At 10:01pm Mr McLerie was requested to withdraw comments, declined and was issued with a first warning.

At 10:04pm Mr McLerie was issued with a second warning for not presenting on the motion in the item.

At 10:06pm Mr McLerie was issued with a third warning for false information and requested to cease his presentation.

At 10:06pm the CEO advised that he considered the comments made by Mr McLerie on behalf of the City of Melville Residents and Ratepayers Association to be bullying and harassment.

At 10:07pm Cr Macphail left the meeting and returned at 10:11pm.

At 10:21 Mr Crawford was requested to leave the public gallery for disruptive behaviour.

Disclosure of Interest

Item No.	C18/5591
Officer	Dr S Silcox, CEO
Type of Interest	Interest Under the Code
Nature of Interest	Directly Affected by the Item
Request	Stay and discuss
Decision of Council	Not applicable

C18/5591	CEO Performance Review Process 2018
	<p>OFFICER PRESENTATION Kylie Johnson – Executive Manager of Organisational Development</p> <p>DEPUTATION/PRESENTATION/S Mr M McLerie, Mr G Crawford and Mr S Wallace City of Melville Residents and Ratepayers Association (Inc)</p> <p>From 9:54pm to 10:09pm the representatives of the City of Melville Residents and Ratepayers Association presented to the meeting on this item.</p> <p>DISCLOSURE OF INTEREST Dr S Silcox, CEO – Interest Under the Code.</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

At 10:24 Ms K Johnson left the meeting and did not return.

T18/3774	Provision of Electricity to City of Melville Facilities, VP92352
	<p>OFFICER PRESENTATION – IF REQUESTED Mr M McCarthy, Director Technical Services</p> <p>DEPUTATION PRESENTATION/S</p> <p>DISCLOSURE OF INTEREST</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

CD18/8104	Local Emergency Management Arrangements 2017
	<p>OFFICER PRESENTATION Brodie Dawkins – A/Director Community Development</p> <p>DEPUTATION PRESENTATION/S</p> <p>DISCLOSURE OF INTEREST</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

M18/5000	Common Seal Register
	<p>OFFICER PRESENTATION – IF REQUESTED Jeff Clark – Governance and Compliance Advisor</p> <p>DEPUTATION PRESENTATION/S</p> <p>DISCLOSURE OF INTEREST</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

C18/6000	Investment Statements for November 2017
	<p>OFFICER PRESENTATION – IF REQUESTED Marten Tieleman – Director Corporate Services</p> <p>DEPUTATION/PRESENTATION/S</p> <p>DISCLOSURE OF INTEREST</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

C18/6000	Investment Statements for December 2017
	<p>OFFICER PRESENTATION – IF REQUESTED Marten Tieleman – Director Corporate Services</p> <p>DEPUTATION/PRESENTATION/S</p> <p>DISCLOSURE OF INTEREST</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

C18/6001	Schedule of Accounts Paid November 2017
	<p>OFFICER PRESENTATION – IF REQUESTED Marten Tieleman – Director Corporate Services</p> <p>DEPUTATION/PRESENTATION/S</p> <p>DISCLOSURE OF INTEREST</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

C18/6001	Schedule of Accounts Paid December 2017
	<p>OFFICER PRESENTATION – IF REQUESTED Marten Tieleman – Director Corporate Services</p> <p>DEPUTATION/PRESENTATION/S</p> <p>DISCLOSURE OF INTEREST</p> <p>NOTES FROM FORUM General discussion took place regarding the item and officer recommendation.</p>

C18/6002	Statements of Financial Activity for November 2017
	<p>OFFICER PRESENTATION – IF REQUESTED Marten Tieleman – Director Corporate Services</p> <p>DEPUTATION/PRESENTATION/S</p> <p>DISCLOSURE OF INTEREST</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation.</p>

C18/6002	Statements of Financial Activity for December 2017
	<p>OFFICER PRESENTATION – IF REQUESTED Marten Tieleman – Director Corporate Services</p> <p>DEPUTATION/PRESENTATION/S</p> <p>DISCLOSURE OF INTEREST</p> <p>NOTES FROM FORUM No discussion took place regarding the item and officer recommendation..</p>

10. CLOSURE

There being no further business to be discussed, His Worship the Mayor declared the meeting closed at 10:27pm.