



# Special Council Meeting

AGENDA

Tuesday 19 October 2021

## NOTICE OF MEETING SPECIAL COUNCIL MEETING

Dear Councillors

Notice is hereby given that a Special Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Tuesday 19 October 2021 at 6.00pm.**

Rhonda Hardy  
**Chief Executive Officer**  
16 October 2021



**Our Vision**

**Connected Communities, Valuing Nature and Creating our Future Together**

**Core Values**

**Service:** We demonstrate a 'can do' attitude, we listen, we understand, and we go above and beyond when we serve others.

**Professionalism:** We look, speak, act & do what it takes to show others we are reliable, respectful and competent.

**Quality:** We think clearly, plan mindfully, act decisively, measure carefully and review regularly everything we do.

**Aspirational Values**

**Courage:** We make brave decisions and take calculated risks to lead us to a bold and bright future. We show courage in our pursuit for the protection of the environment, for the well being of our people and to support the economy.

**Diversity:** We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

**Innovation:** We believe in a workplace where you're safe to try new things—where we can push the boundaries of the norm and learn from things that don't always go according to plan. We strive for a just and blameless culture that respects people as individuals and paves the way to genuine learning and improvement.

**Our simple guiding principle will be to ensure everything we do will make the City of Kalamunda socially, environmentally and economically sustainable.**

[kalamunda.wa.gov.au](http://kalamunda.wa.gov.au)

City of  
**Kalamunda**

## **INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS**

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

### **Special Council Meetings – Procedures**

1. Council Meetings are open to the public, except for Confidential Items listed on the Agenda.
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 are able to ask questions at a Special Council Meeting during Public Question Time on matters relating to the functions of this meeting.
4. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times except for Public Question Time.
5. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the City or Council.

### **Acknowledgement of Traditional Owners**

We wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk Noongar people. We wish to acknowledge their Elders' past, present and future and respect their continuing culture and the contribution they make to the life of this City and this Region.

## **Emergency Procedures**

**Please view the position of the Exits, Fire Extinguishers and Outdoor Assembly Area as displayed on the wall of Council Chambers.**

**In case of an emergency follow the instructions given by City Personnel.**

**We ask that you do not move your vehicle as this could potentially block access for emergency services vehicles.**

**Please remain at the assembly point until advised it is safe to leave.**

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**1. Official Opening**

Welcome by the Chief Executive Officer, Rhonda Hardy and introduction of Mr Karl O'Callahan APM attending for the swearing in of Councillors and swearing in of the Councillor elected to the office of Mayor and the Councillor elected to the office of Deputy Mayor.

The Chief Executive Officer is to preside until the office of Mayor is filled.

**2. Attendance, Apologies and Leave of Absence Previously Approved**

**3. Elected Members**

**3.1. Swearing in of Newly Elected Councillors**

Section 2.29 of the *Local Government Act 1995* requires a person who has been elected as a Councillor to make a declaration in the prescribed form before acting in the office. The declaration is to be made before a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*. Mr Karl O'Callahan APM officiates for this purpose.

**3.2. Election of Mayor**

The procedure for electing a Mayor is set out in Schedule 2.3, Division 1, of the *Local Government Act 1995* (Attachment 1). The election is to be conducted as the first matter at the first meeting of the Council following an ordinary election.

Nominations for the office are to be received in writing to the Chief Executive Officer before the meeting, or during the meeting before the close of nominations. Nominations close at the meeting at a time announced by the Chief Executive Officer.

Councillors are to vote on the matter by secret ballot as if they were electors voting at an election. The votes cast are to be counted, and the successful candidate determined in accordance with Schedule 4.1 (Attachment 2).

If two or more candidates receive the same number of votes, so that no candidate has the greatest number of votes, the count is to be discontinued and the meeting is to be adjourned for not more than seven days. Should this occur, it is intended to initially adjourn the meeting for ten minutes, and then resume the meeting. Any nomination for the office may be withdrawn, and further nominations may be made, before or when

the meeting resumes. When the meeting resumes the councillors are to vote again.

The Chief Executive Officer is to declare and give notice of the result in accordance with regulation 11F of the *Local Government (Constitution) Regulations 1998* (Attachment 3).

**3.3. Swearing in of Mayor**

The same procedure as for Item 3.0 applies. Mr Karl O'Callahan APM to officiate.

The Mayor will now take up the position of presiding member for the meeting.

**3.4. Election of Deputy Mayor**

The Mayor is to determine the procedure for electing the Deputy Mayor. However, Schedule 2.3, Division 2 of the *Local Government Act 1995* (Attachment 4) sets out a procedure, which is essentially the same as that for electing the Mayor. The election is to be conducted as the next matter following the election of the Mayor, at the first meeting of the Council after an ordinary election.

The Chief Executive Officer will act as the Returning Officer for this election. Nominations for the office are to be received in writing to the Chief Executive Officer before the meeting, or during the meeting before the close of nominations. Nominations close at the meeting at a time announced by the Chief Executive Officer.

**3.5. Swearing in of Deputy Mayor**

The same procedure as for Item 3.0 applies. Mr Karl O'Callahan APM to officiate.

The Mayor will now take up the position of presiding member for the meeting.

**4. Public Question Time**

**5. Matters for Which the Meeting may be Closed**

**6. Disclosure of Interest**

**6.1. Disclosure of Financial and Proximity Interests**

- a. Members must disclose the nature of their interest in matter to be discussed at the meeting. (Section 5.56 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

**6.2. Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

**7. Petitions/Deputations**

**8. Council Appointment to Committees**

**8.1. Audit and Risk Committee**

**STRATEGIC PLANNING ALIGNMENT**

*Kalamunda Advancing Strategic Community Plan to 2031*

**Priority 4: Kalamunda Leads**

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

The current practice of the City is that all Councillors are appointed as members of the Audit and Risk Committee.

**Voting Requirements: Absolute Majority**

**RECOMMENDATION**

That Council APPOINT all twelve elected members as a member of the Audit and Risk Committee for a term of two years, expiring on the next ordinary election day.

## 8.2. Behaviour Complaints Committee

### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

#### Priority 4: Kalamunda Leads

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

The Committee is currently nearing the end of considering a complaint and should be allowed to finish this process.

In addition, as a consequence of the process and some members views, the Committee needs to have a full debrief and provide advice on possible changes that may need to be considered.

**Voting Requirements: Absolute Majority**

### RECOMMENDATION

That Council REAPPOINT Cr Margaret Thomas, Cr John Giardina, Cr Sue Bilich and Cr Brooke O'Donnell to the Behaviour Complaints Committee.

## 8.3. Chief Executive Officer's Performance Review Committee

### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

#### Priority 4: Kalamunda Leads

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

The current practice of the City is that all Councillors are appointed as members of the Chief Executive Officer's Performance Review Committee.



**Voting Requirements: Absolute Majority**

**RECOMMENDATION**

That Council APPOINT all twelve elected members as a member of the Chief Executive Officer's Performance Review Committee for a term of two years, expiring on the next ordinary election day.

**8.4. Eastern Metropolitan Regional Council**

**STRATEGIC PLANNING ALIGNMENT**

*Kalamunda Advancing Strategic Community Plan to 2031*

**Priority 4: Kalamunda Leads**

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

The appointment of Council delegates to Regional groups and Management/Advisory Committees is to ensure Council is fully and formally represented at all times.

The Eastern Metropolitan Regional Council meets the fourth Thursday of each month. The City will appoint two Councillors and a Deputy. The Chief Executive Officer is a member of an Advisory Committee and appoints a Director as a member of a Technical Advisory Committee.

**Voting Requirements: Absolute Majority**

**RECOMMENDATION**

That Council

1. APPOINT Cr \_\_\_\_\_ and Cr \_\_\_\_\_ as representatives on the Eastern Metropolitan Regional Council for the period 19 October 2021 to 20 October 2023.
2. APPOINT Cr \_\_\_\_\_ as deputy representative on the Eastern Metropolitan Regional Council for the period 19 October 2021 to 20 October 2023.

**9. Attachments**

**9.1.1. Attachments**

**Attachment 1**

**Local Government Act 1995**  
**Schedule 2.3**  
 When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council  
 Mayors and presidents **Division 1**  
**cl. 1**

**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**

**1. Terms used**

In this Division —

*extraordinary vacancy* means a vacancy that occurs under section 2.34(1);

*the office* means the office of councillor mayor or president.

**2. When council elects 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 elections 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 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.

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 Extract from [www.slp.wa.gov.au](http://www.slp.wa.gov.au), see that website for further information

**Local Government Act 1995**

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

**Division 2** Deputy mayors and deputy presidents

**cl. 5**

- (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.

**Attachment 2****Local Government Act 1995****Schedule 4.1** How to count votes and ascertain the result of an election

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**Schedule 4.1 — How to count votes and ascertain the result of an election**

[s. 4.74]

*[Heading inserted by No. 15 of 2009 s. 5.]*

1. The number of votes given for each candidate is to be ascertained.
2. If the election is to fill the office of mayor or president, the candidate who receives the greater or greatest number of votes is elected.
3. If the election is to fill one office of councillor, the candidate who receives the greater or greatest number of votes is elected.
4. If the election is to fill 2 or more offices of councillor, the candidates elected are —
  - (a) the candidate who receives the greatest number of votes; and
  - (b) the candidate who receives the next highest number of votes; and
  - (c) the candidate who receives the next highest number of votes, and so on up to the number of offices to be filled.
5. If 2 or more candidates receive the same number of votes so that clause 2, 3 or 4 cannot be applied, the returning officer is to draw lots in accordance with regulations to determine which candidate is elected.

*[Schedule 4.1 inserted by No. 15 of 2009 s. 5.]*

**10. Closure**