

# AGENDA

## Special Council Meeting City of Joondalup

NOTICE IS HEREBY GIVEN THAT A  
**SPECIAL MEETING OF THE COUNCIL  
OF THE CITY OF JOONDALUP**  
WILL BE HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP

MEETING DATE



**ON WEDNESDAY 24 MAY 2006**  
commencing at 7.00 pm

### Public Question Time

PUBLIC QUESTION TIME



Members of the public are requested to lodge questions in writing by close of business on Tuesday 23 May 2006. Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Special Council meeting.

Please Note: Section 7(4)(b) of the Local Government (Administration) Regulations 1996 states that a Council at a special meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the agenda be asked.)



**GARRY HUNT**  
Chief Executive Officer  
22 May 2006



City of  
Joondalup

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

## PUBLIC QUESTION TIME

The following protocols for the conduct of Public Question Time were adopted at the Council meeting held on 11 October 2005

Members of the public are invited to ask questions, either verbally or in writing, at Council meetings of the City.

The Council encourages members of the public, where possible, to submit their questions at the earliest opportunity.

Public question time will be limited to the legislative minimum of fifteen (15) minutes and may be extended in intervals of up to ten (10) minutes by resolution of the Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed thirty five (35) minutes in total.

## PROCEDURE FOR PUBLIC QUESTION TIME

Members of the public are invited to ask questions, either verbally or in writing, at Council Meetings.

Questions asked at an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. **Questions asked at a Special Meeting of the Council must relate to the purpose for which the meeting has been called.**

- 1 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Each member of the public wanting to ask questions will be encouraged to provide a written form of their question(s) to the Chief Executive Officer (CEO) or designated City employee.
- 3 Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) questions per member of the public.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 6 Where the number of required questions exceeds the number able to be asked, the member of the public may submit the unasked questions to the Council, where they would be 'taken on notice' and a written response provided.
- 7 Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.

- 8 To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the CEO by close of business two working days prior to the scheduled Council meeting.

Responses to those questions received within the above timeframe will, where practicable, be provided in hard copy at the meeting.

- 9 The Mayor or presiding member shall decide to:

- Accept or reject the question and his/her decision is final;
- Nominate a member of the Council and/or City employee to respond to the question;
- Due to the complexity of the question, require that it be taken on notice with a written response provided as soon as possible, and included in the agenda of the next Council meeting.

- 10 Questions are to be directed to the presiding member and should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.

- 11 Where a response has been provided to a question asked by a member of the public, and where that response, in the opinion of the presiding person, adequately deals with the question, there is no obligation to further justify the response.

- 12 Where an elected member is of the opinion that a member of the public is:

- asking a question at a Council meeting, that is not relevant to the operations of the City of Joondalup;
- making a statement during public question time;

they may bring it to the attention of the meeting.

- 13 Questions and any response will be summarised and included in the minutes of the Council meeting.

- 14 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

#### **DISCLAIMER**

Responses to questions not put in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

## PUBLIC STATEMENT TIME

The following protocols for the conduct of Public Statement Time were adopted at the Council meeting held on 11 October 2005

Members of the public are invited to make statements, either verbally or in writing, at Council meetings of the City.

Public statement time will be limited to a maximum of fifteen (15) minutes. Individual statements are not to exceed two (2) minutes per member of the public.

## PROCEDURE FOR PUBLIC STATEMENT TIME

Members of the public are invited to make statements, either verbally or in writing, at Council meetings.

Statements made at an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. **Statements made at a Special Meeting of the Council must relate to the purpose for which the meeting has been called.**

- 1 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Public statement time will be limited to two (2) minutes per member of the public.
- 3 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 4 Public statement time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further statements.
- 5 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 6 Where an elected member is of the opinion that a member of the public is making a statement at a Council meeting, that is not relevant to the operations of the City of Joondalup, they may bring it to the attention of the meeting.
- 7 Statements will be summarised and included in the minutes of the Council meeting.
- 8 It is not intended that public statement time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

## **CODE OF CONDUCT**

The Code recognises these ethical values and professional behaviours that support the principles of:

Respect for persons - this principle requires that we treat other people as individuals with rights that should be honoured and defended, and should empower them to claim their rights if they are unable to do so for themselves. It is our respect for the rights of others that qualifies us as members of a community, not simply as individuals with rights, but also with duties and responsibilities to other persons.

Justice - this principle requires that we treat people fairly, without discrimination, and with rules that apply equally to all. Justice ensures that opportunities and social benefits are shared equally among individuals, and with equitable outcomes for disadvantaged groups.

Beneficence - this principle requires that we should do good, and not harm, to others. It also requires that the strong have a duty of care to the weak, dependent and vulnerable. Beneficence expresses the requirement that we should do for others what we would like to do for ourselves.

*\* Any queries on the agenda, please contact Council Support Services on 9400 4369.*

# CITY OF JOONDALUP

Notice is hereby given that a Special Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **WEDNESDAY 24 MAY 2006** commencing at **7.00 pm**.

GARRY HUNT  
Chief Executive Officer  
22 May 2006

Joondalup  
Western Australia

## AGENDA

### **1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

### **2 PUBLIC QUESTION TIME**

(Please Note: Section 7(4)(b) of the Local Government (Administration) Regulations 1996 states that a Council at a special meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the agenda be asked.)

### **3 PUBLIC STATEMENT TIME**

Statements made at a Special Meeting of the Council must relate to the purpose for which the meeting has been called.

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

### **5 DECLARATIONS OF INTEREST**

### **6 ITEM OF BUSINESS**

**ITEM 1 APPOINTMENT OF REPRESENTATIVES TO COMMITTEES**

### **7 CLOSURE**

## **ITEM 1                    APPOINTMENT        OF        REPRESENTATIVES        TO COMMITTEES – [02153, 00046]**

**WARD:**                    All

**RESPONSIBLE**    Mr Garry Hunt  
**DIRECTOR:**        Office of CEO

---

### **PURPOSE**

To give consideration to the appointment of representatives to various Council-created and external committees.

### **EXECUTIVE SUMMARY**

Following the elections held on 6 May 2006, consideration is required to be given to the appointment of representatives to various Council-created and external committees.

### **BACKGROUND**

Council establishes various committees to advise it on specific matters. Such committees have no delegated power. The Local Government Act 1995 applies to these Council-created committees, and appointment of representatives to these committees must be made by Council and passed by an absolute majority. Council also nominates representatives to committees created by external organisations. Council may nominate representatives to such external committees by a simple majority.

### **DETAILS**

Following the elections held on 6 May 2006, consideration is required to be given to the appointment of representatives to various Council-created and external committees.

Council currently has ten (10) Council-created committees and provides representation on twenty-two (22) external committees. Details of the role of these committees and membership as at the time of the election are provided on Attachment 1, together with a comment on the recommended course of action.

### **Issues and options considered:**

The Council has the option of either:

- Not appointing committees, or
- Appointing elected member representation to the various Council-created and external committees.

At Council's meeting held on the 5 April 2005 (CJ050-04/05 refers) Council resolved in part that:

*“in the interests of good governance, AGREES that the City of Joondalup nominated representative on the Tamala Park Regional Council shall not be a member of the Mindarie Regional Council.”*

At the Council meeting held on 20 September 2005, during discussion on Item CJ202-09/05 - Appointment of Representatives to the Tamala Park Regional Council - it was recommended that when a report is presented to a future incoming Council, consideration be given to the Tamala Park Regional Council and Mindarie Regional Council each being represented by either the Mayor or Deputy Mayor in order that a senior level of representation be maintained.

**Link to Strategic Plan:**

4.3.3 Provide fair and transparent decision-making processes.

**Legislation – Statutory Provisions:**

The requirements of the Local Government Act 1995 are as follows:

Establishment of committees

5.8 A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

\* Absolute majority required.

Types of committees

5.9 (1) In this section:

“other person” means a person who is not a council member or an employee.

(2) A committee is to comprise:

- (a) council members only;
- (b) council members and employees;
- (c) council members, employees and other persons;
- (d) council members and other persons;
- (e) employees and other persons; or
- (f) other persons only.

Appointment of committee members

5.10 (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.
- (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.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish:
  - (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee,the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

#### Tenure of committee membership

- 5.11 (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until:
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
  - (b) the person resigns from membership of the committee;
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day,
- whichever happens first.

*(Note: the next ordinary election for the City of Joondalup is scheduled to be held in May 2007, unless the Local Government Act 1995 is amended).*

- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until:
- (a) the term of the person's appointment as a committee member expires;
  - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day,
- whichever happens first.

Clause 51(2) of the Standing Orders Local Law 2005 states: -

A nomination to any position is not required to be seconded.

**Risk Management considerations:**

Appointment of committees is essentially to assist the Council in performing some of its legislative responsibilities. If the Council resolves not to appoint committees or representation to external committees, this may hinder the overall decision-making process.

**Financial/Budget Implications:**

Not applicable.

**Policy implications:**

Not applicable.

**Regional Significance:**

A number of the external committees that the City of Joondalup is entitled to have representation on deal with matters that not only affect the affairs of the City but also the region and the local government industry as a whole. With the City having representation on such committees will allow the representatives to represent the best interests of the City of Joondalup.

**Sustainability implications:**

Not applicable.

**Consultation:**

Not applicable.

## COMMENT

With the appointment of the Commissioners to govern the affairs of the City of Joondalup in December 2003, a number of positions of Council representatives on various committees were not filled. It is appropriate for the Council to give further consideration to these positions.

The establishment of certain committees assists the Council to perform its legislative responsibilities, and representation on externally based committees allows the City of Joondalup to have a presence on various issues that face the local government industry.

Where there are more nominations to the vacancies for representation on either Council appointed or external committees, a ballot will need to be conducted to determine the representative.

It is noted that the operations of the committees need to be regularly reviewed to ensure they are assisting the Council meet its legislative requirements and its strategic direction.

.

## ATTACHMENTS

Attachment 1 – List of Council created committees and external committees that require City of Joondalup representation.

## VOTING REQUIREMENTS

Absolute Majority (for Council created committees) and  
Simple Majority (for representation on external committees)

## RECOMMENDATION

**That Council:**

- 1 BY AN ABSOLUTE MAJORITY, APPOINTS the following delegates to the Audit Committee:**

<b>Mayor T Pickard</b>	
<b>North Ward</b>	<b>– one representative and one deputy</b>
<b>North-Central Ward</b>	<b>– one representative and one deputy</b>
<b>Central Ward</b>	<b>– one representative and one deputy</b>
<b>South-West Ward</b>	<b>– one representative and one deputy</b>
<b>South-East Ward</b>	<b>– one representative and one deputy</b>
<b>South Ward</b>	<b>– one representative and one deputy</b>

- 2 in relation to the Conservation Advisory Committee, BY AN ABSOLUTE MAJORITY:**
- (a) **REMOVES** the following members from the Conservation Advisory Committee due to their recent resignations and thanks them for their valuable input:
- Mr M Norman  
Mr D Millan  
Mr J Brundrett**
- (b) **APPOINTS** two elected members to the Conservation Advisory Committee.
- 3 BY AN ABSOLUTE MAJORITY, APPOINTS** the following delegates to the Performance Review Committee - Chief Executive Officer:
- Mayor T Pickard**  
**North Ward** – one representative and one deputy  
**North-Central Ward** – one representative and one deputy  
**Central Ward** – one representative and one deputy  
**South-West Ward** – one representative and one deputy  
**South-East Ward** – one representative and one deputy  
**South Ward** – one representative and one deputy
- 4 BY AN ABSOLUTE MAJORITY, APPOINTS** the following delegates to the Policy Committee:
- Mayor T Pickard**  
**North Ward** – one representative and one deputy  
**North-Central Ward** – one representative and one deputy  
**Central Ward** – one representative and one deputy  
**South-West Ward** – one representative and one deputy  
**South-East Ward** – one representative and one deputy  
**South Ward** – one representative and one deputy
- 5 in relation to the Seniors Interests Advisory Committee, BY AN ABSOLUTE MAJORITY:**
- (a) **AMENDS** the terms of reference for the Seniors Interest Advisory Committee to allow two (2) elected members to be appointed to the Committee;
- (b) **APPOINTS** two (2) elected members to the Seniors Interests Advisory Committee.

- 6** in relation to the Strategic Financial Management Committee, **BY AN ABSOLUTE MAJORITY,**
- (a) **AMENDS** the terms of reference of the Strategic Financial Management Committee by deleting the words “Principal Activity Plan” in parts (c), (d), (e) and (f) and replaces them with the words “Plan for the Future”;
- (b) **APPOINTS** the following delegates to the Strategic Financial Management Committee:
- Mayor T Pickard  
North Ward  
    – one representative and one deputy  
North-Central Ward                      – one representative and one deputy  
Central Ward  
    – one representative and one deputy  
South-West Ward                          – one representative and one deputy  
South-East Ward                          – one representative and one deputy  
South Ward                                – one representative and one deputy
- 7** in relation to the Sustainability Advisory Committee:
- (a) **REMOVES** Mr David Wake as a member of the Sustainability Advisory Committee due to his recent resignation and thanks him for his valuable input;
- (b) **BY AN ABSOLUTE MAJORITY, APPOINTS** one elected member to the Sustainability Advisory Committee.
- 8** **DISBANDS** the Joondalup Eisteddfod Working Party, but **NOTES** that it will continue to operate as a technical working party but with no elected member representation.
- 9** **BY AN ABSOLUTE MAJORITY, APPOINTS** one elected member to the:
- (a) Joondalup Youth Advisory Council and;  
(b) Youth Affairs Advisory Committee.
- 10** **REQUESTS** a further report be submitted to the Council on alternative formats on how the Council might liaise with young people.

**11 NOMINATES the following representatives to external committees:**

- (a) **Joondalup Business Association (Formerly the North West Metro Business Association)**

**One elected member as ex-officio representative; and  
One elected member as ex-officio deputy.**

- (b) **Joondalup Business Centre (Formerly Joondalup Business Incubator)**

**Two elected members.**

- (c) **Local Government Association of WA – North Metropolitan Zone**

**Four elected members as representatives; and  
Four elected members as deputies.**

- (d) **Mindarie Regional Council**

**Two elected members as representatives; and  
Two elected members as deputies.**

- (e) **North West District Planning Committee**

**One elected member as representative; and  
One elected member as deputy.**

- (f) **Small Business Centre (North West Metro) Inc**

**One elected member.**

- (g) **Tamala Park Regional Council**

**Two elected members as representatives; and  
Two elected members as deputies.**

**12 in relation to Community Vision Inc (Board):**

- (a) **RETAINS its current representation by the Manager Community Development on the Community Vision Inc (Board);**

- (b) **NOMINATES** the following to represent the City of Joondalup on the Community Vision Inc (Board):

One elected member as representative; and  
One elected member as deputy.

**13** in relation to the North Metropolitan Regional Recreation Advisory Committee:

- (a) **WITHDRAWS** its current officer representation;
- (b) **NOMINATES** the following representatives to the North Metropolitan Regional Recreation Advisory Committee:

One elected member as representative; and  
One elected member as deputy.

**14** in relation to the District Emergency Management Committee:

- (a) **RETAINS** its current officer representation;
- (b) **NOMINATES** an elected member to the District Emergency Management Committee.

**15** in relation to the North Western Metropolitan Regional Road Sub-Group

- (a) **RETAINS** the Director Infrastructure Services as its officer representative and **REMOVES** the Manager Infrastructure Management and Ranger Services;
- (b) **NOMINATES** the following representatives to the North Western Metropolitan Regional Road Sub-Group:

One elected member as representative; and  
One elected member as deputy.

**16** **RETAINS** its current officer representation on the following external committees:

- (a) **Community Board of Advice (Joondalup Health Campus);**
- (b) **Joondalup Lotteries House Inc;**
- (c) **Local Emergency Management Committee;**
- (d) **Yellagonga Regional Park Community Advisory Committee.**

- 17 NOTES that the following external committees are no longer in operation:**
- (a) Business and Community Directory Working Group;**
  - (b) Coastal Management Advisory Committee;**
  - (d) Local Learning And Employment Partnership – North Metro;**
  - (d) Luisini Heritage Project Steering Committee;**
  - (e) Safer WA Joondalup Committee (previously Community Policing Divisional Committee);**
  - (f) Warwick Leisure Centre & Churches of Christ Management Committee;**
  - (g) Yellagonga Catchment Group Inc.**

Appendix 1 refers.

To access this attachment on electronic document, click here: [Attach1agn240506.pdf](#)





**DECLARATION OF  
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT  
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

Section 5.65(1) of the Local Government Act 1995 states that:

*"A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:*

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



**QUESTION TO BE ASKED AT  
BRIEFING SESSION/COUNCIL MEETING**

**NAME** .....

**ADDRESS** .....

**QUESTIONS**

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called