

Shire of Exmouth

SPECIAL COUNCIL MEETING

AGENDA



19 October 2021

NOTICE OF MEETING

Notice is hereby given that the

Shire of Exmouth
Special Council Meeting
will be held on
19 October 2021

Commencing at 4.00pm
In the Mandu Mandu Function Room, Ningaloo Centre,
2Truscott Crescent, Exmouth

Ben Lewis
Chief Executive Officer

Disclaimer

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations which have not yet been adopted by Council.

No responsibility whatsoever is implied or accepted by the Shire of Exmouth for any act, omission, statement or intimation occurring during the Council/Committee meetings or during formal/informal conversations with staff. The Shire of Exmouth disclaims any liability for any loss whatsoever and however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broader disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Exmouth during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Exmouth. The Shire of Exmouth warns that anyone who has an application lodged with the Shire of Exmouth must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attached to the decision made by the Shire of Exmouth in respect of the application.

Shire of Exmouth

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Disclosure of Interest Form

(Elected Members/Committee Members/Employees/Contractors)

Local Government Act 1995 (Section 5.65, 5.70 & 5.71)

To: Chief Executive Officer

- ☐ Ordinary Council Meeting held on _____
- ☐ Special Council Meeting held on _____
- ☐ Committee Meeting held on _____
- ☐ Other _____

Report No _____

Report Title _____

Name _____

☐ Elected Member ☐ Committee ☐ Employee ☐ Contractor

Type of Interest (*see overleaf for further information)

☐ Proximity ☐ Financial ☐ Impartiality

Nature of Interest

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

Name: _____ Signed: _____ Date: _____

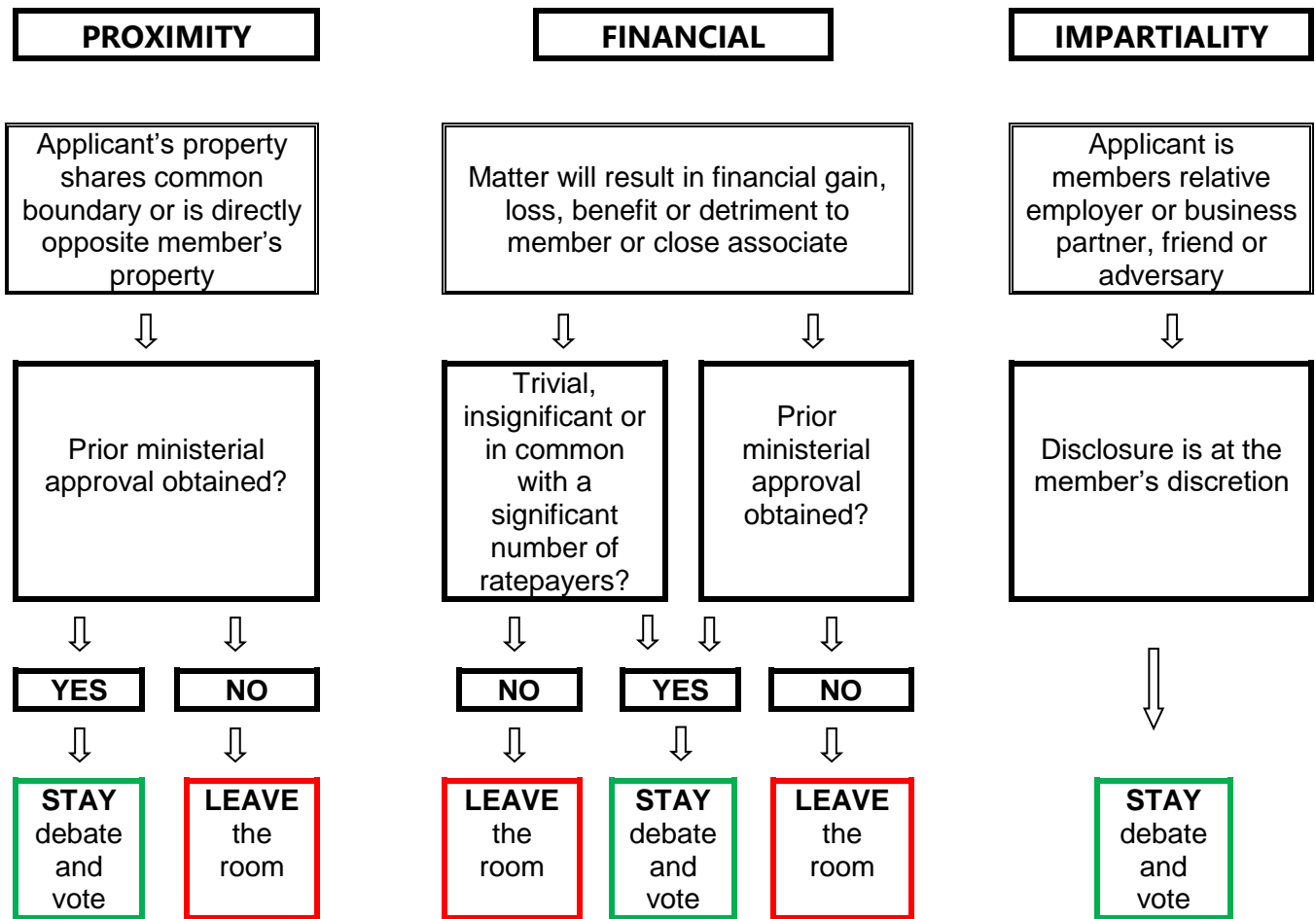
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

Note 2: Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

OFFICE USE ONLY

CEO: _____ Signed: _____ Date: _____

* Declaring an Interest



Local Government Act 1995 - Extract

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:
- (a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:
- (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

- If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:
- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 – Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

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AGENDA

Our Vision	To be a prosperous and sustainable community living in harmony with our natural environment.
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Our Purpose	To responsibly provide governance for the whole community in the best interest of current and future generations.
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Our Strategic Objectives	<ul style="list-style-type: none"> • Diversify and grow our economy in a manner that provides year round employment opportunities • To protect and value our unique natural and built environment as we grow our economy. • To be a vibrant, passionate and safe community valuing our natural environment and unique heritage • To provide open transparent, accountable leadership working in collaboration with our community.
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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chief Executive Officer declared the meeting open at XX and welcomed Matthew Niikkula JP, attending for the swearing in of Councillors

In accordance with the *Local Government Act 1995 Schedule 2.3 Div. 1(3)* The CEO is to preside at the meeting until the office of Shire President is filled.

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

The Chief Executive Officer advised the gallery in adhering to both the *Local Government Act 1995*, and the Shire of Exmouth Meeting Procedures Local Law 2015, it is an offense to record the proceedings of this meeting and asked the gallery to switch off any recording devices, including phones.

He advised the gallery the meeting will be recorded by the Executive Secretary for the purpose of compiling an accurate record of the minutes only; and the recording will be erased once they are confirmed.

2. RECORD OF ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Councillor M (Mark) Lucas

Councillor H (Heather) Lake

Councillor A (Anne) McCarrol

Mr B Lewis

Mr M Bird

Mr G Coetzee

Chief Executive Officer

Executive Manager Commercial and Community

Executive Manager Corporate Services

Ms M Head

Minute Clerk

INVITED GUEST

Mr Matthew Niikkula, Justice of the Peace

APOLOGIES

Mr M Richardson, Executive Manager Development Services

GALLERY

LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

Nil

5. DECLARATIONS OF INTEREST

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Nil

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Nil

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

In accordance with the section 2.29 of the *Local Government Act 1995* and Regulation 13 of the *Local Government (Constitution) Regulations 1998* a person elected to the position of a Councillor, Shire President or Deputy Shire President must make a declaration of office prior to being able to act in that office.

All Councillors making such declaration will be provided with a copy of the relevant form.

Declarations required are to be made before an authorised person. In accordance with regulation 13(5) of the *Local Government (Constitution) Regulations 1998* an authorised person means a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

The Chief Executive Officer to invite newly elected Councillors to make their Declaration of Office of Councillor before Justice of the Peace, Mr Matthew Niikkula.

- Councillor Allston
- Councillor Brooks
- Councillor Gillespie

Election of Shire President

Nominations for the Office of Shire President are given to the Chief Executive Officer.

The position of Shire President runs from 19 October 2021. The office of Shire President is for a two-year term and expires at the time of each Ordinary election -*Local Government Act 1995* 2.28(2) Item 11.

The Nominee is to accept the nomination in writing to the position of Shire President and sign a declaration of Office for Shire President.

The elected Shire President will be sworn in then will take over the position of Chairperson.

The process:

Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council

[Sections 2.11(1)(b) and 2.15]

Division 1 — Mayors and presidents

2. When the council elects the mayor or president

- (1) *The office is to be filled as the first matter dealt with —*
 - (a) *at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary election's day; and*
 - (b) *at the first meeting of the council after an extraordinary vacancy occurs in the office.*
- (2) *If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.*

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How the mayor or president is elected

- (1) *The council is to elect a councillor to fill the office.*
- (2) *The election is to be conducted by the CEO in accordance with the procedure prescribed.*
- (3) *Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.*
 - (3a) *Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.*

- (4) *If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) *The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) *Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.*
- (7) *As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.*

[Clause 4 amended by No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]

5. Votes may be cast a second time

- (1) *If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.*
- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.*
- (3) *When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.*
- (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*

Election of Deputy Shire President

The Shire President called for written nominations for the position of Deputy Shire President. Nominations for the Office of Deputy Shire President are to be given to the Shire President in writing.

The position of Deputy Shire President runs from 19 October 2021 for a two-year term as with the Shire President of each Ordinary election -*Local Government Act 1995* 2.28(2) Item 12.

The process:

Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council

[Sections 2.11(1)(b) and 2.15]

Division 2 — Deputy mayors and deputy presidents

7. When the council elects the deputy mayor or deputy president

- (1) *If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —*
 - (a) *at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*
 - (b) *at the first meeting of the council after an extraordinary vacancy occurs in the office.*
- (2) *If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —*
 - (a) *as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*
 - (b) *subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.*
- (3) *If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.*

8. How the deputy mayor or deputy president is elected

- (1) *The council is to elect a councillor (other than the mayor or president) to fill the office.*
- (2) *The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.*
- (3) *Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.*
- (3a) *Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) *If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.*

- (5) *The council members are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) *Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*
- (7) *As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.*

[Clause 8 amended by No. 64 of 1998 s. 54(2)-(4); No. 49 of 2004 s. 69(6)-(9).]

9. Votes may be cast a second time

- (1) *If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.*
- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.*
- (3) *When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.*
- (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.*

[Clause 9 amended: No. 49 of 2004 s. 69(10).]

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12. REPORTS OF OFFICERS

12.1.1 ORDINARY COUNCIL MEETING DATES 2022

File Reference:	GV.CM.0
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	7 October 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

PURPOSE

1. That Council consider the proposed Ordinary Council meeting dates and starting times for 2022.

BACKGROUND

2. The proposed Ordinary Council meeting dates for 2022, being the fourth Thursday of the month commencing at 4.00pm, are listed below. It is noted no meeting is scheduled for the month of January, and the December meeting will be held on the third Thursday:

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

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

COMMENT

4. Nil

CONSULTATION

5. Executive Management Team

STATUTORY ENVIRONMENT6. Local Government Act s 5.25 (1)(G)

(g) *the giving of public notice of the date and agenda for council or committee meetings*

7. Local Government (Administration) Regulations 1996 Reg 12(1)(2)

(1) *In this regulation —*

meeting details, *for a meeting, means the date and time when, and the place where, the meeting is to be held.*

(2) *The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —*

(a) *ordinary council meetings;*

POLICY IMPLICATIONS

8. Nil

FINANCIAL IMPLICATIONS

9. Nil

RISK MANAGEMENT

10. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Not meeting local government act requirements by failing to confirm and advertise future OCM dates.	Unlikely	Major	Medium	Council to endorse the future OCM calendar for the 2022 calendar year.

ALTERNATE OPTIONS

11. Nil

STRATEGIC IMPLICATIONS

12. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018 - 2022.

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

13. Simple Majority

OFFICER'S RECOMMENDATION**ITEM 12.1.1**

That Council ENDORSE the following dates for Ordinary Council meetings for 2022 commencing at 4.00pm:

- 24 February

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

12.1.2 APPOINT REPRESENTATIVES TO INTERNAL COMMITTEES

File Reference:	GV.CM.0
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	7 October 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Terms of Reference – Audit Committee2. Terms of Reference – CEO Performance Review Committee3. Terms of Reference – Ningaloo Tourism Advisory Committee

PURPOSE

That Council:

1. Revoke Council decision 01-1019 from the Special Council Meeting held 21 October 2019 - *Appoint Representative to Internal Committee*; and
2. Authorise the appointment of Councillors as representatives to the Shire of Exmouth internal committees:
 - Audit Committee,
 - CEO Performance Review Committee and
 - Ningaloo Tourism Advisory Group (NTAG) Committee.

BACKGROUND

3. 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.
4. Previously Council passed the following resolution at the Special Council Meeting held 21 October 2019, Council Decision 01-1019:

COUNCIL RESOLUTION

ITEM 12.1.1

Res No: 01-1019

MOVED: Cr Niikkula

SECONDED: Cr Mounsey

That the Council:

1. ***Revoke Council Decision 20-1017 from the Special Council Meeting held 23 October 2017***

2. Appoint the following Councillors to the following Shire of Exmouth

Committees:

a) Audit Committee

- **Cr Mounsey**
- **Cr McCarrol**
- **Cr Lucas**
- **Proxy Cr Niikkula**

b) Chief Executive Officer Performance Review Committee

- **Cr Niikkula**
- **Cr Lake**
- **Cr Dixon**
- **Proxy Cr McCarrol**

3. Ningaloo Tourism Advisory Committee, appointment of Councillors, be held off until the October Ordinary Council Meeting on 24th to check for legality of the terms of reference and then fill the positions.

COMMENT

5. In accordance with provisions of section 5.8 & 5.9 of the *Local Government Act 1995* Council establishes the following committees, comprising of 3 or more representatives. Each Committee is to comprise of members from a number of combinations including council members, employees and other persons.

a) Audit Committee

The Audit Committee's role in accordance with Regulation 16 of the *Local Government (Audit) Regulations 1996* (the Regulations) is to provide assistance and guidance to Council on the discharge of its duties under Part 6 and 7 of the *Local Government Act 1995* (the Act). The Audit Committee assists Council to monitor the integrity of the Shire's financial reporting, external audit, risk management, internal controls and compliance with legislative requirements.

At least three of the members, and the majority of the members are to be elected members.

b) CEO Performance Review Committee

The Committee is established to fulfil the following functions:

- Undertake an annual assessment of the CEO's performance in accordance with the provisions of the CEO's contract of employment as well as relevant statutory requirements;
- In conjunction with the CEO, develop key performance indicators deliver Council's key strategic priorities including those reflected in the Shire's Corporate Business Plan;
- Review the CEO's Total Reward Package annually and make recommendations to Council in relation to remuneration in accordance with the relevant terms of the contract of employment, taking into consideration the CEO's performance, the existing level of remuneration, and the applicable Salaries and Allowances Tribunal Determination;
- Provide positive communication opportunities between Council and the CEO; and
- Provide guidance to Council in assessing the CEO's performance.

c) Ningaloo Tourism Advisory Committee

The Ningaloo Tourism Advisory Group is established to provide;

- Advice and strategic oversight of the tourism development and marketing of the Ningaloo destination, and support the ongoing development and implementation of initiatives (infrastructure, marketing, events, tourism experiences) to achieve the strategic tourism and economic objectives of the Shire of Exmouth; and
- Support the marketing success and financial sustainability of the Ningaloo Aquarium and Discovery Centre and ensure engagement with the broader region in driving the success of this important tourism asset.

CONSULTATION

6. 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

7. All Committees are established under provisions of Subdivision 2 – Committees and their meetings s 5.8 to 5.18 of the *Local Government Act 1995*.
8. The committee is to be appointed by an absolute majority decision of Council and consist of three or more person to assist the council. In accordance with s.5.9(2) of the members a committee is to comprise of:

5.9. COMMITTEES, TYPES OF

(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.

POLICY IMPLICATIONS

9. Nil

FINANCIAL IMPLICATIONS

10. Nil

RISK MANAGEMENT

11. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Council fails to appoint elected members to Committees of Council preventing committees performing required purposes.	Unlikely	Major	Medium	Council agree to the appointment of the required number of elected members to each Committees of Council.

ALTERNATE OPTIONS

12. Nil

STRATEGIC IMPLICATIONS

13. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018 - 2022.

- Leadership: To provide open transparent, accountable leadership working in collaboration with our community.
- 4.1 To provide proactive, collaborative and transparent leadership
 - 4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

14. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.2

That the Council:

1. Revoke Council decision 01-1019 from the Special Council Meeting held 21 October 2019 - *Appoint Representative to Internal Committee*; and
2. Appoint the following Councillors to the following Shire of Exmouth Committees:
 - a) Audit Committee
 - Cr
 - Cr
 - Cr
 - Proxy Cr
 - b) Chief Executive Officer Performance Review Committee
 - Shire President
 - Cr
 - Cr
 - Proxy Cr
 - c) Ningaloo Tourism Advisory Committee
 - Shire President
 - Proxy Cr

12.1.3 APPOINT REPRESENTATIVES TO EXTERNAL COMMITTEES

File Reference:	GV.CM.0
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	4 October 2019
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Elected Member Prospectus – Becoming a Zone Delegate or State Councillor1. Gascoyne Regional Road Group – Reference Information for Elected Members on a Regional Road Group

PURPOSE

That Council:

1. Revoke Council decision 02-1019 from the Ordinary Council Meeting held 21 October 2019 - *Appoint Representative to External Committees*; and
2. Authorise the appointment of Councillors as representatives to external committees to exercise the power and discharge the duties of the local government.

BACKGROUND

3. 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.
4. Previously Council passed the following resolution at the Special Council Meeting held 21 October 2019 held, Council Decision 02-1019:

COUNCIL RESOLUTION ITEM 12.1.2

Res No: 02-1019

MOVED: Cr Mounsey

SECONDED: Cr Lake

That the Council:

1. ***Revoke the Council Resolution 6 November 2017, Council Decision 03-1117***

2. ***Authorise the appointment of the following councillors to be appointed as representative for the Shire of Exmouth on the following Committees:***

a) ***WALGA Zone Regional Committees and the Regional Road Group Meeting***

That the Council of the Shire of Exmouth:

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

WALGA Gascoyne Zone Meeting

Member: Cr Niikkula

Proxy: Cr Dixon

WALGA Regional Road Group Meeting

Member: Cr Dixon

Proxy: Cr Niikkula

b) ***Development Assessment Panels (DAPS)***

That the Council of the Shire of Exmouth:

- i. ***In accordance with provisions of Sections 5.8 of the Local Government Act 1995 establishes a Development Assessment Panel (DAPS);***
- ii. ***In accordance with provisions of Sections 5.9 of the Local Government Act 1995, the Committee is to comprise of Councillors;***
- iii. ***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:***

Member 1: Cr Lucas

Member 2: Cr Mounsey

Proxy: Cr Lake

Proxy: Cr McCarrol

COMMENT

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

a) ***WALGA Zone Regional Committee and the Regional Road Group Meeting***

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 both 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.

b) 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.

Local representation is a vital component of the DAP. Two councillors will be local members and two deputy local members to be called on if an issue of quorum arises. The Minister will appoint the local government representative in accordance with the local government's nomination.

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.

CONSULTATION

6. Western Australian Local Government Association (WALGA)
7. Development Assessment Panels (DAPs)

STATUTORY ENVIRONMENT

8. All Committees are established under provisions of Sections 5.8 to 5.18 of the *Local Government Act 1995*.
9. 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.

POLICY IMPLICATIONS

10. Nil

FINANCIAL IMPLICATIONS

11. Nil

RISK MANAGEMENT

12. Identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Council fails to appoint elected members to external committees reducing Exmouth's ability to benefit for these activities and creating reputational damage the Shire.	Unlikely	Major	Medium	Council agree to the appointment of the required number of elected members to each external committee.

ALTERNATE OPTIONS

13. Nil

STRATEGIC IMPLICATIONS

14. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018 - 2022.

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

15. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.3

That the Council:

1. Revoke Council decision 02-1019 from the Ordinary Council Meeting held 21 October 2019 - *Appoint Representative to External Committees*; and

2. Authorise the appointment of the following councillors to be appointed as representative for the Shire of Exmouth on the following Committees.

a) WALGA Zone Regional Committees and the Regional Road Group Meeting

That the Council of the Shire of Exmouth:

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

WALGA Gascoyne Zone Meeting

Member: Cr

Proxy: Cr

WALGA Regional Road Group Meeting

Member: Cr

Proxy: Cr

3. Development Assessment Panels (DAPS)

That the Council of the Shire of Exmouth:

- i. In accordance with provisions of Sections 5.8 of the *Local Government Act 1995* establishes a Development Assessment Panel (DAPS);
- ii. In accordance with provisions of Sections 5.9 of the *Local Government Act 1995*, the Committee is to comprise of Councillors;
- iii. 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:

Member 1: Cr

Member 2: Cr

Proxy 1: Cr

Proxy 2: Cr

13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil

15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

16. CLOSURE OF MEETING

The Shire President closed the meeting at