



City of Perth

Minutes

Special Council Meeting
25 October 2023

Approved for release

Michelle Reynolds
Chief Executive Officer
27 October 2023

Minutes to be confirmed at the next Ordinary Council Meeting

These minutes are hereby certified as confirmed.

Presiding member's signature

Date

21/11/23

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 Council meetings for members of the public to ask a question about any issue relating to the City. 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.

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.

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1. Declaration of Opening

The Presiding Member declared the Special Council Meeting for the City of Perth open at 5:03pm.

2. Acknowledgement of Country/Prayer

The Presiding Member gave an Acknowledgement of Country:

I respectfully acknowledge the Traditional Owners of the land on which we meet, the Whadjuk Nyoongar people of Western Australia, and pay my respects to Elders past and present. It is a privilege to be standing on Whadjuk Nyoongar country.

The Chief Executive Officer recited a prayer:

Almighty God, under whose providence we hold responsibility for this City grant us wisdom to understand its present needs, foresight to anticipate its future growth, and grace to serve our fellow citizens with integrity and selfless devotion. And to Thee, be all blessing and glory forever. Amen.

3. Attendance

Members in Attendance

| | |
|-------------------|-----------------------------------|
| Lord Mayor | Basil Zempilas (Presiding Member) |
| Deputy Lord Mayor | Clyde Bevan |
| Councillors | Raj Doshi |
| | Brent Fleeton |
| | Liam Gobbert |
| | David Goncalves |
| | Viktor Ko |
| | Catherine Lezer |
| | Bruce Reynolds |

Officers in Attendance

| | |
|---|---------------------|
| Chief Executive Officer | Michelle Reynolds |
| General Manager Commercial Services | Steve Holden |
| General Manager Community Development | Kylie Johnson |
| General Manager Planning and Economic Development | Dale Page |
| General Manager Infrastructure and Operations | Allan Mason |
| A/General Manager Corporate Services | Peta Mabbs |
| Chief Financial Officer | Michael Kent |
| Alliance Manager Council Governance and Policy | Charlie Clarke |
| Governance Officer | Ebony Mackey |
| Governance Officer | Melissa Karapetcoff |

Public Gallery

There were approximately 2 members of the public in the gallery.

3.1 Apologies

Nil.

3.2 Leave of Absence

Nil.

4. Allotment of Councillor Seating

In accordance with the Clause 7.2(2) of the *Standing Orders Local Law 2009*, the Chief Executive Officer assigned seats for each Councillor by random draw. Each Councillor will occupy their allocated seat when present at Council meetings, as follows:

- Seat 1 – Councillor Liam Gobbert
- Seat 2 – Councillor Brent Fleeton
- Seat 3 – Councillor Clyde Bevan
- Seat 4 – Councillor Raj Doshi
- Seat 5 – Councillor Viktor Ko
- Seat 6 – Councillor Catherine Lezer
- Seat 7 – Councillor Bruce Reynolds
- Seat 8 – Councillor David Goncalves

5. Disclosures of Interests

| | |
|-----------------------|---|
| Name | Chief Executive Officer Michelle Reynolds |
| Item number and title | 7.2 – Appointments and Nominations to Council Committees and External Bodies |
| Nature of interest | Impartiality |
| Interest description | <i>Colin Murphy is known to me from when he was Auditor General for WA and I worked in the State Public Sector.</i> |

5:12pm Councillor Catherine Lezer and the Alliance Manager Governance and Policy departed the meeting.

5:12pm Councillor Catherine Lezer and the Alliance Manager Governance and Policy returned to the meeting.

6. Public Participation

6.1 Public Questions

Nil.

6.2 Deputations

Nil.

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.

Result

The election of the Deputy Lord Mayor was held in accordance with Schedule 2.3 of the *Local Government Act 1995* and the Lord Mayor advised of the procedure for the election.

The Chief Executive Officer advised that two nominations were received in writing, as follows:

- Councillor Clyde Bevan who nominated themselves.
- Councillor Brent Fleeton who was nominated by Councillor Raj Doshi and also nominated themselves.

Ballot papers were prepared with the nominees' names appearing in alphabetical order and handed to each Elected Member.

The ballot papers were collected and the Election Coordinator announced the votes as follows:

First Preference Votes:

1. Councillor Clyde Bevan – 5 Votes
2. Councillor Brent Fleeton – 4 Votes

The Lord Mayor announced that Councillor Clyde Bevan was the successful candidate with 5 first preference votes and was therefore elected to the position of Deputy Lord Mayor for a term ending at the first Council meeting after the next Ordinary Election.

Councillor Clyde Bevan was sworn into the position of Deputy Lord Mayor by the Lord Mayor.

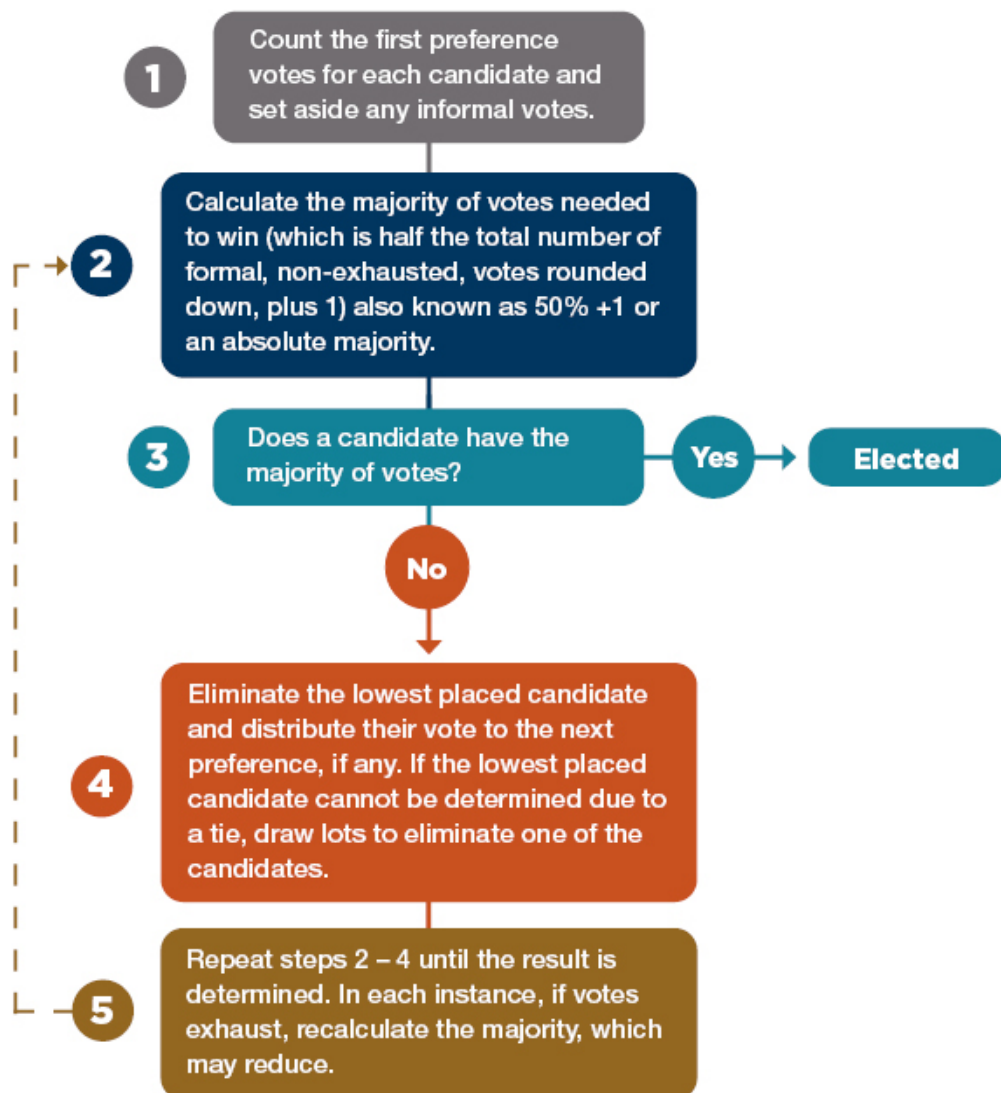
Conducting a council count using Optional Preferential Voting for the election of Deputy Mayor and/or President (and/or other Committee Deputy and Presiding members conducted by council)

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.

Chief Executive Officer Michelle Reynolds disclosed an impartiality interest in Item 7.2 as detailed in Item 5.

7.2 Appointments and Nominations to Council Committees and External Bodies

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

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 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 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: | <p>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.</p> <p>Section 5.10 and 5.11 of the <i>Local Government Act 1995</i> - these 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</i>, s81(3) Outlines the process for appointment to the Central Perth Land Redevelopment Committee.</p> <p><i>Library Board of Western Australia Act 1951</i>, s5 Outlines the composition of the Library Board of Western Australia.</p> <p><i>Planning and Development (Development Assessment Panel) Regulations 2011</i> Regulation 23 and 24 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> |
| Authority of Council/CEO: | <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> |
| Policy: | Nil. |

Financial Implications

Nil.

Further Information

Nil.

Alternate Motion

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Liam Gobbert

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 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 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 Liam Gobbert | 18 October 2025 |
| Councillor Catherine Lezer | 18 October 2025 |
| Councillor Raj Doshi | 18 October 2025 |
| Lord Mayor Basil Zempilas | 18 October 2025 |

- b. Chief Executive Officer Performance Review Committee

| Members | Term Expiry |
|----------------------------|-----------------|
| Lord Mayor Basil Zempilas | 18 October 2025 |
| Councillor Clyde Bevan | 18 October 2025 |
| Councillor Raj Doshi | 18 October 2025 |
| Councillor David Goncalves | 18 October 2025 |
| Councillor Bruce Reynolds | 18 October 2025 |

c. Mindarie Regional Council

| Member | Term Expiry |
|-------------------------|-----------------|
| Councillor Liam Gobbert | 18 October 2025 |

d. Catalina Regional Council

| Member | Term Expiry |
|--------------------------|-----------------|
| Councillor Brent Fleeton | 18 October 2025 |
| Deputy Member | Term Expiry |
| Councillor Viktor Ko | 18 October 2025 |

e. Metropolitan Regional Road Group

| Member | Term Expiry |
|---------------------------|-----------------|
| Councillor Bruce Reynolds | 18 October 2025 |
| Deputy Member | Term Expiry |
| Councillor Raj Doshi | 18 October 2025 |

f. WALGA Central Metropolitan Zone

| Members | Term Expiry |
|----------------------------|-----------------|
| Councillor Liam Gobbert | 18 October 2025 |
| Councillor David Goncalves | 18 October 2025 |
| Deputy Member | Term Expiry |
| Councillor Bruce Reynolds | 18 October 2025 |
| Councillor Clyde Bevan | 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 Clyde Bevan | 18 October 2025 |
| Councillor Catherine Lezer | 18 October 2025 |
| Councillor David Goncalves | 18 October 2025 |

b. Perth Local Development Assessment Panel

| Members | Term Expiry |
|---------|-------------|
|---------|-------------|

| | |
|---------------------------|--------------------|
| Councillor Liam Gobbert | TBA |
| Councillor Viktor Ko | TBA |
| Alternate Members | Term Expiry |
| Councillor Bruce Reynolds | TBA |
| Councillor Raj Doshi | 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

The Lord Mayor approved a request made by Cr Viktor Ko and Deputy Lord Mayor Bevan, to draw lots to determine which Elected Member would be nominated (in the amendment motion) for appointment to the Mindarie Regional Council.

Cr Raj Doshi, Cr Liam Gobbert, and Cr David Goncalves nominated themselves for appointment to the Mindarie Regional Council and their names were included in the draw.

The name on the lot drawn was Cr David Goncalves and this name was inserted into the Amendment Motion.

Amendment Motion (SCM-23/10-001)

Mover: Councillor David Goncalves

Seconded: Councillor Viktor Ko

c. Mindarie Regional Council

| Member | Term Expiry |
|--|-----------------|
| Councillor Liam Gobbert David Goncalves | 18 October 2025 |

LOST (4/5)

For: Deputy Lord Mayor Clyde Bevan; Councillors Viktor Ko, Catherine Lezer and David Goncalves

Against: Lord Mayor Basil Zempilas; Councillors Brent Fleeton, Liam Gobbert, Raj Doshi and Bruce Reynolds

Procedural Motion (SCM-23/10-002)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Liam Gobbert

That the meeting now adjourn for 10 minutes.

CARRIED (8/1)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Raj Doshi, Liam Gobbert, David Goncalves, Viktor Ko, Catherine Lezer, Bruce Reynolds

Against: Councillor Brent Fleeton

5:42pm *The meeting was adjourned and the livestream paused.*

5:53pm *The meeting and the livestream resumed.*

Procedural Motion (SCM-23/10-003)

Mover: Councillor David Goncalves

Seconded: Councillor Catherine Lezer

That Item 7.2, Point 'c.' be deferred for consideration at the next Ordinary Council Meeting.

LOST (4/5)

For: Deputy Lord Mayor Clyde Bevan; Councillors David Goncalves, Viktor Ko, Catherine Lezer
Against: Lord Mayor Basil Zempilas; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert and Bruce Reynolds

5:55pm *Councillor Liam Gobbert raised a point of order with the Lord Mayor in accordance with cl. 8.3(1) of the Standing Orders Local Law 2009. Councillor Liam Gobbert specified that he believed cl. 12.2 of the Standing Orders Local Law was breached. The Lord Mayor ceased debate on the Procedural Motion and the motion was put.*

5:57pm *The Governance Officer departed the meeting.*

5:59pm *The Governance Officer returned to the meeting.*

Procedural Motion (SCM-23/10-004)

Mover: Councillor Liam Gobbert
Seconded: Lord Mayor Basil Zempilas

That the motion be now put.

CARRIED (6/3)

For: Lord Mayor Basil Zempilas; Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, Catherine Lezer and Bruce Reynolds
Against: Deputy Lord Mayor Clyde Bevan; Councillors David Goncalves and Viktor Ko

The Lord Mayor immediately put the motion to the vote without further debate.

Alternate Motion (SCM-23/10-005)

Mover: Lord Mayor Basil Zempilas
Seconded: Councillor Liam Gobbert

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 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 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 Liam Gobbert | 18 October 2025 |
| Councillor Catherine Lezer | 18 October 2025 |
| Councillor Raj Doshi | 18 October 2025 |
| Lord Mayor Basil Zempilas | 18 October 2025 |

b. Chief Executive Officer Performance Review Committee

| Members | Term Expiry |
|-------------------------------|-----------------|
| Lord Mayor Basil Zempilas | 18 October 2025 |
| Deputy Lord Mayor Clyde Bevan | 18 October 2025 |
| Councillor Raj Doshi | 18 October 2025 |
| Councillor David Goncalves | 18 October 2025 |
| Councillor Bruce Reynolds | 18 October 2025 |

c. Mindarie Regional Council

| Member | Term Expiry |
|-------------------------|-----------------|
| Councillor Liam Gobbert | 18 October 2025 |

d. Catalina Regional Council

| Member | Term Expiry |
|--------------------------|-----------------|
| Councillor Brent Fleeton | 18 October 2025 |
| Deputy Member | Term Expiry |
| Councillor Viktor Ko | 18 October 2025 |

e. Metropolitan Regional Road Group

| Member | Term Expiry |
|---------------------------|-----------------|
| Councillor Bruce Reynolds | 18 October 2025 |
| Deputy Member | Term Expiry |
| Councillor Raj Doshi | 18 October 2025 |

f. WALGA Central Metropolitan Zone

| Members | Term Expiry |
|----------------------------|-----------------|
| Councillor Liam Gobbert | 18 October 2025 |
| Councillor David Goncalves | 18 October 2025 |
| Deputy Member | Term Expiry |
| Councillor Bruce Reynolds | 18 October 2025 |
| Councillor Clyde Bevan | 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 |
|--|-----------------|
| Deputy Lord Mayor Clyde Bevan | 18 October 2025 |
| Councillor Catherine Lezer | 18 October 2025 |
| Councillor David Goncalves | 18 October 2025 |

b. Perth Local Development Assessment Panel

| Members | Term Expiry |
|---------------------------|-------------|
| Councillor Liam Gobbert | TBA |
| Councillor Viktor Ko | TBA |
| Alternate Members | Term Expiry |
| Councillor Bruce Reynolds | TBA |
| Councillor Raj Doshi | 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

CARRIED BY ABSOLUTE MAJORITY (7/2)

For: Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan, Councillors Raj Doshi, Brent Fleeton, Liam Gobbert, Catherine Lezer, and Bruce Reynolds

Against: Councillors David Goncalves and Viktor Ko

Reason for Change:

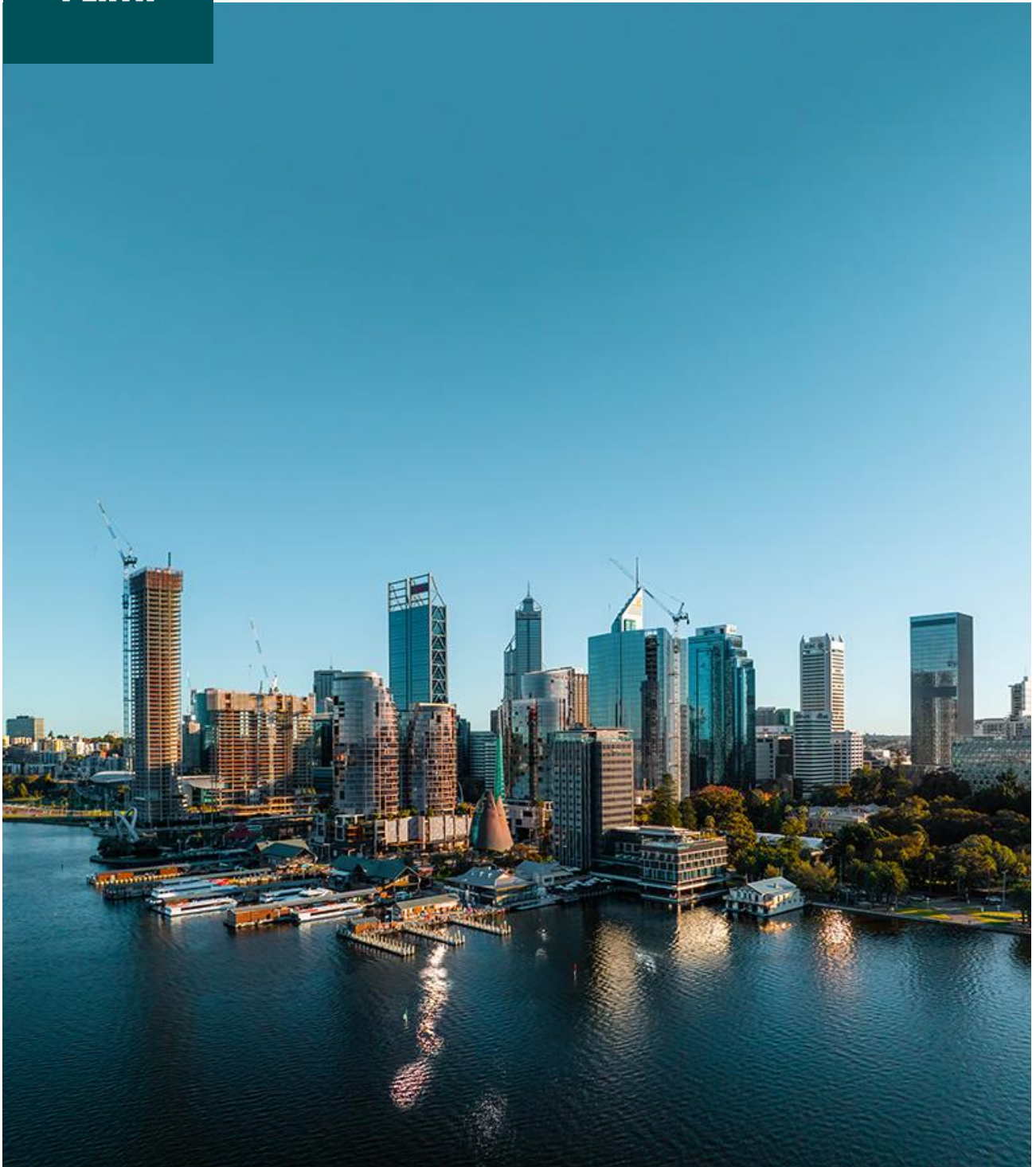
This is a difficult assignment and we had a number of nominations. There was some consideration of people who have been in these positions previously and had expertise and expressed an interest. We need to fill these positions. Whilst some may not have been your first choice, I thank Councillors for nominating and being flexible to accept that we need to fill these positions. It is our role as Elected Members of the City of Perth to occupy these positions even if they were not necessarily your first choice.



CITY OF
PERTH

Committee, Session and External Bodies Register

October 2023



Prepared by: Council Governance and Policy - 25 October 2023

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The City of Perth acknowledges the Whadjuk Nyoongar people as the Traditional Custodians of the lands and waters where Perth City is situated and pays its respects to Elders past, present and future.

Council Committees

Section 5.8 of the *Local Government Act* (the Act) enables the City to establish Committees of three or more persons to:

- Assist the Council; and
- Exercise the powers and discharge the duties of the City that can be delegated to Committees.

Council has two Committees, known as 'Committees of Council':

- Audit and Risk Committee; and
- Chief Executive Performance Review Committee.

Delegated Authority

There are no circumstances in which Council can make a decision or pass a resolution, with the exception of any Committees that Council has granted delegated authority to.

Currently, there are no Committees of Council at the City of Perth with delegated power and therefore the Committee have no authority to implement their recommendations without approval of Council.

Meetings

Meetings are called and convened in accordance with the City's *Standing Orders Local Law 2009* (the Standing Orders).

Meetings can be scheduled by decision of the Council or Committee, or at the discretion of the Committee's Presiding Member. Meetings are rescheduled with approval of the Presiding Member and a general consensus of Committee Members.

A Notice of Meeting, including an Agenda, will be circulated to the Committee Members at least 72 hours prior to each meeting where possible, with the exception of the Audit and Risk Committee whereby the agenda is distributed at least five (5) business days prior to the meeting.

Committee Meetings are closed to members of the public.

The minutes will be distributed within 7 days, following the meeting of the Committee.

Agendas and Minutes are circulated via Council Hub to all Elected Members. Independent Members receive meeting papers by Email.

Minutes are presented for confirmation at the following meeting of the Committee.

Meetings will be conducted in accordance with the Act, subsidiary legislation and the Standing Orders.

Quorum is governed by Section 5.19 of the Act.

Reporting

Recommendations requiring the approval of Council will be presented to an Agenda Briefing Session and Ordinary Council Meeting following the Committee Meeting, where practicable.

Reports to Committees for 'Information Purposes Only' will not be presented to Agenda Briefing Sessions or Ordinary Council Meetings.

Presiding Member and Deputy Presiding Member

In accordance with the Act, Schedule 2.3, Division 1, the members of a Committee are to elect a Presiding Member from amongst themselves at the first meeting of the Committee and at each subsequent first meeting following an Ordinary Local Government Election.

Following the election of a Presiding Member, the members of the Committee may also elect a Deputy Presiding Member.

The CEO or delegated nominee will attend the first meeting to conduct the election of the new Presiding Member or at a subsequent meeting if a new Presiding Member is to be elected. The elected Presiding Member will preside at all meetings.

In the absence of the Presiding Member, the Deputy Presiding Member (if one has been elected by the Committee) will assume the Chair.

In the absence of both the Presiding Member and the Deputy Presiding Member, or if a Deputy Presiding Member has not been elected, then a person is to be elected by the Committee Members present to assume the Chair for that meeting.

The Presiding Member is responsible for the proper conduct of the Committee.

Audit and Risk Committee

The Audit and Risk Committee (ARC) is a formally appointed Committee of Council for the City of Perth and is formed in accordance with Section 7.1A of the Act.

The ARC provides an independent oversight of the City's financial systems, financial reporting and audit and risk management responsibilities.

ARC operates in accordance with all relevant provisions of the Act, the *Local Government (Audit) Regulations 1996*, the *Local Government (Administration) Regulations 1996* and the Standing Orders.

Terms of Reference

General Council Committee information and guidelines are provided above. The following Terms of Reference specifically details the ARC's Purpose, Role and Function, Training Requirements and Membership.

The Terms of Reference for each Council Committee is reviewed following each Ordinary Local Government Election.

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| AUDIT AND RISK COMMITTEE (ARC) October 2023 | |
|--|--|
| Establishment and Appointment | <p>The Audit and Risk Committee (“ARC” or “Committee”) is a formally appointed committee of the Council for the City of Perth (“the City”), pursuant to the Local Government Act 1995 (“the Act”), section 7.1A.</p> <p>The Committee will operate in accordance with all relevant provisions of the Act, the Local Government (Audit) Regulations 1996 and the Local Government (Administration) Regulations 1996.</p> <p>These Terms of Reference set out the ARCs purpose, authority, membership, functions, and responsibilities.</p> |
| Role and Purpose | <p>As prescribed by Section 16 of the Local Government (Audit) Regulations 1996, the ARC provides appropriate advice to Council on matters relevant to its Terms of Reference. The ARC achieves this by making a recommendation to Council on all matters brought before it.</p> <p>The ARC advise Council in fulfilling its oversight responsibilities in relation to:</p> <ul style="list-style-type: none"> • Systems of risk management and internal control. • Performance reporting for external and internal audit. • Financial management and reporting practices. • Compliance with laws and regulations. <p>The ARC is not responsible for the management of these functions but will engage with the administration in a constructive and professional manner to perform its oversight responsibilities.</p> <p>The Committee also acts as a forum for communication between Council, the administration, External Service Providers, and the Office of the Auditor General (“OAG”) and their selected auditor.</p> <p>Members of the Committee are expected to:</p> <ul style="list-style-type: none"> • Understand the legal and regulatory obligations of the Council. • Understand the governance arrangements that support achievement of the City’s strategies and objectives. • Exercise due care, diligence and skill when performing their duties. • Adhere to the <u>Code of Conduct for Council Members, Committee Members and Candidates</u> and demonstrate behaviour which reflects the City’s desired culture. • Be aware of contemporary and relevant issues impacting the public sector. • Only use information provided to the ARC to carry out their responsibilities, unless expressly agreed by Council. • Be committed to implementing better practice principles within their workings. |
| Authority and Independence | <p>The ARC is a formally appointed committee of Council and is responsible to that body. The ARC does not have executive powers or authority to implement actions in areas which the administration has responsibility and does not have any delegated financial responsibility or management functions.</p> |

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| | <p>The Council authorises the Committee, in accordance with these Terms of Reference, to:</p> <ul style="list-style-type: none"> • Obtain any information it requires from any official or external party (subject to any legal obligations to protect information). • Discuss any matters with internal auditors, OAG, other external parties, or members of the administration. • Request the attendance of an elected member at ARC meetings. • Request that the CEO obtains legal or other professional advice when necessary to fulfil its role, at the entity’s expense, subject to approval by Council. <p>The Committee must remain independent from management of the City; however, it will be administratively supported by the Manager Audit and Risk. Any member of the ARC can meet with the Manager Audit and Risk on request.</p> <p>The Committee is only to consider reported items that are within the scope outlined in these Terms of Reference, or as directed by Council. Any exceptions to this will be recorded in the minutes.</p> |
| <p>Membership and Meetings</p> | <p>Composition</p> <p>The ARC is comprised of a maximum of six (6) members, of which, two (2) must be independent. All members will have full voting rights. The ARC is led by a Presiding Member, who is responsible for reporting to Council. The Lord Mayor cannot be appointed as the Presiding Member of the ARC.</p> <p>The ARC is to appoint a Deputy Presiding Member to act as Presiding Member in the Presiding Member’s absence.</p> <p>The Committee may request that the CEO invite the External Audit Service Providers and relevant management representatives to present information and participate in the meeting. A representative from the Office of the Auditor General (“OAG”) may be invited to attend ARC meetings as an observer.</p> |
| | <p>Appointment and Membership Terms</p> <p>Members of the ARC are appointed by Council in accordance with the following relevant section 7.1A of the Act, which stipulates:</p> <p><i>...(2) The members of the audit committee are to be appointed by the local government by absolute majority and at least 3 of the members, and the majority of the members, are to be council members.</i></p> <p><i>(3) A CEO is not to be a member of an audit committee...</i></p> <p><i>(4) An employee is not to be a member of an audit committee.</i></p> <p>In compliance with section 5.11 of the Act, all members will be appointed by the Council, and will remain a member until —</p> <p>(a) the term of the person’s appointment as a committee member expires; or</p> <p>(b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or</p> |

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| | <p>(c) the committee is disbanded; or (d) the next ordinary elections day</p> <p>The Presiding Member and Deputy Presiding Member of the Committee will each have a term limit of two (2) years, as per the local government election cycle.</p> <p>Independent committee members must be appointed by Council, in accordance with section 5.10 of the Act. The appointment process will follow Council Policy 1.7 Independent Committee Members and will consider the qualifications, skills, and expertise required for the functions of the ARC.</p> <p>The Presiding Member can address the regular non-attendance with a Member of the ARC and determine an appropriate course of action.</p> <p>Under Part 2, Regulation 4 of the Local Government (Administration) Regulations 1996, members may resign from the ARC by giving the CEO or the ARC’s Presiding Member written notice of their resignation. It is encouraged that ARC members provide a notice period of three (3) months; however, a shorter notice period may be accepted.</p> <p>Where new members are appointed to the ARC after an election, the City will conduct an induction at the first meeting following the appointment, to help support the skills and experience of ARC members. Any additional training for members will be in accordance with section 5.126 of the Act.</p> |
| Meetings | <p>Frequency: Quarterly for ordinary meetings, and as required.</p> <p>The Presiding Member is required to call a meeting if asked to do so by Council.</p> <p>If a meeting is requested by another ARC member, OAG, or the CEO, the Presiding Member will decide whether the meeting is necessary. A special meeting may be called for the ARC to consider Financial Statements.</p> <p>Open to the public: No.</p> <p>Member attendance: Meeting attendances and absences are to be recorded and monitored. Where regular non-attendance is noted, the Presiding Member may raise this with the ARC member.</p> <p>Quorum: As prescribed by Section 5.19 of the Act, the quorum for Committee meetings will be at least 50% of the number of offices of the Committee (whether vacant or not).</p> <p>Agenda: An agenda will be distributed at least five (5) business days prior to the meeting, along with reports and other attachments or information to be addressed.</p> <p>ARC Agenda papers will be circulated to members via the Council Hub portal and to independent members via email.</p> |

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| | <p>Voting: Voting is in accordance with Section 5.21 of the Act.</p> <p>All decisions to make a recommendation to Council must be made by simple majority.</p> <p>Minutes: All meetings will be minuted by a member of the Council Governance Team, and minutes will be submitted to the Committee at the next Committee meeting for confirmation, as per Section 5.22 of the Act.</p> <p>Minutes are to include all that is listed in Regulation 11 of the <i>Local Government (Administration) Regulations 1996</i>.</p> <p>Reporting: The ARC will present its recommendation on each item on the ARC Agenda at the next Ordinary Council Meeting, for the Council’s consideration.</p> <p>Confidentiality: All Committee members will be required to adhere to the City’s confidentiality requirements as per the <u>Code of Conduct for Council Members, Committee Members and Candidates</u>.</p> <p>Conduct of Meetings: ARC Meetings will be held in accordance with the Act, subsidiary legislation, and the City’s Standing Orders.</p> <p>An in-camera session with the Manager Audit and Risk will be conducted before the conclusion of an ARC meeting.</p> <p>As per Part 2, Regulation 12 of the Local Government (Administration) Regulations 1996, meeting details, including the date, time, and place where the meeting is to be held will be published on the City’s website.</p> |
| Responsibilities | <p>The ARC oversees the City’s systems of financial reporting, risk management and internal control. Its duty is to provide oversight over significant risk exposures and control issues, including fraud risks, governance issues and other matters as necessary or requested by the CEO or Council.</p> <p>The duties and responsibilities of the ARC include, but are not limited to:</p> <ol style="list-style-type: none"> 1) Overseeing the City’s risk management, through: <ol style="list-style-type: none"> a) Biennial review of the City’s Risk Management Policy. b) Reviewing reports on the movement of the City’s current strategic risks, and the emergence of new strategic risks. c) Overseeing strategic risks which sit outside of the City’s Risk Appetite. 2) Overseeing the City’s processes for managing fraud and corruption, by: <ol style="list-style-type: none"> a) Performing oversight responsibilities as per the City’s Fraud and Corruption Control Policy (CP 2.15) and reporting on this to Council annually. b) Enquiring with the CEO and the OAG about whether they are aware of any actual, suspected, or alleged fraud or corruption affecting the City. c) Reviewing summary reports from the CEO on communication from external parties including regulators that indicate problems in the internal control system or inappropriate management actions. 3) Overseeing the City’s financial management and legislative compliance, by: <ol style="list-style-type: none"> a) Reviewing the City’s annual Compliance Audit Return and reporting the results of that review to Council, in accordance with the Local Government (Audit) Regulations 1996. b) Receiving and reviewing reports from the CEO regarding the appropriateness and effectiveness of the City’s legislative compliance and ensuring any non-compliances are rectified on a timely basis. |

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| | <ul style="list-style-type: none"> c) Considering and recommending adoption of the annual financial report to Council. 4) Overseeing the internal audit function, by: <ul style="list-style-type: none"> a) Assessing and making a recommendation to Council on the 3-year Strategic Internal Audit Plan to ensure that it comprehensively covers material business risks that may threaten the achievement of strategic objectives and an Assurance Map which identifies key risks and control mechanisms. b) Monitoring the progress of the 3-year Strategic Internal Audit Plan. c) Reviewing the quality and timeliness of internal audit reports. d) Considering the implications of internal audit findings on the business, its risks, and controls. e) Monitoring the implementation of internal audit recommendations. f) Reviewing and making a recommendation to Council on the level of resources allocated to internal audit and the scope of the function's authority. g) Monitoring coordination of activities between the four lines of defence. 5) Fulfilling responsibilities pertaining to external audit, by: <ul style="list-style-type: none"> a) Reviewing reports from the OAG, including auditor's reports, closing reports and management letters. b) Reviewing management's response to OAG findings and recommendations. c) Monitoring the implementations of recommendations from external audits. d) Meeting with the OAG at least once per year without management presence. e) Reviewing results of relevant OAG audit reports and better practice publications for guidance on good practices, including any self-assessment by the CEO. |
| <p>Committee Sitting Fees and Resimbursement</p> | <p>The City is prohibited under Section 5.98-5.99 of the Local Government Act 1995, and Regulation 30 of the <i>Local Government (Administration) Regulations 1996</i>, to pay a council member a fee for attending the ARC.</p> <p>Under Section 5.98(2)-(4) of the <i>Local Government Act 1995</i>, and Regulation 31(1) and 32(1) of the <i>Local Government (Administration) Regulations 1996</i>, some expenses incurred by Council members may be reimbursed.</p> <p>Reimbursement of approved expenses for independent members may be paid to each independent external member in accordance with Section 5.100 of <i>the Act</i>, and as per <i>Council Policy 1.7 Independent Committee Members</i>.</p> <p>The rules regarding remuneration for independent committee members are currently under review as part of the Local Government Reforms (2023). These guidelines are subject to any legislation changes.</p> |
| <p>Reporting</p> | <p>The City's Internal Audit business unit reports functionally to the ARC and administratively to the CEO. A clear and properly defined reporting relationship ensures that Internal Audit is empowered to perform its role. The direct reporting line to the ARC also acts as a safeguard in the event of a serious breakdown in internal controls or internal control culture at senior levels in the organisation.</p> |

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| | <p>The Presiding Member of the ARC meets with the Manager Audit and Risk prior to the Agenda Papers being circulated, and before the ARC meeting to discuss the Agenda Papers and address any questions.</p> <p>Reports and recommendations of each Committee meeting will be presented to the next ordinary meeting of the Council. The Audit and Risk Committee may also, at any time, report to the accountable authority on any other matters it deems to be sufficiently important.</p> |
| Conflicts of Interest | <p>All members of the Audit and Risk Committee will provide declarations of any actual or perceived conflicts of interest as required in accordance with the Act and subsidiary legislation, and the City's <u>Code of Conduct for Council Members, Committee Members and Candidates</u>.</p> <p>Members are expected to review Committee meeting agendas and papers to identify any conflicts prior to meetings. In identifying conflicts, members are to consider their past employment, consultancy arrangements, and related party issues. Disclosures are to be made using the 'disclosure of interest form', or by providing a written disclosure of interest to the CEO or Presiding Member of the ARC.</p> <p>At the beginning of each meeting the Presiding Member will ask the CEO and the members to disclose any interests they may have. In the event when there is a conflict of interest, this will be managed by requiring the interested individual to leave the committee room for the duration of the period when the item is discussed. They will be excluded from having a vote on that item. This is pursuant to Part 5, Division 6, Section 5.65-5.69 of <i>the Act</i>.</p> <p>Interests will be recorded in the ARC minutes.</p> |
| Audit and Risk Committee Performance Assessment Arrangements | <p>Once per year, the ARC will perform a self-assessment of its performance, in collaboration with the CEO. Feedback on the Performance of the ARC may be received verbally and/or in written form from the Members. Outcomes from the annual self-assessment will be communicated to Council.</p> |

Chief Executive Officer Performance Review Committee

The Chief Executive Officer Performance Review Committee (CEOPR) is a formally appointed Committee of Council for the City of Perth is formed in accordance with Section 5.8 of the Act.

The Chief Executive Officer Performance Review Committee was established by Council on 4 June 2013 to assist the City with fulfilling its responsibilities as the CEO's employer. Council is accountable for managing the performance of the CEO and reviewing the CEO's performance at least once annually (as required by the Act). Council is also responsible for setting the CEO's key performance indicators in agreement with the CEO and monitoring the CEO's ongoing performance against those indicators.

CEOPR operates in accordance with all relevant provisions of the Act, the *Local Government (Administration) Regulations* 1996, the Standing Orders and City of Perth Standards for Chief Executive Officer Recruitment, Performance and Termination (the Standards).

Terms of Reference

General Council Committee information and guidelines are provided above. The following Terms of Reference specifically details the CEOPR's purpose, role and function, training requirements and membership.

The Terms of Reference for each Council Committee is reviewed following each Ordinary Local Government Election.

| CHIEF EXECUTIVE PERFORMANCE REVIEW COMMITTEE (CEOPR) October 2023 | | | | | |
|---|--|----------|---|----------|--|
| Purpose: | The purpose of the Chief Executive Officer Performance Review Committee (the Committee) is to: <ol style="list-style-type: none"> 1. Undertake the review of the Chief Executive Officers' (CEO) Performance in accordance with the <i>Local Government Act 1995</i>, the Standards and the contract of employment of the CEO. 2. Work with the CEO to establish additional performance criteria for the CEO, if required. | | | | |
| Role and Function | The role of the Committee is to: <ol style="list-style-type: none"> 1. Assist the Council in the engagement and oversight of a consultant to work with the Committee, CEO and Council in conducting the CEO performance review in line with the process agreed between the CEO and Council (or consistent with the Standards and Department of Local Government Guidelines). 2. Conduct with the CEO, elected members and the consultant, the performance review process and provide a recommendation to Council on the result of the performance review. 3. Establish performance criteria for the CEO, with the agreement of CEO, for recommendation to Council arising from the performance review process. 4. Make any other relevant recommendations relating to the CEO's employment, with the agreement of the CEO. | | | | |
| Training Requirements | Members of the Committee will be required to undertake CEO Performance Review Training facilitated by WALGA within 6 months of their appointment to the Committee.* *Subject to WALGA delivering the course in the appropriate timeframe | | | | |
| Membership | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; background-color: #e0e0e0;">Internal</td> <td> The Committee shall be comprised up to five elected members which will include the Lord Mayor. The City Administration will ensure appropriate support is provided to the Committee. </td> </tr> <tr> <td style="background-color: #e0e0e0;">External</td> <td> There are no external independent members of the Committee. An Independent Consultant will facilitate the Performance Review Process. </td> </tr> </table> | Internal | The Committee shall be comprised up to five elected members which will include the Lord Mayor. The City Administration will ensure appropriate support is provided to the Committee. | External | There are no external independent members of the Committee. An Independent Consultant will facilitate the Performance Review Process. |
| Internal | The Committee shall be comprised up to five elected members which will include the Lord Mayor. The City Administration will ensure appropriate support is provided to the Committee. | | | | |
| External | There are no external independent members of the Committee. An Independent Consultant will facilitate the Performance Review Process. | | | | |
| Disclosures of Interest | Disclosures of Interest are to be made in accordance with the provisions of the <i>Local Government Act 1995</i> . | | | | |

Sessions

The Department of Local Government, Sport and Cultural Industries provides the following in their Operational Guideline on Council Forums (Sessions):

“Elected Members need opportunities to discuss issues outside of the formal ordinary meeting process. The department acknowledges this approach because those elected members that have the maximum opportunities for input will obtain the greatest satisfaction emanating from their time in local government.

The opportunity for input can be best gained through forums or committees of the full council.

Councils that wish to hold forums of either the concept or agenda type are encouraged to adopt rules and processes that are in line with these guidelines. This will assist with openness and accountability, minimise public criticism and lead to a more effective and efficient local government.”

The City holds two Sessions each month:

- Agenda Briefing Sessions
- Elected Member Engagement Sessions

As sessions of Council are not regulated by the Act, a Terms of Reference is provided for each to clarify the expectations of Elected Members at these sessions.

| AGENDA BRIEFING SESSION October 2023 | | | | | |
|---|--|----------|---------------------|----------|--|
| Purpose: | <p>The purpose of Agenda Briefing Sessions is for Councillors to ask questions and obtain additional information in respect to items being presented to the Ordinary Council Meeting. Questions asked by Councillors are answered by the CEO or a person nominated by the CEO.</p> <p>Members of the public may attend and can make deputations on items on the agenda.</p> | | | | |
| Meetings | <p>The Sessions are held at 5.00pm on the Tuesday prior to the Ordinary Council Meeting</p> <p>Meetings are open to members of the public unless confidential information needs to be discussed which will result in parts of the meeting being closed to the public.</p> <p>Meetings will be conducted in accordance with the City's <i>Standing Orders Local Law 2009</i>. The Presiding Member may make decisions on the conduct of the meeting where the Standing Orders or this Terms of Reference are silent.</p> | | | | |
| Presiding Member | <p>The Lord Mayor is the presiding member of Agenda Briefing Sessions.</p> <p>In the Lord Mayor's absence, the Deputy Lord Mayor will be the Presiding Member.</p> | | | | |
| Delegated Authority | <p>No decision making is permitted at Agenda Briefing Sessions.</p> | | | | |
| Membership | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; vertical-align: top;">Internal</td> <td>All Elected Members</td> </tr> <tr> <td style="vertical-align: top;">External</td> <td> <p>Nil.</p> <p>The administration attends for the purposes of minute-taking and to respond to questions relating to items of the agenda.</p> <p>With the approval of the Presiding Member, the administration may, from time to time, invite an independent consultant to address Council and provide information relevant to their expertise.</p> </td> </tr> </table> | Internal | All Elected Members | External | <p>Nil.</p> <p>The administration attends for the purposes of minute-taking and to respond to questions relating to items of the agenda.</p> <p>With the approval of the Presiding Member, the administration may, from time to time, invite an independent consultant to address Council and provide information relevant to their expertise.</p> |
| Internal | All Elected Members | | | | |
| External | <p>Nil.</p> <p>The administration attends for the purposes of minute-taking and to respond to questions relating to items of the agenda.</p> <p>With the approval of the Presiding Member, the administration may, from time to time, invite an independent consultant to address Council and provide information relevant to their expertise.</p> | | | | |
| Disclosures of Interest | <p>Disclosures of Interest are to be made in accordance with the provisions of the <i>Local Government Act 1995</i>.</p> | | | | |

| ELECTED MEMBER ENGAGEMENT SESSION October 2023 | | | | | |
|---|--|----------|--|----------|---|
| Purpose: | <p>The purpose of Elected Member Engagement Sessions (EMES) is to provide an opportunity for Elected Members to be briefed on complex matters. EMES Sessions provide for</p> <ul style="list-style-type: none"> • Exchange of information between Elected Members and the Administration • Collaborative development of ideas • Elected Member feedback | | | | |
| Meetings | <p>The Sessions are held at 4.00pm on the first Tuesday of the month.</p> <p>Meetings are closed to members of the public.</p> <p>Meetings will be conducted in accordance with the City's <i>Standing Orders Local Law 2009</i>. The Presiding Member may make decisions on the conduct of the meeting where the Standing Orders or this Terms of Reference are silent.</p> | | | | |
| Presiding Member | <p>The Lord Mayor is the presiding member of Elected Member Engagement Sessions.</p> <p>In the Lord Mayor's absence, the Deputy Lord Mayor will be the Presiding Member.</p> | | | | |
| Delegated Authority | <p>No decision making is permitted at Elected Member Engagement Sessions.</p> | | | | |
| Membership | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; vertical-align: top;">Internal</td> <td> <p>All Elected Members.</p> <p>The administration attends for the purpose of note taking, providing information and presentations, and responding to Elected Member questions.</p> </td> </tr> <tr> <td style="vertical-align: top;">External</td> <td> <p>Nil.</p> <p>The administration may, from time to time, invite an independent consultant to deliver presentations to Council and provide information relevant to their expertise.</p> </td> </tr> </table> | Internal | <p>All Elected Members.</p> <p>The administration attends for the purpose of note taking, providing information and presentations, and responding to Elected Member questions.</p> | External | <p>Nil.</p> <p>The administration may, from time to time, invite an independent consultant to deliver presentations to Council and provide information relevant to their expertise.</p> |
| Internal | <p>All Elected Members.</p> <p>The administration attends for the purpose of note taking, providing information and presentations, and responding to Elected Member questions.</p> | | | | |
| External | <p>Nil.</p> <p>The administration may, from time to time, invite an independent consultant to deliver presentations to Council and provide information relevant to their expertise.</p> | | | | |
| Disclosures of Interest | <p>Disclosures of Interest are to be made in accordance with the provisions of the <i>Local Government Act 1995</i>.</p> | | | | |

External Bodies

Elected members represent the City’s interests on a range of external boards, panels and committees.

| EXTERNAL BOARDS AND COMMITTEES, STATUTORY AND REGIONAL APPOINTMENTS | | |
|---|--|---|
| Regional Local Governments | Statutory Appointments | External Boards and Committees |
| Mindarie Regional Council | City of Perth Committee | Council of Capital City Lord Mayors (CCCLM) |
| Catalina Regional Council | Central Perth Land Redevelopment Committee | Metropolitan Regional Road Group |
| | Capital City Planning Committee | WALGA – Central Metropolitan Zone |
| | Library Board of Western Australia | Lord Mayor Distress Relief Fund |
| | Perth Local Development Assessment Panel | WALGA State Council |

Regional Local Governments

The *Local Government Act 1995* refers to Regional Local Governments as ‘two or more Local Governments’ who may (subject to the Minister’s approval) ‘establish a regional Local Government to do things, for the participants, for any purpose for which a Local Government can do things under this Act or any other Act’.

Regional Local Governments or Regional Councils (as they are often known) may exist in specialist areas such as waste management and are formed to oversee management of a particular function.

The City is a member of two regional local governments being:

- Mindarie Regional Council
- Catalina Regional Council.

An overview of each is provided below.

| MINDARIE REGIONAL COUNCIL October 2023 | | | |
|---|--|--|---|
| Appointment Expiry: | 30 June (annually). City of Perth Elected Members will be appointed for a two-year term until the next Local Government Ordinary Election. | Remuneration: | Sitting fees (per annum) Chair - \$16,480 Deputy Chair and Council Members - \$10,990 ICT and Travel Allowance (per annum) All Members - \$1,040 LG Allowance (per annum) Chair - \$20,875 Deputy Chair - \$5,090 |
| Membership | One elected member No deputy members permitted under the Mindarie Regional Council's constitution. | | |
| Objectives | The Mindarie Regional Council (MRC) was formed in 1981 and formally constituted in 1987. The purpose of the MRC is to provide effective and cost-efficient waste disposal, consistent with safeguarding all environmental elements, for the benefit of the constituent local governments and their residents. The constituent local governments are the Cities of Joondalup, Wanneroo, Perth, Stirling and Vincent and the Towns of Victoria Park and Cambridge. In accordance with the Amended Schedule Item 2, of the Constitution, the City of Perth is to have one Elected Member representative on the MRC. | | |
| Meetings | Frequency | 2024 Meeting Details will be set at the MRC's November Ordinary Council Meeting. | |
| | Average Duration | As Above. | |
| | Venue | As Above. | |
| Convening Arrangements | MRC is established under Part 3, Division 4 of the <i>Local Government Act 1995</i> , with the Regional Council's membership arrangements prescribed in the Constitution with the City of Perth as a member local government. In accordance with the Amended Schedule, Item 2, of the Constitution, the City of Perth is to have one Elected Member representative on the MRC. A deputy cannot be formally appointed on an ongoing basis and must be appointed by Council every time a deputy is required. In accordance with the MRC Constitution, membership is from 1 July to 30 June. | | |

| CATALINA REGIONAL COUNCIL (PREVIOUSLY TAMALA PARK) October 2023 | | | |
|--|--|--|---|
| Appointment Expiry: | October 2025 (Local Government Ordinary Election) | Remuneration: | Sitting fees (per annum) Chair - \$16,480 Deputy Chair and Council Members - \$10,990 Allowance (per annum) Chair - \$20,875 Deputy Chair - \$25% amount paid to Chair |
| Membership | One member One deputy member | | |
| Objectives | <p>Seven local governments are joint owners of 432 hectares of land immediately south of Neerabup Road, Tamala Park.</p> <p>The purpose of the Catalina Council is to undertake the rezoning, subdivision, development, marketing and sale of the Tamala Park land.</p> <p>The objectives of the Catalina Regional Council Council are:</p> <ul style="list-style-type: none"> to develop and improve the value of the land; to maximise, within prudent risk parameters, the financial return to the participants; to balance economic, social and environmental issues; and to produce a quality development demonstrating the best urban design and development practice. <p>The constituent local governments are the Cities of Joondalup, Wanneroo, Perth, Stirling and Vincent and the Towns of Victoria Park and Cambridge.</p> | | |
| Meetings | Frequency | Held bi-monthly (starting February). The Council is hoping that in 2024 there will be a strategic meeting held in the months when there is no Council meeting. | |
| | Average Duration | One hour | |
| | Venue | Currently 50% of meetings are held in person at the City of Stirling (25 Cedric Street, Stirling) with the other 50% being held electronically. | |
| Convening Arrangements | <p>TPRC is established under Part 3, Division 4 of the <i>Local Government Act 1995</i>, with the Regional Council's membership arrangements prescribed in the Establishment Agreement with the City of Perth as a member local government.</p> <p>In accordance with Clause 6.1 of the TPRC Establishment Agreement, the City of Perth is to appoint one Elected Member representative and may appoint one Deputy representative to the TPRC.</p> | | |

Statutory Appointments

The City is represented on a range of statutory boards, panels and committees convened under State legislation. Following each Local Government Ordinary Election, Council will nominate elected members for the consideration of the relevant minister, who will subsequently formally appoint the elected member/s.

Elected members are currently appointed to five entities being:

- The City of Perth Committee
- The Capital City Planning Committee
- Library Board of Western Australia
- Perth Local Development Assessment Panel; and
- The Central Perth Land Redevelopment Committee.

An overview of each is provided below.

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| CITY OF PERTH COMMITTEE October 2023 | | | |
|---|---|--|------|
| Appointment Expiry: | N/A – ex-officio appointments | Remuneration: | Nil. |
| Membership | Lord Mayor Deputy Lord Mayor | | |
| Objectives | <p>The Committee’s functions are to:</p> <ul style="list-style-type: none"> Facilitate collaboration between the State and the City. Identify and promote opportunities and strategies for strengthening the economic, cultural, social, physical and environmental development and growth of the Perth Central Business District and other residential and non-residential areas of the City. Assist in the identification and development of mechanisms that promote greater integration between the State’s planning and development processes and those of the City. Identify and promote opportunities to improve, simplify and streamline the requirements and processes of the City with respect to development applications under the Planning and Development Act 2005. Develop and promote more efficient and effective transitioning arrangements for developments that are undertaken by or on behalf of the State and that are to become wholly or partly the responsibility of the City. <p>Committee Membership is determined under section 12(2) of <i>the City of Perth Act 2016</i> and comprises of the:</p> <ul style="list-style-type: none"> Premier of Western Australia (or Minister nominated by the Premier) Minister for Local Government Lord Mayor Deputy Lord Mayor Chief Executive Officer of the City of Perth <p>Director General, Department of Local Government, Sport and Cultural Industries</p> | | |
| Meetings | Frequency | At least twice per year as stipulated by section 14(1) of the <i>City of Perth Act 2016</i> . The Premier decides when the Committee meets. | |
| | Average Duration | Two hours | |
| | Venue | Dumas House, 2 Havelock Street, West Perth | |
| Convening Arrangements | Section 12(1) of the <i>City of Perth Act 2016</i> ‘A committee called the City of Perth Committee is established’. | | |

| CAPITAL CITY PLANNING COMMITTEE October 2023 | | | |
|---|--|---|------|
| Appointment Expiry: | N/A – ex-officio appointment | Remuneration: | Nil. |
| Membership | Lord Mayor | | |
| Objectives | <p>The Committee was established to oversee and provide direction for planning in the Perth central area. It exercises delegated authority to deal with:</p> <ul style="list-style-type: none"> • the City of Perth local planning scheme and scheme amendments • the Metropolitan Region Scheme and amendments • subdivisions, strata titles, leases and licences • development on reserved land in the City of Perth. <p>Formerly known as the Central Perth Planning Committee.</p> | | |
| Meetings | Frequency | Three meetings per year at 9.30am, usually held on a Tuesday. | |
| | Average Duration | 1.5-2 hours | |
| | Venue | Boardroom 2.24, Level 2, 140 William Street, Perth | |
| Convening Arrangements | Convened by the Western Australian Planning Commission (WAPC) in accordance with schedule 2 of the <i>Planning and Development Act 2005</i> . | | |

| LIBRARY BOARD OF WESTERN AUSTRALIA October 2023 | | | |
|--|---|---|---|
| Appointment Expiry: | Four-year Term (Current Expiry: 3 July 2026) | Remuneration: | Reimbursement of travelling and other out of pocket expenses. |
| Membership | One member Council must provide a panel of three persons to the Minister, and the Minister will then appoint one of the nominated persons (<i>Library Board of Western Australia Act 1951</i> (Library Board Act), s 4(b)). | | |
| Objectives | The duties of the Board include the control and management of The State Reference Library and the oversight of and provision of assistance to registered public libraries (Library Board Act, s 15). The Board may provide, control and manage libraries and library services; and may provide for the training of persons to carry out the duties of librarians and library assistants, such training to conform to the requirements of the Library Association of Australia. | | |
| Meetings | Frequency | First Thursday of March, May, July, September, November and December at 9.45am. | |
| | Average Duration | Two to three hours | |
| | Venue | State Library, 25 Francis Street Perth | |
| Convening Arrangements | Section 5(4) of the <i>Library Board of Western Australia Act 1951</i> provides that the City of Perth is to provide one representative to the Board. The City is required to provide a panel of three names to the Minister for Culture and the Arts for selection of one representative. Current member must resign for new member to serve on the Board. Minister for Culture and the Arts to approve. | | |

| PERTH LOCAL DEVELOPMENT ASSESSMENT PANEL (LDAP) October 2023 | | |
|---|---|---|
| Appointment Expiry: | Two-year Term (Current Expiry: 26 January 2024) | Remuneration: Sitting fees Determination of a Form 1 development application - \$425 Determination of a Form 2 development application - \$100 Training fees New LDAP members - \$400 (one-off) Retraining LDAP members - \$200 |
| Membership | Council must nominate two persons to be members and two persons to be deputy members, and the Minister will then appoint the nominated persons (Planning and Development (Development Assessment Panel) Regulations 2011, regs 23-24). | |
| Objectives | The Perth Local Development Assessment Panel (LDAP) determines mandatory planning applications with a value over \$20 million. In addition, there is the option for applicants to “opt-in” for assessment by the LDAP on developments greater in value than \$2 million and less than \$20 million. | |
| Meetings | Frequency | As required |
| | Average Duration | One hour |
| | Venue | Various |
| Convening Arrangements | <p>The Perth Local Development Assessment Panel is established in accordance with Section 171B of the <i>Planning and Development Act 2005</i>. Its operations are governed by the Planning and Development (Development Assessment Panel) Regulations 2011.</p> <p>In accordance with the Planning and Development (Development Assessment Panel) Regulations 2011, Council is required to nominate two members and two deputies for the consideration of the Minister for Planning for appointment onto Perth Local Development Assessment.</p> | |

| CENTRAL PERTH LAND REDEVELOPMENT COMMITTEE October 2023 | | |
|--|--|---|
| Appointment Expiry: | Determined by the Minister (term not exceeding two years) | Remuneration: Meetings of four hours or longer - \$400 Meetings of less than four hours - \$270 |
| Membership | Council must nominate three persons and the Minister will then appoint one of the nominated persons (Metropolitan Redevelopment Authority Act 2011 (MRA Act), s 81(3)). | |
| Objectives | <p>The role of Central Perth Land Redevelopment Committee (CPLRC) is to:</p> <ul style="list-style-type: none"> advise the Development WA Board; and refer matters to the Development WA Board. <p>The CPLRC is responsible for determining significant development applications relevant to the redevelopment area as well as the approval of amendments to planning policies, design guidelines and the heritage inventories, in accordance with Parts 5 and 6 of the MRA Act and the 2012 Central Perth Redevelopment Scheme. The Development WA Board can also refer matters to the Committee.</p> | |
| Meetings | Frequency | Scheduled monthly. |
| | Average Duration | 1-2 hours |
| | Venue | Offices of Development WA |
| Convening Arrangements | Division 2 'Land Redevelopment Committees' of the <i>Metropolitan Redevelopment Authority Act 2011</i> | |

Non-Statutory Groups

Elected members represent the City in a number of groups, with the aim to improve services for the community. Such groups include:

- Council of Capital City Lord Mayors
- Metropolitan Regional Road Group
- WALGA – Central Metropolitan Zone
- Lord Mayor Distress Relief Fund
- WALGA State Council

An overview of each is provided below.

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| COUNCIL OF CAPITAL CITY LORD MAYORS October 2023 | | | |
|---|--|---|------|
| Appointment Expiry: | N/A – ex-officio appointment | Remuneration: | Nil. |
| Membership | Lord Mayor | | |
| Objectives | To provide national leadership for the effective co-ordination and representation of the special interests of the Capital Cities of the Australian States and Territories, especially in their relations with other spheres of government. | | |
| Meetings | Frequency | 3-4 Meeting per year | |
| | Average Duration | Over a two-day period | |
| | Venue | The meetings are held in a different capital city each time – hosted by a CCCLM member city, there is one meeting per year held in Parliament House (Canberra) to engage Federal politicians. | |
| Convening Arrangements | This Council is not formed under legislation | | |

| METROPOLITAN REGIONAL ROAD GROUP October 2023 | | | |
|--|---|--|------|
| Appointment Expiry: | Local Government Ordinary Elections | Remuneration: | Nil. |
| Membership | One Member One Deputy Member | | |
| Objectives | There are 10 Regional Road Groups (RRG) in WA, established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRGs make recommendations to the SAC regarding the Annual Local Government Roads Program for their Region and any other relevant issues. | | |
| Meetings | Frequency | 2 x Elected Members meetings are held bi-annually in Apr & Nov each year at MRWA Head Office 6 x Sub-Group meetings are held bi-annually in Mar & Oct at LG offices | |
| | Average Duration | Two Hours | |
| | Venue | Main Roads WA, Don Aitken Centre, East Perth | |
| Convening Arrangements | Each Western Australian Local Government is represented in the appropriate Regional Road Group in accordance with the State Road Funds to Local Government Agreement 2011/12 – 2015/16. City of Perth is represented on the Metropolitan Regional Road Group and the Central Sub-Group. Main Roads WA is the Secretariat. | | |

| WALGA CENTRAL METROPOLITAN ZONE October 2023 | | | |
|---|---|---|------|
| Appointment Expiry: | Local Government Ordinary Elections | Remuneration: | Nil. |
| Membership | Two Members Two Deputy Members | | |
| Objectives | <p>WALGA is the single association for local governments in WA, representing the political and strategic interest of local government at State and Federal levels. Member local governments are regarded as “shareholders” of WALGA and focus activities toward the provision of political advocacy and services to meet collective needs.</p> <p>Zones are groups of geographically aligned Member Councils who are responsible for the direct election of State Councillors, providing input into policy formulation and providing advice on various matters.</p> | | |
| Meetings | Frequency | Five Meetings per year. | |
| | Average Duration | One hour | |
| | Venue | Member Local Governments rotate hosting duties for Zone Meetings. | |
| Convening Arrangements | The Central Metropolitan Zone is not convened under legislation | | |

| LORD MAYOR DISTRESS RELIEF FUND October 2023 | | | |
|---|---|---|------|
| Appointment Expiry: | N/A – ex-officio appointment | Remuneration: | Nil. |
| Membership | Lord Mayor | | |
| Objectives | <p>The Lord Mayor’s Distress Relief Fund is the State’s official fundraising body for disasters occurring within WA. It is a separate entity, governed by a Board and chaired by the Lord Mayor.</p> <p>The City’s involvement is essentially administration support to the fund which is provided in-kind.</p> | | |
| Meetings | Frequency | Twice annually as per the constitution, with special Board workshops convened if an event has occurred. | |
| | Average Duration | 2.5 hours | |
| | Venue | Venues are set and agreed upon at the beginning of each calendar year. | |
| Convening Arrangements | Charity established in 1961 in conjunction with the State government | | |

| WALGA STATE COUNCIL October 2023 | | | |
|-------------------------------------|---|---|------|
| Appointment Expiry: | N/A – ex-officio appointment | Remuneration: | Nil. |
| Membership | Lord Mayor | | |
| Objectives | <p>The WALGA State Council is the decision making representative body of all WALGA member councils, who are responsible for sector-wide policy making and strategic planning on behalf of local government.</p> <p>The Lord Mayor attends in an ex-officio capacity, to represent the City and enhance the relationship between the City and WALGA.</p> | | |
| Meetings | Frequency | Five Meetings per year. | |
| | Average Duration | Approximately two hours. | |
| | Venue | WALGA, Level 1, 170 Railway Parade, West Leederville, and other regional meetings twice annually. | |
| Convening Arrangements | The State Council is not convened under legislation | | |

| TABLE 1 - CURRENT MEMBERSHIP BY COMMITTEE/GROUP | | | |
|--|---------|---|----------------|
| Name | Acronym | Members | Deputy Members |
| Audit and Risk Committee | ARC | Elected Members | N/A |
| | | | |
| | | Independent Members | |
| | | | |
| Chief Executive Officer Performance Review Committee | CEOPR | TBA | N/A |
| Mindarie Regional Council | MRC | TBA | N/A |
| Catalina Regional Council | CRC | TBA | TBA |
| City of Perth Committee | Nil. | Lord Mayor (<i>ex-officio</i>) Deputy Lord Mayor (<i>ex-officio</i>) | N/A |

| | | | |
|--|-------|--|---|
| Central Perth Land Redevelopment Committee | Nil. | TBA | TBA |
| Capital City Planning Committee | Nil. | Lord Mayor (<i>ex-officio</i>) | N/A |
| Library Board of Western Australia | Nil. | Sandy Anghie (<i>expiry 3 July 2026</i>) | N/A |
| Perth Local Development Assessment Panel | LDAP | <p>Current Members:</p> <p>Councillor Catherine Lezer (<i>Member – Expiry 26 January 2024</i>)</p> <p>Councillor Viktor Ko (<i>Member – Expiry 26 January 2024</i>)</p> <p>Nominated Members (for ministerial appointment following 26 January 2024):</p> <p>TBA</p> | <p>Current Alternate Members:</p> <p>Councillor Brent Fleeton (<i>Alternate Member – Expiry 26 January 2024</i>)</p> <p>Councillor Liam Gobbert (<i>Alternate Member – Expiry 26 January 2024</i>)</p> <p>Nominated Alternate Members (for Ministerial Appointment following 26 January 2024):</p> <p>TBA</p> |
| Council of Capital City Lord Mayors | CCCLM | Lord Mayor (<i>ex-officio</i>) | N/A |

| | | | |
|-----------------------------------|-------|----------------------------------|-----|
| Metropolitan Regional Road Group | Nil. | TBA | TBA |
| WALGA – Central Metropolitan Zone | Nil. | TBA | TBA |
| Lord Mayor Distress Relief Fund | LMDRF | Lord Mayor (<i>ex-officio</i>) | N/A |
| WALGA State Council | Nil. | Lord Mayor (<i>ex-officio</i>) | N/A |

Table 1: Current Membership by Committee/Group

TABLE 2 - CURRENT MEMBERSHIP BY ELECTED MEMBER

| Name | Committees/External Groups | Appointment Date | Appointment Expiry |
|-------------------------|-------------------------------------|------------------|--------------------|
| Lord Mayor | City of Perth Committee | N/A – ex-officio | N/A – ex-officio |
| | Capital City Planning Committee | N/A – ex-officio | N/A – ex-officio |
| | Council of Capital City Lord Mayors | N/A – ex-officio | N/A – ex-officio |
| | Lord Mayor’s Distress Relief Fund | N/A – ex-officio | N/A – ex-officio |
| | WALGA State Council | N/A – ex-officio | N/A – ex-officio |
| | CEOPR Committee | N/A – ex-officio | N/A – ex-officio |
| | TBA | | |
| Deputy Lord Mayor | City of Perth Committee | N/A – ex-officio | N/A – ex-officio |
| | TBA | | |
| Councillor Liam Gobbert | TBA | | |

| | | | |
|--------------------------|-----|--|--|
| Councillor Clyde Bevan | TBA | | |
| Councillor Brent Fleeton | TBA | | |
| Councillor Viktor Ko | TBA | | |
| Vacant | TBA | | |
| Vacant | TBA | | |
| Vacant | TBA | | |
| Vacant | TBA | | |

| | | | |
|--------|-----|--|--|
| Vacant | TBA | | |
|--------|-----|--|--|

Table 2: Current Membership by Elected Member

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Document Control

Other relevant/related documents

| | |
|---------------------------------------|---|
| Legislation: | Local Government Act 1995 Local Government (Administration) Regulations 1996 City of Perth Standing Orders Local Law 2009 |
| City Policies: | Nil. |
| City Procedures and Processes: | Nil. |

Document responsibilities

| | | | | | |
|-------------------|---|------------------------|-------------------------|------------------------|---------|
| Custodian: | Alliance Manager Governance and Policy | Custodian Unit: | Governance and Strategy | Decision Maker: | Council |
|-------------------|---|------------------------|-------------------------|------------------------|---------|

Review management

| | | | |
|-------------------------|--------------|---------------------------------|--|
| Next review due: | October 2025 | Document Management Ref: | |
|-------------------------|--------------|---------------------------------|--|

Document management

| Version | Decision reference | Synopsis of changes |
|---------|---|--|
| 1.0 | SCM 25 October 2023 Absolute Majority Required | Initial register submitted for approval. |



CEO Performance Review: Terms of Reference

Purpose

In line with the *Local Government Act 1995* (the Act), and the City of Perth Standards for Chief Executive Officer Recruitment, Performance and Termination (the Standards), the purpose of the Chief Executive Officer Performance Review Committee (the Committee) is to:

1. Undertake the review of the Chief Executive Officers (CEO) Performance in accordance with the *Local Government Act 1995*, the Standards and the contract of employment of the CEO.
2. Work with the CEO to establish additional performance criteria for the CEO, if required.
- ~~3. Undertake duties as required by the Council relating to the role of CEO.~~

Roles and Functions

The role of the Committee is to:

1. Assist the Council in the engagement and oversight of a consultant to ~~assist work with~~ the Committee, CEO and Council in conducting the CEO performance review in line with the process ~~set out by Council agreed between the CEO and Council (or consistent with the Standards and Department of Local Government Guidelines)~~.
2. Conduct with the CEO, elected members and the consultant, the performance review process and provide a recommendation to Council on the result of the performance review.
3. Establish performance criteria for the CEO, with the agreement of CEO, for recommendation to Council arising from the performance review process.
4. Make any other relevant recommendations relating to the CEO's employment, ~~with the agreement of the CEO.~~

Delegations

- ~~1. This Committee has no delegated authority and no authority to implement its recommendations without resolution of Council.~~
- ~~2. The Committee is a formally appointed committee of Council and is responsible to that body. The Committee does not have executive powers or authority to implement actions in areas over which the Chief Executive Officer (CEO) has legislative responsibility.~~



City of Perth

Training Requirements

Members of the Committee will be required to undertake CEO Performance Review Training facilitated by WALGA within 6 months of their appointment to the Committee.*

*Subject to WALGA delivering the course in the appropriate timeframe

Membership

1. The Committee shall be comprised up to ~~four~~ five elected members which ~~should~~ will include the Lord Mayor. ~~There shall be two deputy members.~~
2. The City Administration will ensure appropriate support is provided to the Committee.
3. ~~Appointments to the Committee will be until the next ordinary local government election day.~~
4. There are no external independent members of the Committee.
5. An Independent Consultant will facilitate the Performance Review process.

Quorum

~~The quorum for a committee meeting is set by section 5.19 of the Act.~~

Meetings

1. ~~The Committee must elect a presiding member and deputy presiding member in accordance with section 5.12 and Schedule 2.3 of the Act.~~
2. ~~A schedule of meetings will be developed and agreed to by the Committee that are conducive to the CEO performance review process being completed by 30 June each year.~~
3. ~~The Committee shall report to Council by way of its minutes and any recommendations it may make.~~

Disclosures of Interest

Disclosures of Interest are to be made in accordance with the provisions of the *Local Government Act 1995*.

Audit and Risk Committee Terms of Reference

1. Establishment and Appointment

The Audit and Risk Committee (“ARC” or “Committee”) is a formally appointed committee of the Council for the City of Perth (“the City”), pursuant to the Local Government Act 1995 (“the Act”), section 7.1A.

The Committee will operate in accordance with all relevant provisions of the Act, the Local Government (Audit) Regulations 1996 and the Local Government (Administration) Regulations 1996.

These Terms of Reference set out the ARCs purpose, authority, membership, functions, and responsibilities.

2. Role and Purpose

As prescribed by Section 16 of the Local Government (Audit) Regulations 1996, the ARC provides appropriate advice to Council on matters relevant to its Terms of Reference. The ARC achieves this by making a recommendation to Council on all matters brought before it.

The ARC advises Council in fulfilling its oversight responsibilities in relation to:

- Systems of risk management and internal control.
- Performance reporting for external and internal audit.
- Financial management and reporting practices.

Compliance with laws and regulations.

The ARC is not responsible for the management of these functions but will engage with the administration in a constructive and professional manner to perform its oversight responsibilities.

The Committee also acts as a forum for communication between Council, the administration, External Service Providers, and the Office of the Auditor General (“OAG”) and their selected auditor.

Members of the Committee are expected to:

- Understand the legal and regulatory obligations of the Council.
- Understand the governance arrangements that support achievement of the City’s strategies and objectives.
- Exercise due care, diligence and skill when performing their duties.
- Adhere to the [Code of Conduct for Council Members, Committee Members and Candidates](#) and demonstrate behaviour which reflects the City’s desired culture.
- Be aware of contemporary and relevant issues impacting the public sector.
- Only use information provided to the ARC to carry out their responsibilities, unless expressly agreed by Council.

- Be committed to implementing better practice principles within their workings.

3. Authority and Independence

The ARC is a formally appointed committee of Council and is responsible to that body. The ARC does not have executive powers or authority to implement actions in areas which the administration has responsibility and does not have any delegated financial responsibility or management functions.

The Council authorises the Committee, in accordance with these Terms of Reference, to:

- Obtain any information it requires from any official or external party (subject to any legal obligations to protect information).
- Discuss any matters with internal auditors, OAG, other external parties, or members of the administration.
- Request the attendance of an elected member at ARC meetings.
- Request that the CEO obtains legal or other professional advice when necessary to fulfil its role, at the entity's expense, subject to approval by Council.

The Committee must remain independent from management of the City; however, it will be administratively supported by the Manager Audit and Risk. Any member of the ARC can meet with the Manager Audit and Risk on request.

The Committee is only to consider reported items that are within the scope outlined in these Terms of Reference, or as directed by Council. Any exceptions to this will be recorded in the minutes.

4. Membership and Meetings

4.1 Composition

The ARC is comprised of a maximum of six (6) members, of which, two (2) must be independent. All members will have full voting rights. The ARC is led by a Presiding Member, who is responsible for reporting to Council. The Lord Mayor cannot be appointed as the Presiding Member of the ARC.

The ARC is to appoint a Deputy Presiding Member to act as Presiding Member in the Presiding Member's absence.

The Committee may request that the CEO invite the External Audit Service Providers and relevant management representatives to present information and participate in the meeting. A representative from the Office of the Auditor General ("OAG") may be invited to attend ARC meetings as an observer.

4.2 Appointment and Membership Terms

Members of the ARC are appointed by Council in accordance with the following relevant section 7.1A of the Act, which stipulates:

...(2) *The members of the audit committee are to be appointed by the local government by absolute majority and at least 3 of the members, and the majority of the members, are to be council members.*

(3) *A CEO is not to be a member of an audit committee...*

(4) *An employee is not to be a member of an audit committee.*

In compliance with section 5.11 of the Act, all members will be appointed by the Council, and will remain a member until —

- (a) the term of the person's appointment as a committee member expires; or
- (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
- (c) the committee is disbanded; or
- (d) the next ordinary elections day

The Presiding Member and Deputy Presiding Member of the Committee will each have a term limit of two (2) years, as per the local government election cycle.

Independent committee members must be appointed by Council, in accordance with section 5.10 of the Act. The appointment process will follow Council Policy 1.7 Independent Committee Members and will consider the qualifications, skills, and expertise required for the functions of the ARC.

The Presiding Member can address the regular non-attendance with a Member of the ARC and determine an appropriate course of action.

Under Part 2, Regulation 4 of the Local Government (Administration) Regulations 1996, members may resign from the ARC by giving the CEO or the ARC's Presiding Member written notice of their resignation. It is encouraged that ARC members provide a notice period of three (3) months, however, a shorter notice period **may will also** be accepted.

Where new members are appointed to the ARC after an election, the City will conduct an induction at the first meeting following the appointment, to help support the skills and experience of ARC members. Any additional training for members will be in accordance with section 5.126 of the Act.

4.3 Meetings

Frequency: Quarterly for ordinary meetings, and as required.

The Presiding Member is required to call a meeting if asked to do so by Council.

If a meeting is requested by another ARC member, OAG, or the CEO, the Presiding Member will decide whether the meeting is necessary. A special meeting may be called for the ARC to consider Financial Statements.

Open to the public: No.

Member attendance: Meeting attendances and absences are to be recorded and monitored. Where regular non-attendance is noted, the Presiding Member may raise this with the ARC member.

Quorum: As prescribed by Section 5.19 of the Act, the quorum for Committee meetings will be at least 50% of the number of offices of the Committee (whether vacant or not).

Agenda: An agenda will be distributed at least five (5) business days prior to the meeting, along with reports and other attachments or information to be addressed.

ARC Agenda papers will be circulated to members via the Council Hub portal and to independent members via email.

Voting: Voting is in accordance with Section 5.21 of the Act.

All decisions to make a recommendation to Council must be made by simple majority.

Minutes: All meetings will be minuted by a member of the Council Governance Team, and minutes will be submitted to the Committee at the next Committee meeting for confirmation, as per Section 5.22 of the Act.

Minutes are to include all that is listed in Regulation 11 of the *Local Government (Administration) Regulations 1996*.

Reporting: The ARC will present its recommendation on each item on the ARC Agenda at the next Ordinary Council Meeting, for the Council's consideration.

Confidentiality: All Committee members will be required to adhere to the City's confidentiality requirements as per the [Code of Conduct for Council Members, Committee Members and Candidates](#).

Conduct of Meetings: ARC Meetings will be held in accordance with the Act, subsidiary legislation, and the City's Standing Orders.

An in-camera session with the Manager Audit and Risk will be conducted before the conclusion of an ARC meeting.

As per Part 2, Regulation 12 of the *Local Government (Administration) Regulations 1996*, meeting details, including the date, time, and place where the meeting is to be held will be published on the City's website.

5. Responsibilities

The ARC oversees the City's systems of financial reporting, risk management and internal control. Its duty is to provide oversight over significant risk exposures and control issues, including fraud risks, governance issues and other matters as necessary or requested by the CEO or Council.

The duties and responsibilities of the ARC include, but are not limited to:

- 1) Overseeing the City's risk management, through:
 - a) Biennial review of the City's Risk Management Policy.
 - b) Reviewing reports on the movement of the City's current strategic risks, and the emergence of new strategic risks.
 - c) Overseeing strategic risks which sit outside of the City's Risk Appetite.

- 2) Overseeing the City's processes for managing fraud and corruption, by:
 - a) Performing oversight responsibilities as per the City's Fraud and Corruption Control Policy (CP 2.15) and reporting on this to Council annually.
 - b) Enquiring with the CEO and the OAG about whether they are aware of any actual, suspected, or alleged fraud or corruption affecting the City.
 - c) Reviewing summary reports from the CEO on communication from external parties including regulators that indicate problems in the internal control system or inappropriate management actions.
- 3) Overseeing the City's financial management and legislative compliance, by:
 - a) Reviewing the City's annual Compliance Audit Return and reporting the results of that review to Council, in accordance with the Local Government (Audit) Regulations 1996.
 - b) Receiving and reviewing reports from the CEO regarding the appropriateness and effectiveness of the City's legislative compliance and ensuring any non-compliances are rectified on a timely basis.
 - c) Considering and recommending adoption of the annual financial report to Council.
- 4) Overseeing the internal audit function, by:
 - a) Assessing and making a recommendation to Council on the 3-year Strategic Internal Audit Plan to ensure that it comprehensively covers material business risks that may threaten the achievement of strategic objectives and an Assurance Map which identifies key risks and control mechanisms.
 - b) Monitoring the progress of the 3-year Strategic Internal Audit Plan.
 - c) Reviewing the quality and timeliness of internal audit reports.
 - d) Considering the implications of internal audit findings on the business, its risks, and controls.
 - e) Monitoring the implementation of internal audit recommendations.
 - f) Reviewing and making a recommendation to Council on the level of resources allocated to internal audit and the scope of the function's authority.
 - g) Monitoring coordination of activities between the four lines of defence.
- 5) Fulfilling responsibilities pertaining to external audit, by:
 - a) Reviewing reports from the OAG, including auditor's reports, closing reports and management letters.
 - b) Reviewing management's response to OAG findings and recommendations.
 - c) Monitoring the implementations of recommendations from external audits.
 - d) Meeting with the OAG at least once per year without management presence.
 - e) Reviewing results of relevant OAG audit reports and better practice publications for guidance on good practices, including any self-assessment by the CEO.

6. Committee Sitting Fees and Reimbursements

The City is prohibited under Section 5.98-5.99 of the Local Government Act 1995, and Regulation 30 of the *Local Government (Administration) Regulations 1996*, to pay a council member a fee for attending the ARC.

Under Section 5.98(2)-(4) of the *Local Government Act 1995*, and Regulation 31(1) and 32(1) of the *Local Government (Administration) Regulations 1996*, some expenses incurred by Council members may be reimbursed.

~~Currently, the City is prohibited from remunerating independent committee members, however,~~ Reimbursement of approved expenses for independent members may be paid to each independent external member in accordance with Section 5.100 of *the Act*, and as per *Council Policy 1.7 Independent Committee Members*.

The rules regarding remuneration for independent committee members are currently under review as part of the Local Government Reforms (2023). These guidelines are subject to any legislation changes.

7. Reporting

The City's Internal Audit business unit reports functionally to the ARC and administratively to the CEO. A clear and properly defined reporting relationship ensures that Internal Audit is empowered to perform its role. The direct reporting line to the ARC also acts as a safeguard in the event of a serious breakdown in internal controls or internal control culture at senior levels in the organisation.

The Presiding Member of the ARC meets with the Manager Audit and Risk prior to the Agenda Papers being circulated, and before the ARC meeting to discuss the Agenda Papers and address any questions.

Reports and recommendations of each Committee meeting will be presented to the next ordinary meeting of the Council. The Audit and Risk Committee may also, at any time, report to the accountable authority on any other matters it deems to be sufficiently important.

8. Conflicts of Interest

All members of the Audit and Risk Committee will provide declarations of any actual or perceived conflicts of interest as required in accordance with the Act and subsidiary legislation, and the City's [Code of Conduct for Council Members, Committee Members and Candidates](#).

Members are expected to review Committee meeting agendas and papers to identify any conflicts prior to meetings. In identifying conflicts, members are to consider their past employment, consultancy arrangements, and related party issues. Disclosures are to be made using the 'disclosure of interest form', or by providing a written disclosure of interest to the CEO or Presiding Member of the ARC.

At the beginning of each meeting the Presiding Member will ask the CEO and the members to disclose any interests they may have. In the event when there is a conflict of interest, this will be managed by requiring the interested individual to leave the committee room for the duration of the period when the item is discussed. They will be excluded from having a vote on that item. This is pursuant to Part 5, Division 6, Section 5.65-5.69 of *the Act*.

Interests will be recorded in the ARC minutes.

9. Audit and Risk Committee Performance Assessment Arrangements

Once per year, the ARC will perform a self-assessment of its performance, in collaboration with the CEO. Feedback on the Performance of the ARC may be received verbally and/or in written form from the Members. Outcomes from the annual self-assessment will be communicated to Council.

8. Closure

There being no further business, the Presiding Member declared the meeting closed at 6:00pm.