

Agenda

SPECIAL MEETING OF COUNCIL

21 OCTOBER 2019

Notice of Meeting

A Special meeting of Council will take place in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on Monday, **21 October 2019** commencing at **6:30pm**. The swearing in ceremony will commence at **6:00pm**.

Yours sincerely

ANDREW BRIEN
CHIEF EXECUTIVE OFFICER

15 October 2019



Meeting Procedures

1. All Council meeting are open to the public, except for matters dealt with under 'Confidential Items'.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a City Staff Member.
3. Members of the public may ask a question during 'Public Question Time'.
4. Meeting procedures are in accordance with the City's Standing Orders Local Law 2018.
5. To facilitate smooth running of the meeting, silence is to be observed in the public gallery at all times, except for 'Public Question Time'.
6. This meeting will be audio recorded in accordance with the resolution of Council of 17 May 2016.
7. Persons are not permitted to record (visual or audio) at the Council meeting without prior approval of the Council.
8. In the event of an emergency, please follow the instructions of City of Bayswater Staff.

City of Bayswater

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Morley WA 6062

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Nature of Council's Role in Decision Making

Advocacy: When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

Executive/Strategic: The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Legislative: Includes adopting local law, town planning schemes and policies.

Review: When Council reviews decisions made by officers

Quasi-Judicial: When Council determines an application/matter that directly affects a persons rights and interests. The Judicial character arises from the obligations to abide by the principals of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits/licenses (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

City of Bayswater Standing Orders Local Law 2018

6.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council or a Committee open to the public is to either –
 - (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the Presiding Member, at the meeting.
- (2) Upon receipt of a request for a deputation the CEO must refer the request to the relevant decision making forum, either Council or a Committee, to decide by simple majority whether or not to receive the deputation.
- (3) Deputations in relation to a decision which requires absolute or special majority should be made to Council, in all other circumstances Deputations should be referred to the forum making the final decision on the matter.
- (4) Unless Council or the Committee meeting resolves otherwise, a deputation invited to attend the meeting is not to address the meeting for a period exceeding 5 minutes.
- (5) Unless given leave by the Presiding Member, only two members of the deputation may address the meeting, although others may respond to specific questions from Members.
- (6) For the purposes of this clause, unless Council or the Committee resolves otherwise, a deputation is taken to comprise all those people either in favour of, or opposed to, the matter which is the subject of the deputation.
- (7) Unless Council or the Committee resolves otherwise, any matter which is the subject of a deputation to the Council or a Committee open to the public is not to be decided by Council or the Committee until the deputation has completed its presentation.
- (8) The Presiding Member may require deputations to leave the meeting while other deputations are being heard in relation to that matter.

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AGENDA

COUNCILLOR SEATING ALLOTMENT

In accordance with clause 8.1 of the *City of Bayswater Standing Orders - Local Law 2018*:

- “(1) At the first meeting held after each Election Day, the CEO is to allot, alphabetically by ward, a position at the Council table to each Member.*
- (2) Each Member is to occupy his or her allotted position at each Council meeting and at each Committee meeting open to the public.”*

SWEARING-IN OF COUNCILLORS- ELECT

In accordance with section 2.29 of the *Local Government Act 1995* a person elected as a Councillor is to make a declaration in the prescribed form before acting in the office. The declaration will be made by Councillors-Elect prior to the Special Council meeting.

1. OFFICIAL OPENING

Notice is hereby given that the Special Council Meeting will be audio recorded in accordance with the resolution of Council of 17 May 2016.

Persons are not permitted to record (visual or audio) at the Council meeting without prior approval of the Council.

2. ACKNOWLEDGEMENT OF COUNTRY

3. ELECTION AND SWEARING-IN OF MAYOR

In accordance with schedule 2.3 of the *Local Government Act 1995*, the election of office of the Mayor is to be filled as the first matter dealt with at the first meeting of the Council after an ordinary election day. The Chief Executive Officer is to preside at the meeting until the office is filled.

The following extract from the *Local Government Act 1995* details the procedure in regard to the election of the Mayor:

"4. How 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.*

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."*

In accordance with section 2.29 of the *Local Government Act 1995*, a person elected as a Mayor is to make a declaration in the prescribed form before acting in the office. The declaration will be provided at the meeting.

In accordance with the *Local Government Act 1995*, nominations for the election of Mayor will be called for by the Chief Executive Officer, along with any nominations already received. The Chief Executive Officer will be the Returning Officer for the election of Mayor.

The Mayor will assume the chair to preside over the election and swearing-in of the Deputy Mayor.

4. ELECTION AND SWEARING-IN OF DEPUTY MAYOR

In accordance with schedule 2.3 of the *Local Government Act 1995*, the election of office of the Deputy Mayor is to be filled as the next matter dealt with after the Mayor is elected at the first meeting of the Council after an ordinary election day.

The procedure for electing the Deputy Mayor is similar to that for the Mayoral election, and the following extract from the *Local Government Act 1995* details the procedure that will be followed:

"8. How deputy mayor is elected

- (1) *The council is to elect a councillor (other than the mayor) to fill the office.*
- (2) *The election is to be conducted in accordance with the procedure prescribed by the mayor, 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.*

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."*

In accordance with section 2.29 of the *Local Government Act 1995*, a person elected as a Deputy Mayor is to make a declaration in the prescribed form before acting in the office. The declaration will be provided at the meeting.

The Mayor will call for nominations for Deputy Mayor along with any nominations already received. The Chief Executive Officer will be the Returning Officer for the election of Deputy Mayor.

5. ATTENDANCE

5.1 Apologies

Nil

5.2 Approved Leave of Absence

Nil.

5.3 Applications for Leave of Absence

6. DISCLOSURE OF INTEREST SUMMARY

In accordance with section 5.65 of the *Local Government Act 1995*:

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.

7. PUBLIC QUESTION TIME

In accordance with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the *City of Bayswater Standing Orders Local Law 2018* the following procedures relate to public question time:

1. A member of the public who raises a question during question time, is to state his or her name and address.
2. Each member of the public with a question is entitled to ask up to 3 questions.
3. The minimum time to be allocated for public question time is 15 minutes.
4. Questions from the public must relate to a matter affecting the local government. Questions relating to matters of business listed on the agenda will be considered in the first instance, followed by questions relating to Council business not listed on the agenda.
5. A summary of each question raised by members of the public at the meeting and a summary of the response to the question will be included in the minutes of the meeting.
6. Where a question is taken on notice at the meeting, a summary of the response to the question will be provided in writing to the member of public and included in the agenda for the following meeting.

7.1 Public Question Time

8. REPORTS**8.1 Audit and Risk Management Committee**

Responsible Branch:	Governance	
Responsible Directorate:	Corporate and Strategy	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Absolute Majority Required	
Attachments:	Nil	
Refer:	SCM 31.10.2017 Item 10.3	

SUMMARY

- The Audit and Risk Committee is a statutory committee required under section 7.1(A)1 of the *Local Government Act 1995*.
- Council is required, under the *Local Government Act 1995*, to appoint three or more persons to the Audit and Risk Management Committee.
- Council has previously had five Councillors on the Committee.
- The Audit and Risk Management Committee meets quarterly, when suitable, at the City of Bayswater Civic Centre.
- The fees associated with membership on the Audit and Risk Management Committee, are included as part of the annual sitting fees paid to Councillors.

OFFICER'S RECOMMENDATION

That Council:

1. **Appoints the following members to the Audit and Risk Management Committee for the term 21 October 2019 to 16 October 2021:**
 - (i) _____;
 - (ii) _____;
 - (iii) _____;
 - (iv) _____; and
 - (v) _____.
2. **Appoint a suitably qualified and experienced external person as a member of the Committee for the above term;**
3. **Notes that the purpose of the Audit and Risk Management Committee is to provide guidance and assistance to the local government as to matters under Part 7 of the Act and to develop a process for appointing an auditor. The Committee may provide assistance in relation to Part 6 of the Act (Financial Management) and any other auditing or financial matters and any other associated risks.**
4. **In accordance with Section 5.11A of the *Local Government Act 1995*, all Councillors who are not Members of the Audit and Risk Management Committee be appointed as Deputy Members to that Committee for the term 21 October 2019 to 16 October 2021. If a Member is unable to attend a meeting, the order of appointment of the Deputy at that meeting will be based on:**
 - (i) **Councillor of the same Ward as the Member of the Committee; and**

(ii) Length of service.**BACKGROUND**

The *Local Government Act 1995* (the Act) sets out the framework for decision-making on behalf of the local government.

Each Council must decide the meeting structure it will adopt within the legal framework for it to achieve the most efficient and effective decision-making process. It is a legal requirement that all decisions made on behalf of the local government are made at meetings called and convened under the provisions of the Act. Section 5.8 of the Act enables Council to establish committees to assist with carrying out its business and to exercise such powers and discharge as can be delegated to committees. Section 5.10 of the Act requires all such appointments to be by absolute majority, and sections 5.11 and 5.11A deal with the tenure of committee members and deputy members. .

At the Ordinary Council Meeting held on 28 July 2015, Council resolved as follows:

"That Council:

- 1. Receives the review on the reporting structure of the City's minor committees.*
- 2. Approves the process of progressing the recommendations from each of the City's minor committees directly to Council for consideration without the requirement for prior consideration by the City's standing committees."*

At the Ordinary Council Meeting held on 28 August 2018, Council resolved to adopt the City of Bayswater Code of Conduct 2018 for Elected and Committee Members. Members of this committee will be required to adhere to the provisions of the Code of Conduct 2018.

EXTERNAL CONSULTATION

The following table outlines the external member presence in some other local government audit committees:

Local Government	Total members	Elected members	External members
Belmont	5	4	1
Canning	4	3	1
Cockburn	5	4	1
Joondalup	8	7	1
Fremantle	5	4	1
Nedlands	5	3	2
Perth	4	3	1
Stirling	4	3	1
Swan	5	4	1
Vincent	6	4	2

There are three approaches to remuneration for external members of an audit committee: an agreed sitting allowance, remuneration for all actual expenses (including attendance time), or remuneration for expenses up to agreed limits. The appropriate method can be determined through the expression of interest process.

OFFICER'S COMMENTS*Purpose/Role*

The Local Government Act 1995 (the Act) is set out in parts, which cover broad topic areas, with the specific requirements deal with under the sections of each part.

The purpose of the Audit and Risk Management Committee is primarily to deal with matters under Part 6 of the Act which relates to the annual budget, financial reporting, funds management and rate setting, as well as Part 7 which deals with the appointment of auditors, conduct of audits and the duties of the local government to act on audit recommendations.

The Audit and Risk Management Committee is the only statutory committee required under the *Local Government Act (1995)*, and the requirements for that are set out under section 7.1 which requires that the committee is to comprise of at least council members, and where there are more than three members, the majority are to be council members. All appointments to the committee are to be by absolute majority.

There are a number of related regulations under the Act, and further reference to the functions and purpose of this committee are also found in sections 16 and 17 s of the *Local Government (Audit) Regulations 1996*.

Membership (Elected Members)

It is proposed that this Committee comprise five Elected Members and one external member.

Meeting Details

Meeting Frequency:	As required
Day of Meeting:	When suitable
Time of Meeting:	When suitable
Location of Meeting:	City of Bayswater Civic Centre

Sitting Fees

Included as part of the annual Sitting Fees paid to Councillors.

Meeting Details

Meeting Frequency:	As required
Day of Meeting:	When suitable
Time of Meeting:	When suitable
Location of Meeting:	City of Bayswater Civic Centre 61 Broun Avenue, Morley

Liaison Officer

Director of Corporate and Strategy or nominated officer.

Current Representatives

Membership of the Audit and Risk Management Committee for 2017-2019 comprised of:

- Cr Chris Cornish (Chairperson);
- Cr Dan Bull, Mayor;
- Cr Sally Palmer;
- Cr Catherine Ehrhardt; and
- Cr Giorgia Johnson.

External and independent membership

Audit practice guidelines universally recommend that there be external and independent membership of an audit committee, as it is an opportunity to bring in specific financial and governance skills. It can be argued that Council members meet the description of an independent member in the same way that a company board member is independent to the operations of an

organisation, however it is worth noting that the Department of Local Government, Sport and Cultural Industry's *Guideline No 9 – Audit Committees* states that "If the local government wishes to appoint one or more persons other than elected members to the committee, which is recommended, it should ensure that they have the requisite knowledge and skills to provide benefit to the committee. If Council were to opt for a model that involves external membership, the number of external members must also be determined."

Having external members on audit committees is a well-established practice in other states, and local governments in WA have been moving towards this practice in the last few years to provide a greater level of oversight and transparency.

LEGISLATIVE COMPLIANCE

The specific references in the Act to the audit committee are: section 7.1 (A) which deals with the membership requirements and 7.1 (B) which deals with the powers and duties that can be delegated to the committee.

Under these requirements, external members may be appointed to the audit committee, provided that the majority of members are members of council.

Under the Local Government (Audit) Regulations 1996, the role of the audit committee is to:

- provide guidance and assistance to the local government:
 - as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
 - as to the development of a process to be used to select and appoint a person to be an auditor;and
- provide guidance and assistance to the local government as to:
 - matters to be audited;
 - the scope of audits;
 - its functions under Part 6 of the Act; and
 - the carrying out of its functions relating to other audits and other matters related to financial management;and
- to review a report given to it by the CEO under regulation 17(3) Risk Management, Legislative Compliance and Internal Controls, and is to:
 - report to the Council the results of that review; and
 - give a copy of the Chief Executive Officer's report to Council.

OPTIONS

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Option 1	That Council:																													
	1. Appoints the following members to the Audit and Risk Management Committee for the term 21 October 2019 to 16 October 2021:																													
	(i) _____;																													
	(ii) _____;																													
	(iii) _____;																													
	(iv) _____; and																													
	(v) _____.																													
	2. Appoint a suitably qualified and experienced external person as a member of the Committee for the above term;																													
	3. Notes that the purpose of the Audit and Risk Management Committee is to provide guidance and assistance to the local government as to matters under Part 7 of the Act and to develop a process for appointing an auditor. The Committee may provide assistance in relation to Part 6 of the Act (Financial Management) and any other auditing or financial matters and any other associated risks.																													
	4. In accordance with Section 5.11A of the <i>Local Government Act 1995</i> , all Councillors who are not Members of the Audit and Risk Management Committee be appointed as Deputy Members to that Committee for the term 21 October 2019 to 16 October 2021. If a Member is unable to attend a meeting, the order of appointment of the Deputy at that meeting will be based on:																													
(i) Councillor of the same Ward as the Member of the Committee; and																														
(ii) Length of service.																														
<table><tr><th>Risk Category</th><th>Adopted Risk Appetite</th><th>Risk Assessment Outcome</th></tr><tr><td>Strategic Direction</td><td>Moderate</td><td>Moderate</td></tr><tr><td>Reputation</td><td>Low</td><td>Low</td></tr><tr><td>Governance</td><td>Low</td><td>Moderate</td></tr><tr><td>Community and Stakeholder</td><td>Moderate</td><td>Moderate</td></tr><tr><td>Financial Management</td><td>Low</td><td>Low</td></tr><tr><td>Environmental Responsibility</td><td>Low</td><td>Low</td></tr><tr><td>Service Delivery</td><td>Low</td><td>Low</td></tr><tr><td>Organisational Health and Safety</td><td>Low</td><td>Low</td></tr></table>				Risk Category	Adopted Risk Appetite	Risk Assessment Outcome	Strategic Direction	Moderate	Moderate	Reputation	Low	Low	Governance	Low	Moderate	Community and Stakeholder	Moderate	Moderate	Financial Management	Low	Low	Environmental Responsibility	Low	Low	Service Delivery	Low	Low	Organisational Health and Safety	Low	Low
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Environmental Responsibility	Low	Low																												
Service Delivery	Low	Low																												
Organisational Health and Safety	Low	Low																												
Conclusion	This option is consistent with the legislative requirements to appoint Elected Members to statutory committees and reflects sector best practice.																													

Option 2	<p>That Council:</p> <ol style="list-style-type: none"> Appoints the following members to the Audit and Risk Management Committee for the term 21 October 2019 to 16 October 2021: <ol style="list-style-type: none"> _____; _____; _____; _____; and _____.
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	<p>2. Notes that the purpose of the Audit and Risk Management Committee is to provide guidance and assistance to the local government as to matters under Part 7 of the Act and to develop a process for appointing an auditor. The Committee may provide assistance in relation to Part 6 of the Act (Financial Management) and any other auditing or financial matters and any other associated risks.</p> <p>3. In accordance with Section 5.11A of the <i>Local Government Act 1995</i>, all Councillors who are not Members of the Audit and Risk Management Committee be appointed as Deputy Members to that Committee for the term 21 October 2019 to 16 October 2021. If a Member is unable to attend a meeting, the order of appointment of the Deputy at that meeting will be based on:</p> <p>(i) Councillor of the same Ward as the Member of the Committee; and</p> <p>(ii) Length of service.</p>	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Moderate
Governance	Low	Moderate
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option meets the legislative requirements for appointing Elected Members to statutory committees, however provides less opportunity for independent oversight in line with contemporary audit practice recommendations.	

Option 3	Defers the appointment of committee members to the Ordinary Council meeting of 29 October 2019 to allow further time for Council to consider the matter.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Moderate
Governance	Low	Moderate
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option provides an opportunity for further consideration of the matter. Subject to being considered at the Ordinary Council meeting on 29 October 2019, it will only pose a slightly increased risk.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance
 Aspiration: Open, accountable and responsive service
 Outcome L1: Accountable and good governance.

CONCLUSION

In light of the above it is recommended that Council appoint five Elected Members to the Audit and Risk Management Committee, and request the CEO to seek expressions of interest for an additional external member. This option would ensure legislative compliance and clearly demonstrate the aspirations of transparency and accountability.

8.2 Appointment to External Committees

Applicant/Proponent:	City of Bayswater	
Owner:	City of Bayswater	
Responsible Branch:	Governance	
Responsible Directorate:	Corporate and Strategy	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Absolute Majority Required	
Attachments:	Nil	
Refer:	SPC 31/10/2017 Item 9.1	

SUMMARY

To consider the appointment of representatives to external boards of management (external committees with Council representation).

OFFICER'S RECOMMENDATION

That Council:

1. Nominates Councillors _____, and _____ as Members and Councillors _____, and _____ as Deputy Members to the Development Assessment Panel (DAP) Metropolitan Central to the end of the DAP term, expiring on 26 January 2024.
2. Nominates Councillors _____, _____, and Councillor _____ as the Deputy Member to the Eastern Metropolitan Regional Council (EMRC) for the term 21 October 2019 to 16 October 2021
3. Nominates Councillor _____ as Member and Councillor _____ as the Deputy Member to the Eastern Regional Road Funding Committee for the term 21 October 2019 to 16 October 2021.
4. Nominates Councillors _____, _____, and _____ as Members and Councillors _____, and _____ as the Deputy Members to the Western Australian Local Government Association (WALGA) East Metropolitan Zone for the term 21 October 2019 to 16 October 2021.
5. Nominates Councillors _____, and _____ as Members to the Bayswater State Emergency Service (SES) Committee for the term 21 October 2019 to 16 October 2021.
6. Nominates Councillor _____ as Member and Councillor _____ as the Deputy Member to the Perth Airports Municipalities Group Inc. for the term 21 October 2019 to 16 October 2021.
7. Nominates Councillors _____, and _____ as Members to the Local Emergency Management Committee (LEMC) for the term 21 October 2019 to 16 October 2021.
8. Defers the nomination of Councillors to the Bayswater Child Care Association (Inc.) Management Committee to the Ordinary Council Meeting of 29 October 2019.

BACKGROUND

The following committees are not committees of Council established pursuant to the provisions of section 5.8 of the *Local Government Act 1995*, but rather external boards of management that are constitutionally required to have City of Bayswater Councillors as members, or have requested that Council nominate an elected representative to become a member:

- Development Assessment Panel;
- Eastern Metropolitan Regional Council;
- Eastern Regional Road Funding Committee;
- WALGA East Metropolitan Zone;
- Bayswater SES Committee;
- Perth Airports Municipalities Group Inc;
- Bayswater Childcare Association Inc. Management Committee; and
- Local Emergency Management Committee (LEMC).

It is important to note that as the above Boards are not committees of Council, all secretariat work is administered by the relevant person/people within each respective committee.

At the Ordinary Council Meeting held on 28 August 2018, Council resolved to adopt the City of Bayswater Code of Conduct 2018 for Elected and Committee Members. Council Members appointed to all external Committees are still required to adhere to the provisions of the City of Bayswater's Code of Conduct 2018.

As appointments are as the City of Bayswater representative, members must still comply with their obligations under the *Local Government (Rules of Conduct) Regulations 2007*.

EXTERNAL CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter.

Development Assessment Panel (DAP) - Metropolitan Central**Organisation/Group**

The Department of Planning, Lands and Heritage.

Purpose/Role

DAP will determine the following classes of development applications:

1. All development applications with a value of \$10 million or more.
2. Some development applications with a value of between \$2 million and \$10 million if an applicant decides to 'opt-in' and refer the application to the DAP.

Notwithstanding the above, the following development applications are excluded from the DAP process and will be determined by the relevant local government:

1. A single house;
2. Less than 10 grouped dwellings;
3. Less than 10 multiple dwellings;
4. A carport, shade sails, outbuildings or sheds;
5. Developments in an improvement scheme area; and
6. Developments by local governments or the Western Australian Planning Commission.

DAPs are bound by the provisions of the relevant local town planning schemes and planning policies and Metropolitan Region Scheme. DAPs will have the same discretion regarding decision making as local governments and the WAPC currently have.

Representative (Member)

Each DAP will comprise the following:

1. Three independent specialist members/technical experts (one of whom will be the Presiding Member, and one the deputy presiding member); and
2. Two local members, nominated by the local government.

Role of Representative(s)

The roles and responsibilities of the City of Bayswater representatives on this Group are:

- Spokesperson for City of Bayswater; and
- Member in own right.

Meeting Details

Meeting Frequency:	As required
Day of Meeting:	When suitable
Time of Meeting:	When suitable
Location of Meeting:	Rotated between Member Councils

Sitting Fees

\$425 per meeting/session.*

* DAP members who are federal, state and local government employees, active or retired judicial officers and employees of public institutions, are not entitled to be paid unless the Minister so consents, and such consent can only be given with the prior approval of Cabinet.

Council's current membership to the Development Assessment Panel (Metropolitan Central) comprises:

- Cr Chris Cornish - Member;
- Cr Catherine Ehrhardt - Member;
- Cr Filomena Piffaretti - Alternate (Deputy) Member; and
- Cr Petersen-Pik - Alternate (Deputy) Member.

As per the *Planning and Development Act 2005* and the DAP Regulations, the above Councillors have been appointed as members of the Development Assessment Panel (DAP) by the Minister for Planning for up to a one year term, ending on 26 January 2020, with the possibility of extension for the remainder of the maximum term of up to three years. New appointments to the DAP will not be required, unless a Member or Alternate (Deputy) Member is not re-elected as part of the 2019 local government election.

Notwithstanding the above, one of two positions of Member is now vacant due to the retirement of Cr Chris Cornish.

In light of the need for any new Member to be appointed by the Minister and then undertake training and the current term ceasing in three months on 26 January 2020, rather than only nominating a replacement for the interim term, it is recommended that Council appoints two Members and two Alternate (Deputy) Members to the end of the DAP term expiring on 26 January 2024.

The nominations (if applicable) will be forwarded to the Minister for Planning for appointment.

Training

As per the DAP Regulations, upon appointment, and prior to attendance at a DAP meeting, the nominated members are required to satisfactorily complete the training for DAP members, which will be provided by the Department of Planning, Lands and Heritage (DPLH). Local government representatives who have previously (or are currently) appointed and have received training are not required to attend further training.

At the Ordinary Council Meeting held on 25 August 2015, Council resolved to adopt the City of Bayswater Code of Conduct 2015 for Elected and Committee Members. Members of this committee will be required to adhere to the provisions of the Code of Conduct 2015.

Declaration of Interests

At Committee and Council Meetings, local government DAP members are not considered required under the DAP Regulations to declare a financial interest in a DAP application if it only relates to the sitting fee payable to DAP members.

It is considered that members are only required to declare an interest in a DAP application if there is a proximity, financial or impartial interest directly relating to the subject property or the proposed development.

Notwithstanding the above, should DAP members participate in both prior Council consideration and a subsequent DAP decision on an application, these members are required to make a public statement at the respective DAP meeting declaring the following:

1. Participation in prior Council consideration of the application within the function as a Councillor; and
2. The exercise of independent judgement of the application on its planning merits, and not be bound by any prior Council resolution.

Eastern Metropolitan Regional Council (EMRC)

Organisation/Group

The Eastern Metropolitan Regional Council was constituted in November 1983, incorporated under the *Local Government Act 1995* and is established under an Establishment Agreement with Member Councils.

Purpose/Role

The Mission of the EMRC is to provide a formal structure to facilitate the development and implementation of Regional strategies and the provision of services and facilities for the benefit of the Region.

Representative (Member)

Under the EMRC Establishment Agreement, each Member Council is to appoint two Elected Members of the Council to be a member of the EMRC Council and may appoint one Elected Member as a deputy.

Other members of the EMRC include representatives from the City of Swan, the City of Belmont, the Town of Bassendean, the Shire of Mundaring and the City of Kalamunda.

Role of Representative(s)

As per the Establishment Agreement, a member of the EMRC:

- a) Represents the interests of the ratepayers and residents of the Region;
- b) Facilitates communication between the community of the Region and the EMRC Council; and
- c) Participates in the EMRC's decision making processes at meetings of the EMRC and its committees.

Performs such other functions as given to the member by the Act or any written law.

Meeting Details

Meeting Frequency:	Monthly (if required)
Day of Meeting:	Thursday
Time of Meeting:	6:00pm
Location of Meeting:	EMRC Administration Office, 1 st Floor, 226 Great Eastern Highway, Belmont

Sitting Fees

Councillors other than the Chairperson are paid an annual meeting fee of \$10,000. The Chairperson receives an annual meeting fee of \$15,000 plus an annual Local Government fee of \$19,000. The Deputy Chairperson receives an annual Local Government fee of \$4,750 in addition to the \$10,000 annual meeting fee. These fees are paid by the EMRC. Fees paid to members of the EMRC are over and above the fees and allowances paid to Councillors by the City of Bayswater.

In addition, the Chief Executive Officer and Director Works and Infrastructure also attend the meetings.

Prior to the 2019 local government elections, Councillors McKenna and Palmer were the City of Bayswater Members on the EMRC and Councillor Piffaretti was the Deputy Member.

Eastern Regional Road Funding CommitteeOrganisation/Group

In association with the State Government.

Purpose/Role

The purpose of the Eastern Regional Road Funding Committee is to consider regional road funding submissions and allocations from the State Government in accordance with the State Road Funds to Local Government Agreement. This agreement commits the State Government, through Main Roads WA (MRWA) and Local Government, through the Western Australian Local Government Association (WALGA) to give elected representatives an opportunity to participate with the State Government in determining the preservation and expansion needs of the Local Government road network from both a Regional and State-wide perspective.

Representative (Member)

One Councillor (Member) and one Councillor (Deputy) from the following Local Governments:

- Town of Bassendean;
- City of Bayswater;
- City of Kalamunda;
- Shire of Mundaring; and

- City of Swan.

Role of Representative(s)

The roles and responsibilities of the City of Bayswater representatives on this Committee are:

- Spokesperson for City of Bayswater; and
- Member in own right.

Meeting Details

Meeting Frequency:	As required
Day of Meeting:	When suitable
Time of Meeting:	When suitable
Location of Meeting:	Rotational basis amongst Member Councils

*The next meeting of the Eastern Regional Road Funding Committee is on **Wednesday, 6 November 2019**, commencing at **3:00pm** at the **City of Swan**.*

Sitting Fees

Nil.

In addition, the Director Works and Infrastructure also attends meetings.

Prior to the local government elections, Councillor McKenna was the City of Bayswater Member on the Eastern Regional Road Funding Committee and Councillor Piffaretti was the Deputy Member.

WALGA East Metropolitan Zone

Organisation/Group

Western Australian Local Government Association.

Purpose/Role

The East Metropolitan Zone is responsible for:

- Direct elections of State Councillors to WALGA;
- Input into policy formulation; and
- Advising on various matters.

As part of the WALGA constitution a member from each WALGA Zone is to be elected by the Zone as a representative on the WALGA State Council. WALGA State Council consists of 24 Members from the different Zones and is the decision making representative body of all member Councils. It is responsible for:

- Sector-wide policy making on behalf of Local Government; and
- Strategic planning on behalf of Local Government.

Should a Zone member be elected to WALGA State Council, meeting fees are granted by WALGA. There are no fees associated with membership on the East Metropolitan Zone.

Representative (Member)

Three Councillors (Members)

Two Councillors (Deputy Members)

Other Members: Representatives from the Town of Bassendean, City of Belmont, City of Kalamunda, Shire of Mundaring and City of Swan.

Role of Representative(s)

The roles and responsibilities of the City of Bayswater representatives on this Association are:

- To have input into policy formulation; and
- Represent the City of Bayswater.

Meeting Details

Meeting Frequency: Bi-monthly
Day of Meeting: TBA
Time of Meeting: TBA
Location of Meeting: Circulated between member Councils

Sitting Fees

Nil.

In addition, the Chief Executive Officer also attends the meetings.

Prior to the local government elections, Councillors Cornish, Ehrhardt, and Johnson were the City of Bayswater Members on the WALGA East Metropolitan Zone and Councillors Bull and Palmer were the Deputy Members.

Bayswater State Emergency Service (SES) Committee

Organisation/Group

Primary Group "The Bayswater State Emergency Service".

Purpose/Role

To foster collaboration between the Bayswater SES and the City of Bayswater towards providing an effective State Emergency Service to the community.

Representative (Member)

In accordance with the Bayswater SES Constitution, the Committee comprises of the following members:

- Two x City of Bayswater Councillors (one being the representative of the Local Emergency Management Committee (LEMC));
- City of Bayswater Liaison Officer;
- Bayswater SES Local Manager;
- Bayswater SES Deputy Local Manager (Administration);
- Bayswater SES Deputy Local Manager (Operations);
- Bayswater SES Administration Officer;
- Bayswater SES Stores Officer;
- Bayswater SES Transport Officer;
- Bayswater SES Unit Finance Officer;
- Bayswater SES Rescue Officer;

- Bayswater SES Communications Officer;
- Bayswater SES Training Officer; and
- Bayswater SES Logistics/Assistant Welfare Officer.

Role of Representative(s)

The roles and responsibilities of the City of Bayswater representatives on this association are:

- Spokesperson for City of Bayswater; and
- Member in own right.

Meeting Details

Meeting Frequency:	As required
Day of Meeting:	First Tuesday of the month
Time of Meeting:	6:30pm
Location of Meeting:	Bayswater State Emergency Offices, Clavering Street, Bayswater

Sitting Fees

Nil.

Liaison Officer

Emergency Management Officer or nominated delegate.

This committee meets on a regular basis, however, Council may wish to consider what role it has to play in the operations and functions of the local SES unit. SES are volunteers that are formed under State legislation that is overseen by the Department of Fire and Emergency Services (DFES). DFES has District Managers within their organisation that assist in the operation of SES.

All funding for SES is sourced via the Emergency Service Levy (ESL) which is collected by Local Governments and handed to FESA for allocation and distribution based upon their risk to resources model.

The only real involvement for the City is to work with the local SES unit and to submit and acquit their annual ESL allocation. The City already has an established Local Emergency Management Committee (LEMC) and this committee is established under Emergency Management Legislation and it may be that this Committee is best suited to deal with providing a collaborative relationship between the City and the SES. Notwithstanding the Constitution of the Bayswater SES requires Council involvement, and therefore appointments should be made.

Prior to the local government elections, Councillors Gray and Piffaretti were the City of Bayswater Members on the Bayswater State Emergency Service (SES) Committee.

Perth Airports Municipalities Group Inc.

Organisation/Group

Perth Airports Municipalities Group Inc.

Purpose/Role

PAMG provides a forum to consider proposals affecting airport development and operations before policy decisions are made. Pursues active participation on the Australian Mayoral Aviation Council (AMAC) and to discuss issues, and investigate matters which affect the Metropolitan Airports and their environs.

Representative (Member)

One Councillor or Officer (Member)

One Councillor or Officer (Deputy)

The Member and Deputy Member are to be either a Councillor or Officer of the City.

It is also noted that in accordance with the PAMG Constitution the CEO has the authority to also appoint an Elected Member if required.

Other Members

The Perth Airports Municipalities Group's (Inc) (PAMG) membership consists of 13 Local Governments who are either directly or indirectly impacted by airports. The 13 Local Governments are:

- City of Armadale;
- City of Bayswater;
- City of Belmont;
- City of Canning;
- City of Cockburn;
- City of Gosnells;
- City of Melville;
- City of South Perth;
- City of Swan;
- City of Kalamunda;
- Shire of Mundaring;
- Town of Bassendean and
- Town of Victoria Park.

Role of Representative(s)

The roles and responsibilities of the City of Bayswater representatives on this Group are:

- Representation and spokesperson on behalf of the City of Bayswater; and
- Member in own right.

Meeting Details

Meeting Frequency:	Quarterly
Day of Meeting:	As required
Time of Meeting:	As required
Location of Meeting:	As advised

Sitting Fees

Nil.

In addition, the Director Community and Development also attends these meetings. Prior to the local government elections, Councillor Piffaretti was the City of Bayswater Member on the PAMG and Councillor McKenna was the Deputy Member.

Local Emergency Management Committee (LEMC)**Organisation/Group**

This committee comprises of two Elected Members, local recovery officers, various agencies and community representatives. Accordingly, the City will write to the various agencies and advertise for community representatives for the period 21 October 2019 to 16 October 2021.

The constitution, procedures and terms and conditions of appointment of members to the Local Emergency Management Committee is determined by the State Emergency Management Committee.

Purpose/Role

The Local Emergency Management Committee's purpose is to ensure that all necessary arrangements are made at a local level to address emergency or disaster events by using the Prevention, Preparedness, Response and Recovery (PPRR) policy approach.

Meeting Details

Meeting Frequency:	Every three months and as required
Day of Meeting:	As advised
Time of Meeting:	As advised
Location of Meeting:	City of Bayswater Civic Centre

Sitting Fees

Included as part of the annual sitting fees paid to Councillors.

Liaison Officer

Manager Environmental Health or nominated officer.

Representatives

The LEMC Terms of Reference (ToR) be amended to reflect the Office of Emergency Management (OEM) LEMC Administration Guide and the requirements of State Emergency Management Committee (SEMC) and enable all LEMC members equal voting rights; the LEMC Community Representative membership be amended from one to two members with the membership composition as follows:

(a) Voting Members:

- Two x City of Bayswater Councillors;
- Two x Local Emergency Coordinators (WA Police);
- One x Local Recovery Coordinator (City of Bayswater Officer);

Agencies:

- Department of Fire and Emergency Services (DFES);
- Bayswater State Emergency Services (SES);
- Department of Child Protection and Family Support (DCPFS); and
- City of Bayswater Ministers' Association.

Community Representatives:

- Two x Community Representatives.

(b) Non - Voting Members (City of Bayswater Officers):

- One x Executive Officer (LG administrative support);
- 1 x LG Officer (Manager Community Development);
- 1 x LG Officer (Manager Rangers and Security); and
- 1 x LG Officer (Environmental Health) - Deputy Executive Officer.

Prior to the local government elections, Councillors Palmer and Gray were the City of Bayswater Members on the Local Emergency Management Committee.

Bayswater Child Care Association Incorporated Management Committee

Purpose/Role

The Bayswater Child Care Centre Association (Inc.) is responsible for the management of three long day care centres, one occasional care centre and three out-of-school-care/vacation care centres.

Representative (Member)

Four elected members until 31 December 2021.

Role of Representative(s)

The roles and responsibilities of the City of Bayswater representatives on this Committee are in accordance with the Bayswater Child Care Association (Inc.) Constitution.

Meeting Details

Meeting Frequency: Generally every two months (other than Special Meetings)
Day of Meeting: When suitable
Time of Meeting: When suitable
Location of Meeting: City of Bayswater Civic Centre
61 Broun Avenue, Morley

Sitting Fees

Nil.

Liaison Officer

Director Corporate and Strategy or nominated officer.

Prior to the 2019 local government elections, Councillors Cornish, Sutherland, Gray and Palmer were the remaining City of Bayswater Members on the Bayswater Child Care Association Incorporated Management Committee.

It is noted that the Bayswater Child Care Centre Association currently has a new constitution, which has been approved by the BCCCA Committee and is being considered at its Annual General Meeting on 28 October 2019. The number of Elected Members is likely to be outlined within this constitution.

Based on this information it is therefore recommended that the appointment of these Elected Members is deferred until the Ordinary Council Meeting of the 29 October 2019.

LEGISLATIVE COMPLIANCE

The Council is represented on a range of External Committees and Working Groups. Representation on External Committees and Working Groups provides an opportunity for the views of the City of Bayswater are presented and considered. In most instances however, appointed members must exercise their vote independently and based on the information provided, and must

not be fettered by the policy or positions adopted by other organisations to which they belong. All decisions and voting made by a member must be on its merits and in the interests of the particular board, and not the organisation which they represent or are associated with. This is often termed wearing two hats.

OPTIONS

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Option 1	That Council:																												
	1. Nominates Councillors _____, and _____ as Members and Councillors _____, and _____ as Deputy Members to the Development Assessment Panel (DAP) Metropolitan Central to the end of the DAP term, expiring on 26 January 2024.																												
	2. Nominates Councillors _____, _____, and Councillor _____ as the Deputy Member to the Eastern Metropolitan Regional Council (EMRC) for the term 21 October 2019 to 16 October 2021																												
	3. Nominates Councillor _____ as Member and Councillor _____ as the Deputy Member to the Eastern Regional Road Funding Committee for the term 21 October 2019 to 16 October 2021.																												
	4. Nominates Councillors _____, _____, and _____ as Members and Councillors _____, and _____ as the Deputy Members to the to the Western Australian Local Government Association (WALGA) East Metropolitan Zone for the term 21 October 2019 to 16 October 2021.																												
	5. Nominates Councillors _____, and _____ as Members to the Bayswater State Emergency Service (SES) Committee for the term 21 October 2019 to 16 October 2021.																												
	6. Nominates Councillor _____ as Member and Councillor _____ as the Deputy Member to the Perth Airports Municipalities Group Inc. for the term 21 October 2019 to 16 October 2021.																												
	7. Defers the nomination of Councillors to the Bayswater Child Care Association (Inc.) Management Committee to the Ordinary Council Meeting of 29 October 2019.																												
	8. Nominates Councillors _____, and _____ as Members to the Local Emergency Management Committee (LEMC) for the term 21 October 2019 to 16 October 2021.																												
<table><tr><th>Risk Category</th><th>Adopted Risk Appetite</th><th>Risk Assessment Outcome</th></tr><tr><td>Strategic Direction</td><td>Moderate</td><td>Low</td></tr><tr><td>Reputation</td><td>Low</td><td>Low</td></tr><tr><td>Governance</td><td>Low</td><td>Low</td></tr><tr><td>Community and Stakeholder</td><td>Moderate</td><td>Low</td></tr><tr><td>Financial Management</td><td>Low</td><td>Low</td></tr><tr><td>Environmental Responsibility</td><td>Low</td><td>Low</td></tr><tr><td>Service Delivery</td><td>Low</td><td>Low</td></tr><tr><td>Organisational Health and Safety</td><td>Low</td><td>Low</td></tr></table>			Risk Category	Adopted Risk Appetite	Risk Assessment Outcome	Strategic Direction	Moderate	Low	Reputation	Low	Low	Governance	Low	Low	Community and Stakeholder	Moderate	Low	Financial Management	Low	Low	Environmental Responsibility	Low	Low	Service Delivery	Low	Low	Organisational Health and Safety	Low	Low
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome																											
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Governance	Low	Low																											
Community and Stakeholder	Moderate	Low																											
Financial Management	Low	Low																											
Environmental Responsibility	Low	Low																											
Service Delivery	Low	Low																											
Organisational Health and Safety	Low	Low																											
Conclusion	This option is consistent with the legislative requirements to appoint Elected Members to external committees to ensure that good governance is undertaken.																												

Option 2	That Council defers this item to the Ordinary Council Meeting to be held 29 October 2019, to allow Councillors more time to consider which external Committees they would prefer to nominate for.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Moderate
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
Conclusion	This option will allow Councillors additional time to decide which Committees they would like to nominate for to best fit their skills and interests. Subject to being considered at the Ordinary Council meeting on 29 October 2019, it will only pose a slightly increased risk.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance
 Aspiration: Open, accountable and responsive service
 Outcome L1: Accountable and good governance.

CONCLUSION

It is recommended that Council nominates Members and Deputy Members to the relevant external committees as outlined in the report.

9. MEETING CLOSED TO THE PUBLIC

9.1 Matters for Which the Meeting May be Closed

Nil.

9.2 Public Reading of Resolutions That May be Made Public

Nil.

10. CLOSURE