



**Shire of Busselton**  
*Geographe Bay*

## **Special Council Agenda**

***26 October 2009***

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

## SHIRE OF BUSSELTON

### AGENDA FOR THE SPECIAL MEETING OF COUNCIL TO BE HELD ON 26 OCTOBER 2009

#### TABLE OF CONTENTS

<b>ITEM NO.</b>	<b>SUBJECT</b>	<b>PAGE NO.</b>
1.	ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE	2
2.	PURPOSE OF THE MEETING	2
3.	ELECTION OF SHIRE PRESIDENT	3
4.	DECLARATION BY SHIRE PRESIDENT	3
5.	ELECTION OF DEPUTY SHIRE PRESIDENT	3
6.	DECLARATION BY DEPUTY SHIRE PRESIDENT	3
7.	PUBLIC QUESTION TIME	3
8.	DECLARATION OF DUE CONSIDERATION	3
9.	DECLARATIONS OF INTEREST	3
10.	PRESENTATIONS BY PARTIES WITH AN INTEREST	3
11.	REPORTS OF OFFICERS	4
11.1	ESTABLISHMENT OF COMMITTEES AND APPOINTMENT OF MEMBERS; APPOINTMENT OF COUNCILLORS AS REPRESENTATIVES ON INTERNAL GROUPS AND EXTERNAL ORGANISATIONS	4
12.	CLOSURE	11

**SHIRE OF BUSSELTON****MEETING NOTICE AND AGENDA – 26 OCTOBER 2009**

---

**TO: THE SHIRE PRESIDENT AND COUNCILLORS**

**NOTICE** is given that a Special meeting of the Council will be held in Council Chambers, Administration Building, Southern Drive, Busselton on Monday 26 October 2009 commencing at 5:00 pm.

Your attendance is respectfully requested.

---

**MATTHEW SMITH**  
**A/CHIEF EXECUTIVE OFFICER**

23 October 2009

---

## **A G E N D A**

- 1. ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE**
- 2. PURPOSE OF THE MEETING**

This meeting is for the purpose of the Council electing a new Shire President and Deputy Shire President and to determine Committees to be established in accordance with Section 5.8 of the Local Government Act 1995. The Council will also appoint members to any committees it establishes and nominate Councillors to represent the Council on various other internal groups and external organisations.

3. **ELECTION OF SHIRE PRESIDENT**

The A/Chief Executive Officer will conduct the election of the Shire President.

4. **DECLARATION BY SHIRE PRESIDENT**

To be sworn before a Justice of the Peace.

5. **ELECTION OF DEPUTY SHIRE PRESIDENT**

The Shire President will conduct the election of the Deputy Shire President.

6. **DECLARATION BY DEPUTY SHIRE PRESIDENT**

To be sworn before a Justice of the Peace.

7. **PUBLIC QUESTION TIME**

8. **DECLARATION OF DUE CONSIDERATION**

The Presiding Member will request Councillors to acknowledge, in accordance with Clause 8.1 of the Standing Orders, that they have given due consideration to the matters contained within the Agenda.

9. **DECLARATIONS OF INTEREST**

10. **PRESENTATIONS BY PARTIES WITH AN INTEREST**

**11. REPORTS OF OFFICERS****11.1 ESTABLISHMENT OF COMMITTEES AND APPOINTMENT OF MEMBERS;  
APPOINTMENT OF COUNCILLORS AS REPRESENTATIVES ON INTERNAL  
GROUPS AND EXTERNAL ORGANISATIONS**

<b>SUBJECT INDEX:</b>	Council Meetings and Committees
<b>STRATEGIC INITIATIVE:</b>	Further development of structures to support decision-making
<b>BUSINESS UNIT:</b>	Governance
<b>SERVICE:</b>	Council and Councillor Services
<b>DATE OF COMPLETION:</b>	27/01/2010
<b>VOTING REQUIREMENT:</b>	Absolute Majority (Recommendations 1-5) Simple Majority (Recommendations 6-7)
<b>ATTACHMENT(S):</b>	Proposed Committee Instruments of Appointment; Internal Groups and External Organisations list

**PRÉCIS**

Under its Instrument of Appointment the term of each Council-constituted committee expires in conjunction with an Ordinary Local Government election given that committee membership discontinues automatically at that juncture in accordance with the *Local Government Act 1995*. As such, another Council decision (by absolute majority) is needed if the Council requires its Committees to be reconstituted and to appoint members to these committees. This report is presented to enable the Council to determine those Advisory and Management Committees it may require. It also provides an overview of the internal groups and external organisations on which Councillors have represented the Council to seek interested Councillors to continue this internal representation and also the association with external groups.

**BACKGROUND**

Up until the Local Government election on 17 October, there were five Committees that had been formally constituted by Council operating in accordance with Council directions. There were two management and three advisory Committees.

<b>Management Committees</b>	<b>Advisory Committees</b>
Bush Fires	Audit
Meelup Regional Park	Busselton Jetty
	Heritage

This report recommends the reconstitution of both Management Committees, the Audit Committee (noting that it is a statutory requirement for all local governments to have an Audit Committee), the Busselton Jetty Advisory Committee and the Heritage Advisory Committee.

It is noted that Officers had recommended that the Meelup Regional Park Management Committee and the Bush Fires Management Committee need not be management committees with delegated authority in order to operate as they were, following the last audit of compliance undertaken by an external auditor. However, the Meelup Regional Park Management Committee, while noting the recommendation, recently resolved to request that the Council appoint it as a management committee with delegated authority.

As the Bush Fires Management Committee has not yet been further consulted on any proposal to continue operation in a different form, it is considered appropriate that it be reformed as a management committee at this time, pending the opportunity for review.

While the existence of a Busselton Jetty Advisory Committee is supported by Officers, it is also considered that the role, responsibilities and membership of this Committee should be reviewed in the context of the agreements that were adopted by the Council at its meeting on 14 October 2009. Officers therefore recommend the committee be appointed at this time with a direction that a complete review of these matters be undertaken in consultation with the members of the committee and reported to the Council for further consideration.

The Heritage Advisory Committee meets on an as required basis generally to provide advice on the places included on the Shire's municipal inventory. Its continuing role is supported.

## **CONSULTATION**

A report has been presented to the Meelup Regional Park Management Committee resulting in the resolve of the Committee that: "The Committee notes the Officer's recommendation, however requests the Council to establish the Meelup Regional Park Management Committee under the provisions of the Local Government Act with the delegated power necessary for the management of the Park."

As discussed in the background, further consultation with the Busselton Jetty Advisory Committee is considered necessary following the recent adoption of the jetty agreements to formalise the role of the advisory committee.

## **STATUTORY ENVIRONMENT**

Under Section 5.8 of the Local Government Act 1995, a local government may establish Committees of three or more persons to assist the Council or to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Section 5.16 of the LG Act also applies, whereby a local government may delegate to a Committee any of its powers and duties, other than this power of delegation. (Committees provided with delegated authority(ies) are called Management Committees at the Shire of Busselton).

Section 2 of the Standing Orders Local Law, which governs the proceedings and business of Council, relates to the establishment of Committees. It requires any motion to form a committee to include an Instrument of Appointment with details on the proposed operation of the Committee. Committees are then bound to act in accordance with this law.

### **POLICY IMPLICATIONS**

Committees constituted by the Council under the Local Government Act operate in accordance with Council Policy 220.

### **FINANCIAL IMPLICATIONS**

None specific to the reestablishment of Committees as these existing Committees have been recognised in the current budget and corporate plan.

### **STRATEGIC IMPLICATIONS**

The committees identified to be formally constituted under the Local Government Act are those that have been and are considered to continue to be contributing to the achievement of the Shire's strategic objectives.

### **OFFICER COMMENT**

Firstly, it is noted that this report does not address the CapeROC, which is the voluntary regional organisation of Councils with the Shire of Augusta-Margaret River recently approved by the Council when it considered its reform submission to the Minister for Local Government. This will be dealt with in a separate report to the Council in consultation with the Shire of Augusta-Margaret River. Upon enquiry, AMR's CEO advised that he intends to make recommendations to his Council regarding the formal establishment of this group, including appointing its members, at a Council meeting in November.

There are some committees that have community representatives as members. For the purposes of continuity, it is recommended that the Council reappoints these Committees with the existing members. Should a person not be able to continue in the role and decline the position, it could then be advertised at that time. However, the Council could also resolve to advertise any Committee positions rather than appoint these members for another term.

### **Bush Fires Management Committee**

The Bush Fires Management Committee (BFMC) was appointed to provide advice to Council in regard to all matters relating to bush fire control, prevention and management. Membership of the Committee has been by virtue of a person's position as a Fire Control Officer in the Shire. Councillors or officers must also be members of the Committee as it has delegated powers (however, it has not been a practice of the Shire of Busselton to have officers as Committee members. Officers attend the meetings in an advisory capacity only and do not have voting rights).

It is recommended that the Bush Fires Management Committee be reappointed and the membership include all Fire Control Officers in the Shire of Busselton. Councillors are invited to nominate or renominate for this Committee. There were three Councillors on the Committee prior to the election, being Councillor Anne Ryan and Councillor Rob Underdown and former Councillor Bethwyn Hastie.

#### **Meelup Regional Park Management Committee**

The Meelup Regional Park Management Committee (MRPMC) was appointed to develop a strategic plan for the regional park that ties into Council's Strategic Plan and to care for, control and manage all areas of Meelup Regional Park. Councillors or officers must also be members of the Committee as it has delegated powers. Again, officers attend in an advisory capacity only.

It is recommended that the Committee is reappointed with its existing community members who have all been involved in the recommendation to the Council for the Committee's reappointment. Any position not accepted could then be advertised and the results reported back to Council for consideration.

Councillors are invited to nominate or renominate for this Committee. There were two Councillors on the Committee prior to the election, being Councillor Don Hanran-Smith and Councillor David Binks.

#### **Busselton Jetty Advisory Committee**

The Busselton Jetty Advisory Committee was appointed to advise the Council on matters relating to the day to day management and capital improvement of the Busselton Jetty. As discussed previously, it is considered that this committee should be appointed and reviewed in consultation with its existing members to take into consideration matters arising from recent agreements regarding the jetty.

Councillors are invited to nominate or renominate for this Committee. There were three Councillors on the Committee prior to the election, being Councillor Anne Ryan and former Councillors Bethwyn Hastie and Wes Hartley.

#### **Heritage Advisory Committee**

The Heritage Advisory Committee (HAC) was appointed to recommend to Council a list of places for entry onto the Shire's Municipal Inventory of Heritage Places, to advise Council on the conservation values of heritage places and to develop a Heritage Strategy for the Shire of Busselton.

Due to the ongoing nature of the requirements of the Committee it is recommended that the current members be reappointed for a further term, should they be willing. Any vacancies as a result of the non-acceptance of a position could then be advertised if necessary.

Councillors are invited to nominate or renominate for this Committee. There were two Councillors on the Committee prior to the election, being Councillor Anne Ryan and former Councillor Bethwyn Hastie.

### **Shire of Busselton Audit Committee**

The Shire of Busselton Audit Committee was established to fulfil the requirements of Local Government (Audit) Regulation 16. It is to provide an independent oversight of the financial systems of the local government on behalf of the Council.

The Committee was established with the Shire President, Deputy Shire President and one other Councillor as members. The former membership was then Shire President Wes Hartley, then Deputy Shire President Bethwyn Hastie and Councillor Anne Ryan.

Councillors are invited to nominate or renominate for this Committee, noting the Committee's Instrument of Appointment identifies the President and Deputy President as members. Therefore, should the Council resolve in accordance with the existing Instrument of Appointment, the newly elected President and Deputy President would then be members by virtue of their positions and another Councillor (or could be Councillors) would be appointed by name.

### **External Organisations**

The list provided as an attachment to this report identifies those internal groups and external organisations on which a Councillor has represented the Council in the past. The list is simply provided to be updated due to changes in the Elected Member Group and/or willingness of Councillors to continue in the roles in accordance with any indication of willingness by any Councillor. Expressions of interest are sought from Councillors to represent the Council on internal groups and external organisations (an absolute majority decision is not required for this).

### **VOTING REQUIREMENT**

Absolute Majority for recommendations 1, 2, 3, 4 and 5.

Simple Majority for recommendations 6 and 7.

### **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Most aspects of the Officer Recommendation can be implemented immediately, however, it is considered that the recommended review of the Busselton Jetty Advisory Committee will take until the end of the year to undertake, with a report back to the Council at its meeting in January.

**OFFICER RECOMMENDATION****ABSOLUTE MAJORITY REQUIRED**

1. That the Council establishes a Bush Fires Management Committee with a term to expire on 15 October, 2011, in accordance with the proposed Instrument of Appointment, with:
  - a. All Fire Control Officers, by virtue of their position, being appointed as members of the Committee;
  - b. Three Councillors (names to be inserted) being appointed to the Committee.
2. That the Council establishes a Meelup Regional Park Management Committee with a term to expire on 15 October, 2011, in accordance with the proposed Instrument of Appointment, with:
  - a. Community representatives Don McDonald, Nik Selheim, Shirley Fisher, Andrew Webb, Rod Brown and Bob Jarvis being appointed to the Committee and John Slee and Jill Moyes being appointed Deputy Members;
  - b. Two Councillors (names to be inserted) being appointed to the Committee;
3. That the Council establishes a Busselton Jetty Advisory Committee with a term to expire on 15 October, 2011, in accordance with the proposed Instrument of Appointment, with:
  - a. The BJECA president, deputy president and executive officer and community representatives Terry Alder and Ross Bromell being appointed to the Committee;
  - b. Three Councillors (names to be inserted) being appointed to the Committee.
4. That the Council establishes a Heritage Advisory Committee with a term to expire on 15 October, 2011, in accordance with the proposed Instrument of Appointment, with;
  - a. The WA Heritage Council Regional Heritage Advisor and community representatives Valma Baker, Judi Murray, Isabel Willmott and Anne Gardiner being appointed to the Committee;
  - b. Two Councillors (names to be inserted) being appointed to the Committee.

5. That the Council establishes a Shire of Busselton Audit Committee with a term to expire on 15 October, 2011, in accordance with the proposed Instrument of Appointment, with the President and Deputy President as members, and:

a. Councillor(s) (name/s to be inserted) being appointed to the Committee.

**SIMPLE MAJORITY REQUIRED**

6. That the CEO be required to conduct a review of the Busselton Jetty Advisory Committee in consultation with its members and report back to Council with any recommendations on changes required or recommended in recognition of the Busselton Jetty agreements recently adopted by the Council.
7. That the following Councillors are the Council's endorsed representatives for internal groups and external organisations:

<b>GROUP / ORGANISATION</b>	<b>REPRESENTATIVE/S</b> (name/s to be inserted)
<b>Yallingup LCDC</b>	
<b>Vasse-Wonnerup LCDC</b>	
<b>Leeuwin-Naturaliste National Park Advisory Committee</b>	
<b>Geographe Community Centre</b>	
<b>Citizens' Advice Bureau</b>	
<b>Shire of Busselton Sister City Associations</b>	
<b>GeoCatch</b>	
<b>Keep Busselton Beautiful Committee</b>	
<b>Local Organising Committee - Ironman WA</b>	
<b>Busselton Wetlands Interpretive Centre Project Team</b>	
<b>Port Geographe Working Group convened by Hon Adele Farina MLC</b>	
<b>Busselton Senior Citizens Centre Board of Management</b>	
<b>Geographe Bay Tourism Association</b>	
<b>Rural Roads Convention</b>	
<b>Whicher Water Resources Management Committee</b>	
<b>Busselton Historical Society</b>	
<b>Busselton and Dunsborough Historians</b>	

<b>Community Resource Centre Reference Group</b>	
<b>Busselton Foreshore Working Group</b>	
<b>Airport Advisory Group</b>	
<b>Ludlow Reference Group</b>	
<b>Margaret River Greater Tourism Taskforce</b>	
<b>Local Environmental Planning Strategy Community and Industry Reference Group</b>	
<b>Environmental Reference Group</b>	
<b>Busselton 2020</b>	
<b>Leisure Services Plan Working Group</b>	
<b>Waste Advisory Group</b>	
<b>Local Emergency Management Committee</b>	
<b>Locke Estate Working Group</b>	
<b>Busselton Jetty Heritage Interpretation Selection Panel</b>	

12. CLOSURE

