

agenda

Ordinary Meeting of Council Addendum

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

ON **TUESDAY 23 SEPTEMBER 2025**

COMMENCING AT **6.30pm**

JAMES PEARSON
Chief Executive Officer
19 September 2025

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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13 REPORTS OF COMMITTEES

13.1 SPECIAL CHIEF EXECUTIVE OFFICER RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE - 11 SEPTEMBER 2025

13.1.1 CONFIDENTIAL - APPOINTMENT OF INDEPENDENT HR CONSULTANT TO SUPPORT RECRUITMENT OF CHIEF EXECUTIVE OFFICER PROCESS (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mrs Rebecca Maccario Acting Director Governance and Strategy
FILE NUMBER	74574
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.

This report is confidential in accordance with s5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

A full report was provided to Elected Members under separate cover. The report is not for publication.

14 REPORTS OF THE CHIEF EXECUTIVE OFFICER

14.1 APPOINTMENT OF ACTING MEMBER TO MINDARIE REGIONAL COUNCIL (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mrs Rebecca Maccario Acting Director Governance and Strategy
FILE NUMBER	03149, 101515
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 act for Cr Fishwick at the Mindarie Regional Council Meeting (MRC) to be held on 25 September 2025.

EXECUTIVE SUMMARY

The MRC comprises delegates from each of the following member local governments:

- City of Joondalup.
- City of Perth.
- City of Stirling.
- City of Vincent.
- City of Wanneroo.
- Town of Cambridge.
- Town of Victoria Park.

The City of Joondalup is represented on the MRC by two Elected Members being Cr Fishwick and Cr Christopher May. The next meeting of the MRC is scheduled to occur on Thursday 25 September 2025; however, Cr Fishwick will be on a Leave of Absence and will be unable to attend. It is therefore necessary to appoint an alternative elected member to act as the City of Joondalup member for the meeting on 25 September 2025.

It is therefore recommended that Council:

- 1 *in the absence of Cr Fishwick, and in accordance with the provisions of section 52 of the Interpretation Act 1984, APPOINTS an elected member to act as a member and represent the City of Joondalup at the Mindarie Regional Council meeting to be held on Thursday 25 September 2025;*
- 2 *ADVISES the Mindarie Regional Council of its decision.*

BACKGROUND

The MRC is a regional local government established for the purpose of delivering effective, efficient and environmental sound waste treatment and disposal and leading its community in sustainable waste management philosophy.

The MRC was formed in 1981 when the Cities of Perth, Stirling and Wanneroo purchased land in Perth's northern corridor that included a parcel of land deemed suitable for a landfill site. Formal incorporation and registration of the MRC occurred on 22 December 1987 when the Governor in Executive Council gave approval.

The MRC is now one of Western Australia's largest waste management authorities and manages waste disposal for each of its member Councils.

No deputies are appointed to the MRC. Legal advice has confirmed that an alternate member to serve on the MRC 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 MRC, a Council resolution is required to appoint an alternate member for the specified period that the member is not available, in accordance with sections 52(1)(b) and (c) of the *Interpretation Act 1984*, which provides:

52. Power to appoint includes power to remove, suspend, appoint acting officer etc.

- (1) *Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such power or duty shall also have the power –*
 - (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*
 - (c) *to specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.*

DETAILS

The next meeting of the MRC is scheduled to occur on Thursday 25 September 2025. Cr Fishwick, as one of the appointed delegates for the City of Joondalup, is unable to attend and it is therefore necessary to appoint an alternative elected member to act as the City of Joondalup member for this meeting to ensure the City's interests are fully represented.

Issues and options considered

Council can either:

- appoint another elected member to act in the place of Cr Fishwick for the meeting to be held on Thursday 25 September 2025
or
- not appoint another elected member.

Legislation / Strategic Community Plan / Policy implications

Legislation

Interpretation Act 1984.

52. Power to appoint includes power to remove, suspend, appoint acting officer etc.

- (1) Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such power or duty shall also have the power –*
 - (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*
 - (c) to specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment*

10-Year Strategic Community Plan

Key theme

5. Leadership.

Outcome

5-2 Proactive and represented- you are confident that the City is advocating on your behalf for initiatives that benefit the community.

Policy

Not applicable.

Risk management considerations

The risk to the City of Joondalup is that if another member is not appointed to represent the City in the absence of Cr Fishwick, then the City will not be fully represented and therefore not have its allocated voting rights on matters before the MRC.

Financial / budget implications

Not applicable.

Regional significance

The purpose of the MRC is to deliver effective, efficient and environmentally sound waste treatment and disposal and leading its community in sustainable waste management philosophy.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

It is considered important that Council exercises its ability to be represented at each and every meeting of the MRC. It is recommended that an Elected Member be appointed to represent the City at the MRC meeting to be held on Thursday 25 September 2025.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 in the absence of Cr Fishwick, and in accordance with the provisions of section 52 of the *Interpretation Act 1984*, APPOINTS an elected member to act as a member and represent the City of Joondalup at the Mindarie Regional Council meeting to be held on Thursday 25 September 2025;**
- 2 ADVISES the Mindarie Regional Council of its decision.**

ATTACHMENTS

Nil