

# agenda

## Policy Committee

A MEETING WILL BE HELD IN CONFERENCE ROOM 3  
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP

**ON**

**TUESDAY 8 DECEMBER 2009**

**COMMENCING AT**

**6.00pm**

**GARRY HUNT**  
Chief Executive Officer  
4 December 2009

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**Note:****Clause 77 of the City's Standing Orders Local Law 2005 states:**

“Unless otherwise provided in this local law, the provisions of this local law shall apply to meetings of committees with the exception of:

- (a) clause 29 (Members seating;) and
- (b) clause 54 (Limitation on members speaking.)”

## CITY OF JOONDALUP

Notice is hereby given that a meeting of the **POLICY COMMITTEE** will be held in Conference Room 3, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY 8 DECEMBER 2009** commencing at **6.00 pm**

GARRY HUNT  
Chief Executive Officer  
4 December 2009

Joondalup  
Western Australia

## AGENDA

### ***Committee Members***

Mayor Troy Pickard  
Cr Kerry Hollywood  
Cr Trona Young  
Cr Liam Gobbert  
Cr Christine Hamilton-Prime  
Cr John Chester  
Cr Fiona Diaz

North Ward  
North-Central Ward  
Central Ward  
South-West Ward  
South-East Ward  
South Ward

### ***Quorum for meetings (4):***

*The quorum for a meeting is to be at least 50% of the number of offices (whether vacant or not) of member of the committee.*

### ***Simple Majority:***

*A simple majority vote is to be more than 50% of those members present at the meeting.*

### ***Absolute Majority (4):***

*An absolute majority vote is to be more than 50% of the number of offices (whether vacant or not) of the committee.*

### ***Casting vote:***

*In the event that the vote on a motion is tied, the presiding person must cast a second vote.*

**Terms of Reference**

- (a) *To make recommendations to Council on the development and review of strategic (Council) policies to identify the direction of the Council;*
- (b) *To Initiate and formulate strategic (Council) policies;*
- (c) *To devise and oversee the method of development (level and manner of community consultation) for the development of strategic (Council) policies;*
- (d) *To review the Council Policy Governance Framework in order to ensure compliance with provisions of the Local Government Act 1995.*

**DECLARATION OF OPENING****ELECTION OF PRESIDING PERSON**

Section 5.12 of the Local Government Act 1995 requires a committee appointed by a local government, to appoint a presiding member as the first item of business at its first meeting.

The procedure that is required to be followed is detailed in Schedule 2.3, Division 1 of the Act which is as follows:

**When the Committee elects a Presiding Member**

- 2 (1) The Office of Presiding Member is to be filled as the first matter dealt with:
  - (a) at the first meeting of the Committee 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 Committee after an extraordinary vacancy occurs in the office of Presiding Member.
- (2) If the first ordinary meeting of the committee is more than 3 weeks after an extraordinary vacancy occurs in the office of Presiding Member, a special meeting of the Committee is to be held within that period for the purpose of filling the office of Presiding Member.

**CEO to preside**

- 3 The CEO is to preside at the meeting until the office of Presiding Member is filled.

**How the Presiding Member is elected**

- 4 (1) The Committee is to elect a Committee member to fill the office of Presiding Member.
- (2) The election is to be conducted by the CEO in accordance with the procedures prescribed.

- (3) Nominations for the office of presiding member 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 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 committee member is nominated by another committee member 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 committee members 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 the procedures set out in 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 practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with the regulations, if any.

#### **Votes may be cast a second time**

- 5 (1) If when the votes cast under Clause 4(5) are counted there is an equity 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 of Presiding Member may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the committee members 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.

The votes are to be counted in accordance with Schedule 4.1 of the Local Government Act 1995 as if those votes were cast at an election. This means that should the CEO receive more than two nominations for office of Presiding Member the vote would be counted by the preferential voting method. Should only two nominations be received by the CEO, then the committee member with the greatest number of votes is to be elected.

## **ELECTION OF DEPUTY PRESIDING MEMBER**

It is advisable that the committee appoints a deputy presiding person, who would chair the meeting in the absence of the presiding person.

## **APOLOGIES/LEAVE OF ABSENCE**

### **Leave of Absence previously approved**

Cr Trona Young      26 November 2009 to 15 December 2009 inclusive

## **CONFIRMATION OF MINUTES**

### **MINUTES OF THE POLICY COMMITTEE HELD ON 29 SEPTEMBER 2009**

## **RECOMMENDATION**

**That the minutes of the meeting of the Policy Committee held on 29 September 2009 be confirmed as a true and correct record.**

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

## **DECLARATIONS OF INTEREST**

## **IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS**

## **PETITIONS AND DEPUTATIONS**

## **REPORTS**

**ITEM 1                      SETTING OF MEETING DATES - 2010**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER:</b>	26176
<b>ATTACHMENTS:</b>	Nil

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**PURPOSE**

To provide a schedule of meeting dates for the Policy Committee for 2010.

**DETAILS**

It is suggested that quarterly meetings of the Policy Committee be set for 2010.

The meeting dates are based on the draft schedule of Council meeting dates, which will be considered by Council at its meeting to be held on 15 December 2009. The proposed meeting dates are as follows:

- 7.00 pm on Tuesday 23 February 2010;
- 7.00 pm on Tuesday 25 May 2010;
- 7.00 pm on Tuesday 24 August 2010;
- 6.00 pm on Tuesday 23 November 2010.

The commencement times for the February, May and August meetings allow for Audit Committee meetings to be held prior to the Policy Committee meetings.

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

**That the Policy Committee APPROVES the following meeting dates for 2010:**

- 7.00 pm on Tuesday 23 February 2010;**
- 7.00 pm on Tuesday 25 May 2010;**
- 7.00 pm on Tuesday 24 August 2010;**
- 6.00 pm on Tuesday 23 November 2010.**

**ITEM 2                      DRAFT MEMORIALS POLICY**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Martyn Glover Infrastructure Services
<b>FILE NUMBER:</b>	100385
<b>ATTACHMENTS:</b>	Attachment 1      Draft Policy

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**PURPOSE / EXECUTIVE SUMMARY**

To provide members of the Policy Committee with a Draft Memorials Policy for their consideration.

It is recommended that the Policy Committee recommends that Council adopts the Draft Policy in the format prescribed in Attachment 1 to this report.

**BACKGROUND**

In recent months the City of Joondalup has received a number of requests to install memorials within the City's public open spaces and road reserves. These applications have been declined because the City does not have any guidelines, policy or protocol that either supports or does not support the placement of memorials within public open spaces and road reserves.

**DETAILS**

The City is of the opinion that there needs to be a process and policy to make applications for memorials straightforward for the officers at the City and less traumatic for the families and friends of the deceased and hopefully improve the understanding of the community.

Research indicates that little guidance exists in any of current State or Local Government policies that address this issue and which may assist the City in the development of its own position. Where references have been found, they relate mainly to the erection of crosses in road reserves such as those approved by Main Roads WA and the installation of memorials in specific locations for residents who have made significant contributions to the local community.

It is believed that prior to considering memorial requests, the City should establish a consistent position on the installation of memorials within public open spaces in order to process applications more efficiently and in a manner that balances all views and options.



**Category One;***Conditions for “Significant Person” Memorials:*

Community members and groups may seek the installation of a memorial for a past resident or person outside of the City of Joondalup who has contributed significantly to the local Joondalup community. Applications for such memorials must, however be supported by family members of the deceased and submitted to Council for approval.

**Category Two;***Conditions for “Temporary Memorials”*

Family members may seek the installation of a Temporary Memorial for a deceased person who has past away from tragic circumstances. Applications for these temporary memorials must be approved by the CEO.

Temporary memorials permit items such as flowers, crosses, toys, and notes to be placed on site for a period of one to six months after the passing of the deceased. Once this period has elapsed, all non-authorized material will be removed and returned to the family of the deceased. This seeks to acknowledge the needs of the family and friends whilst ensuring that an open and orderly process is available to return the location back to its original state for the benefit of local residents.

**Issues and options considered:**

1. To recommend that Council adopts the Draft Memorials Policy in current format (Attachment 1).
2. To recommend that Council adopts the Draft Memorials Policy subject to suggested amendments.
3. To recommend that Council does not adopt a Memorials Policy.

**Legislation/Strategic Plan/Policy Implications**

**Legislation**                      Not Applicable

**Strategic Plan**

**Key Focus Area:**              Community Wellbeing

Objective: 5.1                      To ensure the City's facilities and services are of a high quality and accessible to everyone.

**Risk Management considerations:**

Not Applicable

**Financial/Budget Implications:**

Subject to support, the cost of memorial installations would be borne by the applicant. The City would be responsible for the ongoing operational maintenance of the area where the memorial has been placed, which would be minimal and absorbed into existing operational costs of maintaining parks, public open spaces and road reserves.

**Regional Significance:**

Not Applicable

**Sustainability implications:**

Not Applicable

**Consultation:**

Not Applicable

**COMMENT**

The City of Joondalup currently does not have any guidelines, protocol or policy that supports the installation of temporary or permanent memorials. Experience reflects that when memorials have been placed within a Council verge area they have been dealt with very reactively and have had to be monitored fairly closely. If the City had an application process which was supported by Council, this would make the placement of memorials on Public Open Spaces and Road Reserves far less traumatic for the families and friends of the deceased and hopefully improve the understanding of the community.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That the Policy Committee RECOMMENDS that Council ADOPTS the Draft City Policy 5-7 Memorials in Public Reserves in the format provided in Attachment 1 to this Report.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1agn081209.pdf](#)*

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**  
**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**  
**CLOSURE**

**APPENDICES**

<b>ITEM</b>	<b>TITLE</b>	<b>APPENDIX</b>	<b>PAGE</b>
<b>Item 2</b>	Draft Memorials Policy <ul style="list-style-type: none"><li>• Policy 5-7 Memorials in Public Reserves</li></ul>	<b>1</b>	<b>1</b>