



Shire of  
Serpentine  
Jarrahdale

# Special Council Meeting Agenda

7pm

**Monday, 6 November 2023**

**Purpose:** For the purpose of considering appointments to Committees, Advisory Groups and other groups with Councillor representation.

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## Contact Us

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### In Person

Shire of Serpentine Jarrahdale  
6 Paterson Street, Mundijong WA 6123  
Open Monday to Friday 8.30am-5pm (closed public holidays)



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



**Councillor Attendance Register**

In accordance with the 11 April 2022 Ordinary Council Meeting, Council Resolution OCM067/04/22, clause 1 – “That Council requests the Chief Executive Officer maintain a Councillor Attendance Register recording Councillor Attendances at Ordinary Council Meetings, Special Council Meetings, Q & A briefings for Ordinary Council Meetings, Q & A briefings for Special Council Meetings, Councillor Workshops held for Project Briefings, Councillor Workshops held for Budget Preparations and Policy Concept Forums”.

In accordance with the 12 December 2022 Ordinary Council Meeting, Council Resolution OCM313/12/22, clause 6 – “That Council requests that the Councillor Attendance Register published in the Agenda and Minutes displays attendances for the calendar year and notes that the full Councillor Attendance Register, including previous calendar years, will continue to be published on the Shire’s website.”

**Council 30 October 2023 -**

Date	Type	President Coales	Cr Bishop	Cr Byas	Cr Duggin	Cr Jerrett	Cr Mack	Vacant
30/10/23	SCM	✓	✓	✓	✓	✓	✓	

**Council 1 January 2023 – 21 October 2023**

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
16/10/23	OCM	✓	✓	✓	✓	✓	✓	A	✓	✓
09/10/23	Q & A (OCM)	✓	✓	✓	✓	A	✓	✓	✓	A
02/10/23	PCF	✓	✓	✓	✓	✓	✓	✓	A	✓
18/09/23	OCM	✓	✓	A	✓	EP	✓	✓	✓	A
11/09/23	Q & A (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
11/09/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
04/09/23	PCF	✓	✓	✓	A	A	✓	✓	✓	A
28/08/23	PCF	✓	A	A	✓	A	✓	✓	✓	✓
23/08/23	OCM reconvened	✓	✓	✓	✓	✓	✓	✓	✓	A
21/08/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
14/08/23	PCF cont. (from 07/08/23)	✓	✓	✓	A	✓	✓	✓	A	✓
14/08/23	Q & A (OCM)	✓	✓	✓	A	✓	✓	✓	✓	✓
07/08/23	PCF	✓	✓	A	A	✓	✓	✓	✓	✓
02/08/23	WORKSHOP (CEO Employment -	✓	✓	✓	✓	A	✓	✓	A	✓



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## Special Council Meeting Agenda Monday, 6 November 2023

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
	Presentation of self-assessment report against criteria)									
31/07/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
24/07/23	PCF	✓	✓	A	✓	A	✓	A	✓	✓
19/07/23	WORKSHOP (Budget)	✓	✓	A	✓	✓	✓	A	✓	✓
17/07/23	OCM	✓	✓	A	✓	A	✓	A	✓	✓
10/07/23	Q & A (OCM)	✓	✓	A	A	A	A	A	✓	✓
03/07/23	PCF	✓	✓	✓	A	A	A	✓	A	✓
26/06/23	PCF	✓	✓	A	✓	A	✓	✓	A	✓
21/06/23	OCM reconvened	✓	✓	A	✓	✓	✓	✓	✓	A
19/06/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
15/06/23	WORKSHOP (Budget)	✓	✓	A	✓	✓	✓	✓	✓	A
12/06/23	Q & A (OCM)	✓	✓	✓	✓	A	✓	A	A	A
07/06/23	WORKSHOP (Budget)	✓	A	A	✓	✓	✓	✓	✓	A
01/06/23	WORKSHOP (Budget)	✓	A	✓	A	✓	✓	✓	✓	A
29/05/23	PCF	✓	A	A	A	A	✓	✓	✓	A
25/05/23	WORKSHOP (Budget)	✓	✓	✓	✓	✓	✓	✓	A	✓
22/05/23	PCF	✓	✓	✓	✓	A	✓	✓	✓	A
15/05/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
08/05/23	Q & A (OCM)	✓	✓	A	✓	A	✓	✓	✓	A
08/05/23	WORKSHOP (Strategic Community Plan Major Review)	✓	✓	✓	✓	A	✓	✓	✓	A
01/05/23	PCF	✓	A	✓	✓	✓	✓	✓	✓	A
26/04/23	PCF	✓	A	✓	✓	A	✓	✓	A	A
17/04/23	OCM	✓	✓	A	✓	✓	✓	✓	A	✓



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## Special Council Meeting Agenda Monday, 6 November 2023

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
17/04/23	Q & A cont. (OCM)	✓	✓	A	✓	✓	✓	✓	A	✓
11/04/23	Q & A (OCM)	✓	✓	✓	A	A	✓	✓	A	A
03/04/23	PCF	✓	✓	A	✓	A	✓	✓	✓	✓
27/03/23	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/03/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/03/23	Q & A cont. (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
13/03/23	Q & A (OCM)	✓	A	✓	✓	✓	✓	✓	✓	A
08/03/23	WORKSHOP (Status update / report on 2022-23 CEO KPIs)	✓	A	A	A	A	A	✓	✓	A
02/03/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
27/02/23	SCM	✓	✓	✓	✓	✓	✓	✓	A	✓
27/02/23	PCF	✓	✓	✓	✓	✓	✓	✓	A	✓
20/02/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/02/23	Q & A cont. (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
15/02/23	WORKSHOP (Community Perception Survey)	✓	✓	✓	✓	✓	✓	✓	✓	A
13/02/23	Q & A (OCM)	✓	✓	A	✓	A	✓	A	✓	✓
06/02/23	PCF	✓	A	✓	✓	A	✓	✓	✓	✓
06/02/23	SCM	✓	A	✓	✓	A	✓	✓	✓	✓
30/01/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
30/01/23	Q & A (SCM – 6 February 2023)	✓	✓	✓	✓	✓	✓	✓	✓	A
23/01/23	Q & A (SCM – 30 January 2023)	✓	✓	✓	✓	✓	✓	A	✓	✓
23/01/23	WORKSHOP (Catalyse Presentation -	✓	✓	✓	✓	✓	✓	A	✓	✓



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## Special Council Meeting Agenda Monday, 6 November 2023

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Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
	Community Perception Scorecard)									

A – Apology

LoA – Leave of Absence

NA – Non Attendance

EPNG – Electronic Participation Not Granted

EP - Electronic Participation



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The purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware of the provisions of the *Local Government Act 1995* (section 5.25(1)(e)) and Council’s *Standing Orders Local Law 2002 (as Amended)* – Part 14, Implementing Decisions. No person should rely on the decisions made by Council until formal advice of the Council resolution is received by that person.

The Shire of Serpentine Jarrahdale expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

At the 20 June 2022 Ordinary Council Meeting, Council resolved that Council and Committee Meetings will be audio recorded in accordance with Council Policy. If you are asking a public question or making a statement or deputation to the meeting this will be audio recorded. Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed.



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## Special Council Meeting Agenda Monday, 6 November 2023

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Dear Elected Member

A Special Council Meeting of the Shire of Serpentine Jarrahdale will be held on Monday, 6 November 2023 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong, commencing at 7pm.

Paul Martin

**Chief Executive Officer**

2 November 2023

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### Agenda

1. **Attendances and apologies (including leave of absence):**
2. **Public question time:**
3. **Public statement time:**
4. **Petitions and deputations:**
5. **Declaration of Elected Members and Officers interest:**



**6. Reports for consideration:**

<b>6.1 – Appointment of Members to the Audit, Risk and Governance Committee (SJ2239)</b>	
<b>Responsible Officer:</b>	Manager Governance and Strategy
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officer’s Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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**Report Purpose**

The purpose of this report is to enable Council to consider appointments to the Shire’s Audit, Risk and Governance Committee.

**Relevant Previous Decisions of Council**

<p><i>Ordinary Council Meeting – 21 August 2023 - OCM213/08/23 - COUNCIL RESOLUTION / Officer Recommendation – <b>extract</b></i></p> <p><i>That Council:</i></p> <p>8. <i>REQUESTS that an expression of interest is conducted for external members of Council Committees and Advisory Groups and REQUESTS that responses received are presented for Council’s consideration at the Special Council Meeting called for that purpose.</i></p> <p>9. <i>NOTING the change in representation following the 2023 Ordinary Local Government Election and the potential to revise the membership of the Audit, Risk and Governance Committee to enable membership from all elected members, RESOLVES that the expression of interest for external members to the Committee call for expressions for two independent member positions</i></p>
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**Background**

Section 7.1A of the *Local Government Act 1995* (the Act) requires that a local government establish an audit committee with at least three members with the majority of members being Councillors.

At the Shire of Serpentine Jarrahdale this requirement is met by the Audit, Risk and Governance Committee.





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## Community / Stakeholder Consultation

In accordance with Council's resolution an expression of interest was issued on 6 September 2023 and closed on Friday, 13 October 2023. The expression of interest was promoted in the Examiner Newspaper on 7 and 14 September and Seek.com website.

The powers and duties of audit committees are described in the Act and the *Local Government (Audit) Regulations 1996* (the Audit Regulations). These powers and duties are elaborated in the Officer comment below.

The Audit, Risk and Governance Committee is also a committee of Council under s5.8 of the Act but does not have delegated power meaning that resolutions made by the committee do not have effect until they are formally resolved by Council.

## Statutory Implications

### *Functions of the audit committee*

Regulation 16 of the Audit Regulations provides that the Audit committee has the following functions:

- a) to guide and assist the local government in carrying out
  - (i) its functions under Part 6 of the Act; and
  - (ii) its functions relating to other audits and other matters related to financial management;
- b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act; Local Government (Audit) Regulations 1996
- c) to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —
  - (i) report to the council the results of that review; and
  - (ii) give a copy of the CEO's report to the council;
- d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under
  - (i) regulation 17(1);
  - (ii) the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- f) to oversee the implementation of any action that the local government —
  - (i) is required to take by section 7.12A(3); and
  - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
  - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
  - (iv) has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);



- g) to perform any other function conferred on the audit committee by these regulations or another written law.

Legislation pertaining to membership

Section 7.1A of the Act specifies that the minimum number of members of the committee shall be three with the majority of positions held by Council Members.

Section 5.11 of the Act also provides the following additional provisions regarding committee membership:

- At any given time each Council Member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- If at a meeting of the council a local government is to make an appointment to a committee that has or could have a Council Member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

**Comment**

The functions of the Audit Committee are expanded and further defined upon in the Audit, Risk and Governance Committee Terms of Reference contained in **attachment 1**.

The Audit Risk and Governance Committee meets four times a year with special committee meetings called as required. The next meeting of the Committee is to be held on Monday, 27 November 2023 commencing at 5:30pm.

Membership

The current terms of reference provides that the membership of the Audit, Risk and Governance Committee is five Councillors and four external members. With the reduction of Council positions at the 2023 ordinary local government election, Council resolved to advertise for two external members.

Council may at this point wish to consider revising the membership of the committee to align with the reduced size of Council.

As noted above, Section 7.1A of the Local Government Act 1995 specifies that the minimum number of members of the committee shall be three with the majority of positions held by Council Members.

A five member configuration of three Council Members and two external members would reflect Council's reduced size, while adhering to the Act's requirements.



A sample of nearby local governments indicates that such a configuration would be consistent with practices at other local governments:

<b>Local Government</b>	<b>Membership</b>
Mandurah	Six Councillors and one external
Armadale	Five Councillors
Kwinana	Four Councillors and 2 external
Cockburn	Four Councillors and 1 external

Given the interest received from external members, Council may wish to consider expanding membership of the committee. Officers would caution against appointing more than two external members for the following reasons:

- if members are appointed and subsequently resign this can create issues with meeting quorum;
- it may dilute the responsibility of Councillors under legislation to oversee the affairs of the local government; and
- potential cost in remuneration.

That external members are a supplement rather than replacement for Councillors is reinforced in the legislation requirement that Council must make up more than half of an Audit Committee's membership. If Council wishes to increase the external membership of the Committee by more than two it must also increase the number of elected members. For example, if Council wished to appoint three external members, it must under section 7.1A of the Act appoint a minimum of four elected members.

#### Payment of external independent members

Changes to the Act made earlier in 2023 will enable local governments to pay external committee members at a rate that Council determines in line with bands set by the Salaries and Allowances Tribunal. The Salaries and Allowances Tribunal is expected to make its determination in May 2024 at which time Council will have the option of setting fees as it does for Councillors.

#### Expressions of interest received

Seven expressions of interest were received.

Officers were impressed with the high quality of the applications received. Promoting the opportunity to apply on seek.com may have contributed to the level of interest.

The expression of interest invited members of the public to submit an expression of interest with a CV and cover letter detailing:

- Background, experience and qualifications relevant to the above selection criteria;
- Certification that you do not have any conflicts in accordance with the Terms of Reference;
- Estimate of the costs to be reimbursed by Council; and
- The motivation for joining the Committee.



The expression of interest specified that the following criteria would be used for assessment which is consistent with that provided in the Committee's terms of reference:

- a. a demonstrated high level of expertise and knowledge in financial management, reporting, governance and audit;
- b. a capacity to provide independent expertise and knowledge to the committee; and
- c. relevant skills and experience in providing independent expert advice.

In addition, expression of interest noted that the terms of reference provide that external members are required to be independent of the Shire of Serpentine Jarrahdale and will not have provided paid services to the Shire either directly or indirectly in the past five years.

The information supplied by each respondent is provided in **CONFIDENTIAL attachment 2** and with a summary prepared by Officers to guide Council in their decision-making is contained in **CONFIDENTIAL attachment 3**. The summary in **CONFIDENTIAL attachment 3** also contains a recommendation on external appointments based on the criteria in the expression of interest and terms of reference.

#### Means of selecting members

It is recommended that this matter is dealt with in a number of parts in accordance with Clause 10.6 of the Shire's Standing Orders which states that:

*"The person presiding may order a complex question to be broken down and put in the form of several motions, which are to be put in sequence."*

The recommended sequence of motions and resolutions would be:

1. A resolution setting the number of members of the Committee and the composition of Council Members positions and external member positions; followed by
2. A resolution appointing Council Members to be Committee Members and Deputy Committee Members; followed by
3. A resolution appointing external members (if Council wishes to appoint external members)

In respect to select members, the Act provides that members are required to be appointed by an absolute majority decision through a resolution of Council. On occasion, Council has opted to seek nominations and where nominations exceed the number of positions on Council, conduct a secret ballot to determine names to appear on a motion which is subsequently debated and resolved. In this scenario, members are often given the opportunity to speak for a period no greater than five minutes in support of their nomination.



## **Options and Implications**

### Option 1

That Council:

1. RESOLVES that the Audit, Risk and Governance Committee established under sections 5.8 and 7.1A of the Act is to comprise a membership of:
  - three Council Members; and
  - two External Members; with
  - two Council Member Deputy Members who under section 5.11A of the Act may perform the functions of the nominated Council Member when the Council Member is unable to do so by reason of illness, absence or other cause.
2. APPOINTS the following Council Members to the Audit, Risk and Governance Committee:
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
3. APPOINTS the following Council Members as Deputy Members to the Audit, Risk and Governance Committee:
  - \_\_\_\_\_
  - \_\_\_\_\_
4. APPOINTS the following persons as External Members to the Audit, Risk and Governance Committee:
  - \_\_\_\_\_
  - \_\_\_\_\_
5. REQUESTS the Chief Executive Officer to make amendments to the terms of reference as required to give effect to Council's resolution.
6. REQUESTS that the President write to persons who submitted an expression of interest but were not appointed to thank them for submitting an expression of interest.

### Option 2

That Council:

- 1 RESOLVES that the Audit, Risk and Governance Committee established under sections 5.8 and 7.1A of the Act is to comprise a membership of:
  - seven Council Members; and
  - two External Members.
2. APPOINTS all Council Members to the Audit, Risk and Governance Committee.
3. APPOINTS the following persons as External Members to the Audit, Risk and Governance Committee:
  - \_\_\_\_\_
  - \_\_\_\_\_



4. REQUESTS the Chief Executive Officer to make amendments to the terms of reference as required to give effect to Council’s resolution.
5. REQUESTS that the President write to persons who submitted an expression of interest but were not appointed to thank them for submitting an expression of interest.

Option 3

That Council:

- 1 RESOLVES that the Audit, Risk and Governance Committee established under section 5.8 and 7.1A of the Act is to comprise a membership of:
  - five Council Members; and
  - three External Members; with
  - two Council Member Deputy Members who under section 5.11A of the Act may perform the functions of the nominated Council Member when the Council Member is unable to do so by reason of illness, absence or other cause.
2. APPOINTS the following Council Members to the Audit, Risk and Governance Committee:
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
3. APPOINTS the following Council Members as Deputy Members to the Audit, Risk and Governance Committee:
  - \_\_\_\_\_
  - \_\_\_\_\_
4. APPOINTS the following persons as External Members to the Audit, Risk and Governance Committee:
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
5. REQUESTS the Chief Executive Officer to make amendments to the terms of reference as required to give effect to Council’s resolution.
6. REQUESTS that the President write to persons who submitted an expression of interest but were not appointed to thank them for submitting an expression of interest.

Option 1 is recommended.



## Conclusion

Section 7.1A of the Act requires a local government to establish an audit committee of three or more persons. The CEO or employees are not permitted to be members of the audit committee. The Audit, Risk and Governance Committee provides an important role for the Shire in the areas of governance, financial management, risk and audit.

## Attachments (available under separate cover)

- **6.1 - attachment 1** – Audit, Risk and Governance Committee Terms of Reference (E17/1739)
- **6. 1 – CONFIDENTIAL attachment 2** – Audit, Risk and Governance Expressions of Interest received (E23/14632)
- **6. 1 – CONFIDENTIAL attachment 3** – Summary of Expressions of Interest received (E23/14633)

## Alignment with our Strategic Community Plan

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

## Financial Implications

There are no significant financial implications at this time. As noted above, changes in legislation will enable external members to be paid an amount set by Council following the Salaries and Allowances Tribunal decision. This will need to be separately considered by Council following the Tribunal's decision which is expected in May 2024.

## Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1, 2 and 3	There are no significant issues associated with this option						



**Voting Requirements:** Absolute Majority (s5.11)

**Officer Recommendation**

**That Council:**

1. **RESOLVES** that the Audit, Risk and Governance Committee established under sections 5.8 and 7.1A of the Act is to comprise a membership of:
  - three Council Members; and
  - two External Members; with
  - two Council Member Deputy Members who under section 5.11A of the Act may perform the functions of the nominated Council Member when the Council Member is unable to do so by reason of illness, absence or other cause.
2. **APPOINTS** the following Council Members to the Audit, Risk and Governance Committee:
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
3. **APPOINTS** the following Council Members as Deputy Members to the Audit, Risk and Governance Committee:
  - \_\_\_\_\_
  - \_\_\_\_\_
4. **APPOINTS** the following persons as External Members to the Audit, Risk and Governance Committee:
  - \_\_\_\_\_
  - \_\_\_\_\_
5. **REQUESTS** the Chief Executive Officer to make amendments to the terms of reference as required to give effect to Council's resolution.
6. **REQUESTS** that the President write to persons who submitted an expression of interest but were not appointed to thank them for submitting an expression of interest.





### 6.2 – Appointment of Members to the CEO Employment Committee (SJ4324)

<b>Responsible Officer:</b>	Manager Governance and Strategy
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

#### Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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#### Report Purpose

The purpose of this report is to enable Council to consider appointments to the Shire's CEO Employment Committee.

#### Relevant Previous Decisions of Council

Nil.

#### Background

The CEO Employment Committee is a committee of Council established under section 5.8 of the *Local Government Act 1995* (the Act). The role of the Committee is to assist Council in the recruitment and performance measurement of the CEO. In doing so the Committee's Terms of Reference (**attachment 1**) provide that the Committee performs the following functions:

- In conjunction with an independent facilitator establish appropriate selection criteria, important qualities, knowledge and skills the CEO will need to possess, in order to attain the most suitable candidate for the position of CEO.
- In conjunction with an independent facilitator establish clear terms and conditions for the CEOs employment contract.
- Provide a recommendation to Council on the preferred candidate for the position of CEO.
- In conjunction with an independent facilitator, undertake an annual assessment of the CEO's performance in accordance with the provisions of the CEO's contract of employment and key performance indicators.
- In consultation with an independent facilitator and the CEO, develop and recommend to Council key performance indicators in order to achieve the key priorities of the Corporate Business Plan, and any other means that will be used to assess the CEO's future performance in order to meet the expectation of Council.
- Review the CEO's employment contract and position description and make recommendations to Council as and when necessary.



- Review the CEO's remuneration package annually and make recommendations to Council in relation to remuneration, in accordance with the CEO's contract of employment, having consideration to the CEO's performance, current level of remuneration, and the Salaries and Allowances Determination.
- Provide guidance to Council in assessing the CEO's performance.

The Committee normally has two meetings per year and special meetings as required.

### **Community / Stakeholder Consultation**

Nil.

### **Statutory Implications**

The Committee is established under s5.8 of the Act but does not have delegated power meaning that resolutions made by the committee do not have effect until they are formally resolved by Council.

### **Comment**

#### Membership

In respect to membership, the Terms of Reference provides that the Committee will comprise (5) five Councillors appointed under section 5.10 of the Act. The Committee also has a Deputy Member appointed under section 5.11A of the Act who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:

With the revision of Councillor numbers, Council may wish to seek to revise the membership of the Committee. This could include expanding or shrinking membership or altogether disbanding the Committee entirely. The third option of disbanding the Committee is not recommended by Officers as this would be inconsistent with the approach in the Shire's adopted Council Policy 3.3.12 – CEO Performance Review Cycle which references a CEO Employment Committee extensively.

The existing Terms of Reference also provides for the appointment of a person who is not a member of the committee who assists the Committee. This is the human resources consultant engaged by the local government. This is undertaken as part of a separate procurement process and is not considered as part of this report.

In June 2021, Council adopted the Standards for CEO, Recruitment Performance and Termination following amendments made to the *Local Government (Administration) Regulations 1996*.

In the event that a selection process is required to appoint a new CEO, the model standards would necessitate an amendment to the membership of the CEO Employment Committee to include an independent person who is not:

- a council member.
- an employee of the local government.
- a human resources consultant engaged by the local government.

It is not proposed to amend the membership of the committee to appoint the independent person required for a CEO selection panel at this time. In the event that this eventuality occurs, Officers recommend that the independent person be appointed at the time of advertising the position rather than in advance.



In May 2023 Council adopted Council Policy 3.3.12 – CEO Performance Review Cycle which describes the process for setting, monitoring and reviewing CEO Key Performance Indicators through the CEO Employment Committee and Council.

### Membership

With the reduction in elected members following the 2023 ordinary local government election, Officers recommend that Council consider appointing all elected members to the Committee. This would include the Councillor elected at the North Ward fresh election.

The rationale for this recommendation is that the matters dealt with by the Committee are of interest to all elected members and that a Committee arrangement is consistent with the adopted standards and Council Policy. Retaining a Committee is recommended because it enables greater agility in line with the adopted standards and Council Policy.

### Means of selecting members

It is recommended that this matter is dealt with in a number of parts in accordance with Clause 10.6 of the Shire's Standing Orders which states that:

*“The person presiding may order a complex question to be broken down and put in the form of several motions, which are to be put in sequence.”*

The recommended sequence of motions and resolutions would be:

1. A resolution setting the number of members of the Committee; followed by
2. A resolution appointing Council Members to be Committee Members and Deputy Committee Members;

In respect to select members, the Act provides that members are required to be appointed by an absolute majority decision through a resolution of Council. On occasion, Council has opted to seek nominations and where nominations exceed the number of positions on Council, conduct a secret ballot to determine names to appear on a motion which is subsequently debated and resolved. In this scenario, members are often given the opportunity to speak for a period no greater than five minutes in support of their nomination.

## **Options and Implications**

### Option 1

That Council:

1. RESOLVES that the CEO Employment Committee established under section 5.8 of the Act is to comprise a membership of all Council Members and APPOINTS all Council Members, including the Councillor elected at the North Ward extraordinary election to the CEO Employment Committee.
2. REQUESTS that amendments are made to the terms of reference as required to give effect to Council's resolution.

### Option 2

1. RESOLVES that the CEO Employment Committee established under section 5.8 the Act is to comprise a membership of [X] Council Members.
2. APPOINTS the following Council Members to the CEO Employment Committee:

- \_\_\_\_\_



- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

3. APPOINTS the following Council Members as Deputy Members to the CEO Employment Committee:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Option 1 is recommended.

**Conclusion**

The CEO Employment Committee has an important function recommending key performance indicators and assessing the CEO’s performance.

**Attachments (available under separate cover)**

- **6.2 - attachment 1** – CEO Employment Committee Terms of Reference (E17/5085)

**Alignment with our Strategic Community Plan**

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

**Financial Implications**

There are no significant financial implications at this time.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant issues associated with this option						
2	Option 2 would mean that some elected members were not involved in this Committee's affairs		Reputation	Unlikely	Minor	LOW	

**Voting Requirements:** Absolute Majority (s5.11)

### Officer Recommendation

**That Council:**

1. **RESOLVES** that the CEO Employment Committee established under section 5.8 the Act is to comprise a membership of all Council Members and **APPOINTS** all Council Members, including the Councillor elected at the North Ward extraordinary election to the CEO Employment Committee.
2. **REQUESTS** that amendments are made to the terms of reference as required to give effect to Council's resolution.



**6.3 – Appointment of Members to the Rivers Regional Council and Appointment of Rivers Regional Subsidiary Deputy (SJ4324)**

<b>Responsible Officer:</b>	Manager Governance and Strategy
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
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**Report Purpose**

The purpose of this report is to enable Council to consider appointing members to the Rivers Regional Council (RRC).

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 20 February 2023 - OCM034/02/23*

*That Council:*

- 1. ADOPTS the revised Charter for the Rivers Regional Subsidiary.*
- 2. AUTHORISES the Shire President and the Chief Executive Officer to execute the revised Rivers Regional Subsidiary Charter as contained in attachment 2 via the Common Seal.*
- 3. APPOINTS Reza Najafzadeh as a Board Member of the Rivers Regional Subsidiary under clause 8.2 of the Charter in attachment 3 for a period of four years commencing on the operative day of the Rivers Regional Council windup.*
- 4. NOTES that a separate report for Council to consider appointing a Deputy Board Member of the Rivers Regional Subsidiary under clause 8.2 of the Charter in attachment 3 for a period of four years commencing on the operative day of the Rivers Regional Council windup will be presented to Council following the recruitment of the Manager Waste and Fleet position.*

**Background**

The RRC is a formal regional Council body corporate, established under section 3.61 of the Act by the member Councils for the purpose of developing a domestic waste disposal solution. As an outcome of the collective development of a waste disposal solution, the RRC and member Councils (including the Shire of Serpentine Jarrahdale) entered into the contracts, through a public tender process, with Kwinana Waste to Energy (KWtE), for the development of a waste to energy facility.

Council had previously approved the windup of the RRC.



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**Community / Stakeholder Consultation**

Nil.

**Statutory Environment**

RRC is a Regional Local Government established under section 3.61 of the Act.

As a Regional Local Government, the RRC is its own legal entity formed through an agreement by the seven member local governments. As its own legal entity and a separate local government created under the Act, the RRC is responsible for compliance with provisions of the Act and other legislation.

**Comment**

RRC members including the Shire of Serpentine Jarrahdale have previously resolved to wind-up the RRC and transition to a Regional Subsidiary. This action requires the approval of the Minister for Local Government.

In February 2023, Council resolved to authorise the Shire President and Chief Executive Officer to execute the revised Rivers Regional Subsidiary Charter which once executed by all member local governments would enable the Minister to dissolve the RRC.

The City of Armadale executed the agreements in October 2023, Officers have been advised that the windup of the RRC should up occur by April 2024.

As a local government in its own right, members of the RRC set meeting fees within the bands set by the Salaries and Allowances Tribunal. The RRC has advised that the Sitting Fees for 23/24 paid quarterly are as below:

- Chair \$5,150.00, per quarter
- Deputy Chair \$2,575.00 per quarter
- Councillors \$1931.25 per quarter

**Process for appointing Councillors**

By convention the process that Council uses to appoint Councillors is first to call for nominations. If there are more nominations than positions the following occurs:

- a draw is conducted for positions on a ballot paper.
- each Councillor nominee is given an opportunity to speak in favour of their appointment with the order of speakers determined by position on the ballot paper.
- a secret ballot is undertaken on a first past the post basis.

Following the announcement of the results of the secret ballot Council must make a resolution for the appointment to take effect.

**Rivers Regional Subsidiary – Deputy Member**

In February 2023, Council appointed the Director Infrastructure Services to be the Shire's appointed member to the Rivers Regional Subsidiary when that group is established. At the time the Shire's Manager Waste position was vacant and Council was advised that the option of appointing the successful applicant to the role would be presented to Council. With this now the case, Council is recommended to appoint Mr Darrell Monteiro, Manager Waste and Fleet as the Deputy Board Member of the Rivers Regional Subsidiary for a period of four years commencing



on the operative day of the Rivers Regional Council windup. There are no financial implications associated with this matter as Rivers Regional Subsidiary members are not paid.

**Options and Implications**

Option 1

That Council:

1. APPOINTS the following Elected Members as members of the Rivers Regional Council:
  - \_\_\_\_\_
  - \_\_\_\_\_
2. APPOINTS the following Elected Members as respective Deputy members of the Rivers Regional Council:
  - \_\_\_\_\_
  - \_\_\_\_\_
3. APPOINTS Mr Darrell Monteiro, Manager Waste and Fleet as the Deputy Board Member of the Rivers Regional Subsidiary for a period of four years commencing on the operative day of the Rivers Regional Council windup.

Option 2

That Council DOES NOT APPOINT members to the Rivers Regional Council.

Option 1 is recommended.

**Conclusion**

Pending the Minister’s approval to formally wind-up the RRC, it is recommended that the Shire continues to have representation on the RRC. This can only occur through the appointment of Councillors as members.

**Attachments (available under separate cover)**

Nil.

**Alignment with our Strategic Community Plan**

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire’s interest.
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

**Financial Implications**

Meeting fees per the above are paid for by the RRC in accordance with the Act.





### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option						
2	The Shire will not have representation on the RRC		Organisational Performance	Possible	Minor	MODERATE	

**Voting Requirements:** Simple Majority

### Officer Recommendation

**That Council:**

1. **APPOINTS** the following Elected Members as members of the Rivers Regional Council:
  - \_\_\_\_\_
  - \_\_\_\_\_
2. **APPOINTS** the following Elected Members as respective Deputy members of the Rivers Regional Council:
  - \_\_\_\_\_
  - \_\_\_\_\_
3. **APPOINTS** Mr Darrell Monteiro, Manager Waste and Fleet as the Deputy Board Member of the Rivers Regional Subsidiary for a period of four years commencing on the operative day of the Rivers Regional Council windup.

**6.4 – Appointment of Members to the Bush Fire Advisory Committee (SJ4324)**

<b>Responsible Officer:</b>	Manager Governance and Strategy
<b>Senior Officer:</b>	Director Community Engagement
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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**Report Purpose**

The purpose of this report is to enable Council to appoint members to the Bush Fire Advisory Committee.

**Relevant Previous Decisions of Council**

Nil.

**Background**

Under section 67 of the *Bush Fires Act 1954*, a local government may appoint such persons as it thinks fit as a bush fire advisory committee. The Shire of Serpentine Jarrahdale Bush Fire Advisory Committee provides advice regarding:

- matters related to previously controlled and extinguished bush fires;
- planning layout of fire breaks in the district;
- advice pertaining to prosecutions for breaches of the *Bush Fires Act 1954*;
- advice pertaining to the formation of Brigades; and
- coordination and cooperation between Brigades and Agents.

The Bush Fire Advisory Committee is an Advisory Group and is not a Committee of Council established under section 5.8 of the *Local Government Act 1995*.

**Community / Stakeholder Consultation**

Nil.

**Statutory Environment**

Section 67 of the *Bush Fires Act 1954* provides the head of power for the establishment of the Bush Fire Advisory Committee. The Committee is not a formal committee of council under the *Local Government Act 1995* and does not have delegated power other than that provided in the *Bush Fires Act 1954*.



### **Comment**

The Bush Fire Advisory Committee is responsible for the reporting to and making recommendations to Council on:

- the financial affairs of the Brigade/s.
- the general management of the affairs of the Brigade/s.
- the planning, setting of standards and works programs for fire prevention within the Local Government area of responsibility.
- activities of Bush Fire Brigade/s.
- subject to any direction of the Advisory Committee as a whole:
  - a) Ensuring that the equipment in the possession or control of the Brigade/s in the Local Government area is inspected on a regular basis.
  - b) Making representation and recommendations to Local Government in relation to the firefighting equipment that should be reviewed in accordance with the Risk to Resource documentation as submitted to DFES.
  - c) Taking steps to ensure the appropriate distribution of fire equipment amongst brigade/s in the Local Government Area of Responsibility.
  - d) Co-ordinating training within the Brigade/s in the Shire to ensure they work together efficiently.
  - e) Overseeing the preparation and maintenance of an Incident Response Plan for the bushfire district and ensuring that a communication plan is developed and functions across the Local Government area.
  - f) Selecting members of the Committee to represent the Local Government area on a regional basis.
  - g) Carrying out other functions assigned to the Committee by the Council.

### Membership

In respect to membership, the terms of reference (**attachment 1**) for the Committee are:

- 2 x Elected Members
- 1 x Chief Bush Fire Control Officer
- 7 x Brigade Captains / or an office bearer of the Brigade as nominated by the Captain

### Meeting Frequency

The Bush Fire Advisory Committee meets twice a year, in April and November. Meetings are held in person at the Shire's Civic Centre and commence at 7pm. The next meeting is scheduled for Thursday, 16 November 2023.



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Process for appointing Council Members

By convention the process that Council uses to appoint Council Members is first to call for nominations. If there are more nominations than positions the following occurs:

- a draw is conducted for positions on a ballot paper.
- each Councillor nominee is given an opportunity to speak in favour of their appointment with the order of speakers determined by position on the ballot paper.
- a secret ballot is undertaken on a first past the post basis.

Following the announcement of the results of the secret ballot Council must make a resolution for the appointment to take effect.

**Options and Implications**

Option 1

That Council:

1. APPOINTS the following Elected Members as members of the Bush Fire Advisory Committee:

- \_\_\_\_\_
- \_\_\_\_\_

2. APPOINTS the following office holders as members of the Bush Fire Advisory Committee:

- Chief Bush Fire Control Officer.
- Brigade Captains of the seven Shire of Serpentine Jarrahdale Bush Fire Brigades or their delegate nominated by the respective Captain.

Option 2

That Council RESOLVES to modify the terms of reference to the Bush Fire Advisory Committee and MAKES the following appointments to the Committee:

*[Appointments to be specified by the Elected Member moving the motion]*

Option 3

That Council DOES NOT MAKE APPOINTMENTS to the Bush Fire Advisory Committee.

Option 1 is recommended.

**Conclusion**

Section 67 of the *Bush Fires Act 1954* permits a local government to appoint such persons as it thinks fit as Bush Fire Advisory Committee. The Committee makes a contribution to the partnership in bush fire prevention and response in the Shire and the appointment of members to enable the committee to continue to perform its functions is recommended.

**Attachments (available under separate cover)**

- **6.4 – attachment 1** – Bush Fire Advisory Committee Terms of Reference (E20/11550)



**Alignment with our Strategic Community Plan**

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

**Financial Implications**

Nil. No members of the committee are paid.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option						
2	The composition set by Council may not be conducive to the effective operation of the Committee.	The Terms of Reference specifies current membership parameters	Organisational Performance	Unlikely	Minor	LOW	
3	Reputation risk would exist and opportunities for effective partnership in bush fire prevention and response would be reduced.	What are the things currently in place that are managing the risk (think tangible things like policies, frameworks, procedures, processes and plans)	Organisational Performance	Rare	Major	MODERATE	



Continued

## Special Council Meeting Agenda Monday, 6 November 2023

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**Voting Requirements:** Simple Majority

### Officer Recommendation

**That Council:**

**1. APPOINTS the following Elected Members as members of the Bush Fire Advisory Committee:**

- \_\_\_\_\_
- \_\_\_\_\_

**2. APPOINTS the following office holders as members of the Bush Fire Advisory Committee:**

- **Chief Bush Fire Control Officer.**
- **Brigade Captains of the seven Shire of Serpentine Jarrahdale Bush Fire Brigades or their delegate nominated by the respective Captain.**

**6.5 – Appointment of Members of the Local Emergency Management Committee (SJ4324)**

<b>Responsible Officer:</b>	Manager Governance and Strategy
<b>Senior Officer:</b>	Director Community Engagement
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Report Purpose**

The purpose of this report is to enable Council to appoint members to the Local Emergency Management Committee.

**Relevant Previous Decisions of Council**

Nil.

**Background**

The Local Emergency Management Committee is established under s38 of the *Emergency Management Act 2005* to develop and maintain effective emergency management arrangements for the local area. The *Emergency Management Act 2005* specifies that the role of the Committee is to:

- advise and assist the local government in ensuring that local emergency management arrangements are established for its district;
- liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by the regulations.

The Committee is not a Committee of Council.

Under section 38(4) of the *Emergency Management Act 2005* the constitution and procedures of Local Emergency Management Committees are set by State Emergency Management Committee (SEMC).

The State Emergency Management Procedures produced by SEMC provides guidance in this regard. The Shire's terms of reference is consistent with section 38(4) of the *Emergency Management Act 2005*.

**Community / Stakeholder Consultation**

Nil.

**Statutory Environment**

The Committee is a legislative requirement under s38 of the *Emergency Management Act 2005*.



## **Comment**

### Membership

The terms of reference states that the membership of the Committee comprises

Chairperson

- Shire President

Deputy Chairperson

- Officer in Charge – Mundijong Police, Local Emergency Coordinator

Shire of Serpentine Jarrahdale Councillors

- A Councillor (with a Deputy also appointed)

Representatives from the following agencies and organisations:

- Department of Fire and Emergency Services (DFES) – District Officer South East Region Fire
- Department of Communities – Senior District Emergency Services Officer
- St Johns Ambulance
- Department of Biodiversity, Conservation and Attractions
- Karnet Prison Farm – Assistant Superintendent Security
- Health Service – Emergency Management Coordinator – East Metropolitan Health Service – Armadale Kalamunda Group
- Serpentine Jarrahdale State Emergency Service Manager
- Local Government Recovery Coordinator / Director Community Engagement
- Chief Bush Fire Control Officer
- Arc Infrastructure
- Sport Aircraft Builders Club of WA Inc.

### *Non-voting members*

- Chief Executive Officer / Representative
- District Emergency Management Advisor (DFES)
- Deputy Local Government Recovery Coordinator / Director Development Services
- Manager Community Activation - Local Welfare Liaison Officer
- Coordinator Community Safety
- Coordinator Emergency Services
- Manager Communications and Customer Engagement

### Meeting Frequency

The Local Emergency Management Committee meets quarterly, with meetings held in March, June, September and December. Meetings are held in person at the Shire's Civic Centre and commence at 2pm. The next meeting is scheduled for Tuesday, 12 December 2023.





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### Process for appointing Councillors

By convention the process that Council uses to appoint Councillors is first to call for nominations. If there are more nominations than positions the following occurs:

- a draw is conducted for positions on a ballot paper
- each Councillor nominee is given an opportunity to speak in favour of their appointment with the order of speakers determined by position on the ballot paper
- a secret ballot is undertaken on a first past the post basis.

Following the announcement of the results of the secret ballot Council must make a resolution for the appointment to take effect.

### **Options and Implications**

#### Option 1

That Council:

1. APPOINTS the following Councillor as member of the Local Emergency Management Committee:
  - Cr \_\_\_\_\_
2. APPOINTS the following Councillor as a deputy member of the Local Emergency Management Committee who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
  - Cr \_\_\_\_\_
3. APPOINTS other office holders as members of the Local Emergency Management Committee, noting that the Shire President is to be a member as per the Terms of Reference in **attachment 1**.
4. REQUESTS the Chief Executive Officer to update the Terms of Reference to reflect the appointments to the Local Emergency Management Committee.

#### Option 2

That Council RESOLVES to modify the terms of reference to the Local Emergency Management Committee and MAKES the following appointments to the Committee:

*[Appointments to be specified by the Elected Member moving the motion]*

#### Option 3

That Council DOES NOT MAKE APPOINTMENTS to the Local Emergency Management Committee.

Option 1 is recommended.

### **Conclusion**

The Local Emergency Management Committee is an important element in the Shire's emergency management framework, and it is recommended that Council appoints members in accordance with the terms of reference.



**Attachments (available under separate cover)**

- **6.5 - attachment 1** – Terms of Reference Local Emergency Management Committee (E20/9645)

**Alignment with our Strategic Community Plan**

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

**Financial Implications**

Nil. Members of the Committee area not paid.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option.						
2	The composition set by Council may not be conducive to the effective operation of the Committee.	The Terms of Reference specifies current membership parameters	Organisational Performance	Unlikely	Minor	LOW	
3	Reputation risk would exist and opportunities for effective partnership in emergency response would be reduced.	What are the things currently in place that are managing the risk (think tangible things like policies, frameworks, procedures, processes and plans)	Organisational Performance	Rare	Major	MODERATE	



**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council:**

- 1. APPOINTS the following Councillor as member of the Local Emergency Management Committee:**
  - Cr \_\_\_\_\_
- 2. APPOINTS the following Councillor as a deputy member of the Local Emergency Management Committee who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:**
  - Cr \_\_\_\_\_
- 3. APPOINTS other office holders as members of the Local Emergency Management Committee, noting that the Shire President is to be a member as per the Terms of Reference in attachment 1.**
- 4. REQUESTS the Chief Executive Officer to update the Terms of Reference to reflect the appointments to the Local Emergency Management Committee.**



**6.6 - Nominations of Delegates for the Minister for Planning's consideration to the Metropolitan Outer Joint Development Assessment Panel (MOJDAP) (SJ1288)**

<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Legislative	Includes adopting local laws, local planning schemes and policies
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**Report Purpose**

The purpose of this report is for Council to consider nominating Local Government Representatives for the Minister for Planning's consideration to become Development Assessment Panel (DAP) members to sit on the Metro Outer Joint Development Assessment Panel (MOJDAP).

The Director General of the Western Australia Planning Commission has written to all local governments on 28 September 2023. The letter is provided at **attachment 1**. The letter notes that:

*"Councils are required to nominate, as soon as possible following elections, four elected members to sit as DAP members.*

*In addition to the above, all existing local government DAP members are currently appointed for a term ending 26 January 2024. Prior to this expiry date, your local government is required to nominate four (4) DAP members for appointment by the Minister for Planning."*

The letter seeks DAP member nominations, noting the current terms of DAP members expires on 26 January 2024.

With regard to the current DAP members of the Shire, at the October 2023 meeting, Council nominated Cr Mack and Cr Duggin as new *interim* Alternate Members for the Minister's consideration. This aimed to address the gap in coverage resulting from the retirement of former Councillors Strautins and Dagostino, who were the Alternate Members. This was an important step to take, given the results of the 2023 Council Elections has seen both Permanent Members not re-elected. Once the Minister approves the appointments as recommended by Council at the October 2023 meeting, and the required DAP member training is completed by Cr Mack and Duggin, the Shire will have interim representation up until 26 January 2024.

Accordingly, looking at the two years beyond 26 January 2024, new membership is requested for the term ending 26 January 2026. DAP replacement nominations are required to be forwarded to the DAP Secretariat by no later than 24 November 2023.

Officers recommend Council nominate the necessary DAP members for Ministerial consideration to ensure the Shire has its full membership on the DAP. This being two local council members and two alternate local council members.



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## Relevant Previous Decisions of Council

*Ordinary Council Meeting - 16 October 2023 - OCM254/10/23 / COUNCIL RESOLUTION*

*That Council:*

1. *NOMINATES the following Councillors for the Minister of Planning's consideration to be appointed as interim Alternate Members to the Metro Outer Joint Development Assessment Panel, for a term commencing no earlier than 22 October 2023 and expiring 26 January 2024 or until new members are appointed by the Minister following the 2023 local government election, whichever occurs first:*
  - *Cr Mack (Alternate Member)*
  - *Cr Duggin (Alternate Member)*
2. *REQUESTS that the Minister for Planning urgently consider the appointments to enable the Shire's continued representation at MOJDAP.*
3. *REQUESTS the new Alternate Members, if agreed by the Minister, undertake their required training as soon as possible to ensure continued representation on the MOJDAP.*

*Special Council Meeting - 25 October 2021 – OCM067/10/21 / COUNCIL RESOLUTION*

*That Council NOMINATES the following Councillors for the Minister of Planning's consideration to be appointed to Metro Outer Joint Development Assessment Panel, for a term commencing 27 January 2022 and expiring 26 January 2024:*

- *Cr Strange*
- *Cr Rich*
- *Cr Dagostino (Alternate Member)*
- *Cr Strautins (Alternate Member)*

## Background

Development Assessment Panels (DAP) commenced operation in Western Australia in July 2011. The Shire of Serpentine Jarrahdale forms part of the MOJDAP which comprises of Armadale, Cockburn, Gosnells, Joondalup, Kalamunda, Kwinana, Mandurah, Mundaring, Murray, Rockingham, Swan and Wanneroo.

The DAP comprises a mix of technical experts and Local Government representatives with the power to determine applications for development under the following circumstances:

- Where a proposed development has an estimated value of \$10 million or over; or
- Where a proposed development has an estimated value of \$2 million - \$10 million or more and the applicant opts in to have the application determined by the DAP.

Under DAP Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, a Local Government is responsible for nominating four Councillors, two as DAP members and two as Alternate Members.

The correspondence received from the Director General, Department Planning, Lands and Heritage seeks new membership nomination from each local government. The letter from the Director General is asking for nominations to be received by 24 November 2023. Refer **attachment 1**.



## **Community / Stakeholder Consultation**

Nil.

## **Statutory Environment**

### Legislation

The *Planning and Development (Development Assessment Panels) Regulations 2011* provides the legislative framework associated with DAPs.

## **Planning Assessment**

Local representation is a central component of a DAP. The Director General's letter seeks four new nominations (two Permanent and two alternate members), for Ministerial consideration. Once approved by the Minister, having the four members in place will safeguard local representation for the new DAP period commencing 27 January 2024. It should be noted that if a member's tenure on Council expires, their DAP membership also expires.

For new members, it is mandatory requirement to attend training before they can sit on a DAP and determine applications. Training is provided at the cost of the DAP. Optional re-training is also available for Local Government representatives who have previously been appointed to a DAP position. This again is at the cost of the DAP.

Each Local Government member receives a sitting fee of \$425 when attending DAP meetings for new development applications. For applications which propose minor amendments or seek to cancel an application, the sitting fee is reduced to \$100 in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*. Meeting fees are paid for by the State Government. The Shire is a member of the Metro Outer Development Assessment Panel.

## **Process for determining nominations**

By convention, the process that Council uses to select members is first to call for nominations. If there are more nominations than positions, the following occurs:

- A draw is conducted for positions on a ballot paper;
- Each Councillor nominee is given an opportunity to speak in favour of their appointment with the order of speakers determined by position on the ballot paper; and
- A secret ballot is undertaken on a first past the post basis.

Following the announcement of the results of the secret ballot, Council must make a resolution to give effect to the results of the ballot.



**Options and Implications**

Option 1

That Council NOMINATES the following Elected Members for the Minister of Planning’s consideration to be appointed to *Metro Outer Joint Development Assessment Panel*, for a term commencing 27 January 2024:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_ (Alternate member)
- \_\_\_\_\_ (Alternate member)

Option 2

That Council DOES NOT NOMINATE members for the Minister’s consideration.

Option 1 is recommended.

**Conclusion**

The DAP is a critical government body that make key planning decisions that impact local governments and the broader community. It is recommended that Council takes the opportunity to nominate members for the Minister of Planning’s consideration.

**Attachments (available under separate cover)**

- **6.6 - attachment 1** - Correspondence from the Director General of the Western Australia Planning Commission (IN23/21270)

**Alignment with our Strategic Community Plan**

<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 2.2</b>	A sustainable natural environment

**Financial Implications**

There are no financial implications resulting from this report.

Meeting fees and training costs are paid by the State Government.



**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with Option 1						
2	Council not nominating new DAP members and the Minister of Planning nominating replacement members	No controls in place	Reputation	Possible	Minor	MODERATE	Appoint members

**Voting Requirements:** Simple Majority

**Officer Recommendation**

That Council **NOMINATES** the following Elected Members for the Minister of Planning’s consideration to be appointed to *Metro Outer Joint Development Assessment Panel*, for a term commencing 27 January 2024:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_ (Alternate member)
- \_\_\_\_\_ (Alternate member)



**6.7 – Appointments to Western Australian Local Government Association – Peel Country Zone and Voting Delegates to the WALGA Annual General Meetings in 2024 and 2025 (SJ4324)**

<b>Responsible Officer:</b>	Manager Governance and Strategy
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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**Report Purpose**

The purpose of this report is to enable Council to appoint members to the:

- Western Australian Local Government Association – Peel Country Zone; and
- Voting Delegates to the WALGA Annual General Meetings in 2024 and 2025.

**Relevant Previous Decisions of Council**

Nil.

**Background**

The Western Australian Local Government Association (WALGA) is a non-government peak body representing local government. WALGA's membership which includes all but one of the State's 137 local governments is divided into geographical zones. The Shire of Serpentine Jarrahdale is a member of the Peel Country Zone along with the Shires of Murray, Waroona, Boddington and the City of Mandurah.

WALGA Zones consider matters for decision by WALGA's State Council. To generate new agenda items for consideration by State Council, a Zone may pass a resolution requesting that WALGA take action. For example, a Zone motion may request WALGA to investigate an issue, undertake advocacy, or develop policy. WALGA's advises that in fulfilling their role as Council's delegate, the Zone delegate should give regard to their Council's positions on policy issues and report back to their Council about decisions made by the Zone.

**Community / Stakeholder Consultation**

Nil.

**Statutory Environment**

Nil.



## **Comment**

### *WALGA Peel Zone*

Shire representation on the zone consists of two (2) Elected Members and a deputy. The Chief Executive Officer is a non-voting delegate. Meetings in the past have been held at 2:00pm at the Shire of Murray.

The first meeting following the 2023 ordinary local government election will be held on Thursday, 23 November 2023. This meeting will appoint the State Elected Member representative and Zone Chair for the Peel region. This meeting will also determine the 2024 meeting dates.

### *WALGA AGM*

The WALGA Annual General Meeting is held annually in August or September. Local Governments are able to nominate two voting delegates and two proxies who may participate in the event that a delegate is not available. It is proposed that Council appoints the 2024 and 2025 delegates now. The WALGA AGM is held in Perth.

## **Options and Implications**

### Option 1

That Council:

1. NOMINATES the following Elected Members as members of the Western Australian Local Government Association – Peel Country Zone:

- \_\_\_\_\_
- \_\_\_\_\_

NOMINATES the following Elected Member as a deputy member of the Western Australian Local Government Association – Peel Country Zone who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:

- \_\_\_\_\_

2. NOMINATES \_\_\_\_\_ and \_\_\_\_\_ as Voting Delegates and \_\_\_\_\_ and \_\_\_\_\_ as their respective Proxy Voting Delegates to the Western Australian Local Government Association Annual General Meetings in 2024 and 2025.

### Option 2

That Council DOES NOT NOMINATE Elected Members to the WALGA Peel Zone and WALGA AGM.

Option 1 is recommended.

## **Conclusion**

The appointment of delegates to WALGA will enable the Shire to continue to advocate for local interests within the context of wider local government advocacy in areas such as planning, transport, waste management, community development, environmental protection and economic growth.



**Attachments (available under separate cover)**

- **6.7 - attachment 1** – WALGA Correspondence regarding appointment of WALGA State Council and Zone Chairs (E23/14093)

**Alignment with our Strategic Community Plan**

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

**Financial Implications**

Nil. Delegates to the Zone are not paid meeting fees by either the Shire nor WALGA.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks with this option.						
2	The Shire will not have the opportunity to leverage the advocacy platform provided by the WALGA Zone		Organisational Performance	Unlikely	Moderate	MODERATE	



**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council:**

**1. NOMINATES the following Elected Members as members of the Western Australian Local Government Association – Peel Country Zone:**

- \_\_\_\_\_
- \_\_\_\_\_

**NOMINATES the following Elected Member as a deputy member of the Western Australian Local Government Association – Peel Country Zone who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:**

- \_\_\_\_\_

**2. NOMINATES \_\_\_\_\_ and \_\_\_\_\_ as Voting Delegates and \_\_\_\_\_ and \_\_\_\_\_ as their respective Proxy Voting Delegates to the Western Australian Local Government Association Annual General Meetings in 2024 and 2025.**



### 6.8 – Appointments to Equine Advisory Group (SJ3224-2)

<b>Responsible Officer:</b>	Director Community Engagement
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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### Report Purpose

The purpose of this report is for Council to consider, select and appoint external members as well as appoint two Elected Members as members and two Elected Members as deputy members to the Equine Advisory Group.

### Relevant Previous Decisions of Council

*Ordinary Council Meeting – 17 July 2023 – OCM176/07/23 - COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. RECEIVES the progress update on the status of work undertaken on the Equine Priorities, as contained at attachment 2.*
- 2. REQUESTS the Chief Executive Officer to progress “Strategy C1 Signage, Maps and Supporting Information” from the Equine Trails Master Plan in the 2023/24 financial year.*
- 3. SUPPORTS the continuation of the Equine Advisory Group and REQUESTS the Chief Executive Officer to seek nominations for the Equine Advisory Group for appointment after the local government election.*

### Background

Council considered the formation of an Equine Advisory Group and established the group with a Terms of Reference at its Ordinary meeting on 17 February 2020 and appointed 10 community members on 21 September 2020. Following the 2021 Local Government election, a new membership was appointed to the Equine Advisory Group.

The purpose of the Equine Advisory Group is to provide the Shire with advice in regard to the needs and priorities of the Serpentine Jarrahdale Equine Community and support Council in the delivery of projects to enhance the Serpentine Jarrahdale Equine Industry and Community.

The tenure of community members on the Equine Advisory Group expired at the local government elections on 21 October 2023.



## Community / Stakeholder Consultation

Expression of Interest for nominations on the Equine Advisory Group was promoted between 7 September to 13 October 2023 via:

- An advert in the Examiner Newspaper
- Social media
- Shire's Website
- eNewsletter
- Email to equine stakeholders and Equine Advisory Group members

## Statutory Environment

Nil. The Equine Advisory Group is not a Committee of Council and does not have delegated authority of Council. The Advisory Group has no power to make decisions on behalf of Council.

## Comment

### Appointment of Community Members

The current endorsed Terms of Reference outlines the external membership of the Equine Advisory Group consistent with the predominant interest areas of horse ownership within the Shire as identified in the Serpentine Jarrahdale Equine Strategy. These are:

- 2x Representatives from the Racing Industry
- 2x Representatives from the Equestrian disciplines
- 2x Representatives from the Leisure and trail riding group
- 2x Representatives from the Keeping of retired and companion horses group
- 2x Representatives from Equine business

The Terms of Reference for the Equine Advisory Group is at **attachment 1** for Council's reference.

Eight nominations from highly experienced members of the equine community were received by the due date, for the ten available positions. Four of the nominations received were past members of the previous Equine Advisory Group.

Nominations received are provided at **CONFIDENTIAL attachment 2** including an Officer recommendation for Council's consideration.

A summary of the applications for the external member categories is provided below:

Category	Number of nominations received
Racing Industry	1
Equestrian disciplines	3
Leisure and trail riding group	2
Keeping of retired and companion horses group	2
Equine business	0



Officers recommend appointment of the eight applicants to the Equine Advisory Group, and update the Terms of Reference to reflect the number of external members, which is provided as Option 1. Noting that no applications were received from Equine Businesses, Officers propose to include equine business engagement through the general course of the Equine Advisory Group agendas and as matters or topics arise.

Should Council wish to reduce the number of Elected Members represented on the Group, this is provided as Option 2.

Alternatively, Council may choose to appoint a reduced number of external members to the Group. This is provided as Option 3.

Should Council decide to not proceed with the Group, this is provided at Option 4.

### Meeting Frequency

The Equine Advisory Group has met between 4-6 times per year. It is proposed the Group will meet quarterly in February, May, August and November, with additional meetings scheduled if and when required. Meetings are held in person at the Shire's Civic Centre and start at 5.30pm. The day/dates of meetings will be arranged following engagement with appointed members.

### **Options and Implications**

#### Option 1

That Council:

1. APPOINTS the following Elected Members as members of the Equine Advisory Group:
  - \_\_\_\_\_
  - \_\_\_\_\_
2. APPOINTS the following Elected Members as deputy members of the Equine Advisory Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
  - \_\_\_\_\_
  - \_\_\_\_\_
3. APPOINTS eight external members to the Equine Advisory Group from the list at **CONFIDENTIAL attachment 2**, for the period ending at the next ordinary Local Government election.
4. REQUESTS the Chief Executive Officer to:
  - a) update the Terms of Reference accordingly to reflect the Elected Member and external member appointments.
  - b) write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

#### Option 2

1. APPOINTS the following Elected Member as a member of the Equine Advisory Group:
  - \_\_\_\_\_



- 
2. APPOINTS the following Elected Member as a deputy member of the Equine Advisory Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
    - \_\_\_\_\_
  3. APPOINTS eight external members to the Equine Advisory Group from the list at **CONFIDENTIAL attachment 2** for the period ending at the next ordinary Local Government election.
  4. REQUESTS the Chief Executive Officer to:
    - a) update the Terms of Reference accordingly to reflect the Elected Member and external member appointments.
    - b) write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

Option 3

That Council:

1. APPOINTS the following Elected Members as members of the Equine Advisory Group:
  - \_\_\_\_\_
  - \_\_\_\_\_
2. APPOINTS the following Elected Members as deputy members of the Equine Advisory Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
  - \_\_\_\_\_
  - \_\_\_\_\_
3. APPOINTS the following external members to the Equine Advisory Group from the list at **CONFIDENTIAL attachment 2**, being:  
*[Elected Member moving motion to list applicant numbers]*
4. REQUESTS the Chief Executive Officer to:
  - a) update the Terms of Reference accordingly to reflect the Elected Member and external member appointments.
  - b) write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

Option 4

That Council:

1. DOES NOT APPOINT any external members to the Equine Advisory Group and DOES NOT CONTINUE with the Equine Advisory Group; and
2. REQUESTS the Chief Executive Officer write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

Option 1 is recommended.



**Conclusion**

All expressions of interest for external representation on the Equine Advisory Group were from highly experienced community members across an array of equine areas of interest. Council is requested to select and appoint external members and Elected Members to the Equine Advisory Group.

**Attachments (available under separate cover)**

- **6.8 - attachment 1** – Terms of Reference – Equine Advisory Group (E20/2138)
- **6.8 - CONFIDENTIAL attachment 2** – Summary and Nominations Received (E23/14354)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.

**Financial Implications**

A Budget for the 2023/24 financial year has been provided for meeting expenses at 4000-15504.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1 & 2	Nil						
3	If Council chooses not to appoint some nominees there will be vacancies on the advisory group.	Appoint as per Officers recommendation	Strategic Stakeholder Relationships	Rare	Insignificant	LOW	
4	Not continuing with the Equine Advisory Group may result in a loss of relationship and input from the equine community.	Appoint as per Officers recommendation	Strategic Stakeholder Relationships	Rare	Major	LOW	



**Voting Requirements: Simple Majority**

**Officer Recommendation**

**That Council:**

- 1. APPOINTS the following Elected Members as members of the Equine Advisory Group:**
  - \_\_\_\_\_
  - \_\_\_\_\_
- 2. APPOINTS the following Elected Members as deputy members of the Equine Advisory Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:**
  - \_\_\_\_\_
  - \_\_\_\_\_
- 3. APPOINTS eight external members to the Equine Advisory Group from the list at CONFIDENTIAL attachment 2, for the period ending at the next ordinary Local Government election.**
- 4. REQUESTS the Chief Executive Officer to:**
  - a) update the Terms of Reference accordingly to reflect the Elected Member and external member appointments.**
  - b) write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.**



**6.9 - Access and Inclusion Advisory Group – Appointment of Community Members (SJ3175)**

<b>Responsible Officer:</b>	Manager Community Activation
<b>Senior Officer:</b>	Director Community Engagement
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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**Report Purpose**

The purpose of this report is for Council to consider, select and appoint external members as well as appoint two Elected Members as members and two Elected Members as deputy members to the Access and Inclusion Advisory Group.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 18 September 2023 – OCM241/09/23 - COUNCIL RESOLUTION  
That Council:*

1. *NOTES the submissions received in the public consultation process as contained in attachment 3.*
2. *ADOPTS the Access and Inclusion Plan 2023 – 2028 (attachment 1) and associated five year Implementation Plan (attachment 2).*

*Ordinary Council Meeting – 18 July 2022 – OCM175/07/22 - COUNCIL RESOLUTION  
That Council:*

1. *APPOINTS one community member to fill the Access and Inclusion Advisory Group representative vacancy from the list at CONFIDENTIAL attachment 2, being:*
  - *Applicant 1*
2. *ENDORSES the remaining nominations received and APPROVES these applicants be appointed to any further community member vacancies over the remaining term of the Access and Inclusion Advisory Group (being October 2023) in preferential order:*
  - *Applicant 2*
  - *Applicant 3*
3. *REQUESTS the Chief Executive Officer write to all nominees thanking them for their nomination and advising them of Council's decision.*



*Ordinary Council Meeting – 15 November 2021 – OCM324/11/21 – COUNCIL RESOLUTION*

*That Council:*

1. *APPOINTS the following Councillors as members of the Access and Inclusion Group:*
  - *Cr Strautins*
  - *Cr Strange*
2. *APPOINTS the following Councillors as deputy members of the Access and Inclusion Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:*
  - *Cr Atwell*
  - *Cr Duggin*
3. *APPOINTS six (6) external members to the Access and Inclusion Advisory Group from the list contained within CONFIDENTIAL attachment 2 as follows, for the period ending at the next ordinary Local Government election:*
  - a) *Applicant 1 as an Organisational representative.*
  - b) *Applicant 2 as an Individual representative.*
  - c) *Applicant 3 as an Individual representative.*
  - d) *Applicant 4 as an Individual representative.*
  - e) *Applicant 5 as an Individual representative.*
  - f) *Applicant 6 as an Organisational representative.*
4. *REQUESTS the Chief Executive Officer write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.*

## **Background**

Council considered the formation of an Access and Inclusion Advisory Group and established the group with a Terms of Reference, provided at **attachment 1**, at its Ordinary meeting on 16 December 2019. Council also endorsed the 2023 – 2028 Access and Inclusion Advisory Plan at the September 2023 Ordinary Council Meeting, whereby this Advisory Group was identified to continue.

The purpose of the Access and Inclusion Advisory Group is to support the development, implementation, review and evaluation of the Shire's Disability Access and Inclusion Strategy to ensure Council delivers high quality outcomes for the Shire of Serpentine Jarrahdale community and advise Council on matters related to access and inclusion.

## **Community / Stakeholder Consultation**

Expression of Interest for nominations on the Access and Inclusion Advisory Group was promoted between 7 September to 13 October 2023 via:

- An advert in the Examiner Newspaper
- Social media
- Shire website and Access and Inclusion Your Say SJ webpage
- eNewsletter
- Email to existing Access and Inclusion Advisory Group, local community and sporting groups and local service providers and agencies.



A total of seven (7) EOI's were received by the closing date (13 October 2023), and one (1) EOI was received after the closing date (23 October 2023). All of these responses have been included within **CONFIDENTIAL attachment 2** for Council consideration.

### **Statutory Environment**

Nil. The Access and Inclusion Advisory Group is not a Committee of Council and does not have delegated authority of Council. The Advisory Group has no power to make decisions on behalf of Council.

### **Comment**

The endorsed Terms of Reference outlines that external membership of the Access and Inclusion Advisory Group is to consist of six community members with a direct interest or lived experience in access and inclusion.

A total of eight (8) EOI's were received:

- Two (2) EOI's from relevant service provider agencies;
- Five (5) EOI's from individual community members, prior to the advertised closing date of 5pm, Friday 13 October 2023.
- One (1) EOI from an individual community members, post the advertised closing date.

All EOIs received have been summarised within **CONFIDENTIAL attachment 2**, for Council consideration and supporting comments by Officers pertaining to suitability of applicants based on information provided is also included.

Given the breadth of experience and the localised knowledge demonstrated within applications, Officers recommend amending the terms of reference to accommodate all EOI's received and is provided as Option 1.

Should Council wish to reduce the number of Elected Members represented on the Group, this is provided as Option 2.

Alternatively, Council may choose to maintain the current 6 external member positions and retain the details of unsuccessful applicants in order to fill future vacancies within this term period. This is provided as Option 3.

Should Council decide to not proceed with the Group, this is provided at Option 4.

### **Meeting Frequency**

The Access and Inclusion Advisory Group has met between 4-6 times per year. It is proposed the Group will meet quarterly in February, May, August and November, with additional meetings scheduled if and when required. Meetings have been held under a hybrid model of in person at the Shire's Civic Centre and online via Teams and start at 4.30pm. The day/dates of meetings will be arranged following engagement with appointed members.



## **Options and Implications**

### Option 1

That Council:

1. APPOINTS the following Elected Members as members of the Access and Inclusion Advisory Group:
  - \_\_\_\_\_
  - \_\_\_\_\_
2. APPOINTS the following Elected Members as deputy members of the Access and Inclusion Advisory Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
  - \_\_\_\_\_
  - \_\_\_\_\_
3. APPOINTS eight (8) external members to the Access and Inclusion Advisory Group from the list contained within **CONFIDENTIAL attachment 2**, for the period ending at the next ordinary Local Government election.
4. REQUESTS the Chief Executive Officer to:
  - a) update the Terms of Reference accordingly to reflect the Elected Member and external member appointments.
  - b) write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

### Option 2

That Council:

1. APPOINTS the following Elected Member as a member of the Access and Inclusion Group:
  - \_\_\_\_\_
2. APPOINTS the following Elected Member as a deputy member of the Access and Inclusion Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
  - \_\_\_\_\_
3. APPOINTS eight (8) external members to the Access and Inclusion Advisory Group from the list contained within **CONFIDENTIAL attachment 2**, for the period ending at the next ordinary Local Government election.
4. REQUESTS the Chief Executive Officer to:
  - a) update the Terms of Reference accordingly to reflect the Elected Member and external member appointments.
  - b) write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.



Option 3

That Council:

1. APPOINTS the following Elected Members as members of the Access and Inclusion Group:
  - \_\_\_\_\_
  - \_\_\_\_\_
2. APPOINTS the following Elected Members as deputy members of the Access and Inclusion Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
  - \_\_\_\_\_
  - \_\_\_\_\_
3. APPOINTS six (6) external members to the Access and Inclusion Advisory Group from the list contained within **CONFIDENTIAL attachment 2** as follows, for the period ending at the next ordinary Local Government election:
  - a) Applicant \_\_\_\_\_ as an Individual/Organisational representative.
  - b) Applicant \_\_\_\_\_ as an Individual/Organisational representative.
  - c) Applicant \_\_\_\_\_ as an Individual/Organisational representative.
  - d) Applicant \_\_\_\_\_ as an Individual/Organisational representative.
  - e) Applicant \_\_\_\_\_ as an Individual/Organisational representative.
  - f) Applicant \_\_\_\_\_ as an Individual/Organisational representative.
4. ENDORSES the remaining nominations received as suitable applicants, and APPROVES these applicants be appointed to any community member vacancies that may arise over the remaining term of the Access and Inclusion Advisory Group (being October 2025) in preferential order:
  - a) Applicant \_\_\_\_\_ as an Individual/Organisational representative.
  - b) Applicant \_\_\_\_\_ as an Individual/Organisational representative.
5. REQUESTS the Chief Executive Officer write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

Option 4

That Council:

1. DOES NOT APPOINT any Elected Members or external members to the Access and Inclusion Advisory Group and does not continue with the Access and Inclusion Advisory Group; and
2. REQUESTS the Chief Executive Officer to update the 2022 – 2028 Access and Inclusion Plan and associated Implementation Plan to be reflective of this decision, and
3. REQUESTS the Chief Executive Officer write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

Option 1 is recommended.





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**Conclusion**

All expressions of interest for external representation on the Access and Inclusion Advisory Group were from highly experienced community members and organisations demonstrating a broad range of community related and industry relevant knowledge.

Council is requested to select and appoint external members and Elected Members to the Access and Inclusion Advisory Group.

**Attachments (available under separate cover)**

- **6.9 – attachment 1** – Adopted Terms of Reference (E19/16309)
- **6.9 - CONFIDENTIAL attachment 2** – Expressions of Interest received (E23/14059)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment

**Financial Implications**

Recommendations from the Access and Inclusion Advisory Group will be presented to Council for consideration along with any financial implications of that recommendation.



**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1 & 2	There is no strategic risk associated with this option.						
3	Some nominees may be disappointed if there application is not supported.	Option 1 or 2	Strategic Stakeholder Relationships	Possible	Minor	LOW	
4	Not continuing with the Access and Inclusion Advisory Group may result in a loss of relationship and input from the relevant community, and impact on Shire's ability to meet outcomes of the Disability Access and Inclusion Plan (DAIP)	Option 1 or 2	Organisational Performance	Likely	Moderate	MODERATE	



**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council:**

1. **APPOINTS** the following Elected Members as members of the Access and Inclusion Advisory Group:
  - \_\_\_\_\_
  - \_\_\_\_\_
2. **APPOINTS** the following Elected Members as deputy members of the Access and Inclusion Advisory Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
  - \_\_\_\_\_
  - \_\_\_\_\_
3. **APPOINTS** eight (8) external members to the Access and Inclusion Advisory Group from the list contained within **CONFIDENTIAL** attachment 2, for the period ending at the next ordinary Local Government election.
4. **REQUESTS** the Chief Executive Officer to:
  - a) update the Terms of Reference accordingly to reflect the Elected Member and external member appointments.
  - b) write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.



**6.10 – Appointment of Community Representatives to the Keirnan Park Stakeholder Reference Group (SJ1364-4)**

Responsible Officer:	Director Community Engagement
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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**Report Purpose**

The purpose of this report is for Council to consider, select and appoint external members as well as appoint two Elected Members as members and two Elected Members as deputy members to the Keirnan Park Stakeholder Reference Group.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 21 February 2022 – OCM017/02/22 - COUNCIL RESOLUTION That Council SELECTS and APPOINTS four (4) Community Representative members to the Keirnan Park Stakeholder Reference Group from the list at CONFIDENTIAL attachment 3, being:*

1. Gary Richards
2. Bill Denholm
3. Nick Clayton
4. Wendy Stanley

**Background**

Council considered the formation of the Keirnan Park Recreational and Sporting Precinct - Stakeholder Reference Group and established the group with a Terms of Reference at its Ordinary meeting on 13 December 2021. This is in line with the Shire of Serpentine Jarrahdale's commitment to improving the way it engages with the community and stakeholders.

The purpose of the Keirnan Park Stakeholder Reference Group is to establish a group which would provide the Shire with advice in regard to the needs and priorities of the Serpentine Jarrahdale Community in matters relating to the development of the Keirnan Park Sporting and Recreation Precinct.

The KPSRG supports the Shire to form positive community partnerships and achieve its objectives for the Precinct as stated in the Keirnan Park Recreation Precinct Master Plan.



### **Community / Stakeholder Consultation**

The EOI for the Keirnan Park Stakeholder Reference Group– four (4) x Community Representatives, was advertised from 7 September – 13 October 2023 via:

- An advert in the Examiner Newspaper
- Social media
- Shire's Website
- eNewsletter
- Email to existing Keirnan Park Stakeholder Reference Group members

### **Statutory Environment**

Nil. The KPSRG is not a Committee of Council and does not have delegated authority of Council. The Reference Group has no power to make decisions on behalf of Council.

### **Comment**

The endorsed Terms of Reference outlines the external membership of the KPSRG consistent with the predominant interest areas of the community groups within the Shire as identified in the Serpentine Jarrahdale Community Engagement Strategy. These are:

15 community members, representative of each of the following groups:

- 2 x Aboriginal Community representatives
- 4 x community representatives
- 1 x SJ Landcare representative
- 1 x Mundijong Centrals Football and Sportman's Club representative
- 1 x Mundijong Centrals Junior Football Club representative
- 1 x Serpentine Jarrahdale Cricket Club (SJ Blues) representative
- 1 x Serpentine Jarrahdale Netball Association representative,
- 1 x Byford Bushrangers representative
- 1 x Byford BMX Club representative
- 1 x Serpentine Jarrahdale Community Men's Shed representative
- 1 x Serpentine Jarrahdale Rugby League and Sporting Club

The term of membership of the Group will be until the next Local Government Election.

Seven (7) nominations were received for the four (4) available Community Representative positions, which are available at **CONFIDENTIAL attachment 2**, including an Officer recommendation for Council's consideration. One nomination received is a current club president who will be represented on the KPSRG, as per the Terms of Reference. It is recommended that this nominee not be considered for appointment as an external member.

Officers recommend appointment of the remaining six applicants to the Keirnan Park Stakeholder Reference Group, and update the Terms of Reference to reflect the number of external members, which is provided as Option 1.



Should Council wish to reduce the number of Elected Members represented on the Group, this is provided as Option 2.

Alternatively, Council may choose to maintain the current 4 external member positions and retain the details of unsuccessful applicants in order to fill future vacancies within this term period. This is provided as Option 3. Should Council decide to not proceed with the Group, this is provided at Option 4.

### Meeting Frequency

The Keirnan Park Stakeholder Reference Group meets quarterly. It is proposed the Group will meet quarterly in March, June, September and November, with additional meetings scheduled if and when required. Meetings are held in person at the Shire's Civic Centre and start at 5.30pm. The day/dates of meetings will be arranged following engagement with appointed members.

## **Options and Implications**

### Option 1

That Council:

1. APPOINTS the following Elected Members as members of the Keirnan Park Stakeholder Reference Group:
  - \_\_\_\_\_
  - \_\_\_\_\_
2. APPOINTS the following Elected Members as deputy members of the Keirnan Park Stakeholder Reference Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
  - \_\_\_\_\_
  - \_\_\_\_\_
3. APPOINTS six external members to the Keirnan Park Stakeholder Reference Group from the list at **CONFIDENTIAL attachment 2**, for the period ending at the next ordinary Local Government election.
4. REQUESTS the Chief Executive Officer to:
  - a) update the Terms of Reference accordingly to reflect the Elected Member and external member appointments.
  - b) write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

### Option 2

That Council:

1. APPOINTS the following Elected Member as a member of the Keirnan Park Stakeholder Reference Group:
  - \_\_\_\_\_
2. APPOINTS the following Elected Member as a deputy member of the Keirnan Park Stakeholder Reference Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:



- \_\_\_\_\_
- 3. APPOINTS eight external members to the Keirnan Park Stakeholder Reference Group from the list at **CONFIDENTIAL attachment 2** for the period ending at the next ordinary Local Government election.
- 4. REQUESTS the Chief Executive Officer to:
  - a) update the Terms of Reference accordingly to reflect the Elected Member and external member appointments.
  - b) write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

Option 3

That Council:

1. APPOINTS the following Elected Members as members of the Keirnan Park Stakeholder Reference Group:
  - \_\_\_\_\_
  - \_\_\_\_\_
2. APPOINTS the following Elected Members as deputy members of the Keirnan Park Stakeholder Reference Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
  - \_\_\_\_\_
  - \_\_\_\_\_
3. APPOINTS four external members to the Keirnan Park Stakeholder Reference Group from the list contained within **CONFIDENTIAL attachment 2** as follows, for the period ending at the next ordinary Local Government election:
  - a) Applicant \_\_\_\_\_
  - b) Applicant \_\_\_\_\_
  - c) Applicant \_\_\_\_\_
  - d) Applicant \_\_\_\_\_
4. REQUESTS the Chief Executive Officer to:
  - a) update the Terms of Reference accordingly to reflect the Elected Member and external member appointments.
  - b) write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.

Option 4

That Council:

1. DOES NOT APPOINT any external members to the Keirnan Park Stakeholder Reference Group and does not continue with the Keirnan Park Stakeholder Reference Group; and
2. REQUESTS the Chief Executive Officer write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.



Option 1 is recommended.

**Conclusion**

All expressions of interest for external representation on the Keirnan Park Stakeholder Reference Group were from highly experienced community members demonstrating varied interest and experience in sport and recreation.

Council is requested to select and appoint external members and Elected Members to the Keirnan Park Stakeholder Reference Group.

**Attachments (available under separate cover)**

- **6.10 - attachment 1** – Keirnan Park Stakeholder Reference Group - Terms of Reference (E21/13729)
- **6.10 – CONFIDENTIAL attachment 2** – Keirnan Park Stakeholder Reference Group - Appointment of Community Members Nominees (E23/14400)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district.
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.

**Financial Implications**

A Budget for the 2023/24 financial year has been provided for meeting expenses.





### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1 & 2	There is no strategic risk associated with this option.						
3	Some nominees may be disappointed if there application is not supported.	Option 1 or 2	Strategic Stakeholder Relationships	Possible	Minor	LOW	
4	Not continuing with the Keirnan Park Stakeholder Reference Group may result in a loss of relationship and input from the relevant community members and sporting clubs	Option 1 or 2	Organisational Performance	Likely	Moderate	MODERATE	



**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council:**

- 1. APPOINTS the following Elected Members as members of the Keirnan Park Stakeholder Reference Group:**
  - \_\_\_\_\_
  - \_\_\_\_\_
- 2. APPOINTS the following Elected Members as deputy members of the Keirnan Park Stakeholder Reference Group who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:**
  - \_\_\_\_\_
  - \_\_\_\_\_
- 3. APPOINTS six external members to the Keirnan Park Stakeholder Reference Group from the list at CONFIDENTIAL attachment 2, for the period ending at the next ordinary Local Government election.**
- 4. REQUESTS the Chief Executive Officer to:**
  - a) update the Terms of Reference accordingly to reflect the Elected Member and external member appointments.**
  - b) write to all nominees thanking them for their Expression of Interest and advising them of Council's decision.**



**6.11 – Citizen of the Year Awards and Clem Kentish Award Judging Panel – Appointment of Members (SJ502-02)**

<b>Responsible Officer:</b>	Manager Community Activation
<b>Senior Officer:</b>	Director Community Engagement
<b>Disclosure of Officer’s Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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**Report Purpose**

The purpose of this report is to appoint members to the Citizen of the Year Awards and Clem Kentish Community Service Award Judging Panel.

**Relevant Previous Decisions of Council**

Nil.

**Background**

Each year, the Shire recognises community members and community groups who have made a significant contribution to the community through the Citizen of the Year Awards and the Clem Kentish Community Service Award.

The Selection Panel for these awards follows the format recommended by Auspire, the coordinating organisation for Citizen of the Year Awards of which the Shire is a Gold member.

This format sets the selection panel as consisting of the following assessing members:

- Shire President
- Deputy Shire President
- Chief Executive Officer
- The winners from the previous year who chose to accept the invitation to participate

The nominee details for assessment and selection are compiled by Officers from the information submitted by the public and are presented in confidence to the panel for individual assessment along with declaration of conflict forms and details on the process taken where a perceived or actual interest is declared. The panel then meet in person to reach a consensus on the successful recipient for each award.

**Community / Stakeholder Consultation**

Nil.



## **Statutory Environment**

Nil.

## **Comment**

Nominations for the Citizen of the Year Awards and Clem Kentish Community Service Award closed on Tuesday, 31 October and details of successful recipients are required to be provided to Auspire by Thursday 30 November 2023 to allow for the creation and distribution of the certificates and medallions. The certificate for the Clem Kentish Community Service Award is produced in house and the accompanying plaque and pin sourced locally.

Council endorsement of the judging panel will allow for a meeting to be arranged with judging panel members to allow for the Citizen of the Year Award recipient names to be submitted to Auspire by the 30 November 2023 deadline.

## **Options and Implications**

### Option 1

That Council APPOINT the following members, as per the format recommended by Auspire, to the Citizen of the Year Awards and Clem Kentish Award Judging Panel for 2023 and 2024:

- Shire President
- Deputy Shire President
- Chief Executive Officer
- The winners from the previous year who chose to accept the invitation to participate

### Option 2

That Council APPOINT the following members to the Citizen of the Year Awards and Clem Kentish Community Service Award Judging Panel for 2023 and 2024:

- Shire President
- Deputy Shire President
- Chief Executive Officer

Option 1 is recommended.

## **Conclusion**

Each year, the Shire recognises community members and community groups who have made a significant contribution to the community through the Citizen of the Year Awards and the Clem Kentish Community Service Award.

Council is requested to approve members of the judging panel for the next two years.

## **Attachments (available under separate cover)**

Nil.



**Alignment with our Strategic Community Plan**

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

**Financial Implications**

Nil.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with this option.						
2	Previous recipients may feel their contributions to the judging panel are not valued by not being included on the judging panel.	Follow guidance from Auspire and endorse Option 1.	Reputation	Unlikely	Minor	LOW	

**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council APPOINT the following members, as per the format recommended by Auspire, to the Citizen of the Year Awards and Clem Kentish Community Service Award Judging Panel for 2023 and 2024:**

- **Shire President**
- **Deputy Shire President**
- **Chief Executive Officer**
- **The winners from the previous year who chose to accept the invitation to participate**



### 6.12 – Elected Member appointments to various groups (SJ4324)

<b>Responsible Officer:</b>	Manager Governance and Strategy
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

#### Authority / Discretion

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
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#### Report Purpose

The purpose of this report is to enable Council to consider appointments to various groups following the 2023 ordinary local government election.

#### Relevant Previous Decisions of Council

*Ordinary Council Meeting - 15 November 2021 - OCM319/11/21 - COUNCIL RESOLUTION  
That Council:*

*1a. APPOINTS the following Councillor as delegate to the Peel Harvey Biosecurity Group*

- Cr Rich*

*1b. APPOINTS the following Councillor as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:*

- Cr Duggin*

*2a. APPOINTS the following Councillor as delegate to the South East Regional Energy Group*

- Cr Strautins*

*2b. APPOINTS the following Councillor as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:*

- Cr Duggin*

*3a. APPOINTS the following Councillor as delegate to the Darling Range Regional Park Advisory Group*

- Cr Atwell*

*3b. APPOINTS the following Councillor as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:*

- Cr Strautins*

*4. NOMINATES the following Councillor as the local government delegate to the Peel Harvey Catchment Council for the consideration of the Peel Harvey Catchment Council Board:*

- Cr Rich*



5a. *APPOINTS the following Councillor as delegate to the Keysbrook Community Consultative Group*

- *Cr Atwell*

5b. *APPOINTS the following Councillor as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:*

- *Cr Strautins*

6. *APPOINTS the following Councillors as delegates to the Karnet Prison Farm Community Liaison Group*

- *Cr Strange*
- *Cr Singh*

7. *NOTES that an item on a Kiernan Park Stakeholder Reference Group guided by the Shire's IAP2 certified consultants will be presented to a future Council meeting.*

## **Background**

In December 2019, Council adopted a policy to formalise the appointment of Council delegates and representation on external organisations, including community groups.

The policy notes that being a Councillor delegate is consistent with section 2.10 of the *Local Government Act 1995* which provides that the role of a Councillor includes representing the interests of electors, ratepayers and residents of the district; providing leadership and guidance to the community in the district; and facilitating communication between the community and the Council.

The policy also notes that appointees to external bodies and forums are delegates of the Council and as such will take a position on any matter consistent with formally established Council position, or with the Council's known strategic vision or direction.

In accordance with usual practice, in the lead up to the 2023 local government election, Officers wrote to each group that had a member previously appointed asking if they wanted to continue to have Elected Members from the Shire appointed as delegates. The groups that responded in the affirmative are outlined further in the report.

## **Community / Stakeholder Consultation**

Nil.

## **Statutory Environment**

Nil.

## **Comment**

Membership of groups expires at each ordinary local government election. With the 2023 election process now complete, it is timely for Council to consider making appointments to various community groups.

### Process for appointing Elected Members

By convention the process that Council uses to appoint Elected Members is first to call for nominations. If there are more nominations than positions the following occurs:

- a draw is conducted for positions on a ballot paper



- each Elected Member nominee is given an opportunity to speak in favour of their appointment with the order of speakers determined by position on the ballot paper
- a secret ballot is undertaken on a first past the post basis.

Following the announcement of the results of the secret ballot Council must make a resolution for the appointment to take effect.

As this paper deals with multiple groups, Council may wish to determine the composition of the groups as a single resolution to be voted upon or under clause 10.6 of the Shire's Standing Orders the Presiding Member may break down the question into several parts by taking a separate resolution for each group.

A summary of the groups is as follows:

#### *Peel Harvey Biosecurity Group*

The Peel Harvey Biosecurity Group aims to reduce the negative impacts of declared pests. The group's activities are informed by a committee with community representation and Elected Members from the Shires of Serpentine Jarrahdale, Murray, Waroona, Mandurah and Harvey.

Meetings are held bi-monthly on the last Wednesday of the month at 4:30pm.

One member and one deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause, are required.

#### *South East Regional Energy Group*

The South East Regional Energy Group supports the 'Switch your thinking' program which is a partnership with the Cities of Armadale and Gosnells and the Shire to reduce regional greenhouse gas emissions through the implementation and review of the 'Switch your thinking Business Plan'.

Meetings are usually held on the last Wednesday of each second month, with the next meeting to occur in November 2023.

One member and one deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause, are required.

#### *Darling Range Regional Park Advisory Group*

The Darling Range Regional Park Advisory Group is coordinated by the Department of Biodiversity, Conservation and Attractions and engages with local governments principally on environmental issues associated with management of land in the area.

Meetings are usually held four times per year.

One member and one deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause, are required.

#### *Peel Harvey Catchment Council*

The Peel Harvey Catchment Council is a not-for-profit Natural Resource Management organisation that promotes an integrated approach to catchment management a within the Peel-Harvey catchment.

The group's activities include addressing sustainable natural resource management (NRM) including climate change, river and wetland restoration, biodiversity protection, sustainable agriculture and building community capacity. The past ecological collapse of the Peel-Harvey Estuarine System demands a continued emphasis on water quality issues.





The Peel Harvey Catchment Council is seeking a nominee to become the local government member on the Peel Harvey Catchment Council Board. A decision on membership will be made at the December 2023 Peel Harvey Catchment Council board meeting.

Meetings are held on the third Thursday of every second month.

One nominee is required.

#### *Keysbrook Community Consultative Group*

The Keysbrook Community Consultative Group is an entity established by the Doral Mineral Sands operation to assist with engagement with the community regarding their extractive industry.

Meetings for 2024 are proposed for 7 February, 1 May, 7 August and 6 November 2024 and commence at 4pm.

One member and one deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause, are required.

#### *South East Metropolitan Regional Road Sub Group*

The Metropolitan Regional Road Group (MRRG) manages and administers State allocated funding for Road Projects and Black Spot Programs on the local road network of the Metropolitan Region.

The Shire of Serpentine Jarrahdale is a member of the South East Metropolitan Regional Sub Group along with the Cities of Armadale, Belmont, Canning, Gosnells, South Perth and the Town of Victoria Park.

Appointment of a Council representative to the South East Metropolitan Regional Roads Sub Group enables the Shire of Serpentine Jarrahdale to participate in the broad role of the MRRGs to recommend Local Government road funding priorities to the advisory Committee and to monitor the implementation of the Local Roads Program in their own Regions.

Meetings are held twice yearly, generally at the end of March and the end of September. The date of the next meeting is decided at the meeting prior.

One member and one deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause, are required.

#### *Karnet Prison Farm Community Liaison Group*

At the time of preparing the report, representatives of the Prison had not responded and Officers are contacting the group to determine if Elected Member delegates from the Shire are still sought. If this is the case, Council will be presented the opportunity to consider appointments at a future meeting.

#### *Cemeteries Advisory Group*

Following an Expression of Interest process, Council will be presented with the option of appointing members to this group at a future meeting.

### **Options and Implications**

#### Option1

That Council:

1a. APPOINTS the following Elected Member as delegate to the *Peel Harvey Biosecurity Group*:

- \_\_\_\_\_



1b. APPOINTS the following Elected Member as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:

- \_\_\_\_\_

2a. APPOINTS the following Elected Member as delegate to the *South East Regional Energy Group*:

- \_\_\_\_\_

2b. APPOINTS the following Elected Member as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:

- \_\_\_\_\_

3a. APPOINTS the following Elected Member as delegate to the *Darling Range Regional Park Advisory Group*:

- \_\_\_\_\_

3b. APPOINTS the following Elected Member as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:

- \_\_\_\_\_

4. NOMINATES the following Elected Member as the local government member to the *Peel Harvey Catchment Council* for the consideration of the Peel Harvey Catchment Council Board:

- \_\_\_\_\_

5a. APPOINTS the following Elected Member as delegate to the *Keysbrook Community Consultative Group*:

- \_\_\_\_\_

5b. APPOINTS the following Elected Member as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:

- \_\_\_\_\_

6a. APPOINTS the following Elected Member as a member to the *South East Metropolitan Regional Road Sub Group*:

- \_\_\_\_\_

6b. APPOINTS the following Elected Member as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:

- \_\_\_\_\_

Option 2

That Council DOES NOT APPOINT members to the groups.

Option 1 is recommended.

**Conclusion**

The appointment of delegates to various community groups strengthens Council's engagement with the community and good governance of the district in line with Council's policy on representation on external organisations, including community groups.

**Attachments (available under separate cover)**

- **6.12 - attachment 1** - Peel Harvey Biosecurity Group Model Rules and Guidance Notes (IN23/24337)
- **6.12 - attachment 2** - South East Regional Energy Group Terms of Reference 2020-25 (IN23/22987)
- **6.12 - attachment 3** - Darling Range Regional Park Advisory Group Terms of Reference (E20/7266)
- **6.12 - attachment 4** - Peel Harvey Catchment Council Constitution and Rules (IN23/24338)
- **6.12 - attachment 5** - Keysbrook Community Consultative Group Terms of Reference (E20/2553)
- **6.12 - attachment 6** - Metropolitan Regional Road Group Policies and Practices (IN23/24339)

**Alignment with our Strategic Community Plan:**

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.2</b>	Maximise the Shire's brand and reputation in the community
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.

**Financial Implications**

Nil.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option.						
2	The Shire will not have the opportunity to leverage participation in these groups.		Reputation	Possible	Moderate	MODERATE	

**Voting Requirements:** Simple Majority

### Officer Recommendation

**That Council:**

**1a. APPOINTS** the following Elected Member as delegate to the *Peel Harvey Biosecurity Group*:

- \_\_\_\_\_

**1b. APPOINTS** the following Elected Member as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:

- \_\_\_\_\_

**2a. APPOINTS** the following Elected Member as delegate to the *South East Regional Energy Group*:

- \_\_\_\_\_

**2b. APPOINTS** the following Elected Member as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:

- \_\_\_\_\_

**3a. APPOINTS** the following Elected Member as delegate to the *Darling Range Regional Park Advisory Group*:

- \_\_\_\_\_



**3b.APPOINTS** the following Elected Member as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:

- \_\_\_\_\_

**4. NOMINATES** the following Elected Member as the local government member to the *Peel Harvey Catchment Council* for the consideration of the Peel Harvey Catchment Council Board:

- \_\_\_\_\_

**5a.APPOINTS** the following Elected Member as delegate to the *Keysbrook Community Consultative Group*:

- \_\_\_\_\_

**5b.APPOINTS** the following Elected Member as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:

- \_\_\_\_\_

**6a.APPOINTS** the following Elected Member as a member to the *South East Metropolitan Regional Road Sub Group*:

- \_\_\_\_\_

**6b.APPOINTS** the following Elected Member as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:

- \_\_\_\_\_



Continued

## Special Council Meeting Agenda Monday, 6 November 2023

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- 7. Motions of which notice has been given:**
- 8. Urgent business:**
- 9. Closure:**