

agenda

Special Meeting of Council

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

ON TUESDAY, 22 OCTOBER 2013

COMMENCING AT 7.15pm

PURPOSE OF MEETING

The purpose of the meeting is to:

- Elect a Deputy Mayor.
- Appointment of Council Representatives to the Mindarie Regional Council, Tamala Park Regional Council and Western Australian Local Government North Metropolitan Zone.
- Appoint members to the Art Collection and Advisory Committee and set its first meeting date.

GARRY HUNT
Chief Executive Officer
18 October 2013

www.joondalup.wa.gov.au

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by 9.00am on Monday 21 October 2013.

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.

QUESTIONS TO

council.questions@joondalup.wa.gov.au
PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 17 March 2009:

Questions asked verbally

- 1 Members of the public are invited to ask questions at Council Meetings.
- 2 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.
- 3 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.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two questions per member of the public.
- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 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.
- 7 Public question time will be limited to the legislative minimum of 15 minutes and may be extended in intervals of up to 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 35 minutes in total. 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 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. The Presiding Member shall decide to:
 - Accept or reject any question and his/her decision is final;
 - Nominate a member of the Council and/or City employee to respond to the question;
 - Take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Council meeting.
- 9 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.

- 10 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 11 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*.

Questions in Writing - Residents and /or Ratepayers of the City of Joondalup Only

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions submitted to an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. Questions submitted to a Special Meeting of the Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Mayor will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.
- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.

- 10 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 submitted in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time were adopted at the Council meeting held on 18 December 2007:

- 1 Members of the public are invited to make statements, either verbally or in writing, at Council meetings.
- 2 Statements made at an ordinary Council meeting must 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.
- 3 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.
- 4 Public statement time will be limited to two minutes per member of the public.
- 5 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.
- 6 Public statement time will be limited to a maximum of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier than such time where there are no further statements.
- 7 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.
- 8 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 Presiding Member who will make a ruling.
- 9 A member of the public attending a Council meeting may present a written statement rather than making the Statement verbally if he or she so wishes.
- 10 Statements will be summarised and included in the minutes of the Council meeting.

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 the Governance Coordinator on 9400 4369.*

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CITY OF JOONDALUP

Notice is hereby given that a Special Meeting of Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 22 October 2013** commencing at **7.15pm**.

GARRY HUNT
Chief Executive Officer
18 October 2013

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 ELECTION OF DEPUTY MAYOR

The role of the Deputy Mayor is to perform the functions of the Mayor when authorised to do so, that is when the Office of Mayor is vacant or the Mayor is not available or is unwilling to perform the functions of the Mayor.

The Office of Deputy Mayor is to be filled as the first matter dealt with at the first meeting of the Council after an ordinary election. Upon election of the Deputy Mayor, there is a requirement for the incumbent to make a further declaration for that Office.

How the Deputy Mayor is elected:

- 1 The Council is to elect a Councillor (other than the Mayor) to fill the Office.
- 2 The election is to be conducted in accordance with the procedure prescribed by the Mayor, or if he or she is not present, by the CEO.
- 3 Nominations for the Office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- 4 Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- 5 If a Councillor is nominated by another Councillor, the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the Office.
- 6 Should there be more than one nomination, elected members are to vote on the matter by secret ballot as if they were electors voting at an election.
- 7 Subject to clause 9(1) of Schedule 2.3 of the *Local Government Act 1995*, the votes cast are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 of the *Local Government Act 1995*, as if those votes were votes cast at an election.
- 8 As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

To access nomination form for election of Deputy Mayor on electronic document, click here:
[Nomination Form - Election of Deputy Mayor.pdf](#)

7 ADDRESS BY DEPUTY MAYOR**8 IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS**

9 ITEMS OF BUSINESS

JSC04-10/13 APPOINTMENT OF REPRESENTATIVES TO REGIONAL COUNCILS AND THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NORTH METROPOLITAN ZONE

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	03149, 49116, 60514, 00033
ATTACHMENTS:	Nil.
AUTHORITY/DISCRETION:	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to give consideration to the appointment of representatives to the Mindarie Regional Council (MRC), Tamala Park Regional Council (TPRC) and the Western Australian Local Government Association (WALGA) North Metropolitan Zone.

EXECUTIVE SUMMARY

Following the local government elections held on 15 October 2011, consideration is required to be given to the appointment of representatives to various Council-created and external committees/boards.

The City of Joondalup has representation on the MRC, TPRC and the WALGA North Metropolitan Zone. The appointment of representatives is required, as there may be matters requiring resolution in the first two weeks following the election, as well as appointment to WALGA State Council, by the WALGA zones.

It is therefore considered imperative that should either of the Regional Councils or the WALGA North Metropolitan Zone call an early meeting, the City has representatives to attend and participate in decision making that may affect the City.

Council is required to appoint two Elected Members to the MRC. A previous decision of Council suggested that the City of Joondalup nominated representative on the TPRC not be a member of the MRC (Item CJ050-04/05 refers). At its meeting held on 20 September 2005, Council also recommended that consideration be given to the MRC and TPRC being represented by either the Mayor or the Deputy Mayor, in order that a senior level of representation be maintained (Item CJ202-09/05 refers).

It is therefore appropriate that representatives to both Regional Councils be considered and appointed simultaneously.

Council is also required to appoint four Elected Members to the WALGA North Metropolitan Zone, as well as first, second, third and fourth alternate members.

BACKGROUND

Mindarie Regional Council

The purpose of the MRC is to perform designated functions in connection with waste treatment and disposal.

The MRC manages the disposal of about 315,000 tonnes of waste generated each year by people living in its seven government localities, being the Cities of Joondalup, Perth, Stirling, Wanneroo and Vincent, and the Towns of Cambridge and Victoria Park.

The MRC's vision is to 'set and achieve the standard for minimising the impact of waste on the environment, for the benefit of the regional community.'

Tamala Park Regional Council

The TPRC was established for the development of approximately 165 hectares of Lot 118, Mindarie, and represents the interests of seven local governments in the urban development of land south of Somerley, in Perth's northern suburbs. The seven local governments represented by the TPRC are the Cities of Joondalup, Perth, Stirling, Wanneroo and Vincent, and the Towns of Cambridge and Victoria Park.

The regional purpose for which the TPRC is established is:

- (a) to undertake, in accordance with the objectives, the rezoning, subdivision, development, marketing and sale of the Land; and
- (b) to carry out and do all other acts and things which are reasonably necessary for the bringing into effect of the matters referred to in paragraph (a) of this clause.

The objectives of the TPRC are:

- (a) to develop and improve the value of the Land;
- (b) to maximise, with prudent risk parameters, the financial return to the Participants;
- (c) to balance economic, social and environmental issues; and
- (d) to produce a quality development demonstrating the best urban design and development practice.

Western Australian Local Government Association North Metropolitan Zone

The Western Australia Local Government Association (WALGA) lobbies and negotiates on behalf of the 140 local governments in Western Australia.

WALGA's structure includes a State Council and geographically aligned groups of local governments called zones, which advise the WALGA State Council. The City of Joondalup belongs to WALGA's North Metropolitan Zone, which consists of four elected member representatives from each of the Cities of Joondalup, Stirling and Wanneroo.

The North Metropolitan Zone is entitled to three members on WALGA State Council and as the North Metropolitan Zone consists of three local governments, it is normal practice that a representative from each of the three local governments, is nominated to serve on WALGA State Council.

DETAILS

Issues and options considered

At the Council meeting held on 5 April 2005 (Item 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 the appointment of representatives to the Tamala Park Regional Council (Item CJ202-09/05 refers), 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.

For this reason it is considered appropriate that representatives to both Regional Councils be appointed simultaneously. However, it should be noted that this is a recommendation of Council, and not a formal resolution (CJ202-09/05 refers).

The most recent Council-appointed representatives to the MRC, TPRC and the WALGA North Metropolitan Zone are as follows:

- Mindarie Regional Council
Cr Russ Fishwick and Cr Kerry Hollywood.
- Tamala Park Regional Council
Cr Tom McLean and Cr Geoff Amphlett
- Western Australian Local Government Association North Metropolitan Zone
Cr Geoff Amphlett
Cr Russ Fishwick
Cr Christine Hamilton-Prime
Cr Mike Norman

Four alternate deputies were appointed to the WALGA North Metropolitan Zone to represent one of the four members should they be unable to attend a meeting as follows:

Deputies

First Alternate Member	Cr Brian Corr
Second Alternate Member	Cr John Chester
Third Alternate Member	Cr Teresa Ritchie
Fourth Alternate Member	Cr Liam Gobbert

Legislation / Strategic Community Plan / policy implications

Legislation Section 3.61 of the *Local Government Act 1995*.
Section 51 of the *Interpretation Act 1984*.

Strategic Community Plan

Key theme Leadership and Governance.

Objective Strong leadership.

Strategic initiative Seek out City representation on key external and strategic bodies.

Policy Not applicable.

Risk management considerations

If the Council does not appoint representatives to the MRC, TPRC and the WALGA North Metropolitan Zone, this may hinder the overall decision-making process.

Financial / Budget implications

Not applicable.

Regional significance

The MRC, TPRC are significant organisations within the northern metropolitan corridor, dealing with waste treatment and disposal and land development, respectively.

The WALGA North Metropolitan Zone deals with issues that affect the Zone members both regionally and operationally as local governments.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The timely appointment of the City of Joondalup's representatives to the MRC, TPRC the WALGA North Metropolitan Zone will ensure the City is represented on these organisations, enabling them to participate in decision-making that may impact the City.

The following meeting fees and allowances apply to representatives of the MRC, TPRC and the WALGA North Metropolitan Zone:

Mindarie Regional Council

	Meeting Fee per annum (\$)	Allowance per annum (\$)	Technology Expenses per annum (\$)
Chairperson	15,000	19,000	1,000
Deputy Chairperson	10,000	4,750	1,000
Councillor	10,000		1,000
Deputy Councillor	\$140 per meeting		
Other Expenses	Child care and travel costs will be reimbursed in accordance with the <i>Local Government (Administration) Regulations 1996</i>		

Tamala Park Regional Council

	Meeting Fee per annum (\$)	Allowance per annum (\$)
Chairperson	15,000	19,000
Deputy Chairperson	10,000	4,750
Councillor	10,000	
Deputy Councillor	\$140 per meeting	

No deputies are appointed to the TPRC or MRC. Legal advice has confirmed that the appointment of deputies to serve on a Regional Council can only be made under specific circumstances and not on an ongoing basis.

It is important to note therefore that should any of the Council's appointed representatives not be available to attend a meeting of the TPRC or MRC in the near future a special resolution of Council is required to appoint an alternate member for the specific period that the member is not available, in accordance with sections 52(b) and (c) of the *Interpretation Act 1984*, which provides:

52(b) "Where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and

52(c) to specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment."

WALGA North Metropolitan Zone

There are no sitting fees for being on the WALGA North Metropolitan Zone however representatives from each of the zones are elected to serve on the WALGA State Council.

WALGA State Councillors do receive sitting fees for their appointment.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council **NOMINATES** the following persons to represent the City of Joondalup on the:

1 Mindarie Regional Council:

Two (2) Elected Members;

2 Tamala Park Regional Council:

Two (2) Elected Members;

3 Western Australian Local Government Association – North Metropolitan Zone:

Members

Four (4) Elected Members;

Deputy Members

First alternate member	- One (1) Elected Member;
Second alternate member	- One (1) Elected Member;
Third alternate member	- One (1) Elected Member;
Fourth alternate member	- One (1) Elected Member.

JSC05-10/13 APPOINTMENT OF MEMBERS TO THE ART COLLECTION AND ADVISORY COMMITTEE AND SETTING OF MEETING DATE

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	35613
ATTACHMENTS:	Nil.
AUTHORITY/DISCRETION:	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to nominate members to the Art Collection and Advisory Committee and to set its first meeting date.

EXECUTIVE SUMMARY

Following the local government elections held on 19 October 2013, consideration is required to appoint representatives to various Council-created committees, groups and panels, as well as other external committees or boards where the City has representation.

The Art Collection and Advisory Committee is a committee established by Council and has the authority to approve the acquisition of artworks within the available adopted budget funds. In view of the opening night of the City's Community Invitation Art Award on Saturday 26 October 2013, a meeting of the committee will need to occur prior to the exhibition opening to enable the committee to select any artworks it wishes to acquire on behalf of the City.

It is therefore recommended that Council appoint members to the Art Collection and Advisory Committee and to set its first meeting date.

BACKGROUND

The Art Collection and Advisory Committee was initially established by Council at its meeting held on 15 April 2008 (Item CJ052-04/08 refers), and over time its role has been amended to reflect the following:

"To:

- 1 Approve art acquisitions within the available adopted budget funds;*
- 2 Develop and maintain a visual art collection of significance and repute that reflects the cultural aspirations of the City of Joondalup and its expressed goals and policies;*

- 3 *Build an art collection of appreciating financial value, which constitutes a sound investment for the City;*
- 4 *Collect works of visual art of demonstrable excellence by artists of significance, consistent with the perceived developments in West Australian contemporary art;*
- 5 *Collect and commission selectively works of art which enhance the existing Collection and which foster an understanding, enjoyment and appreciation of the visual arts among the broader community and members of the general public;*
- 6 *Review the criteria established to determine the award winners;*
- 7 *Perform an oversight role in relation to the strategic direction of the City's Community Art Exhibition and Invitational Art Award."*

The committee has traditionally been given delegated authority by Council to approve acquisition of artworks within the available adopted budget funds. Acquisition of artworks usually occurs through City events such as the upcoming Community Invitation Art Award. In view of this it will be necessary for Council to appoint members to the committee and call its first meeting to not only elect its Presiding Member and Deputy Presiding Member, but to also consider the purchase of items as part of the Community Invitation Art Award.

DETAILS

Following the elections held on 19 October 2013, consideration is required to be given to the appointment of representatives to various Council-created and external committees.

The Art Collection and Advisory Committee previously has the following representation as its members:

- The Mayor.
- A Central Ward representative.
- A North Ward representative.
- A North-Central Ward representative.
- A South Ward representative.
- A South-East Ward representative.
- A South-West Ward representative.
- The Chief Executive Officer.

Due to the role and functions of the committee, it is considered more appropriate to appoint the Director Corporate Services to the committee rather than the Chief Executive Officer. Deputy members are also appointed for the respective ward representatives, should members be unable to attend.

Issues and options considered

Council can either:

- establish the Art Collection and Advisory Committee as previously established
- amend the role of the committee as previously established
- not establish the committee
- or
- amend the committees membership.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

Strategic initiative Seek out City representation on key external and strategic bodies.

Policy Not applicable.

The requirements of the *Local Government Act 1995* in respect of Council-created committees 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.*
- (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.*

Deputy committee members

5.11A(1) *The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.*

** Absolute majority required.*

- (2) *A person who is appointed as a deputy of a member of a committee is to be:*
 - (a) *if the member of the committee is a council member – a council member; or*
 - (b) *if the member of the committee is an employee – an employee; or*
 - (c) *if the member of the committee is not a council member or an employee – a person who is not a council member or an employee; or*
 - (d) *if the member of the committee is a person appointed under section 5.10(5) – a person nominated by the CEO.*
- (3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*
- (4) *A deputy member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*

Risk management considerations

Appointment of committees is essential to assist the Council in performing some of its legislative responsibilities. If the Council does not establish committees it may hinder the overall decision-making process.

Financial / Budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The establishment of committees assists the Council to perform its legislative responsibilities. In view of opening night of the Community Invitation Art Award occurring on Saturday 26 October 2013, a meeting of the committee will need to be held to not only elect its Presiding Member and Deputy Presiding Member, but to also consider the purchase of items as part of the Community Invitation Art Award.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

1 BY AN ABSOLUTE MAJORITY:

1.1 ESTABLISHES the Art Collection and Advisory Committee to:

- 1.1.1 Approve art acquisitions within the available adopted budget funds;**
- 1.1.2 Develop and maintain a visual art collection of significance and repute that reflects the cultural aspirations of the City of Joondalup and its expressed goals and policies;**
- 1.1.3 Build an art collection of appreciating financial value, which constitutes a sound investment for the City;**
- 1.1.4 Collect works of visual art of demonstrable excellence by artists of significance, consistent with the perceived developments in West Australian contemporary art;**
- 1.1.5 Collect and commission selectively works of art which enhance the existing Collection and which foster an understanding, enjoyment and appreciation of the visual arts among the broader community and members of the general public;**
- 1.1.6 Review the criteria established to determine the award winners;**
- 1.1.7 Perform an oversight role in relation to the strategic direction of the City's Community Art Exhibition and Invitational Art Award;**

1.2 APPOINTS the following members and deputy members to the Art Collection and Advisory Committee:

Members

- Mayor;**
- Central Ward - One representative;**
- North Ward - One representative;**
- North-Central Ward - One representative;**
- South Ward - One representative;**

- **South-East Ward** - One representative;
- **South-West Ward** - One representative;
- **Director Corporate Services;**

Deputy Members

- **Central Ward** - One representative;
- **North Ward** - One representative;
- **North-Central Ward** - One representative;
- **South Ward** - One representative;
- **South-East Ward** - One representative;
- **South-West Ward** - One representative;

1.3 DELEGATES AUTHORITY to the Art Collection and Advisory Committee to approve acquisitions for artworks within the available adopted budget funds;

2 CALLS a meeting of the Art Collection and Advisory Committee in Conference Room 2, City of Joondalup Civic Centre on Thursday 24 October 2013, commencing at 7.00pm to enable the election of a presiding member and deputy presiding member and select artworks to acquire that are displayed as part of the Community Invitation Art Award.

10 CLOSURE



NOMINATION FORM

I hereby nominate

.....

for the position of Deputy Mayor.

Name

Signature

Date

.....

ACCEPTANCE OF NOMINATION

.....

(name of nominee)

I hereby accept the nomination made by

.....

for the position of Deputy Mayor.

Signature

Date



**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**

NAME

ADDRESS

QUESTIONS

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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



**STATEMENT TO BE MADE AT
BRIEFING SESSION/COUNCIL MEETING**

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

STATEMENT

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Please note that:

- Statements made at a **Briefing Session** must relate to matters contained on the draft agenda.
- Statements made at a **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.