

Minutes

JOONDALUP LOTTERIES HOUSE INC Annual General Meeting

1:00 pm
Thursday 12 October 2012
Conference Room
Joondalup Lotteries House

1.1	Meeting Opened: 1:00pm	
1.2	Welcome The acting chairperson, Julie Forrester, welcomed and thanked those present for the attendance at today's meeting and thanked them for their ongoing support of Joondalup Lotteries House, those attending then introduced themselves.	
2.1	Attendance	
	Julie Forrester Rik Kort Fran Edmeades Mandy Stringer Cassie Smith Nicola Iannantuoni	City of Joondalup (Acting Chairperson) Community Member, (Treasurer) Relationships Australia WOMEN'S Healthworks PEP Community Services North Metro Community Drug Service
2.2	Apologies	
	Rose Ngoga	Sussex Street Community Law Service
3	Confirmation of Previous Minutes MOTION : That the minutes of the previous Annual General Meeting held on 5 October 2011 be accepted and the business ratified as a true and correct record. MOVED: Mandy Stringer SECONDED: Rik Kort CARRIED	
4	Matters Arising from Previous Minutes – No Matters were arising from the previous minutes.	
5	Chairpersons Report Julie Forrester presented the Annual Report which includes the annual Chairpersons report and highlighted the following: <ul style="list-style-type: none"> • Receipt of a grant for \$2,500 from the City of Joondalup to support volunteers who give their time caring for children whose parents are attending appointments in the house. • Ongoing discussions with the City of Joondalup about the potential extension of the JLHI building. • Replacement of 31 air conditioning wall units and 9 inverter cassettes made possible by a grant of \$172,500 from Lottery West. • Some changes of tenancy resulting from the Australian Asian Association moving out in July 2012 and North Metro Community Drug Services Team taking up the space. 	

Minutes
Joondalup Lotteries House Inc
Annual General Meeting
5th October 2011

6	<p>Annual Financial Statements and Auditors Report Rik Kort then presented the Audited financial statements which were included in the Annual Report.</p> <p>Rik confirmed that the decision to charge a Management Fee to tenants who do not participate in the Management Committee was made in the meeting held on 21 June 2012 and is reflected in the minutes.</p> <p>MOVED: Fran Edmeades SECONDED: Mandy Stringer CARRIED</p>																											
7	<p>Auditor Appointment It was agreed to continue with Hewitt, Turner & Gelevitis as auditors for the house. Rik reported that the auditors had asked a number of challenging questions during the 2011/12 audit which was a good indication that they were applying scrutiny and rigour to the process.</p> <p>MOTION: That Hewitt, Turner & Gelevitis are appointed as Auditors for the 2012-2013 financial year.</p> <p>MOVED: Fran Edmeades SECONDED: Mandy Stringer CARRIED</p>																											
9	<p>Appointment of Returning Officer – The meeting agreed that Julie Forrester could facilitate the elections for the committee.</p>																											
10	<p>Election of Management Committee Written nominations were received from the following:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Position</th> <th style="text-align: left;">Nominee</th> <th style="text-align: left;">Representing</th> </tr> </thead> <tbody> <tr> <td>Chairperson</td> <td>No nomination received</td> <td></td> </tr> <tr> <td>Vice Chairperson</td> <td>No nomination received</td> <td></td> </tr> <tr> <td>Treasurer</td> <td>Rik Kort</td> <td>Community Member</td> </tr> <tr> <td>Local Government Rep</td> <td>Julie Forrester</td> <td>City of Joondalup</td> </tr> <tr> <td>Committee Member</td> <td>Nicola Iannantuoni</td> <td>North Metro Community Drug Service</td> </tr> <tr> <td>Committee Member</td> <td>Fran Edmeades</td> <td>Relationships Australia</td> </tr> <tr> <td>Committee Member</td> <td>Mandy Stringer</td> <td>WOMEN'S Healthworks</td> </tr> <tr> <td>Committee Member</td> <td>Cassie Smith</td> <td>PEP Community Services</td> </tr> </tbody> </table> <p>No other nominations were received and no objections were raised, therefore all nominees were declared duly elected.</p> <p>As the meeting did not receive nominations for Chairperson, Julie Forrester offered to continue acting in the chair until such time as the position can be filled. The meeting agreed to this arrangement.</p>	Position	Nominee	Representing	Chairperson	No nomination received		Vice Chairperson	No nomination received		Treasurer	Rik Kort	Community Member	Local Government Rep	Julie Forrester	City of Joondalup	Committee Member	Nicola Iannantuoni	North Metro Community Drug Service	Committee Member	Fran Edmeades	Relationships Australia	Committee Member	Mandy Stringer	WOMEN'S Healthworks	Committee Member	Cassie Smith	PEP Community Services
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11	<p>Other Business – no further business was raised by the meeting attendees.</p>																											
12	<p>Meeting Closed – 1.45pm</p>																											

**Joondalup Lotteries House Inc
Management Committee
18 October 2012**

6	<p>Security contract with Signature Security New agreement signed which reduces the monthly charges and will result in an annual saving of \$3,432.</p> <p>Action – need a volunteer to go on the call-out list for out of hours issues. Everyone agreed that each agency should be responsible for their area. Julie Forrester and Anne Jones Administration Officer will be named for breaches to common areas of the house.</p>	
7	<p>Air Conditioner replacement program All air conditioners and inverter cassettes have now been replaced. Rik and Julie met with the contractors who confirmed they will not repair holes in plaster left behind.</p> <p>Action - Maintenance man has been asked for a quote to repair the holes left after unit installation. Made contact with Daniel from Perfect – All Trade Services and waiting for him to look and quote for job, Administration Officer to follow up. Air Master are wanting information regarding quarterly maintenance and service if Jeff Mouritz are doing that, administration to check contract with Jeff Mouritz and get back to AirMaster.</p>	
8	<p>Cleaning Contract Although negative feedback had been received in the past, it appears the cleaners are doing what is expected of them. Every one agreed that they were happy with standard of work with common areas and that we should stay with contractors for now. Administration officer is in contact with area supervisor.</p>	
9	<p>Fire Warden</p> <p>Action – need to make arrangements for a Fire Warden for the house.</p> <p>Cassie Smith from PEP Community Services nominated herself for Fire Warden position for ground floor, first floor fire warden Shangkri Valushamie from WHW.</p>	
10	<p>Creche Update Regarding the crying child on 16.10.12, Julie to discuss with the volunteer who was on duty that day and implement a plan of action to address.</p>	
11	<p>Future Meetings</p> <p>Action - Set schedule of meetings for the next 12 months. It was agreed that the Committee meetings be held on the second Thursday every second month, if need this can be changed to every month.</p>	
12	<p>MEETING CLOSED 12.00pm</p>	

Minutes

JOONDALUP LOTTERIES HOUSE INC Management Committee Meeting

1:00pm 14 February 2013
Gooellal Meeting Room
City of Joondalup

1	MEETING OPENED – 1:05pm. Nominees Philip Kieran and Val Henney introduced themselves to other committee members.
2	ATTENDANCE – Julie Forrester – Acting Chairperson, Mandy Stringer, Fran Edmeades, Rose Ngoga, Nicola Innanuola, Philip Kieran and Val Henney.
3	APOLOGIES – Anne Jones - Administration Officer, Rik Kort - Treasurer and Cassie Smith.
4	<p>CONFIRMATION OF PREVIOUS MINUTES</p> <p>Motion : That the minutes of the meeting held on 18 October 2012 be accepted and the business ratified as a true and correct record. It was noted that the heading on the minutes stated Agenda – this will be rectified.</p> <p>MOVED: Mandy Stringer SECONDED: Fran Edmeades CARRIED</p>
5	<p>MATTERS ARISING FROM PREVIOUS MINUTES</p> <p>There was no business arising from the previous minutes.</p>
6	<p>Nomination for the position of Chairperson</p> <p>The committee received a written nomination for the position of Chairperson from Philip Kieran CEO of PEP Community Services. In accordance with the Constitution the members voted unanimously to appoint Philip into the position of Chairperson of the committee.</p> <p>MOVED: Mandy Stringer SECONDED: Cassie Smith CARRIED</p>
7	<p>Nomination for the position of Committee Member</p> <p>The committee received a nomination for the position of Committee Member from the Joondalup Netball Association in October 2012. Due to an oversight the nominee did not attend the AGM and their nomination was not presented. In accordance with the Constitution, the nomination was presented to this meeting and members voted unanimously to appoint Joondalup Netball Association as a committee member. Joondalup Netball Association was represented by Val Henney.</p> <p>MOVED: Fran Edmeades SECONDED: Julie Forrester CARRIED</p>
8	<p>Administration Update</p> <p>General update re administration of the building, challenges faced in the past three months.</p> <p>After a three-month casual appointment and agreement of Committee Members, Anne Jones has been appointed permanent Administration Officer for JLHI.</p> <p>The committee authorised the Administration Officer to attend a MYOB course at Tuart College at a cost of \$225 for 10 weeks study period, and a Basic Book-keeping course at a cost of \$64 for 10 weeks study period.</p> <p>The committee agreed to offer Adult Migrant Education Program afternoon bookings in the conference room to conduct classes.</p>

Minutes
Joondalup Lotteries House Inc
Management Committee
14 February 2013

9	<p>FINANCES – The committee considered the Financial Statements to 30.12.12 provided by the Treasurer in January. The committee were pleased with the small surplus given that there may be some hefty costs associated with the making good of walls from the installation of air conditioning units in the next month.</p> <p>MOVED: Fran Edmeades SECONDED: Julie Forrester CARRIED</p>
10	<p>Query regarding Administration Fees</p> <p>In September 2012, Youth Futures WA was invoiced for 4,604 photocopies or 9 reams of paper. When this amount was queried an investigation was conducted and although it is correct according to JLH's records, Youth Futures WA have stated they did not make 4,604 copies.</p> <p>The recommendation that Youth Futures WA pays half and JLHI absorbs the other half of the cost was agreed by committee members. The committee also agreed that the codes on the photocopier be changed as soon as practicable and all tenants be canvassed as to their future usage needs of the photocopier.</p>
11	<p>Security contract with Signature Security</p> <p>There have been a number of challenges working with the security system and security company. The Administration Officer is working through the issues and coming to positive resolutions for the house.</p> <p>Actions</p> <ul style="list-style-type: none"> • Philip to visit the office and familiarise himself with the Titan Security program located on JLHI second computer. • Philip's contact details to be given to ADT as the afterhours contact. • All tenants to check with their staff and ensure they are not visiting the house after midnight. • Administration Officer to analyse call outs and catalogue dates and times. • Tenants to be charged the fee of \$93 should the callouts continue. • A card to be printed with instructions for securing the building when they are last to leave and given to all staff.
12	<p>Air Conditioner replacement program</p> <p>All air conditioners and inverter cassettes have now been replaced. The Acting Chairperson and Treasurer met with the contractors who reiterated that they will not repair holes in plaster left behind. Repairs are still outstanding.</p> <p>Quote received from PATS for \$8,111 to complete all repairs and repaint walls.</p> <p>Action Ask for another quote before proceeding with repairs.</p>
13	<p>Cleaning Contract</p> <p>The contract for Charles Cleaning Company is valid until July 2013 and can be done month by month thereafter. Administration Officer is in communication with the cleaners via a communication book held in the reception area and this is working well.</p>

Minutes
Joondalup Lotteries House Inc
Management Committee
14 February 2013

14	Fire Warden As the Administration Officer is not in the house full time, there is a need to appoint a Fire Warden. There has been a couple of offers no final action has been taken. Action Julie to discuss with Philip during hand-over meeting.
15	Creche Update There are two volunteers covering the crèche on Tuesday and Wednesday mornings. Another two people have expressed interest and will be interviewed in the near future. Bookings have been less than in previous months but the service has been really appreciated by those who have accessed it. Twenty children have been minded since the last meeting. Administration Officer has drafted a letter to the City of Joondalup asking for an extension for the acquittal of the Community Funding Grant as it has not been fully expended.
16	Other Business Philip gave a brief outline of changes occurring in PEP Community Services and informed the committee of the organisation's new name – Future Focus. General discussions about JLHI-owned furniture and storage and other office furniture for sale. The committee agreed that attention should be given to aspects of the house that could be refreshed such as internal painting, carpets and flooring.
17	2013 Meeting Dates <ul style="list-style-type: none">• 14 February• 18 April• 13 June• 15 August• 10 October• 12 December 1pm to 2.30pm at the City of Joondalup.

Signature of Chairperson.....

Name of Chairperson.....

Date.....

Minutes

JOONDALUP LOTTERIES HOUSE INC Management Committee Meeting

1.00pm 18 April 2013
Goolellal Meeting Room
City of Joondalup

1	MEETING OPENED – 1.05pm
2	ATTENDANCE – Philip Kieran – Chairperson, Rik Kort – Treasurer, Julie Forrester, Mandy Stringer, Fran Edmeades, Nicola Iannantuoni and Val Henny.
3	APOLOGIES – Anne Jones - Administration Officer
4	<p>CONFIRMATION OF PREVIOUS MINUTES</p> <p>Motion: That the minutes of the meeting held on 14 February 2013 are accepted and the business ratified as a true and correct record. (Noted that two committee member's names were incorrectly spelt.)</p> <p>MOVED: Mandy Stringer SECONDED: Fran Edmeades CARRIED</p>
5	<p>Nomination for the position of Committee Member</p> <p>The committee has received a nomination from Youth Futures WA. This nomination was endorsed by the Committee.</p> <p>MOVED: Mandy Stringer SECONDED: Fran Edmeades CARRIED</p>
6	<p>Administration Update</p> <p>Quote to have the walls around the air conditioning units plastered and painted.</p> <p>Action Anne to contact Mick's Plastering \$3,278 inc GST and Neil Armstrong Painters \$3,740 inc GST (plus \$880 to move furniture if required) and make arrangements to complete works.</p> <p>Issue with leaking pipes behind air conditioning units between Youth Futures WA and Future Focus.</p> <p>Action Philip to write to Jeff Moritz to express the Committee's dissatisfaction about the installation of the air conditioners in 2012.</p> <p>MOVED: Rik Kort SECONDED: Mandy Stringer CARRIED</p>
7	<p>Financial Report</p> <p>Treasurer Rik Kort provided the latest financial statements and a draft budget for 2013/14 financial year.</p> <p>It was agreed that a 5% increase to tenancy rents would be implemented 1 July 2013.</p> <p>MOVED: Rik Kort SECONDED: Philip Kieran CARRIED</p>

Minutes
Joondalup Lotteries House Inc
Management Committee
14 February 2013

8	<p>Security contract with Signature Security</p> <p>Analysis of call-outs indicates number has diminished over past two months now that some issues have been ironed out.</p> <p>Action Hold off paying ADT until Philip completes further research into the call out fees and contract. Julie to ask if the City of Joondalup is willing to take on the security responsibilities for the building.</p>
9	<p>Air Conditioner servicing</p> <p>Update - Anne has organised for all air conditioning systems to be serviced for Summer and Winter each year.</p>
10	<p>Cleaning Contract</p> <p>Floors and carpets still need attention.</p> <p>Action Philip to gather quotes for new carpet for common areas in the house and bring to the Committee.</p>
11	<p>Fire Warden</p> <p>As the Administration Officer is not in the house full-time, there is a need to appoint a Fire Warden. There has been a couple of offers no final action has been taken.</p> <p>Action Appoint a Fire Warden and implement Fire Safety actions for the house. Philip to ask Youth Futures WA if they are willing to nominate a Fire Warden on the basis that they have more full time staff present.</p>
12	<p>Issues with car parking – Joondalup Festival</p> <p>Some tenants experienced confusion and inconvenience associated with parking leading up to and after the Joondalup Festival.</p> <p>Action Comments from tenants will be passed onto the Festival organising team with suggestions for improvements in 2014.</p>
13	<p>Young woman sleeping rough in courtyard</p> <p>CoJ Community Development Officers are working hard to engage Hayley with specialist services to provide support.</p>
14	<p>Creche Update</p> <p>There are four volunteers covering the crèche on Tuesday and Wednesdays. Bookings have been less than in previous months but the service has been really appreciated by those who have accessed it.</p>

**Minutes
Joondalup Lotteries House Inc
Management Committee
14 February 2013**

15	Other Business Issues with the use of the photocopier in reception. Action Anne to organise new user codes for all groups that use the machine. Issue with rubbish and paper recycling bins overflowing. Action Anne to organise more rubbish bins and notify Visy whenever paper recycling bins are not picked up.
16	Meeting Closed – 2.35pm
17	Future Meetings June 13 th , August 15 th , October 10 th , December 12 th 1pm to 2.30pm at the City of Joondalup

Signature of Chairperson.....

Name of Chairperson.....

Date.....



WALGA

Minutes
of
Special Meeting
of
State Council

WALGA
15 Altona Street
Thursday 30 May 2013



WALGA
AGENDA

NOTICE OF SPECIAL MEETING

Notice of a Special Meeting of the Western Australian Local Government Association's State Council was issued in accordance with Clause 11.2 of the Association Constitution and Clauses 2 and 4.4 of the Standing Orders, to be held by teleconference at WALGA, 15 Altona Street West Perth, on Thursday, 30 May 2013 commencing at 12.30pm.

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1 Attendance

Chairman	President of WALGA Deputy President of WALGA Pilbara Country Zone	Mayor Troy Pickard President Cr Lynne Craigie
Members	Avon-Midland Country Zone Central Metropolitan Zone East Metropolitan Zone Great Eastern Country Zone Great Southern Country Zone South West Country Zone Murchison Country Zone North Metropolitan Zone Central Country Zone Northern Country Zone Peel Country Zone South East Metropolitan Zone South Metropolitan Zone	Cr Lawrie Short Mayor Heather Henderson Cr Roslyn Harley (Deputy) Cr Darryl Trease (Deputy) Cr Mick Wainwright President Cr Eileen O'Connell President Cr Barry Webster Cr Wayne Sanford President Cr Simon Broad Mayor Tracey Roberts JP Cr Geoff Amphlett JP President Cr Phil Blight (Deputy) President Cr Karen Chappel President Cr Wally Barrett Mayor Cr Henry Zelones JP Cr Julie Brown Mayor Cr Carol Adams Cr Doug Thompson Cr Tony Romano Ms Ricky Burges Mr Wayne Scheggia Mr Tony Brown Mr Zac Donovan James McGovern Ms Elizabeth Kania Ms Chantelle O'Brien
Secretariat	Chief Executive Officer Deputy Chief Executive Officer EM Governance & Strategy EM Marketing & Communications Manager Governance Governance Advisor EO Governance and Strategy	

1.2 Apologies

Central Country Zone	Mayor Don Ennis
Central Metropolitan Zone	Cr Janet Davidson JP
Goldfields Esperance Country Zone	Mayor Ron Yuryevich AM RFD

	Kimberley Country Zone	Cr Chris Mitchell
	North Metropolitan Zone	Cr David Michael
	East Metropolitan Zone	Mayor Terence Kenyon
	Gascoyne Country Zone	Cr Ross Winzer
Ex-Officio	Local Government Managers Australia	Dr Shayne Silcox
	EM Marketing and Communications	Mr Zac Donovan

1.2 Announcements

Nil

2. DECLARATIONS OF INTEREST

There were no declarations of interest received.

3. MATTERS FOR DECISION

3.1 Association Constitution amendments

3.1.1 Impacts of Amalgamations

3.1.2 State Council Commencement date

3.2 Constitutional Recognition – WALGA contribution to the ALGA National Campaign

4. CLOSURE

Agenda Item

3. MATTERS FOR DECISION

3.1 Association Constitution Amendments

3.1.1 Association Constitution Amendments - Impacts of Amalgamations

By Tony Brown, Executive Manager Governance and Strategy

Recommendation

1. That the Constitution be amended as follows:

- a. In clause 2:
Insert a new definition of Commissioner –

“Commissioner means a Commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the *Local Government Act 1995*.”
- b. In clause 2 amend the definition of Councillor by inserting after the words “elected by electors” –
“and includes a Commissioner appointed under section 2.6(4) or section 2.36A(3) of the *Local Government Act 1995*.”
- c. Amend the definition of Member by inserting after the words “sub-clause 14(2)” –
“; or
 - A new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation.”
- d. Amend the definition of Ordinary Member by inserting after “provisions of this Constitution” -
“and includes a new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation.”
- e. In clause 5 insert a new clause (3) as follows –
“Ordinary Membership shall be immediately conferred upon any new Council created by the merger of existing Councils that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor Councils of that new Council have been paid.”
All subsequent subclauses are renumbered.

- f. In clause 14 paragraph (4a)(b) delete the words “who elected or appointed the person as its delegate.”
- g. Clause 20(b) delete the words “who elected or appointed the person as its delegate.”

2. That a motion be submitted to the 2013 Annual General Meeting seeking to amend the Constitution as per State Council’s resolution.

Special Majority (75%) required for the motion to be adopted.

In Brief

- Concern has been raised by Zone Delegates as to whether they have continuing rights and membership during transitional phases where mergers may occur between local governments. The question was raised by a Zone Delegate in response to a proposal for a voluntary amalgamation between three local governments.
- As Commissioners are responsible for administering a new Council during the transitional phase, the question was whether the new Council was eligible for membership of WALGA, representation on State Council, and the legal position of the Commissioners administering the Council.
- Legal advice was sought by WALGA. As a result amendments to the Constitution have been proposed to take into account the recognition of the legal position of the new Councils and Commissioners that may be formed as a result of a merger.
- Amendments to the Constitution need to be passed by a 75 percent majority at a State Council meeting and by a 75 percent majority at an Annual General Meeting
- Should the proposed amendments be resolved by State Council a notice to amend the Constitution will be distributed to all Members at least 60 days prior to the Annual General Meeting

Attachment

A “marked-up” version of the Constitution is attached. Amendments highlighted in red pertain to this item.

Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Providing effective leadership for Local Government
- Building a positive profile for Local Government
- Enhancing the capacity of Local Government to deliver services

Policy Implications

Amendment to the Constitution is defined by Clause 29 of the Constitution and requires a resolution passed by special majority at:

- Any meeting of the State Council; and,
- A General Meeting of Ordinary Members.

Budgetary Implications

Nil.

Background

A question was raised by a zone delegate as to the legal status on WALGA Zones of a Commissioner administering a new Council created after a voluntary amalgamation. The specific proposal included the appointment of Commissioners that would consist of the existing Mayors/Presidents and independent commissioners. The query was if the Commissioners appointed the current State Councillor as the new Shire's delegate to the Zone, would the current State Councillor continue in his/her role as the State Councillor?

The Constitution was silent on the legal position of a Commissioner as appointed under the Act. The Constitution refers only to a Councillor and an Ordinary Member, neither of which include in their definition a former Councillor of a local government being appointed to the role of Commissioner after an amalgamation.

Legal advice was sought on the issue to clarify if the current Constitution could allow an existing State Councillor to continue in the role if they became a Commissioner of a new Council after an amalgamation and to also determine the status of the new Council with WALGA during the transitional phase.

The advice determined that amendments to the Constitution would be required. The current WALGA Constitution would not allow a present State Councillor to continue in his/her role as a State Councillor if appointed as a Commissioner of a new legal entity after an amalgamation. While this would mean the need for a new election of a zone delegate and a State Councillor, it would also limit the recognition of the new entity and the Commissioners appointed during the transitional phase.

As a means to deal with this situation in a fair and reasonable way, it was advised that amendments to the WALGA Constitution would be needed to address the issue.

Comment

There are seven amendments proposed to the Constitution. The majority of these amendments are minor.

These amendments seek to clarify the issue of WALGA membership where two or more councils amalgamate, thereby creating a new Local Government entity and the need for Commissioners in the interim.

The issue was initially raised by a Zone Member who queried whether they would have a continuing right to sit as a Zone Delegate if their Local Government merged with a neighbouring Local Government. They would no longer be the Mayor of the previous entity but a Commissioner of the new Local Government until a date was set for the inaugural elections of that new entity.

The amendments deal with inserting a new definition of Commissioner into the WALGA Constitution as follows.

“Commissioner means a Commissioner appointed to a Local Government under sections 2.6(4) and 2.36A(3) of the Local Government Act 1995.”

This allows for a Commissioner appointed by the Governor to a newly created Local Government to sit as a Zone Delegate and possibly as a State Councillor.

The definition of a Commissioner does not include a Commissioner appointed as a result of a suspension of Council. It was thought that this situation was significantly different from the appointment of Commissioners arising from an amalgamation.

The definitions of a Councillor, Member and an Ordinary Member also needed amendment in order to accommodate a Commissioner and confer membership on the newly created entity.

The final amendment simply clarifies the termination of a role.

Amendment to the Constitution is defined by Clause 29 of the Constitution and requires a resolution passed by special majority at:

- Any meeting of the State Council; and,
- A General Meeting of Ordinary Members.

Should State Council resolve in favour of the proposed amendments, a notice will be sent to all Members at least 60 days prior to the August 2013 Annual General Meeting.

Moved: Mayor Zelones

Seconded: Cr Mick Wainwright

1. That the Constitution be amended as follows:

a. In clause 2:

Insert a new definition of Commissioner –

“Commissioner means a Commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the *Local Government Act 1995*.”

b. In clause 2 amend the definition of Councillor by inserting after the words “elected by electors” –

“and includes a Commissioner appointed under section 2.6(4) or section 2.36A(3) of the *Local Government Act 1995*.”

c. Amend the definition of Member by inserting after the words “sub-clause 14(2)” –

“; or

- **A new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation.”**

- d. Amend the definition of Ordinary Member by inserting after “provisions of this Constitution” -
“and includes a new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation.”
- e. In clause 5 insert a new clause (3) as follows –
“Ordinary Membership shall be immediately conferred upon any new Council created by the merger of existing Councils that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor Councils of that new Council have been paid.”
All subsequent subclauses are renumbered.
- f. In clause 14 paragraph (4a)(b) delete the words “who elected or appointed the person as its delegate.”
- g. Clause 20(b) delete the words “who elected or appointed the person as its delegate.”

2. That a motion be submitted to the 2013 Annual General Meeting seeking to amend the Constitution as per State Council’s resolution.

Special Majority (75%) required for the motion to be adopted.

RESOLUTION 1.1/2013

CARRIED UNANIMOUSLY

3.1.2 Association Constitution Amendment – State Council Commencement Date

By Tony Brown, Executive Manager Governance and Strategy

Recommendation

1. That the Constitution be amended as follows:

In clause 9, amend the commencement and conclusion date for State Councillors' term of office by amending sub-clause (3) to read:

“Representatives and deputy representatives to the State Council shall be elected by Zones of the metropolitan and country constituencies from amongst the delegates to the Zones for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections.”

2. That a motion be submitted to the 2013 Annual General Meeting seeking to amend the Constitution as per State Council's resolution.

3. If this proposed amendment is successful at the August 2013 Annual General Meeting, the current term of State Council be reduced to end on 3 December 2013.

Special Majority (75%) required for the motion to be adopted.

In Brief

- The 2011 Constitution amendment changed the dates of State Council meetings.
- Under the new schedule, State Council now meets each December with the next meeting occurring each March.
- Presently, a State Councillor's term commences at the March meeting.
- It is proposed that it would be more efficient to bring forward the State Councillors' commencement date to the December meeting.

Attachment

A “marked-up” version of the Constitution is attached. Amendments highlighted in blue pertain to this item.

Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Providing effective leadership for Local Government
- Building a positive profile for Local Government
- Enhancing the capacity of Local Government to deliver services

Policy Implications

Amendment to the Constitution is defined by Clause 29 of the Constitution and requires a resolution passed by special majority at:

- Any meeting of the State Council; and,
- A General Meeting of Ordinary Members.

Budgetary Implications

Nil.

Background

Amendments to the WALGA Constitution in 2011 changed the State Council's meeting schedule and as a consequence, required that the term of office of a State Councillor commence at the first meeting in an even numbered year (with that meeting occurring in March).

The Association has been requested by the Great Eastern Country Zone to consider amending the WALGA constitution as it relates to the commencement date for the formation of the new State Council.

It has been suggested that it would be easier and less confusing if the new State Council commenced at the first meeting following the Local Government Elections (October).

The reasoning for the delay in the past was to allow Councils enough time to nominate their delegates to the Zone and then the Zones to nominate their delegate to State Council. This was of particular importance where Local Governments had a number of newly elected councillors.

The first State Council meeting after the elections is in December with the Zone meetings held in November. The timeframes would require nominations to be addressed straight after elections.

The current situation is if State Councillors retire or are not re-elected at the October elections the Zones deputy delegate becomes the State Councillor until the Zone election. If both the State Councillor and the Deputy are not re-elected the Zone nominates a State Councillor for the one meeting before the new State Council.

Comment

Contemplation of this amendment must also take into account any unintended consequences or Zone-specific issues that may affect the State Council delegate election occurring in time for a December commencement.

A review of Zone Minutes from 2011 indicates that the majority of Zones conducted their State Council delegate election in November, and those that did not, simply deferred the election until the next Zone meeting prior to the March round of State Council. One Zone did not conduct a meeting leading up to the December round of State Council.

From WALGA's perspective, considerable effort is devoted to the induction of State Council delegates elected for the first time. However, this process can be reviewed and managed administratively.

The only hindrance that exists, is the need for all Local Governments to elect their delegates to the Zones prior to the Zone meetings commencing in late November (in 2013 Zone meetings commence on 22 November).

To assist State Council with consideration of this issue, the secretariat canvassed Local Governments by conducting a quick survey on the issue. There was not a lot of time given for feedback, so a number of the responses were administrative responses and did not have the Councils formal position.

47 responses were received with 39 Local Governments supporting the proposal and 8 opposing.

If this amendment is supported it would effectively reduce the current term of State Councillors by 3 months from March 2014 to December 2013 or the amendment could be made effective for the next State Council, which would result in the term of State Council commencing in March 2014 and finishing in December 2015.

Moved: Mayor Adams
Seconded: Cr Short

1. That the Constitution be amended as follows:

In clause 9, amend the commencement and conclusion date for State Councillors' term of office by amending sub-clause (3) to read:

"Representatives and deputy representatives to the State Council shall be elected by Zones of the metropolitan and country constituencies from amongst the delegates to the Zones for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections."

- 2. That a motion be submitted to the 2013 Annual General Meeting seeking to amend the Constitution as per State Council's resolution.**
- 3. If this proposed amendment is successful at the August 2013 Annual General Meeting, the current term of State Council be reduced to end on 3 December 2013.**

Special Majority (75%) required for the motion to be adopted.

RESOLUTION 2.1/2013

CARRIED UNANIMOUSLY

3.2 Constitutional Recognition Funding Allocation (05-074-03-0001ZD)

By Zac Donovan, Executive Manager, Marketing and Communications

Recommendation

That:

- 1. The payment of WA's contribution of \$1.19M to the Australian Local Government Association's (ALGA) "National Campaign for Constitutional Recognition" be made from the Association's reserve funds in accordance with the periodic call for funds issued by the ALGA,**
- 2. Such payment is made on condition that 25% of the \$1.19M contribution – the sum of \$297,500 – be allocated by ALGA to fund WALGA purchasing WA media placements during the campaign period to support the national objective,**
- 3. Such payment to ALGA is made on condition that unexpended funds are returned to WALGA within 30 days in the event that the referendum does not proceed.**

In Brief

- State Council previously resolved unanimously to contribute \$1.19m to ALGA for a national YES campaign for Constitutional Recognition of Local Government.
- Expenditure now needs to be incurred to progress the campaign in anticipation of a formal announcement by the Commonwealth Government.
- However a critical pre-condition to WALGA contributing funds - that all state associations contribute their proportionate allocation to the campaign - may not be realised.
- Consequently it is recommended WALGA revise its contribution to allocate the majority of the funds to the national campaign but retain a significant portion to ensure local media placement.

Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Providing effective leadership for Local Government

Policy Implications

State Council resolution of 3 May 2013;

1. That the payment of WA's contribution of \$1.19M to the Australian Local Government Association's (ALGA) "National Campaign for Constitutional Recognition" be made from the Association's reserve funds in accordance with the periodic call for funds issued by the ALGA,
2. That such payment is made on condition that all States and Territory Local Government Associations contribute to the National Campaign prior to its commencement and as per previous agreements on National contributions.

3. That such payment is made on condition that unexpended funds are returned to WALGA within 30 days in the event that the referendum does not proceed.

AND

State Council resolution of 5 December 2012;

1. WALGA continues to support the pursuit of Constitutional Referendum on Local Government financial recognition;
2. ALGA be requested not to pursue a referendum in 2013, but pursue a referendum in the lead up to the 2016 Federal Election; and
3. The 2013 ALGA Federal Election Campaign seek to obtain a commitment from all major political parties and independent candidates to support both the financial recognition of local government and the conduct of a referendum to achieve it at, or before, the 2016 Federal election.

Budgetary Implications

The Association has established a reserve fund to accommodate any WA contribution to a national campaign.

Background

The Federal Government committed to the conduct of a referendum on Constitutional recognition for Local Government as part of its negotiations with The Greens in order to garner their support for the ALP to hold office following the last Federal Election.

The referendum to recognise Local Government is to ensure certainty in direct funding to the sector – of which across Australia there have been in excess of 6000 local projects in the past three years – and does not diminish state direction of Local Governments in any way.

On 9 May 2013 the Prime Minister announced a Referendum will be held at the next election (September 14) to change the Australian Constitution to recognise Local Government.

Legislation to enable the referendum to proceed and for the federal Government to provide matched funding for the campaign are (at the time of writing) before the Parliament. Whilst there remains some possibility that the legislation will be defeated or withdrawn, the overwhelmingly likely outcome is that the referendum will proceed.

Consequently ALGA requires funding to begin implementing its formal campaign. This will necessitate the expenditure of funds, and as a result ALGA has now made a call on State Associations to contribute their pledged funds.

Comment

The State Council resolution of 3 May 2013 unanimously supported WALGA contributing its proportionate share of \$1.19M to the Australian Local Government Association's (ALGA) "National Campaign for Constitutional Recognition".

The required contributions for each state association are calculated as follows:

State Association	Funding Requirement	Proportion of Budget
LGNSW	\$2 623 000	27%
LGAQ	\$2 113 000	22%
MAV	\$2 062 000	21%
WALGA	\$1 190 000	12%
LGASA	\$988 000	10%
LGAT	\$381 000	4%
LGANT	\$307 000	3%
TOTAL	\$9 664 000	

The WA contribution of \$1,190,000 has been provided for within the Association's reserves. However WALGA has been unable to release these funds to ALGA as a consequence of the condition at point 2 in the resolution of 3 May 2013 not being satisfied.

Point 2 of the resolution of 3 May 2013 required that the payment by WALGA to the national campaign was conditional on "all States and Territory Local Government Associations contribute to the National Campaign prior to its commencement and as per previous agreements on National contributions".

It has now transpired that some state associations will not provide the full extent of their allocated contribution. The prospect of this occurring was foreshadowed in the commentary that accompanied the agenda item for the 3 May meeting and was the motive for the inclusion of the point 2 condition.

At the time of writing LGNSW, LGASA, LGAT and LGANT had provided the first tranche of funding (25% of allocated contribution) to the ALGA campaign budget. There has been no indication from any of these states that they will be unable to meet the additional funding requests.

Of the other states:

- LGAQ has declared it would contribute 75% of its contribution and retain 25% to fund local components of the campaign.
- MAV has made no budget provision to meet its proportional contribution however has placed a levy on their membership, albeit voluntary. At the time of writing MAV were confident a significant contribution will be made by Victoria, but with no guarantee.
-

WALGA State Council has previously committed to funding the Constitutional Recognition national campaign and recognised the need for the campaign to be funded by all states and resources allocated subject to the campaign objective of a successful referendum – achieving a majority of voters in a majority of states.

In order to release the WALGA contribution to the ALGA campaign, State Council will need to consider if:

- WALGA will decline to make a financial contribution to the ALGA national campaign in accordance with the condition outlined in point 2 of the 3 May resolution
- WALGA will contribute its full requirement of \$1.19m to the ALGA national campaign irrespective of the previous condition of point 2 of the 3 May resolution
- WALGA will take a similar approach to that of LGAQ and contribute 75% of its \$1.19m requirement to the ALGA national campaign, 25% of which is to be directed to purchase WA local media placement (metropolitan and regional television) for the period of the campaign.

The third consideration is presented in recognition that with the unlikelihood of two of the larger states (Victoria and Queensland) making their full contribution, the total national budget would be significantly diminished.

The consequence of WALGA committing its full requirement in such an environment would mean that the Association is underwriting the campaign in other, more populous states which would be expected to affect the campaign impact in WA. The third consideration, which goes to the recommendation, quarantines \$297,500 for campaign advertising in WA.

The recommendation is for the full \$1.19m WALGA contribution to ALGA with the 25% local component quarantined, so as to maximise the quantum of matched funding for the campaign from the Federal Government. While it is uncertain if matched funding will eventuate, it is anticipated that the calculation of such will be dependent on the quantum of funding contributed to ALGA by state associations. The reallocation of 25% of the WALGA contribution to local media spend should be recognised as a tactical allocation by ALGA as part of its campaign budget coordination and as such will require endorsement of the ALGA board. For this reason it is critical the retained funds are spend on the YES campaign.

The recommendation also retains the condition that if it transpires that the referendum or the campaign does not proceed that any funds contributed to ALGA by the Associations will be returned, net of the apportioned expenditure to date.

Given the legislation is before the Parliament, it is likely that the referendum will proceed however an important condition of ALGA commitment to the YES campaign and supporting the referendum was bipartisan support of the major parties and in recent weeks there has been some division within the conservative side of the House.

Moved: Cr Harley
Seconded: Cr O'Connell

That:

1. The payment of WA's contribution of \$1.19M to the Australian Local Government Association's (ALGA) "*National Campaign for Constitutional Recognition*" be made from the Association's reserve funds in accordance with the periodic call for funds issued by the ALGA,
2. Such payment is made on condition that 25% of the \$1.19M contribution – the sum of \$297,500 – be allocated by ALGA to fund WALGA purchasing WA media placements during the campaign period to support the national objective,
3. Such payment to ALGA is made on condition that unexpended funds are returned to WALGA within 30 days in the event that the referendum does not proceed.

AMENDMENT

Moved: Cr Thompson
Seconded: President Blight

That point 2 is amended to state:

2. In recognition that a critical precondition of WALGA's contribution of funds may not be met, WALGA advise ALGA that such payment is made on condition that 25% of the \$1.19M contribution – the sum of \$297,500 – be allocated by ALGA to fund WALGA purchasing WA media placements during the campaign period to support the national objective,

THE AMENDMENT WAS PUT AND CARRIED

1. The payment of WA's contribution of \$1.19M to the Australian Local Government Association's (ALGA) "*National Campaign for Constitutional Recognition*" be made from the Association's reserve funds in accordance with the periodic call for funds issued by the ALGA,
2. In recognition that a critical precondition of WALGA's contribution of funds may not be met, WALGA advise ALGA that such payment is made on condition that 25% of the \$1.19M contribution – the sum of \$297,500 – be allocated by ALGA to fund WALGA purchasing WA media placements during the campaign period to support the national objective,
3. Such payment to ALGA is made on condition that unexpended funds are returned to WALGA within 30 days in the event that the referendum does not proceed.

RESOLUTION 3.1/2013

**THE SUBSTANTIVE MOTION
WAS PUT AND CARRIED
UNANIMOUSLY**

Cr Romano left the meeting at 1.28pm.

4. MEETING CLOSE

There being no further business, the President closed the meeting at 1.35pm

These Minutes were confirmed at a meeting held on:

Signed: _____

Presiding Member at the meeting at which the Minutes were confirmed.

Date: _____