



City of **Perth**

Agenda

Special Council Meeting

25 October 2023

Notice of Meeting

To the Lord Mayor and Councillors

The next Special Council Meeting will be held on Wednesday, 25 October 2023 in the Council Chamber, Level 9, 27 St Georges Terrace, Perth commencing at 5:00 PM.

The purpose of this Special Council Meeting is for the:

- Election of the Deputy Lord Mayor
- Assignment of seating in the Council Chambers.
- Appointment/Nomination of Elected Members to Committees and External Bodies

Michelle Reynolds

Chief Executive Officer

20 October 2023

Information

This information is provided on matters which may affect members of the public. If you have any queries on procedural matters, please contact a member of the City's Governance team via governance@cityofperth.wa.gov.au.

Question Time for the Public

An opportunity is available at Special Council Meetings for members of the public to ask questions specific to items on the agenda. This time is available only for asking questions and not for making statements. Complex questions requiring research should be submitted as early as possible to allow the City time to prepare a response.

The Presiding Person may nominate a member of staff to answer the question and may also determine that any complex question requiring research be answered in writing. No debate or discussion can take place on any question or answer.

To ask a question, please complete the Public Question Time form available on the City's website www.perth.wa.gov.au/council/council-meetings. To ask a question, please complete the Public Question Time form available on the City's website www.perth.wa.gov.au/council/council-meetings.

Disclaimer

Members of the public should note that in any discussion during a meeting regarding any item, a statement or indication of approval by any council member, committee member or officer of the City is not intended to be, and should not be taken as, notice of approval from the City. No action should be taken on any item discussed at a meeting of a Committee prior to written advice on the Committee or Council's resolution being received.

Any plans or documents contained in these minutes may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and the express permission of the copyright owner(s) should be sought prior to their reproduction.

Table of Contents

1.	Declaration of Opening.....	4
2.	Acknowledgement of Country/Prayer.....	4
3.	Attendance	4
3.1	Apologies.....	4
3.2	Leave of Absence	4
4.	Allotment of Councillor Seating.....	4
5.	Disclosures of Interests.....	4
6.	Public Participation	4
6.1	Public Questions.....	4
6.2	Deputations.....	4
7.	Reports	5
7.1	Election of the Deputy Lord Mayor	5
7.2	Appointments and Nominations to Council Committees and External Bodies.....	8
8.	Closure.....	63

1. Declaration of Opening
2. Acknowledgement of Country/Prayer
3. Attendance
 - 3.1 Apologies
 - 3.2 Leave of Absence

4. Allotment of Councillor Seating

In accordance with Clause 7.2(2) of the Standing Orders Local Law 2009, at the first meeting held after the ordinary election day, the Chief Executive Officer is to allot by random draw, a position at the Council table to each elected member and the elected member is to occupy that position when present at meetings of the Council.

5. Disclosures of Interests

6. Public Participation

- 6.1 Public Questions
- 6.2 Deputations

7. Reports

7.1 Election of the Deputy Lord Mayor

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Simple Majority
Attachments	Attachment 7.1A – Conducting a Count - Optional Preferential Voting ↓

Purpose

For Council to elect the Deputy Lord Mayor for the City of Perth.

Background

1. In accordance with Schedule 2.3, Division 2, Clause 7 of the *Local Government Act 1995* (the Act) the office of the Deputy Lord Mayor is to be filled at the first meeting of the council after an ordinary election day.
2. Schedule 2.3, Division 2, Clause 8 states that the election is to be conducted in accordance with the procedure prescribed by the Lord Mayor.
3. Local Government reforms to Schedule 4.1, Division 2 of the Act have seen the introduction of Optional Preferential Voting for Local Government Elections. This includes the election of the Deputy Lord Mayor.
4. Councillors are to vote on the matter by secret ballot.
5. Schedule 2.3, Division 2, Clause 9 of the Act states that another Special Council Meeting is to be held within 7 days following the election should there be an equality of votes between 2 or more candidates.

Discussion

6. The newly elected Lord Mayor will approve the procedure for the election of the Deputy Lord Mayor. This will be circulated to Elected Members prior to the meeting.
7. The Department of Local Government, Sport and Cultural Industries have published a flowchart (provided as **Attachment A**) which explains the process of the counting of votes in the context of a Deputy Lord Mayoral election.
8. Following the election and announcement of the result, the Deputy Lord Mayor will be sworn into their position of Deputy Lord Mayor, by the Lord Mayor.

Consultation

Nil.

Decision Implications

9. Following the election of the Deputy Lord Mayor, the position will be filled until the first meeting of Council following the 2025 Local Government Elections or until an extraordinary vacancy occurs.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	A Well-Governed City
Related Documents (Issue Specific Strategies and Plans):	Nil.

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Local Government Act 1995.</i> <i>Local Government (Election) Regulations 1997.</i> <i>Local Government (Constitution) Regulations 1998.</i>
Authority of Council/CEO:	Schedule 2.3, Division 2, Clause 8(1) of the <i>Local Government Act 1995</i> : The Council is to elect a Councillor (other than the mayor or president) to fill the office of Deputy Lord Mayor.
Policy:	Nil.

Financial Implications

Nil.

Further Information

Nil.

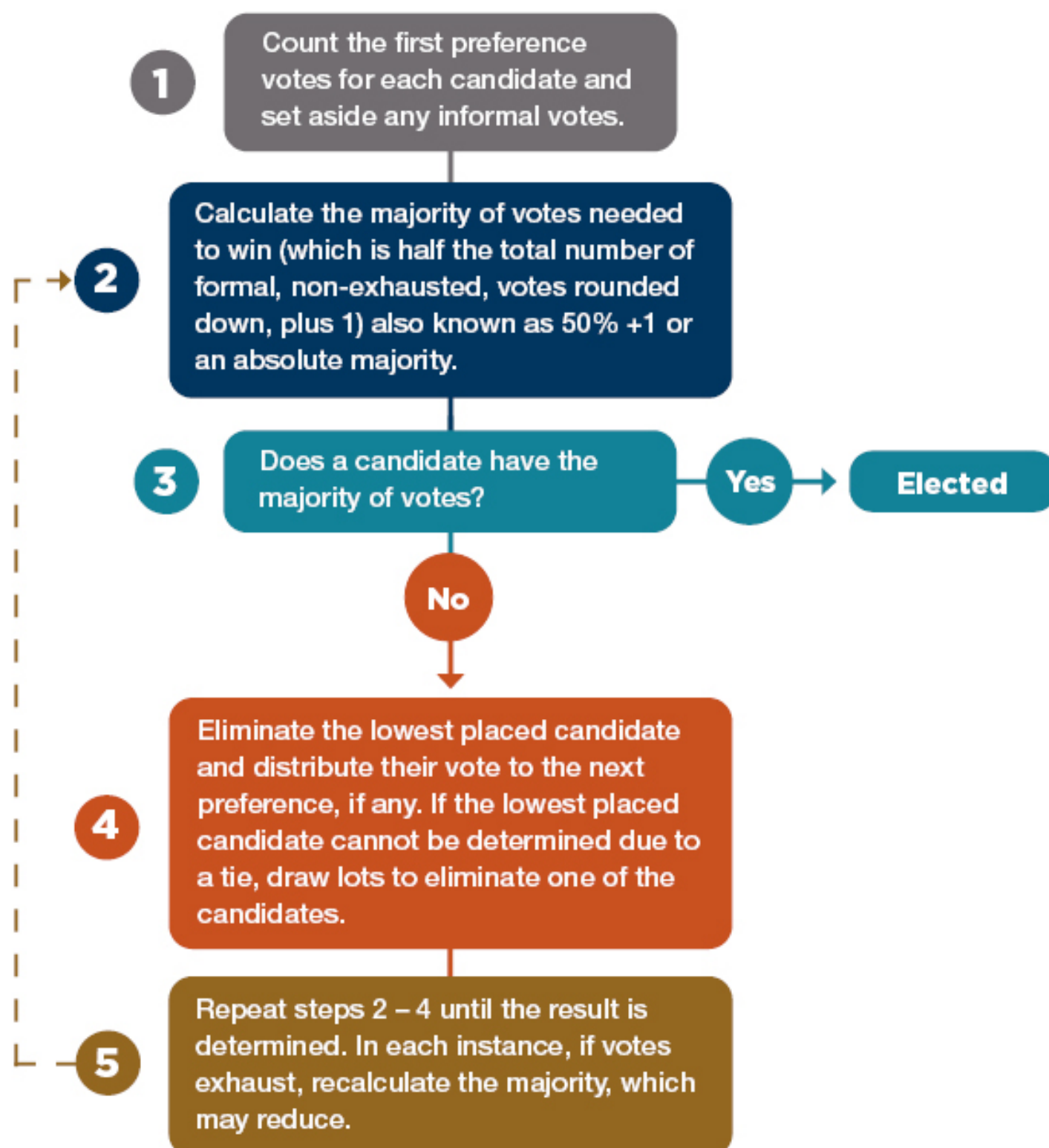
Conducting a council count using Optional Preferential Voting for the election of Deputy Mayor and/or President (and/or other Committee Deputy and Presiding members conducted by council)

Where there are two candidates

The candidate with the most votes wins.

If there is a tie, hold another meeting, conduct a second vote after adjournment (as per Schedule 2.3), if it is tied again, draw lots to determine the winner.

Where there are more than two candidates



Note

If the result between the final two candidates is a tie, conduct a second vote as per the requirements of Schedule 2.3 of the *Local Government Act 1995*. If after the second vote the result between the final two candidates is again a tie, draw lots in accordance with the regulations to determine a winner.

7.2 Appointments and Nominations to Council Committees and External Bodies

Responsible Officer	Michelle Reynolds – Chief Executive Officer
Voting Requirements	Absolute Majority
Attachments	<p>Attachment 7.2A – Draft Committees, Sessions and External Bodies Register ↓</p> <p>Attachment 7.2B – Current CEOPR Terms of Reference - Marked-Up with Changes ↓</p> <p>Attachment 7.2C – Current ARC Terms of Reference - Marked-Up with Changes ↓</p> <p>Confidential Attachment 7.2D – Audit and Risk Committee Independent Member Selection Report</p>

Purpose

For Council to:

1. Consider the adoption of the *Committee, Sessions and External Bodies Register* (**Attachment A**) which includes:
 - a. Reviewed Audit and Risk Committee and Chief Executive Officer Performance Review Committee Terms of Reference
 - b. New Elected Member Engagement Session and Agenda Briefing Session Terms of Reference.
2. Appoint Elected Members to Council Committees
3. Appoint Elected Members to represent the City on external bodies
4. Nominate Elected Members for ministerial appointment on external bodies
5. Acknowledge the ex-officio appointments of the Lord Mayor and Deputy Lord Mayor

Recommendation

That Council:

1. ADOPTS the *Committee, Sessions and External Bodies Register* as provided at **Attachment A** acknowledging that:
 - a. A draft version of the Committee, Sessions and External Bodies Register is attached to this report which will be formatted (including structurally) and graphically designed following acceptance before it is published;
 - b. Minor typographical amendments, that do not affect the materiality of the document, may also be made to improve the presentation and/or make corrections;
 - c. The Tables of Membership located at the end of the Committee, Sessions and External Bodies Register will be updated when current appointments and nominations have been confirmed by Council.

2. ADOPTS the revised terms of reference for the Chief Executive Officer Performance Review Committee as contained in **Attachment A**.
3. ADOPTS the revised terms of reference for the Audit and Risk Committee as contained in **Attachment A**.
4. ADOPTS the terms of reference for the Agenda Briefing Session as contained in **Attachment A**.
5. ADOPTS the terms of reference for the Elected Member Engagement Session as contained in **Attachment A**.
6. APPOINTS the following elected members as members and/or deputy members of the committees and external groups as listed:

a. Audit and Risk Committee

Member	Term Expiry
Councillor.....	18 October 2025
Councillor.....	18 October 2025
Councillor.....	18 October 2025
Councillor.....	18 October 2025

b. Chief Executive Officer Performance Review Committee

Members	Term Expiry
Lord Mayor	18 October 2025
Councillor	18 October 2025
Councillor	18 October 2025
Councillor	18 October 2025
Councillor	18 October 2025

c. Mindarie Regional Council

Member	Term Expiry
Councillor.....	18 October 2025

d. Catalina Regional Council

Member	Term Expiry
Councillor	18 October 2025
Deputy Member	Term Expiry
Councillor.....	18 October 2025

e. Metropolitan Regional Road Group

Member	Term Expiry
Councillor	18 October 2025

f. WALGA Central Metropolitan Zone

Members	Term Expiry
Councillor	18 October 2025
Councillor	18 October 2025
Deputy Member	Term Expiry
Councillor	18 October 2025
Councillor	18 October 2025

7. NOMINATES the following elected members for consideration of the Minister to appoint as members and alternate members of the external groups as listed:

a. Central Perth Land Redevelopment Committee

Nominees (<i>1 member appointed by the Minister</i>)	Term Expiry
Councillor	18 October 2025
Councillor	18 October 2025
Councillor	18 October 2025

b. Perth Local Development Assessment Panel

Members	Term Expiry
Councillor ...	TBA
Councillor ...	TBA
Alternate Members	Term Expiry
Councillor	TBA
Councillor ...	TBA

8. APPOINTS the following Independent Members to the Audit and Risk Committee:

Independent Member	Term Expiry
Colin Murphy	25 October 2025
James Lynch	25 October 2025

9. ACKNOWLEDGES the following ex-officio appointments of the Lord Mayor:
 - a. City of Perth Committee
 - b. Capital City Planning Committee
 - c. Council of Capital City Lord Mayors
 - d. Lord Mayor's Distress Relief Fund
 - e. Western Australian Local Government Association (WALGA) State Council
 10. ACKNOWLEDGES the ex-officio appointment of the Deputy Lord Mayor to the City of Perth Committee.
-

Background

1. The *Local Government Act 1995* (the Act) enables Councils to form committees to assist with its functions. Committee members can include elected members, employees, and members of the public. Committees can operate with delegated decision-making powers or solely on an advisory basis.
2. There are currently two committees of Council: the CEO Performance Review Committee (CEOPR Committee) and the Audit and Risk Committee (ARC). Neither of these committees have delegated decision making powers on behalf of Council.
3. Elected Members also represent the City on a range of external bodies including Regional Local Governments (Catalina Regional Council and Mindarie Regional Council), Statutory Bodies and Non-Statutory Groups.
4. Following the Local Government Ordinary Election on 21 October 2023 (the Election), consideration needs to be given to appointing and nominating elected members to City committees and external bodies to represent the City.
5. The Act requires that all appointments to committees of Council must fall vacant at the next ensuing election day, with new appointments to be made after the Election.
6. The Lord Mayor holds a distinctive position that results in automatic appointments to external bodies. In this context, 'ex-officio appointments' means that it is the role of the Lord Mayor itself, rather than the individual holding the position at a given time, that results in these appointments.

Discussion

7. To coincide with the appointment of members, and in the interests of good governance, it is proposed that information on Committees, Sessions, and External Bodies be contained in one document that is reviewed following each Election.
8. A draft Committee, Sessions and External Bodies Register (**Attachment A**) which includes all relevant information, such as Terms of References (ToR's), for Committees, Sessions and External Bodies is provided for Council's review and consideration.
9. In the context of a biannual review of the Committee and External Bodies Register, it implies that the ToR's will also undergo a concurrent review.
10. Council Committees
 - a. CEOPR Committee
 - i. The CEOPR Committee was established on 4 June 2013.

- ii. In 2019, the Act was amended to require the adoption of standards for CEO Recruitment, Performance and Termination (CEO employment standards). Council adopted standards at its meeting on 27 April 2021.
- iii. The ToR for the CEOPR Committee contained within **Attachment A** have been reviewed. A marked-up version of the ToR adopted on 26 October 2021 is provided as **Attachment B**. A summary and reasons for the proposed material changes are outlined in Table 1 below:

Proposed Change	Reason
Change of Format	<p>This format is in line with other Local Government Terms of Reference documents and provides uniformity in the proposed Committees, Session and External Bodies Register.</p> <p>This change in format has seen some information that is common to all Committees of Council now contained under the 'Council Committees' section and the relevant Committee subheading.</p>
Removal of Delegations Section	This information is general to Council Committees and is contained under the 'Council Committees' Section of the Committees, Session and External Bodies Register.
Membership Composition from up to four elected members to up to five.	To better represent the membership of Council.
Mandating position of Lord Mayor as a member of the CEOPR Committee	As the Lord Mayor is the leader of the Council and has the most involvement with the CEO on a daily basis they must be a member of the CEOPR Committee.
Removal of Reference to Deputy Members	It is proposed to not have Deputy Members appointed to the CEOPR Committee due to the proposed increase in membership and to maintain consistency with the Audit and Risk Committee.
Removal of the Quorum section	This is governed by Section 5.19 of the Act and is general to Council Committees and is contained under the 'Council Committees' Section of the Committees, Session and External Bodies Register.
Removal of the Meetings section	This information is general to Council Committees and is contained under the 'Council Committees' Section of the Committees, Session and External Bodies Register.

Table 1: Summary of proposed changes to the CEOPR ToR

- b. ARC
 - i. The ARC is formed in accordance with Section 7.1A of the Act.
 - ii. The ToR for the ARC was adopted at Council's August 2023 Council meeting. Given the timeframe since the review, no proposed material changes other than minor wording changes and the format are proposed. The proposed ToR in the new format is located within **Attachment A**. A marked up version of the current ToR showing minor wording changes is attached as **Attachment C**.
 - iii. On 1 September 2023 the City advertised for expressions of interest to fill the two vacancies of ARC Independent Members. A selection report is provided in the confidential agenda as **Confidential Attachment D** and details the selection process and the Chief Executive Officer's recommendation.

11. External Bodies

- a. Details of each external body for which the City has representation on is contained within **Attachment A**.
- b. After consulting with external bodies, the following groups required further clarification:
 - i. **Catalina Regional Council**

On 1 August 2023, Tamala Park Regional Council changed their name to Catalina Regional Council.
 - ii. **Library Board of Western Australia**

The current City of Perth representative was appointed to the Library Board on 3 July 2022 for a term of 4 years. The current representative's term does not end should their term as Councillor end. As such, the current representative will continue as City of Perth representative until 3 July 2026 and no nominations are required for this position.
 - iii. **Local Development Assessment Panel (LDAP)**

The terms of the current LDAP Members and Alternate Members on the Local Development Assessment Panel (LDAP) will conclude on 26 January 2024. The Department of Planning, Lands, and Heritage is currently seeking four nominations for Councillors to be appointed as DAP Members/Alternate Members by the Minister once the current Members' terms expire. The continuing members, whose term as Councillor has not expired, will continue to participate in LDAP meetings until the expiry of their appointment on the LDAP.
 - iv. **Arts and Theatre Trust Board (Previously the Perth Theatre Trust)**

Previously, the Perth Theatre Trust required nominations from the City for board members in accordance with Section 5 of the *Perth Theatre Trust Act 1979*. Following its repeal by the *Arts and Culture Trust Act 2021*, City nominations are no longer required, and nominations are skill based.

12. Sessions

- a. The City holds two types of sessions with membership comprising of the entire Council:
 - i. Agenda Briefing Sessions (ABS)
 - ii. Elected Member Engagement Sessions (EMES)
- b. Details on each session is provided in **Attachment A**.

- c. As Sessions are not regulated by the Act, a proposed ToR for ABS and EMES is provided within **Attachment A** to clarify the expectations of Elected Members at these sessions.

13. Process for Committee Appointments/Nominations

- a. Elected Members will indicate their intention to nominate.
- b. Should there be more nominations than positions:
 - i. Lots will be drawn with the names of the Elected Members who have nominated depending on the number of vacant positions.
 - ii. The successfully drawn names will be inserted into the Officer’s Recommendation.
- c. Appointments and Nominations are subject to the Officer’s Recommendation being carried by an Absolute Majority.

Consultation

- 14. Each external body was contacted to confirm remuneration, meeting details and membership requirements.

Decision Implications

- 15. If Council does not appoint members to external bodies, the City’s interests will not be represented on key boards, groups and regional local governments.
- 16. Should the Council not appoint members of the Committee, the Committees would be unable to function.
- 17. To ensure compliance with the Act, Council is required to appoint at least three elected members to the Audit and Risk Committee.

Strategic, Legislative and Policy Implications

Strategy	
Strategic Pillar (Objective)	A Well-Governed City
Related Documents (Issue Specific Strategies and Plans):	City of Perth Standards for CEO Recruitment, Performance and Termination

Legislation, Delegation of Authority and Policy	
Legislation:	Section 7.1A of the <i>Local Government Act 1995</i> - this section of the Act directs that a local government establishes an audit committee of three or more persons. Section 5.10 and 5.11 of the <i>Local Government Act 1995</i> - these

	<p>sections of the Act state that members and deputy members must be appointed to committees by an absolute majority decision of Council.</p> <p><i>Metropolitan Redevelopment Authority Act 2011, s81(3)</i> Outlines the process for appointment to the Central Perth Land Redevelopment Committee.</p> <p><i>Library Board of Western Australia Act 1951, s5</i> Outlines the composition of the Library Board of Western Australia.</p> <p><i>Planning and Development (Development Assessment Panel) Regulations 2011 Regulation 23 and 24</i> Details the composition of the Local Development Assessment Panel.</p> <p><i>City of Perth Act 2016</i> Part 2, Division 3, Section 12 convenes and details the composition of the City of Perth Committee.</p>
<p>Authority of Council/CEO:</p>	<p>Council has the power to nominate and appoint councillors to external bodies, as detailed above.</p> <p>Council is empowered by section 5.10 of the <i>Local Government Act 1995</i> to appoint members to Committees of Council.</p> <p>Section 5.10(1) of the <i>Local Government Act 1995</i> requires the appointments to committees be made by Absolute Majority.</p>
<p>Policy:</p>	<p>Nil.</p>

Financial Implications

Nil.

Further Information

Nil.

8. Closure