

minutes

Special Meeting of Council

MEETING HELD ON

TUESDAY 5 JULY 2022

Acknowledgement of Traditional Custodians

The City of Joondalup acknowledges the traditional custodians of the land, the Whadjuk people of the Noongar nation, and recognises the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. The City of Joondalup pays its respects to their Elders past and present and extends that respect to all Aboriginal and Torres Strait Islander peoples.

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CITY OF JOONDALUP

SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 5 JULY 2022

DECLARATION OF OPENING

The Deputy Mayor declared the meeting open at 5.46pm.

ANNOUNCEMENT OF VISITORS

Deputy Mayor:

CR CHRISTINE HAMILTON-PRIME, JP South-West Ward

Councillors:

CR TOM MCLEAN, JP	North Ward	
CR ADRIAN HILL	North Ward	
CR DANIEL KINGSTON	North Central Ward	
CR SUZANNE THOMPSON	South Ward	
CR RUSS FISHWICK, JP	South Ward	
CR JOHN RAFTIS	South-West Ward	
CR JOHN LOGAN	South-East Ward	
CR JOHN CHESTER	South-East Ward	<i>from 5.48pm</i>

Officers:

MR JAMES PEARSON	Chief Executive Officer	
MR JAMIE PARRY	Director Governance and Strategy	
MR JOE HUSSEY	Acting Director Planning and Community Development	
MR NICO CLAASSEN	Director Infrastructure Services	
MR MAT HUMFREY	Director Corporate Services	
MRS KYLIE BERGMANN	Manager Governance	
MRS DEBORAH GOUGES	Acting Governance Coordinator	

There were no members of the public and no members of the press in attendance.

DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY

Nil.

PUBLIC QUESTION TIME

Nil.

PUBLIC STATEMENT TIME

Nil.

APOLOGIES AND LEAVE OF ABSENCE

Apologies

Cr Christopher May.
Cr Russell Poliwka.

Leave of Absence Previously Approved

Cr Nige Jones	4 to 5 July 2022 inclusive.
Cr Tom McLean	14 to 20 July 2022 inclusive.
Mayor Albert Jacob	4 to 22 July 2022 inclusive.
Cr Russell Poliwka	13 to 28 July 2022 inclusive.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

Nil.

REPORTS

JSC04-07/22 APPOINTMENT OF ELECTED MEMBER TO PERFORM DUTIES OF MAYOR

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	02154, 101515
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 appoint an elected member to perform the functions of Mayor, for 12 July 2022 where the Mayor and Deputy Mayor are both unavailable.

EXECUTIVE SUMMARY

At its meeting held on 28 June 2022 (CJ105-06/22 refers), Council approved a delegation comprising of the Chief Executive Officer and Deputy Mayor to travel to India for the WA Government's Invest and Trade Mission between 13 and 18 July 2022.

A subsequent report was presented to Council, under 'Urgent Business', appointing Cr Fishwick to perform the functions of Mayor during the period 13 to 18 July 2022, as the Mayor is on an approved leave of absence during this time and the Deputy Mayor will be travelling to India.

It was originally proposed that the delegation would leave after the Briefing Session to be held on 12 July 2022. However, due to flight times this has now changed, and the Deputy Mayor is no longer available to preside at the Briefing Session on 12 July 2022.

It is therefore recommended that Council:

- 1 *NOTES that Mayor Jacob is on a leave of absence for the period 4 to 22 July 2022 inclusive;*
- 2 *NOTES that Deputy Mayor Cr Hamilton-Prime is unavailable to perform the duties of Mayor for the period 12 to 18 July 2022;*
- 3 *NOTES that Cr Fishwick has been appointed to perform the duties of Mayor for the period 13 to 18 July 2022;*
- 4 *APPOINTS Cr_____ to perform the functions of Mayor for 12 July 2022.*

BACKGROUND

At its meeting held on 17 May 2022 (C51-05/22 refers), Council approved Mayor Jacob's request for a leave of absence from Council duties for the period 4 to 22 July 2022.

In accordance with section 5.34 of the *Local Government Act 1995* (the Act), if the Mayor is not available, the Deputy Mayor may perform the functions of the Mayor, during that time.

At the Ordinary Council Meeting held on 28 June 2022 (CJ105-06/22 refers), Council approved sending a delegation, comprising the Deputy Mayor and the Chief Executive Officer, to the WA Government's Invest and Trade WA Mission in India.

A subsequent report (CJ106-06/22refers) was presented to Council on 28 June 2022, under 'Urgent Business', appointing Cr Fishwick to perform the functions of Mayor during the period 13 to 18 July 2022, as the Mayor will be on an approved leave of absence during this period and the Deputy Mayor will be travelling to India.

It was originally proposed that travel would take place after the Briefing Session to be held on 12 July 2022, however, due to a change in the itinerary and flight times, this has now changed. It is now proposed that the Deputy Mayor and CEO will depart at 1.10am Tuesday 12 July 2022.

This means both Mayor Jacob and the Deputy Mayor will be unavailable for the period 12 to 18 July 2022.

In accordance with section 5.35(1) of the Act, if the Mayor and the Deputy Mayor are both unavailable, then the Council may appoint another councillor to perform the functions of Mayor during that time.

DETAILS

Cr Fishwick has already been appointed by the Council to perform the functions of Mayor for the period 13 to 18 July 2022. However, due to a change in travel arrangements for the Deputy Mayor and Chief Executive Officer, a further appointment of an elected member to perform the functions of Mayor is required for 12 July 2022.

Issues and options considered

There is a requirement to appoint an elected member as presiding member for 12 July 2022, and the Briefing Session that same day. This can occur one of two ways:

- 1 Hold a Special Meeting of Council, appointing an elected member to perform the functions of Mayor on 12 July 2022.
- 2 In accordance with the Procedures for Strategy Sessions, Briefing Sessions and Council/Committee Meetings, if the Mayor and Deputy Mayor are both unavailable or unwilling to preside, the elected members present may select one from amongst themselves to preside at the Briefing Session.

Option 1 is the preferred option.

Legislation / Strategic Community Plan / Policy implications**Legislation**

Local Government Act 1995.

5.34 When deputy mayors and deputy presidents can act

If –

- (a) the office of the mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

5.35 Who acts if no mayor, president or deputy

- (1) If the circumstances mentioned in section 5.34(a) or (b) apply and –

- a) the office of deputy mayor or deputy president is vacant;
or
- b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,

and the mayor or president or deputy will not be able to perform the functions of the mayor or president for a time known to the council, then the council may appoint a councillor to perform during that time the functions of mayor or president, as the case requires.

- (2) If the circumstances mentioned in section 5.34(a) or (b) apply and –

- a) the office of deputy mayor or deputy president is vacant;
or
- b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,

and a person has not been appointed under subsection (1), the CEO, after consultation with, and obtaining the agreement of, 2 councillors selected by the CEO, may perform the functions of mayor or president, as the case requires.

Strategic Community Plan**Key theme**

Governance and Leadership.

Objective

Effective representation.

Strategic initiative

Develop and deliver training initiatives that will foster a skilled and confident elected body.

Policy Not applicable.

Risk management considerations

Should Council not appoint an elected member to perform the functions of Mayor for 12 July 2022, the elected members present at the Briefing Session may select one from amongst themselves to preside. The early appointment of an elected member to perform the functions of Mayor and preside at the Briefing Session allows the elected member time to prepare for the Briefing Session, in consultation with the administration, therefore allowing the meeting to proceed smoothly.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 NOTES that Mayor Jacob is on a leave of absence for the period 4 to 22 July 2022 inclusive;
- 2 NOTES that Deputy Mayor Cr Hamilton-Prime is unavailable to perform the functions of Mayor for the period 12 to 18 July 2022;
- 3 NOTES that Cr Fishwick has been appointed to perform the duties of Mayor for the period 13 to 18 July 2022;
- 4 APPOINTS Cr _____ to perform the functions of Mayor for 12 July 2022.

Cr Chester entered the Chamber at 5.48pm.

MOVED Cr Logan, SECONDED Cr Thompson that Council:

- 1 NOTES that Mayor Jacob is on a leave of absence for the period 4 to 22 July 2022 inclusive;**
- 2 NOTES that Deputy Mayor Cr Hamilton-Prime is unavailable to perform the functions of Mayor for the period 12 to 18 July 2022;**
- 3 NOTES that Cr Fishwick has been appointed to perform the duties of Mayor for the period 13 to 18 July 2022;**
- 4 APPOINTS Cr Fishwick to perform the functions of Mayor for 12 July 2022.**

The Motion was Put and

CARRIED (6/3)

In favour of the Motion: Deputy Mayor Hamilton-Prime, Crs Fishwick, Hill, Logan, McLean, and Thompson.
Against the Motion: Crs Chester, Kingston and Raftis.

CLOSURE

There being no further business, the Deputy Mayor declared the meeting closed at 6.06pm the following Elected Members being present at that time:

CR CHRISTINE HAMILTON-PRIME, JP
CR JOHN CHESTER
CR RUSS FISHWICK, JP
CR ADRIAN HILL
CR DANIEL KINGSTON
CR JOHN LOGAN
CR TOM MCLEAN, JP
CR JOHN RAFTIS
CR SUZANNE THOMPSON