

# agenda

## Special Meeting of Council

NOTICE IS HEREBY GIVEN THAT A  
SPECIAL MEETING OF THE COUNCIL  
OF THE CITY OF JOONDALUP WILL BE HELD IN  
THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP

**ON** **TUESDAY, 18 OCTOBER 2011**

**COMMENCING AT** **7.15 pm**

**PURPOSE OF MEETING**

The purpose of the meeting is to:

- Elect a Deputy Mayor.
- Appoint Council Representatives to the Mindarie Regional Council and Tamala Park Regional Council.

**GARRY HUNT**  
Chief Executive Officer

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

14 October 2011

**PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by 9.00am on Monday 17 October 2011.

Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Special Council Meeting.

Please Note: Section 7(4) (b) of the Local Government (Administration) Regulations 1996 states that a Council at a special meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the agenda be asked.

**QUESTIONS TO**

[council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)  
PO Box 21 Joondalup WA 6919

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

## PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 17 March 2009:

### Questions asked verbally

- 1 Members of the public are invited to ask questions at Council Meetings.
- 2 Questions asked at an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. Questions asked at a Special Meeting of the Council must relate to the purpose for which the meeting has been called.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two questions per member of the public.
- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be limited to the legislative minimum of fifteen minutes and may be extended in intervals of up to ten minutes by resolution of the Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed thirty five (35) minutes in total. Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 Questions are to be directed to the Presiding Member and should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
  - Accept or reject any question and his/her decision is final;
  - Nominate a member of the Council and/or City employee to respond to the question;
  - Take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Council meeting.
- 9 Where an elected member is of the opinion that a member of the public is:
  - asking a question at a Council meeting, that is not relevant to the operations of the City of Joondalup;
  - making a statement during public question time;they may bring it to the attention of the meeting.

- 10 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 11 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

### **Questions in Writing - Residents and /or Ratepayers of the City of Joondalup Only**

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions submitted to an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. Questions submitted to a Special Meeting of the Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of 5 written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00 am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Mayor will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.
- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.

- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

#### **DISCLAIMER**

Responses to questions not submitted in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

## CODE OF CONDUCT

The Code recognises these ethical values and professional behaviours that support the principles of:

Respect for persons - this principle requires that we treat other people as individuals with rights that should be honoured and defended, and should empower them to claim their rights if they are unable to do so for themselves. It is our respect for the rights of others that qualifies us as members of a community, not simply as individuals with rights, but also with duties and responsibilities to other persons.

Justice - this principle requires that we treat people fairly, without discrimination, and with rules that apply equally to all. Justice ensures that opportunities and social benefits are shared equally among individuals, and with equitable outcomes for disadvantaged groups.

Beneficence - this principle requires that we should do good, and not harm, to others. It also requires that the strong have a duty of care to the weak, dependent and vulnerable. Beneficence expresses the requirement that we should do for others what we would like to do for ourselves.

\* *Any queries on the agenda, please contact Council Support Services on 9400 4369.*

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# CITY OF JOONDALUP

Notice is hereby given that a Special Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday, 18 October 2011** commencing at **7.15 pm**.

GARRY HUNT  
Chief Executive Officer  
14 October 2011

Joondalup  
Western Australia

## AGENDA

### 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

### 2 PUBLIC QUESTION TIME

(Please Note: Section 7(4)(b) of the Local Government (Administration) Regulations 1996 states that a Council at a special meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the agenda be asked.)

### 3 APOLOGIES AND LEAVE OF ABSENCE

### 4 DECLARATIONS OF INTEREST

### 5 ELECTION OF DEPUTY MAYOR

The role of the Deputy Mayor is to perform the functions of the Mayor when authorised to do so, that is when the office of Mayor is vacant or the Mayor is not available or is unwilling to perform the functions of the Mayor.

The office of Deputy Mayor is to be filled as the first matter dealt with at the first meeting of the Council after an ordinary election. Upon election of the Deputy Mayor, there is a requirement for the incumbent to make a further declaration for that office.



**How the Deputy Mayor 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.
- 3(a) 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) of Schedule 2.3 of the Local Government Act 1995, the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 of the Local Government Act 1995, 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.

**6 ADDRESS BY DEPUTY MAYOR**

## **JSC1-10/11      APPOINTMENT OF REPRESENTATIVES TO REGIONAL COUNCILS**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER:</b>	02153
<b>ATTACHMENTS:</b>	Nil.

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### **PURPOSE**

To give consideration to the appointment of representatives to the Mindarie Regional Council (MRC) and the Tamala Park Regional Council (TPRC).

### **EXECUTIVE SUMMARY**

The City of Joondalup has representation on both the MRC and the TPRC. The appointment of representatives is required, as there may be matters requiring resolution in the first two weeks following the election.

It is therefore considered imperative that should either of the Regional Councils call an early meeting, the City has representatives to attend and participate in decision making that may affect the City.

Council is required to appoint two Elected Members to the MRC. A previous decision of Council resolved that the City of Joondalup nominated representative on the TPRC not be a member of the MRC (CJ050-04/05 refers). At its meeting of 20 September 2005, Council also recommended that consideration be given to the MRC and TPRC being represented by either the Mayor or the Deputy Mayor, in order that a senior level of representation be maintained (CJ202-09/05 refers).

It is therefore appropriate that representatives to both Regional Councils be considered and appointed simultaneously.

### **BACKGROUND**

#### Mindarie Regional Council

The purpose of the MRC is to perform designated functions in connection with waste treatment and disposal.

The MRC manages the disposal of about 315,000 tonnes of waste generated each year by people living in its seven government localities, being the Cities of Joondalup, Perth, Stirling, Wanneroo and Vincent, and the Towns of Cambridge and Victoria Park.

The MRC's vision is to 'set and achieve the standard for minimising the impact of waste on the environment, for the benefit of the regional community.'

### Tamala Park Regional Council

The TPRC was established for the development of approximately 165 hectares of Lot 118, Mindarie, and represents the interests of seven local governments in the urban development of land south of Somerley, in Perth's northern suburbs. The seven local governments represented by the TPRC are the Cities of Joondalup, Perth, Stirling, Wanneroo and Vincent, and the Towns of Cambridge and Victoria Park.

The regional purpose for which the TPRC is established is:

- (a) to undertake, in accordance with the objectives, the rezoning, subdivision, development, marketing and sale of the Land; and
- (b) to carry out and do all other acts and things which are reasonably necessary for the bringing into effect of the matters referred to in paragraph (a) of this clause.

The objectives of the TPRC are:

- (a) to develop and improve the value of the Land;
- (b) to maximise, with prudent risk parameters, the financial return to the Participants;
- (c) to balance economic, social and environmental issues; and
- (d) to produce a quality development demonstrating the best urban design and development practice.

### **DETAILS**

#### **Issues and options considered:**

At the Council meeting held on the 5 April 2005 (CJ050-04/05 refers), Council resolved in part that:

*"in the interests of good governance, AGREES that the City of Joondalup nominated representative on the Tamala Park Regional Council shall not be a member of the Mindarie Regional Council."*

At the Council meeting held on 20 September 2005, during discussion on the appointment of representatives to the Tamala Park Regional Council (CJ202-09/05 refers), it was recommended that when a report is presented to a future incoming Council, consideration be given to the Tamala Park Regional Council and Mindarie Regional Council each being represented by either the Mayor or Deputy Mayor, in order that a senior level of representation be maintained.

For this reason it is considered appropriate that representatives to both Regional Councils be appointed simultaneously.

It should be noted that this is a recommendation of Council, and not a formal resolution (CJ202-09/05 refers).

The most recent Council-appointed representatives to the MRC and the TPRC are as follows:

- Mindarie Regional Council: Cr Fishwick and Cr Hollywood
- Tamala Park Regional Council: Cr McLean and Cr Amphlett

### **Legislation/Strategic Plan/Policy Implications**

**Legislation** Section 3.61 Local Government Act 1995  
Section 51 Interpretation Act 1984

### **Strategic Plan**

**Key Focus Area:** Leadership and Governance

**Objective:** 1.1 To ensure that the processes of local governance are carried out in a manner that is ethical, transparent and accountable.

**Policy:** Not Applicable.

### **Risk Management considerations:**

If the Council does not appoint representatives to the MRC and TPRC, this may hinder the overall decision-making process.

### **Financial/Budget Implications:**

Not Applicable.

### **Regional Significance:**

The MRC and the TPRC are significant organisations within the northern metropolitan corridor, dealing with waste treatment and disposal and land development, respectively.

### **Sustainability implications:**

Not Applicable.

### **Consultation:**

Not Applicable.

### **COMMENT**

The timely appointment of the City of Joondalup's representatives to the MRC and the TPRC will ensure the City is represented on these Regional Councils, enabling them to participate in decision-making that may impact the City.

The following meeting fees and allowances apply to representatives of the TPRC and MRC.

### **Tamala Park Regional Council**

- Chairperson \$20,000 per annum
- Deputy Chairperson \$ 8,500 per annum
- Member \$ 7,000 per annum

### Mindarie Regional Council

- Chairperson \$20,000 per annum
- Deputy Chairperson \$ 8,500 per annum
- Member \$ 7,000 per annum

No deputies are appointed to the TPRC or MRC. Legal advice has confirmed that the appointment of deputies to serve on a Regional Council can only be made under specific circumstances and not on an ongoing basis.

It is important to note therefore that should any of the Council's appointed representatives not be available to attend a meeting of the TPRC or MRC in the near future a special resolution of Council is required to appoint an alternate member for the specific period that the member is not available, in accordance with Clauses 52(b) and (c) of the Interpretation Act 1984, which provides:

- 52(b) "Where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and
- 52(c) to specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment."

### VOTING REQUIREMENTS

Simple Majority.

### RECOMMENDATION

#### That Council:

- 1 **NOMINATES the following persons to represent the City of Joondalup on the Mindarie Regional Council:**  
**Two (2) Elected Members; and**
- 2 **NOMINATES the following persons to represent the City of Joondalup on the Tamala Park Regional Council:**  
**Two (2) Elected Members.**

### 7 CLOSURE



**DECLARATION OF  
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT  
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

Section 5.65(1) of the Local Government Act 1995 states that:

*“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that 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.*



**QUESTION TO BE ASKED AT  
BRIEFING SESSION/COUNCIL MEETING**

**NAME** .....

**ADDRESS** .....

**QUESTIONS**

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called