



Special Council Meeting  
MINTUES  
23 October 2017

CONFIRMATION OF MINUTES

I hereby certify that the Minutes of the Special Council Meeting held on 23 October 2017 are a true and accurate record of the proceedings contained therein.

.....  
Mr Matthew Niikkula  
Shire President

.....  
6.11.2017

Dated

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# SPECIAL COUNCIL MEETING MINUTES

## *Our Vision*

To support and develop a vibrant, welcoming community that embraces its past, values its present and plans for a sustainable future

## *Our Purpose*

To responsibly provide governance for the whole community in the best interest of current and future generations

## *Our Strategic Objectives*

- To provide sustainable management of the organisation
- To consistently apply the principles of Good Governance
  - To communicate effectively
  - To promote socioeconomic development
  - To value our environment and heritage

## **1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Commissioner opened the Special Council Meeting at 4.30pm.

The Presiding officer acknowledged the aboriginal people both past and present, as the traditional custodians of the land on which we meet.

## **2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**

Councillor M (Matthew) Niikkula	Shire President
Councillor G (Gary) Mounsey	Deputy Shire President
Councillor B (Ben) Dixon	
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	
Councillor G (Gavin) Penfold	
Mr C Woods	Chief Executive Officer
Mr K Woodward	Deputy Chief Executive Officer
Mr M Bird	Executive Manager Commercial and Community
Mrs M Head	Minute Clerk

**GALLERY**

Visitors 25

**APOLOGIES**

Nil

**LEAVE OF ABSENCE**

Nil

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4. PUBLIC QUESTIONS TIME**

In accordance with section 5.24 of the *Local Government Act 1995*, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

When public questions necessitate resolutions of Council, out of courtesy and at the President discretion the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates the need for the public to wait an undetermined period of time).

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the President the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

**5. DECLARATIONS OF INTEREST**

Nil

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

The *Local Government Act 1995* (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.

Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for leave of absence.

Nil

## **8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

- On Friday 13 October I appeared before the Western Australian Government Inquiry into Major Projects being undertaken by John Langoulant AO. I was asked to give evidence on the Ningaloo Centre Project. The final report of the inquiry will be presented to the government before the end of the 2017 calendar year.
- The local government elections for the shire took place on Saturday 21 October. Twelve candidates stood for election to six positions. There was a voter turnout of 65% which was excellent to see and demonstrates that the Exmouth community has restored faith in their shire. I wanted to acknowledge the excellent work done by the WA Electoral Commission by Returning Officer, Louis Zampogna and Assistant Returning Officer, Ken Downes as well as those staff from the shire who were involved with the election.
- Congratulations to all successful candidates and thank you to those who ran for office and were unsuccessful. I am confident that the new council has the wide range of skills, experience and knowledge to work with our new CEO, Cameron Woods and his management team. Of course the purpose of this evening's Special Council meeting is to swear in the newly elected members as well as to vote for a new Shire President and Deputy Shire President.
- Last week the CEO of the shire, Cameron Woods travelled to Canberra with Barry Sullivan Chair of ECCI to appear personally before the Joint Parliamentary Standing Committee on Northern Australia on their Inquiry into Tourism in Northern Australia, as well as attend the meeting of the Northern Australian Alliance. Meetings took place with MPs, the Chair of the Northern Australia Infrastructure Facility, Sharon Warburton and the Director of the Australian War Memorial, Dr Brendan Nelson.
- In my capacity as Commissioner of the shire, I have written to the Federal Defence Minister, Senator the Hon Marise Payne, advising her of the resolution of council to declare Exmouth a "Methamphetamine Free Zone" and to encourage Raytheon as the management contractor at NAVCOMMSTA HEH to adopt the same aspiration for its workforce and to adopt a similar drug and alcohol testing regime to that of the Shire of Exmouth and to join our Meth Free Working Group.
- As previously advised, I complete my term as Commissioner tomorrow, following the swearing in of the new council today. I wanted to take this opportunity to thank the staff of the shire for their exceptional support during my tenure at a very difficult time. Particular thanks goes to Cameron Woods, Keith Woodward and Michelle Head. I also wanted to thank the Exmouth community and key organisations with whom I have worked with over the last nine months for their ongoing support.

## **9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

The following elected Councillors, having read aloud and signed Form 7 – Declaration by elected member of Council [r.13(1)(c)], were formally sworn in before Justice of the Peace, Mr Fletcher (8431) AM (Attachment 1)

- Cr Ben Dixon
- Cr Gary Mounsey

- Cr Matthew Niikkula
- Cr Mark Lucas
- Cr Heather Lake
- Cr Gavin Penfold

## **10. ELECTION OF SHIRE PRESIDENT**

The Chief Executive Officer advised that no nominations were received by him prior to the Special Council meeting. He then called for nominations for the position of Shire President of the Shire. He explained to the group that Councillors were able to nominate themselves for the role.

Cr Ben Dixon nominated Cr Matthew Niikkula to the position and he was willing to accept the nomination.

Cr Gary Mounsey nominated Cr Matthew Niikkula to the position and he was willing to accept the nomination.

The Chief Executive Officer called for any further nominations. There being no further nominations the Chief Executive Officer declared Councillor Matthew Niikkula duly elected as Shire President for a two year term expiring in 2019.

Cr Matthew Niikkula took the Declaration of Office of Shire President before Justice of the Peace, Mr Fletcher (8431) AM (Attachment 2).

Following the taking of the Declaration of Office of President, the Chief Executive Officer and those present congratulated Councillor Matthew Niikkula on his election as Shire President and requested that he take the Chair.

## **11. ELECTION OF DEPUTY SHIRE PRESIDENT**

The Chief Executive Officer/Shire President called for nominations for the position of Deputy Shire President.

Cr Ben Dixon nominated Cr Gary Mounsey to the position and he was willing to accept the nomination.

The Chief Executive Officer/Shire President called for any further nominations. There being no further nominations the Chief Executive Officer declared Councillor Gary Mounsey elected as Deputy Shire President for a two year term expiring in 2019 (Attachment 3).

## **7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 10 October 2017 be confirmed as a true and correct record of proceedings.

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### **COUNCIL RESOLUTION**

### **ITEM 7**

**Res No: 18-1017**

**That the Minutes of the Ordinary Meeting of the Shire of Exmouth held on the 5 September 2017 be confirmed as a true and correct record of proceedings.**

### **CARRIED 1/0**

The Chief Executive Officer thanked the Commissioner for all the work he accomplished over the past year. He acknowledged the tough decisions he made during his tenure has paved the way for a whole new council to start fresh. An official thank you will be held for the Commissioner next week.

The Commissioner handed the Chair of the meeting to Councillor Matthew Niikkula, as Shire President.

The Shire President took the opportunity to thank the public for voting, the twelve candidates that stood for election and put a lot of time and effort into it. He thanked the community for supporting the all the candidates that were elected.

He thanked the other Councillors who supported him in his role as the Shire President. He acknowledged how proud and honored he was to take on the role of Shire President and looks forward to working with the new team, the Chief Executive Officer and other members of the Shire to serve the Exmouth community.

## **12. MATTERS ARISING FROM COMMITTEES OF COUNCIL**

Nil

## **13. REPORTS OF OFFICERS**

### **13.1 ORDINARY COUNCIL MEETING DATES 2018**

File Reference:	GV.CM.0
Responsible Officer:	Chief Executive Officer
Date of Report:	20 October 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

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#### **PURPOSE**

That Council consider the proposed Ordinary Council meeting dates and starting times for 2018.

#### **BACKGROUND**

Below are the proposed meeting dates for 2018, being the fourth Thursday of the month (except December when it will be held on the third Thursday) commencing at 4.00pm.

There will be no Ordinary Council meeting in January:

- 22 February 2018
- 22 March 2018
- 26 April 2018
- 24 May 2018
- 28 June 2018
- 26 July 2018
- 23 August 2018
- 27 September 2018
- 25 October 2018
- 22 November 2018
- 20 December 2018

Council are required to give local public notice of the proposed dates as per Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.

#### **COMMENT**

Nil

#### **CONSULTATION**

Nil

## STATUTORY ENVIRONMENT

*Local Government (Administration) Regulations 1996*

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020.

- Civic Leadership: 4    To work together as custodians of now and the future.
- 4.1    *To be a collaborative community with the capacity to manage the current and future direction of Exmouth.*
- 4.2    *A local government that is respected, professional, trustworthy and accountable.*

## VOTING REQUIREMENTS

Simple Majority

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## OFFICER'S RECOMMENDATION

## ITEM 13.1

That Council endorse the following dates for Ordinary Council meetings for 2018 commencing at 4.00pm:

- 22 February 2018
- 22 March 2018
- 26 April 2018
- 24 May 2018
- 28 June 2018
- 26 July 2018
- 23 August 2018
- 27 September 2018
- 25 October 2018
- 22 November 2018
- 20 December 2018

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**COUNCIL RESOLUTION****ITEM 13.1****Res No: 19-1017****MOVED: Councillor Lake****SECONDED: Councillor Lucas**

**Cr Mounsey moved to amend the motion – to support the officer’s recommendation with the recommendation to change the date from the 20 December 2018 to the 13 December 2018 due to the original date being too close to the Christmas break.**

**SECONDER – *Councillor Dixon***

**That Council support the amended motion to change the date from the 20 December 2018 to the 13 December 2018 therefore endorsing the following dates for Ordinary Council meetings for 2018 commencing at 4.00pm:**

- **22 February 2018**
- **22 March 2018**
- **26 April 2018**
- **24 May 2018**
- **28 June 2018**
- **26 July 2018**
- **23 August 2018**
- **27 September 2018**
- **25 October 2018**
- **22 November 2018**
- **13 December 2018**

**CARRIED 6/0**

## 13.2 APPOINT REPRESENTATIVES TO AUDIT COMMITTEE

File Reference:	GV.CM.0
Responsible Officer:	Chief Executive Officer
Date of Report:	September 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

### PURPOSE

The report recommends that Council revoke Council decision 02-117 from the Special Council Meeting held 6 January 2017 and endorses the appointment of three or more Councillors to the Audit Committee.

### BACKGROUND

The *Local Government Act 1995* Section 5.8, 5.9 and 5.10 empowers Council to establish committees and elect persons to serve on those committees.

Previously Council passed the following resolution at the Special Council Meeting held 6 January 2017, Council Decision 02-0117

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#### **COUNCIL RESOLUTION            ITEM 11.2**

**Res No:            02-0117**

***That the Commissioner:***

- 1. Revoke the Council Resolution 21 October 2015, Council Decision 01-1015 and 02-1015 Special Council Meeting "Formation of Council Committees".***
- 2. Authorise the Commissioner, Officer(s) and other Persons be appointed as representatives for the Shire of Exmouth on the following committees:***

#### **Audit Committee**

***In accordance with provisions of Sections 5.8 of the Local Government Act 1995 Council establishes an Audit Committee;***

***In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Commissioner and other Persons only;***

***The Committee meet as required;***

***In accordance with provisions of section 5.10 (1) (a) and (3) of the Local Government Act 1995 the Committee shall consist of:***

- The Commissioner***

- ***Independent Financial Experts***

**Ningaloo Centre Project Steering/Management Committee**

***In accordance with provisions of Sections 5.8 of the Local Government Act 1995 Council establishes a Ningaloo Centre Project Steering/Management Committee;***

***In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Commissioner and Staff only;***

***In accordance with provisions of section 5.10 (1) (a) and (3) of the Local Government Act 1995 the Committee shall consist of:***

- ***The Commissioner***
- ***The Acting Chief Executive Officer***
- ***The Executive Manager of Corporate Services***
- ***The Executive Manager Community Engagement***

## **COMMENT**

The *Local Government Act 1995* requires that all local governments establish an audit committee. An audit committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

The role of the audit committee is to support Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, internal and external audit functions and ethical accountability.

The audit committee should critically examine the audit and management reports provided by the external auditor. The committee would then determine if matters raised in the reports require action to be taken by the local government and ensure that appropriate action is implemented.

A further role for the audit committee would be to receive and authorise the report relating to the audit prepared by the CEO that is to be sent to the Minister.

This report would outline any actions the local government has taken or intends to take in relation to the matters identified by the auditor.

While a formal internal audit function could be considered to be an operational function and therefore the responsibility of the CEO, it is desirable for an internal auditor to have a direct line of communication to the Audit Committee.

The Audit Committee needs to form an opinion of the local government's internal audit requirements and recommend a course of action that ensures that any internal audit processes adopted are appropriate, accountable and transparent. The role of the external auditor in this regard can be established at the time of appointment.

Please note that an audit committee (or any other committee) cannot be given a management task where the Act and Regulations make the CEO specifically responsible. Where the local government is assigned the function through the legislation, the audit committee may have a role unless the function has been delegated to the CEO by the Council.

The deliberations and recommendations of the committee must be independent and autonomous. Therefore, the Act prohibits the CEO being a member of the committee. However, it is essential that the CEO be given every opportunity to provide his/her expert advice to the committee as he/she does with full Council and other committees.

The primary objective of the audit committee is to accept responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs.

Reports from the committee will assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies and overseeing the allocation of the local government's finances and resources. The committee will ensure openness in the local government's financial reporting and will liaise with the CEO to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation.

## **CONSULTATION**

Government of Western Australia, Department of Local Government and Communities, Local Government Operational Guideline "Number 09-Revised September 2013 Audit in Local Government-The appointment, function and responsibility of Audit Committees".

## **STATUTORY ENVIRONMENT**

All Committees are established under provisions of Sections 5.8 to 5.18 of the *Local Government Act 1995*.

The committee is to be appointed by an absolute majority decision of Council. At least three of the members, and the majority of the members, are to be elected members.

*Local Government Audit Regulation 1996:*

### 16. Audit committee, functions of

*An audit committee —*

- (a) is to provide guidance and assistance to the local government —*
  - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
  - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;*

*and*

- (b) may provide guidance and assistance to the local government as to —*
  - (i) matters to be audited; and*
  - (ii) the scope of audits; and*
  - (iii) its functions under Part 6 of the Act; and*
  - (iv) the carrying out of its functions relating to other audits and other matters related to financial management; and*

- (c) *is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —*
- (i) *report to the council the results of that review; and*
  - (ii) *give a copy of the CEO's report to the council.*

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2016-2020

*Civic Leadership:* 4 *To work together as custodians of now and the future.*

4.2 *A local government that is respected, professional, trustworthy and accountable.*

4.3 *To be strong advocates representing the region's interests.*

## **VOTING REQUIREMENTS**

Absolute Majority

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## **OFFICER'S RECOMMENDATION**

**ITEM 13.2**

That the Council:

1. Revoke the Council Resolution 6 January 2017, Council Decision 02-0117

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### **COUNCIL RESOLUTION                      ITEM 11.2**

**Res No:                      02-0117**

***That the Commissioner:***

- 1. Revoke the Council Resolution 21 October 2015, Council Decision 01-1015 and 02-1015 Special Council Meeting "Formation of Council Committees".***
- 2. Authorise the Commissioner, Officer(s) and other Persons be appointed as representatives for the Shire of Exmouth on the following committees:***

**Audit Committee**

***In accordance with provisions of Sections 5.8 of the Local Government Act 1995 Council establishes an Audit Committee;***

***In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Commissioner and other Persons only;***

***The Committee meet as required;***

***In accordance with provisions of section 5.10 (1) (a) and (3) of the Local Government Act 1995 the Committee shall consist of:***

- ***The Commissioner***
- ***Independent Financial Experts***

***Ningaloo Centre Project Steering/Management Committee***

***In accordance with provisions of Sections 5.8 of the Local Government Act 1995 Council establishes a Ningaloo Centre Project Steering/Management Committee;***

***In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Commissioner and Staff only;***

***In accordance with provisions of section 5.10 (1) (a) and (3) of the Local Government Act 1995 the Committee shall consist of:***

- ***The Commissioner***
- ***The Acting Chief Executive Officer***
- ***The Executive Manager of Corporate Services***
- ***The Executive Manager Community Engagement***

2. Appoint the following Councillors as the Audit Committee.

- Councillor -
- Councillor -
- Councillor -

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## **COUNCIL RESOLUTION**

**ITEM 13.2**

**Res No: 20-1017**

**MOVED: Councillor Dixon**

**SECONDED: Councillor Mounsey**

**That the Council:**

**1. Revoke the Council Resolution 6 January 2017, Council Decision 02-0117**

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## **COUNCIL RESOLUTION**

**ITEM 11.2**

**Res No: 02-0117**

***That the Commissioner:***

**1. Revoke the Council Resolution 21 October 2015, Council Decision 01-1015 and 02-1015 Special Council Meeting "Formation of Council Committees".**

**2. Authorise the Commissioner, Officer(s) and other Persons be appointed as representatives for the Shire of Exmouth on the following committees:**

**Audit Committee**

***In accordance with provisions of Sections 5.8 of the Local Government Act 1995 Council establishes an Audit Committee;***

***In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Commissioner and other Persons only;***

***The Committee meet as required;***

***In accordance with provisions of section 5.10 (1) (a) and (3) of the Local Government Act 1995 the Committee shall consist of:***

- ***The Commissioner***
- ***Independent Financial Experts***

**Ningaloo Centre Project Steering/Management Committee**

***In accordance with provisions of Sections 5.8 of the Local Government Act 1995 Council establishes a Ningaloo Centre Project Steering/Management Committee;***

***In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Commissioner and Staff only;***

***In accordance with provisions of section 5.10 (1) (a) and (3) of the Local Government Act 1995 the Committee shall consist of:***

- ***The Commissioner***
- ***The Acting Chief Executive Officer***
- ***The Executive Manager of Corporate Services***
- ***The Executive Manager Community Engagement***

**3. Appoint the following Councillors as the Audit Committee.**

- **Councillor Lucas**
- **Councillor Niikkula**
- **Councillor Mounsey**

**CARRIED 6/0**

### 13.3 APPOINT REPRESENTATIVES TO EXTERNAL COMMITTEES

File Reference:	GV.CM.0
Responsible Officer:	Chief Executive Officer
Date of Report:	20 October 2017
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1.

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#### PURPOSE

The purpose of this report is to revoke council decision 03-117 from special Council Meeting held 6 January 2017 and nominate representatives to external Committees to exercise the powers and discharge the duties of the local government.

#### BACKGROUND

The Local Government Act 1995 Section 5.8, 5.9 and 5.10 empowers Council to establish committees and elect persons to serve on those committees.

Council passed the following resolution at the Special Council Meeting held 6 January 2017, Council Decision 03-0117

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#### **COUNCIL RESOLUTION**

#### **ITEM 11.3**

**Res No: 03-0117**

***That the Commissioner:***

- 1. Revoke the Council Resolution 21 October 2015, Council Decision 02-1015, Special Council Meeting "Portfolio Allocation (Appointments to External Committees and Organisation)".***
- 2. Authorise the Commissioner and Officers to be appointed as representatives for the Shire of Exmouth on the following committees:***

***Gascoyne Development Commission: The Commissioner and the Acting Chief Executive Officer.***

***WALGA Gascoyne Regional Committees: The Commissioner and the Acting Chief Executive Officer.***

**Local Emergency Management Committee:** *The Commissioner, the Acting Chief Executive Officer, the Works Coordinator and the Emergency Manager*

**Development Assessment Panels (DAPS):** *The Commissioner*

## **COMMENT**

Councillors and Officers are required to be appointed as representatives for the Shire of Exmouth on the following external committees:

### **1. Gascoyne Development Commission**

The Gascoyne Development Commission. A Western Australian Government statutory authority dedicated to the economic social development of the Gascoyne region.

The objectives of the Regional Development Commissions (RDCs) are to:

- maximise job creation and improve career opportunities in the region;
- develop and broaden the economic base of the region;
- identify infrastructure services needed to promote economic and social development within the region;
- provide information and advice to promote business development within the region;
- seek to ensure that the general standard of government services and access to those services in the region is comparable to that which applies in the metropolitan area; and
- generally take steps to encourage, promote, facilitate and monitor the economic development in the region.

### **2. WALGA Zone Regional Committees**

The WA Local Government Association (WALGA) is working for Local Government in Western Australia. As the peak industry body, WALGA advocates on behalf of 138 WA Local Governments and negotiates service agreements for the sector. WALGA is not a government department or agency.

The WA Local Government Association was formed on 6 December 2001 to provide a truly representative and united voice for Local Government in WA. Prior to this, a number of membership-based representative structures existed to represent Local Government in WA.

The WALGA operational structure is comprised of a number of internal business units who undertaken either policy and advocacy work on behalf of the Local Government sector or offer services to assist Local Governments to perform their duties.

Our Governance structure comprises of our State Council and Zones. The structure of WALGA is designed to ensure we remain representative of our Member Councils. The structure also enables us to work efficiently and effectively in meeting our goals.

The WALGA operational structure is comprised of a number of internal business units who undertake either policy and advocacy work on behalf of the Local Government sector, or offer services to assist Local Governments to perform their duties.

WALGA State Council is the decision making representative body of all Member Councils, who are responsible for sector-wide policy making and strategic planning on behalf of Local Government.

Zones are groups of geographically aligned Member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters.

### **3. Development Assessment Panels (DAPS)**

As a key component of planning reform in Western Australia, Development Assessment Panels (DAPs) are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge.

Each DAP consists of five panel members, three being specialist members and two local government councillors.

Under the DAP regulations, each DAP will determine development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme. The DAP regulations state that DAP applications cannot be determined by local government or the Western Australian Planning Commission (WAPC).

The role of **DAP members** is to determine development applications within a certain type and value threshold through consistent, accountable, and professional decision-making.

A Mandatory DAP application is type of development application for the approval of a development outside the City of Perth with an estimated value of \$10 million or more.

### **4. Ningaloo Coast World Heritage Advisory Committee (NCWHAC)**

Ningaloo Coast World Heritage Advisory Committee – Code of Conduct

An appointment of the Ningaloo Coast Heritage Advisory Committee (NCWHAC) carries with it responsibilities and obligations. This Code of Conduct outlines these NCWHAC member responsibilities and obligations and provides guidance about ethical issues that may arise.

All members are required to adopt this Code of Conduct to assist the NCWHAC's ability to perform its functions as specified in the Terms of Reference and Operating Procedures and strengthen the ability of members to contribute to the committee in a positive way.

The Code of Conduct requirements are based n the Office of the Public Sector Standards Commissioner's publication *Template Code of Conduct for Government Boards and Committees*, which in turn, is based on the *Western Australian Public Sector Code of Ethics*.

#### **1.1 Understand the NCWHAC role:**

Members will:

- Operate within the framework of the Terms of Reference and Operating Procedures of the NCWHAC.
- Gain a clear understanding of the purpose and function of the NCWHAC in addition to the statutory and regulation requirements of the World Heritage area and associated land tenure within which DPAW and other government agencies carry out their responsibilities.
- Stay informed about the relevant activities and management issues concerning the Ningaloo Coast World Heritage area.
- Make decisions fairly, impartially, promptly and considering all available information to ensure the best outcome for the Ningaloo Coast World Heritage area.

## CONSULTATION

Local Government Act 1995

## STATUTORY ENVIRONMENT

All Committees are established under provisions of Sections 5.8 to 5.18 of the local Government Act 1995.

### **5.8. Establishment of committees**

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

### **5.9. Committees, types of**

(1) *In this section —*

***other person*** means a person who is not a council member or an employee.

(2) *A committee is to comprise —*

- (a) *council members only; or*
- (b) *council members and employees; or*
- (c) *council members, employees and other persons; or*
- (d) *council members and other persons; or*
- (e) *employees and other persons; or*
- (f) *other persons only.*

### **5.10. Committee members, appointment of**

(1) *A committee is to have as its members —*

- (a) *persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
- (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

*\* Absolute majority required.*

- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*
- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
  - (a) *to be a member of the committee; or*
  - (b) *that a representative of the CEO be a member of the committee,**the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

#### **5.11A. Deputy committee members**

- (1) *The local government may appoint\* a person to be a deputy of a member of a committee and may terminate such an appointment\* at any time.*

*\* Absolute majority required.*
- (2) *A person who is appointed as a deputy of a member of a committee is to be —*
  - (a) *if the member of the committee is a council member — a council member; or*
  - (b) *if the member of the committee is an employee — an employee; or*
  - (c) *if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or*
  - (d) *if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.*
- (3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*
- (4) *A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*

*[Section 5.11A inserted by No. 17 of 2009 s. 20.]*

### **5.11. Committee membership, tenure of**

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
  - (b) the person resigns from membership of the committee; or
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day,
- whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues 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,
- whichever happens first.

### **POLICY IMPLICATIONS**

Council Policy 1.9 Committee Meetings

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 2011-2021 and Corporate Business Plan 2012-2016.

<i>Civic Leadership:</i>	4	<u><i>To work together as custodians of now and the future.</i></u>
	4.2	<i>A local government that is respected, professional, trustworthy and accountable.</i>
	4.3	<i>To be strong advocates representing the region's interests.</i>

### **VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION****ITEM 13.3**

That the Council:

1. Revoke the Council Resolution from the Special council meeting held 6 January 2017, Council Decision 03-0117:

**COUNCIL RESOLUTION****ITEM 11.3**

**Res No: 03-0117**

**That the Commissioner:**

1. **Revoke the Council Resolution 21 October 2015, Council Decision 02-1015, Special Council Meeting "Portfolio Allocation (Appointments to External Committees and Organisation)".**
2. **Authorise the Commissioner and Officers to be appointed as representatives for the Shire of Exmouth on the following committees:**

**Gascoyne Development Commission: The Commissioner and the Acting Chief Executive Officer.**

**WALGA Gascoyne Regional Committees: The Commissioner and the Acting Chief Executive Officer.**

**Local Emergency Management Committee: The Commissioner, the Acting Chief Executive Officer, the Works Coordinator and the Emergency Manager**

**Development Assessment Panels (DAPS): The Commissioner**

2. Authorise the newly Elected Council and Officers to be appointed as representatives for the Shire of Exmouth on the following committees:
  1. Gascoyne Development Commission  
*That the Council of the Shire of Exmouth:-*
    - a) *In accordance with provisions of Sections 5.8 of the Local Government Act 1995 establishes a Gascoyne Development Committee;*
    - b) *In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Councillors and Staff;*
    - c) *In accordance with provisions of section 5.10 (1)(a) and (3) of the Local Government Act 1995 the Committee shall have as its Members the following Councillors, the Chief Executive Officer and the Deputy Chief Executive Officer.*

**MEMBERS:**

- Councillor -
- Councillor -

2. WALGA Gascoyne Zone Committees:

*That the Council of the Shire of Exmouth :-*

- In accordance with provisions of Sections 5.8 of the Local Government Act 1995 establishes a WALGA Gascoyne Zone Committees;*
- In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Councillors and Staff;*
- In accordance with provisions of section 5.10 (1)(a) and (3) of the Local Government Act 1995 the Committee shall have as its Members the following Councillors, the Chief Executive Officer and the Deputy Chief Executive Officer.*

**MEMBERS:**

- Councillor -
- Councillor -

3. Development Assessment Panels (DAPS):

*That the Council of the Shire of Exmouth:-*

- In accordance with provisions of Sections 5.8 of the Local Government Act 1995 establishes a Development Assessment Panels (DAPS);*
- In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Councillors;*
- In accordance with provisions of section 5.10 (1)(a) and (3) of the Local Government Act 1995 the Committee shall have as its Members the following Councillors:*

**MEMBERS:**

- Councillor -
- Councillor -

4. Ningaloo Coast World Heritage Advisory Committee (NCWHAC)

*That the Council of the Shire of Exmouth:-*

- In accordance with provisions of Sections 5.8 of the Local Government Act 1995 establishes a Ningaloo Coast World Heritage Advisory Committee;*
- In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Councillors and Staff;*
- In accordance with provisions of section 5.10 (1)(a) and (3) of the Local Government Act 1995 the Committee shall have as its Members the following Councillors, the Chief Executive Officer and the Deputy Chief Executive Officer.*

**MEMBERS:**

- Councillor -
- Councillor -

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**COUNCIL RESOLUTION****ITEM 13.3****Res No: 21-1017****MOVED: Councillor Lake****SECONDED: Councillor Dixon**

**Revised motion put forward to rescind Council Decision 03-117 and defer filling all the committees until the next ordinary meeting scheduled for the 6 November 2017 and fill the required positions for the Ningaloo Coast World Heritage Advisory Committee (NCWHAC) And elected the following**

**MOVED: Councillor Mounsey****SECONDED: Councillor Dixon****That the Council:**

- 1. Rescind Council Decision 03-117 and defer filling the remaining committees as detailed in the Officers recommendation until the next ordinary meeting on the 6 November 2017 and fill the required positions for the Ningaloo Coast World Heritage Advisory Committee (NCWHAC).**
  
- 2. And elected the following:**
  - 4. Ningaloo Coast World Heritage Advisory Committee (NCWHAC)**

***That the Council of the Shire of Exmouth:-***

- a) In accordance with provisions of Sections 5.8 of the Local Government Act 1995 establishes a Ningaloo Coast World Heritage Advisory Committee;***
- b) In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Councillors and Staff;***
- c) In accordance with provisions of section 5.10 (1)(a) and (3) of the Local Government Act 1995 the Committee shall have as its Members the following Councillors, the Chief Executive Officer and the Deputy Chief Executive Officer.***

***MEMBERS:***

- Councillor Niikula***
- Councillor Dixon***
- Councillor Lake***

**CARRIED 6/0**

**14. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS**

Nil

**16. CLOSURE OF MEETING**

The Shire President declared the meeting closed at 5.25pm