

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
TUESDAY, 6 NOVEMBER 2007
commencing at 8.00 pm

Public Question Time

PUBLIC QUESTION TIME



Members of the public are requested to lodge questions in writing by close of business on Monday, 5 November 2007. 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

2 November 2007



City of
Joondalup

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.

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 **TUESDAY, 6 NOVEMBER 2007** commencing at **8.00 pm**.

GARRY HUNT
Chief Executive Officer
2 November 2007

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

Leave of Absence previously approved

Cr M Macdonald 21 November 2007 to 30 November 2007 inclusive

5 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

6 DECLARATIONS OF INTEREST

7 ITEM OF BUSINESS

JSC03-11/07 APPOINTMENT OF REPRESENTATIVES TO COMMITTEES

8 CLOSURE

JSC03-11/07 APPOINTMENT OF REPRESENTATIVES TO COMMITTEES – [02153, 00046]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
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 20 October 2007, 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 20 October 2007, consideration is required to be given to the appointment of representatives to various Council-created and external committees.

Council currently has eight (8) Council-created committees and provides representation on two (2) Regional Councils and fourteen (14) 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:

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 region but also 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

Legislation requires the Council to establish an Audit Committee. The establishment of other committees assists the Council to perform its legislative responsibilities, and representation on externally based committees allows the City of Joondalup to have input into 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.

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)
Simple Majority (for representation on external committees)

RECOMMENDATION**That Council:****1 BY AN ABSOLUTE MAJORITY:**

- (a) **ESTABLISHES the Audit Committee to oversee the internal and external Audit and Risk Management and Compliance functions of the City;**
- (b) **APPOINTS the following members to the Audit Committee:**

Mayor Troy Pickard	
North Ward	– one representative
North-Central Ward	– one representative
Central Ward	– one representative
South-West Ward	– one representative
South-East Ward	– one representative
South Ward	– one representative

2 BY AN ABSOLUTE MAJORITY:

- (a) **ESTABLISHES the Chief Executive Officer – Performance Review Committee to:**
 - **Review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;**
 - **Prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to the Council at a Council meeting for consideration and actioning;**
 - **Review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment contract;**
 - **Review the Key Performance Indicators to be met by the Chief Executive Officer;**
 - **Review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract;**
 - **Review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary;**

- (b) **APPOINTS** the following members to the Chief Executive Officer – Performance Review Committee:

Mayor Troy Pickard	
North Ward	– one representative
North-Central Ward	– one representative
Central Ward	– one representative
South-West Ward	– one representative
South-East Ward	– one representative
South Ward	– one representative

3 BY AN ABSOLUTE MAJORITY:

- (a) **ESTABLISHES** the North-West Corridor Coordinating Committee to consider the consultant’s report on the Northwest Corridor Economic Development Strategy;
- (b) **APPOINTS** the following members to the North-West Corridor Coordinating Committee:

Mayor Troy Pickard
Four (4) Elected Members.

4 BY AN ABSOLUTE MAJORITY:

- (a) **ESTABLISHES** the Ocean Reef Marina Committee to provide leadership for, and oversight of, the Ocean Reef Marina project;
- (b) **APPOINTS** the following members to the Ocean Reef Marina Committee:

Mayor Troy Pickard	
North-Central Ward	Cr Albert Jacob
North-Central Ward	Cr Trona Young
North Ward	– one representative
Central Ward	– one representative
South-West Ward	– one representative
South-East Ward	– one representative
South Ward	– one representative

5 BY AN ABSOLUTE MAJORITY:

- (a) **ESTABLISHES** the Policy Committee to:
- **Make recommendations to Council on the development and review of Council and City policies to identify the direction of Council.**
 - **Initiate and request the formulation and drafting of both Council and City policies.**
 - **Devise and oversee the method of development (level and manner of community consultation) for the development of Council and City policies.**
 - **Review the Council Policy Framework in order to ensure compliance with the provisions of the Local Government Act 1995;**

(b) APPOINTS the following members to the Policy Committee:

Mayor Troy Pickard	
North Ward	– one representative
North-Central Ward	– one representative
Central Ward	– one representative
South-West Ward	– one representative
South-East Ward	– one representative
South Ward	– one representative

6 BY AN ABSOLUTE MAJORITY:

(a) ESTABLISHES the Strategic Financial Management Committee to:

- (i) Promote and advocate sound financial management within the City and provide advice to the Council on strategic financial management issues;**
- (ii) In particular advise Council on:**
 - (A) How funding can be achieved for any major capital works project before the Council makes a commitment to a project;**
 - (B) Levels of service delivery – determine:**
 - which services to be provided;**
 - Standards of service. Such standard will be determined with reference to:**
 - best industry practice standards where applicable;**
 - internally agreed standards which will be determined with reference to local community expectations;**
 - (C) Preparation of the Plan for the Future with high priority being given to ensure that the Plan is achievable in the long term;**
 - (D) Alignment of the Plan for the Future to the Council's Strategic Plan;**
 - (E) Consideration of public submissions to the Plan for the Future;**
 - (F) Final acceptance of the Plan for the Future;**
- (iii) Policy development and review of policies with financial implications for the City.**

- (b) **APPOINTS the following members to the Strategic Financial Management Committee:**

Mayor Troy Pickard	
North Ward	– one representative
North-Central Ward	– one representative
Central Ward	– one representative
South-West Ward	– one representative
South-East Ward	– one representative
South Ward	– one representative

- 7 **DEFERS consideration of establishing the Conservation Advisory Committee, Seniors Interests Advisory Committee and Sustainability Advisory Committee until its meeting to be held on 18 December 2007;**

- 8 **NOMINATES the following persons to represent the City of Joondalup on the:**

- (a) **Community Board of Advice (Joondalup Health Campus):**

One (1) Elected Member.

- (b) **District Emergency Management Committee:**

**One (1) Elected Member
Manager, Operations Services
Senior Ranger, Ranger Services**

- (c) **Joondalup Business Association:**

**One (1) Elected Member as ex officio representative;
One (1) Elected Member as ex officio deputy.**

- (d) **Joondalup Business Centre:**

Two (2) Elected Members

- (e) **Joondalup Lotteries House Inc:**

Manager Library and Community Development

- (f) **Local Emergency Management Committee:**

**Manager Operations Services
Senior Ranger, Ranger Services**

- (g) **Mindarie Regional Council:**

Two (2) Elected Members.

- (h) **North Metropolitan Region Recreation Advisory Group:**

One (1) Elected Member

- (i) North West District Planning Committee:**

One (1) Elected Member as representative;
One (1) Elected Member as deputy.
- (j) North Western Metropolitan Regional Road Sub-Group:**

One (1) Elected Member as representative;
One (1) Elected Member as deputy;
Director Infrastructure Services
- (k) Small Business Centre (North West Metro) Inc:**

One (1) Elected Member
- (l) Swan Catchment Council – Local Government Reference Group:**

One (1) Elected Member
- (m) Tamala Park Regional Council:**

Two (2) Elected Members
- (n) Local Government Association of WA – North Metropolitan Zone:**

Four (4) Elected Members as representatives;
Four (4) Elected Members as deputies.
- (o) Yellagonga Regional Park Community Advisory Committee:**

One (1) Elected Member as representative;
One (1) Elected Member as deputy;
Conservation Officer.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agn061107.pdf](#)



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

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

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

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**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

QUESTIONS

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Please submit this form at the meeting or:

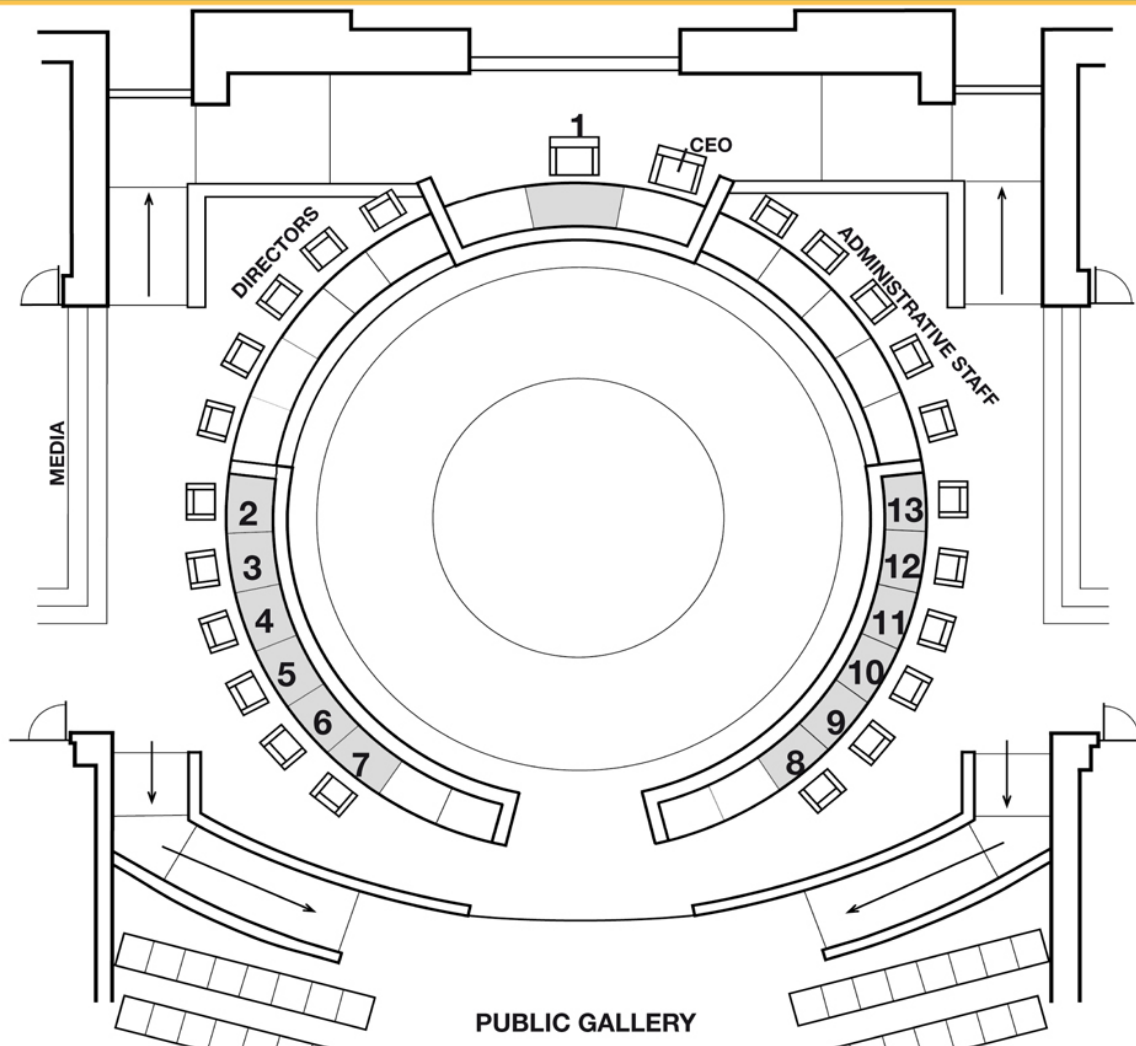
- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

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

COUNCIL CHAMBER – SEATING DIAGRAM

City of Joondalup



Mayor

1 His Worship the Mayor, Troy Pickard (Term expires 10/09)

North Ward

- 2 Cr Kerry Hollywood (Term expires 10/09)
- 3 Cr Tom McLean (Term expires 10/11)

North-Central Ward

- 4 Cr Albert Jacob (Term expires 10/09)
- 5 Cr Trona Young (Term expires 10/11)

Central Ward

- 6 Cr Marie Macdonald (Term expires 10/09)
- 7 Cr Geoff Amphlett (Term expires 10/11)

South-West Ward

- 8 Cr Michele John (Term expires 10/09)
- 9 Cr Mike Norman (Term expires 10/11)

South-East Ward

- 10 Cr Sue Hart (Term expires 10/09)
- 11 Cr Brian Corr (Term expires 10/11)

South Ward

- 12 Cr Russ Fishwick (Term expires 10/09)
- 13 Cr Fiona Diaz (Term expires 10/11)