



CONFIRMED

Special Council Meeting

Minutes

Wednesday 25 October 2023

MINUTES

Minutes of a meeting of the Busselton City Council held in the Council Chambers, Administration Building, Southern Drive, Busselton, on Wednesday 25 October 2023 at 5:00pm.

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1. OFFICIAL OPENING

The meeting opened at 5:03pm.

The Presiding Member welcomed Councillors, staff, guests and members of the public to the Special Council Meeting of 25 October 2023.

The Presiding Member acknowledged the Wadandi and Bibbulmun people as the traditional custodians of this region and paid respects to Elders past and present.

This meeting was audio recorded for minute taking purposes. The meeting was also live streamed on the City of Busselton YouTube channel, and will be available for three months from the meeting date.

2. ATTENDANCE

PRESIDING MEMBER	MEMBERS
Mayor Phill Cronin	Cr Anne Ryan
	Cr Cherise Woodhams
	Cr Jodie Richards
	Cr Kate Cox
	Cr Andrew Macnish
	Cr Sue Riccelli
	Cr Mikayla Love
	Cr Jarrod Kennedy

OFFICERS	
Mr Tony Nottle	Chief Executive Officer
Mr Oliver Darby	Director Engineering and Works Services
Mr Paul Needham	Director Community Planning
Ms Maxine Palmer	Director Economic and Business Development
Ms Sarah Pierson	Director Corporate Strategy and Performance
Ms Tegan Robertson	Governance and Risk Coordinator
Ms Jo Barrett-Lennard	Governance Officer

APOLOGIES	
Nil	

MEDIA	
Busselton - Dunsborough Times	
PUBLIC	
16	

3. PURPOSE OF MEETING

The meeting is for the purposes of:

- Election of the Deputy Mayor of the City of Busselton;
- Appointing Elected Members to committees established in accordance with section 5.8 of the *Local Government Act 1995*; and
- Appointing Elected Members to working groups and as delegates to external groups where City representation is required.

4. ELECTION OF DEPUTY MAYOR

The Presiding Member called upon an Elected Member to move a motion to suspend the operation of the Standing Orders in accordance with clause 16.1(2) of the *Standing Orders Local Law 2018* until the completion of the Deputy Mayor election process, Chambers seating allocation, and completion of the election for committee membership.

The motion was moved and carried.

COUNCIL DECISION

C2310/156 Moved Cr Mikayla Love, seconded Cr Jodie Richards

That the Council suspend the operation of the Standing Orders in accordance with clause 16.1(2) of the *Standing Orders Local Law 2018* for the following parts of the meeting:

- 1. Deputy Mayor election process;**
- 2. Allocation of seating; and**
- 3. Committee and working group elections and membership establishment.**

CARRIED 9 / 0

**FOR: Mayor Phill Cronin, Cr Andrew Macnish, Cr Jarrod Kennedy, Cr Anne Ryan,
Cr Jodie Richards, Cr Kate Cox, Cr Sue Riccelli,
Cr Mikayla Love and Cr Cherise Woodhams**

AGAINST: Nil

5:18pm: At this time, the operation of the *Standing Orders Local Law 2018* was suspended.

The Mayor confirmed that three nominations for the position of Deputy Mayor had been received. In order of receipt, the nominations were:

- Cr Sue Riccelli
- Cr Jodie Richards
- Cr Anne Ryan

The Mayor confirmed that the nominations were still standing, and asked if there were any further nominations. There were no further nominations.

Each candidate was given five minutes to make a presentation to Council.

A preferential voting ballot was conducted with Cr Anne Ryan successfully elected as Deputy Mayor.

The Mayor announced that Cr Ryan was therefore elected to the position of Deputy Mayor for term ending at the first Council meeting after the next Ordinary Election.

5. DECLARATION BY DEPUTY MAYOR

With the results of the Deputy Mayor declared, the Mayor congratulated Cr Anne Ryan on her appointment to Deputy Mayor.

Cr Ryan made a Declaration of Office for the position of Deputy Mayor of the City of Busselton as per Section 2.29 of the *Local Government Act 1995*, before Ms. Kelly Hick.

6. ALLOCATION OF SEATING IN THE COUNCIL CHAMBERS

A ballot was conducted to allocate seating arrangements in the Council Chambers, with Councillors assuming their allocated seats.

7. DISCLOSURES OF INTEREST

DISCLOSURES OF FINANCIAL INTEREST

Nil

DISCLOSURES OF IMPARTIALITY INTEREST

Nil

6:19pm: At this time, the operation of the Standing Orders resumed in accordance with clause 16.1(2) of the *Standing Orders Local Law 2018*.

8. PUBLIC QUESTION TIME

8.1. QUESTION TIME FOR PUBLIC

Mr Paul Carter

Question

When will the Council resolve on committee membership, given the ballots have now been completed for each committee?

Response

(Mayor Phill Cronin)

The next agenda item requires a resolution on the appointment of Elected Members to Committees and other groups, as committee nominations were established whilst the *Standing Orders Local Law 2018* was suspended.

9. CORPORATE STRATEGY AND PERFORMANCE REPORTS

9.1. Appointment of Elected Members to Committees

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Governance Officer - Jo Barrett-Lennard
Authorised By:	Director of Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Absolute Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	Nil

The officer recommendation was moved and seconded.

There was opposition and debate ensued.

The officer recommendation was carried.

COUNCIL DECISION

C2310/157 Moved Cr Jodie Richards, seconded Cr Mikayla Love

That the Council:

1. Appoints Elected Members to the following Committees pursuant to section 5.8 of the *Local Government Act 1995*:

a) Audit and Risk Committee

i. 4 Elected Members:

Mayor Cronin

Cr Riccelli

Cr Woodhams

Cr Macnish

ii. 2 Deputy Members:

Cr Love

Cr Ryan

b) Finance Committee

i. 5 Elected Members:

Mayor Cronin

Cr Cox

Cr Riccelli

Cr Kennedy

Cr Richards

- ii. **4 Deputy Members:**
 - Cr Love
 - Cr Macnish
 - Cr Ryan
 - Cr Woodhams

- c) **Policy and Legislation Committee**
 - i. **5 Elected Members**
 - Mayor Cronin
 - Cr Richards
 - Cr Cox
 - Cr Kennedy
 - Cr Love
 - ii. **4 Deputy Members**
 - Cr Ryan
 - Cr Woodhams
 - Cr Macnish
 - Cr Riccelli

- d) **Airport Advisory Committee**
 - i. **4 Elected Members**
 - Mayor Cronin
 - Cr Richards
 - Cr Love
 - Cr Kennedy
 - ii. **2 Deputy Members**
 - Cr Ryan
 - Cr Riccelli

- e) **CEO Performance Review Committee**
 - i. **Mayor**
 - Mayor Cronin
 - ii. **2 Councillors**
 - Cr Cox
 - Cr Richards
 - iii. **1 Deputy Member**
 - Cr Love

- f) **Behaviour Complaints Committee**
 - i. **Mayor**
 - Mayor Cronin
 - ii. **8 Councillors**
 - Cr Cox
 - Cr Kennedy
 - Cr Love
 - Cr Macnish
 - Cr Riccelli
 - Cr Richards
 - Cr Ryan
 - Cr Woodhams

- g) Meelup Regional Park Committee**
 - i. 2 Elected Members**
 - Cr Love**
 - Cr Cox**
 - 1 Deputy Member**
 - Cr Kennedy**

- h) Bush Fires Advisory Committee**
 - i. 1 Elected Member:**
 - Cr Cronin**
 - 1 Deputy Member:**
 - Cr Cox**

- i) Local Emergency Management Committee**
 - i. Mayor**
 - Mayor Cronin**
 - ii. Deputy Mayor**
 - Cr Ryan**
 - iii. 1 Deputy Member**
 - Cr Richards**

2. Appoints Elected Members to the following Reference Groups, Working Groups and Panels:

- a) Saltwater Working Group**
 - i. 2 Elected Members**
 - Cr Love**
 - Cr Cox**
 - ii. 1 Deputy Member**
 - Mayor Cronin**

- b) Community Assistance Program Panel**
 - i. 3 Elected Members**
 - Cr Cronin**
 - Cr Love**
 - Cr Kennedy**
 - ii. 1 Deputy Member**
 - Cr Richards**

- c) Economic Development Advisory Group**
 - i. 3 Elected Members**
 - Cr Love**
 - Cr Richards**
 - Cr Ryan**
 - ii. 1 Deputy Member**
 - Cr Kennedy**

- d) Busselton Jetty Reference Group**
 - i. 2 Elected Members**
 - Cr Richards**

- 4. Endorses the appointment of the Mayor to the following external groups:**
- a) Regional Capitals Australia Alliance (subject to appointment by the Regional Capitals Australia Alliance Board)**
Mayor Cronin
 - b) Regional Capitals West Australia Alliance**
Mayor Cronin
 - c) South West Zone Local Government Association**
 - i. Mayor**
Mayor Cronin
 - ii. 1 Deputy Member**
Cr Love
- 5. Endorses the appointment of Elected Members as required to the following Ministerial Committees subject to approval of the relevant minister:**

- a) Development Assessment Panel**
 - ii. 2 Elected Members**
Cr Cox
Cr Ryan
 - iii. 2 Deputy Members**
Cr Kennedy
Cr Richards
- b) Yallingup Land Conservation District Committee**
 - i. 1 Elected Member**
Cr Macnish
- c) Vasse Ministerial Taskforce**
 - i. 1 Elected Member**
Cr Ryan
- d) GeoCatch**
 - ii. Mayor**
Mayor Cronin

CARRIED 7 / 2

**FOR: Mayor Phill Cronin, Cr Jarrod Kennedy, Cr Jodie Richards, Cr Kate Cox,
Cr Sue Riccelli, Cr Mikayla Love and Cr Cherise Woodhams**

AGAINST: Cr Andrew Macnish and Cr Anne Ryan

BY ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

That the Council, pursuant to section 5.8 of the *Local Government Act 1995*:

1. Appoints Elected Members to the following Committees:
 - a) Audit and Risk Committee
 - i. 4 Elected Members; and
 - ii. 2 Deputy Members
 - b) Finance Committee
 - i. 5 Elected Members; and
 - ii. 4 Deputy Members
 - c) Policy and Legislation Committee
 - i. 5 Elected Members; and
 - ii. 4 Deputy Members
 - d) Airport Advisory Committee
 - i. 4 Elected Members; and
 - ii. 2 Deputy Members
 - e) CEO Performance Review Committee
 - i. Mayor;
 - ii. 2 Councillors; and
 - iii. 1 Deputy Member
 - f) Behaviour Complaints Committee
 - i. Mayor; and
 - ii. 8 Councillors
 - g) Meelup Regional Park Committee
 - i. 2 Elected Members; and
 - ii. 1 Deputy Member
 - h) Bush Fires Advisory Committee
 - i. 1 Elected Member; and
 - ii. 1 Deputy Member
 - i) Local Emergency Management Committee
 - i. Mayor;
 - ii. Deputy Mayor; and
 - iii. 1 Deputy Member
2. Appoints Elected Members to the following Reference Groups, Working Groups and Panels:
 - a) Saltwater Working Group
 - i. 2 Elected Members; and
 - ii. 1 Deputy Member

- b) Community Assistance Program Panel
 - i. 3 Elected Members
 - ii. 1 Deputy Member
 - c) Economic Development Advisory Group
 - i. 3 Elected Members; and
 - ii. 1 Deputy Member
 - d) Busselton Jetty Reference Group
 - i. 2 Elected Members; and
 - ii. 1 Deputy Member
 - e) Disability Access and Inclusion Plan Reference Group
 - i. 2 Elected Members; and
 - ii. 1 Deputy Member
 - f) Business Development and Events Marketing Group
 - i. 3 Elected Members; and
 - ii. 1 Deputy Member
 - g) Meelup Regional Park Working Group
 - Note: Membership is as per Meelup Regional Park Committee*
 - i. 2 Elected Members; and
 - ii. 1 Deputy Member
3. Endorses the delegation of Elected Members to the following external groups:
- b) Peron-Naturaliste Partnership
 - i. 1 Elected Member; and
 - ii. 1 Deputy Member
 - c) Busselton and Sugito Cities Association
 - i. 1 Elected Member; and
 - ii. 1 Deputy Member
 - d) Regional Road Group and Convention
 - i. 1 Elected Member; and
 - ii. 1 Deputy Member
 - e) Busselton Jetty Inc.
 - i. 1 Elected Member
4. Endorses the appointment of the Mayor to the following external groups:
- a) Regional Capitals Australia Alliance (subject to appointment by the Regional Capitals Australia Alliance Board)
 - b) Regional Capitals West Australia Alliance

- c) South West Zone Local Government Association
 - i. Mayor; and
 - ii. 1 Deputy Member

- 5. Endorses the appointment of Elected Members as required to the following Ministerial Committees subject to approval of the relevant minister:
 - a) Development Assessment Panel
 - i. 2 Elected Members; and
 - ii. 2 Deputy Members

 - b) Yallingup Land Conservation District Committee
 - i. 1 Elected Member

 - c) Vasse Ministerial Taskforce
 - i. 1 Elected Member

 - d) GeoCatch
 - i. Mayor; or
 - ii. Mayor's delegate

EXECUTIVE SUMMARY

This report is provided to enable Council to appoint Elected Members to the City's formal committees of Council, various working groups and as delegates to external groups requiring Elected Member representation.

STRATEGIC CONTEXT

The appointment of Elected Members to formal committees, reference groups, working groups and Ministerial committees aligns with Strategic Theme 4.2 by delivering governance systems that facilitate open, ethical and transparent decision making.

BACKGROUND

The Council has seven Council committees established under the *Local Government Act 1995* (the Act), one committee established under the *Emergency Management Act WA 1995* and one committee established under the *Bush Fires Act 1954*. The Council has also established several working and advisory groups to assist with the progressing of various initiatives. In addition, the Council is also represented by Elected Members on various external groups and committees.

OFFICER COMMENT

The Council is required to appoint Elected Members to its Committees, and to nominate Elected Members for ministerial appointment where required.

In order to facilitate this process elected members (current and elect) have been asked to nominate for the various committees. Where there are more nominations than positions a secret ballot will be conducted whereby each member will be asked to select those they feel should be on the committee / working group. Officers will tally the results with the members receiving the most votes being appointed to the committee or working group.

A brief overview of the function and membership of each of the Council committees is set out in the tables below.

Table 1: Formal Committees – Elected Members only

Committee	Function	Membership
Audit and Risk Committee	<ul style="list-style-type: none"> Assists Council to fulfil its corporate governance, stewardship, leadership and control responsibilities. Meets four times per year 	<ul style="list-style-type: none"> 4 Elected Members 2 Deputy Members
Finance Committee	<ul style="list-style-type: none"> Assists Council to oversee the allocation and use of the local governments finances and resources Meets monthly 	<ul style="list-style-type: none"> 5 Elected Members 4 Deputy Members
Policy and Legislation Committee	<ul style="list-style-type: none"> Assists the Council to determine the Local Government Policies and to carry out its legislative functions Meets every second month 	<ul style="list-style-type: none"> 5 Elected Members 4 Deputy Members
Airport Advisory Committee	<ul style="list-style-type: none"> Assist Council in considering Airport associated policies and oversees development of the Airport Meets every second month 	<ul style="list-style-type: none"> 4 Elected Members 2 Deputy Members
CEO Performance Review Committee	<ul style="list-style-type: none"> Assists the Council in reviewing the performance of the Chief Executive Officer Meets every second month 	<ul style="list-style-type: none"> Mayor 2 Councillors 1 Deputy Member
Behaviour Complaints Committee	<ul style="list-style-type: none"> Established for the purpose of dealing with complaints submitted under Part 3, clause 13 of the City of Busselton Code of Conduct for Council Members, Committee Members and Candidates 	<ul style="list-style-type: none"> Mayor All Councillors

Table 2: Formal Committees – with elected and non-elected members

Committee	Function	Membership
Meelup Regional Park Committee	<ul style="list-style-type: none"> Assist Council in managing and promoting Meelup Regional Park. Supported by a working group with the same membership Working Group meets monthly 	<ul style="list-style-type: none"> 2 Elected Members 1 Deputy Members <p><i>Note: Also appointed to Meelup Regional Park Working Group</i></p>
Bush Fires Advisory Committee	<ul style="list-style-type: none"> Established pursuant to the <i>Bush Fires Act 1954</i> to provide advice to Council in regard to matters relating to bush fire control, prevention and management 	<ul style="list-style-type: none"> 1 Elected Member 1 Deputy Member
Local Emergency Management Committee	<ul style="list-style-type: none"> Established pursuant to the <i>Local Emergency Management Act 2005</i> to assist Council and ensure local emergency management arrangements are established. 	<ul style="list-style-type: none"> Mayor Deputy Mayor 1 Deputy Member

The City has a number of non-statutory working groups to which elected members, and other non-elected members, are appointed. A brief overview of the function and membership of each working group is set out in table 3 below.

Table 3: City formed reference and working groups.

Group	Function	Membership
Saltwater Working Group	<ul style="list-style-type: none"> Consults with key stakeholders, seeks specialist advice and enables communication regarding the promotion of Saltwater 	<ul style="list-style-type: none"> 2 Elected Members 1 Deputy Member
Community Assistance Program Panel	<ul style="list-style-type: none"> Assesses and provides recommendations to Council on applications received through the Community Assistance Panel 	<ul style="list-style-type: none"> 3 Elected Members 1 Deputy Member
Economic Development Advisory Group	<ul style="list-style-type: none"> Provides advice and recommendations as to the Economic Development Strategy Supported by a working group 	<ul style="list-style-type: none"> 3 Elected Members 1 Deputy Member
Busselton Jetty Reference Group	<ul style="list-style-type: none"> Provides a forum for discussion on Jetty related matters between Busselton Jetty Inc. and Council 	<ul style="list-style-type: none"> 2 Elected members 1 Deputy Member

Group	Function	Membership
Disability Access and Inclusion Plan Reference Group	<ul style="list-style-type: none"> Assists with the implementation of initiatives identified in the Disability Access and Inclusion Plan 	<ul style="list-style-type: none"> 2 Elected Members 1 Deputy Member
Business Development and Events Marketing Program	<ul style="list-style-type: none"> Makes recommendations to Council on the allocation of marketing and events funding 	<ul style="list-style-type: none"> 3 Elected Members 1 Deputy Member
Meelup Regional Park Working Group	<ul style="list-style-type: none"> Supports the Meelup Regional Park Committee Working Group meets monthly 	<ul style="list-style-type: none"> Elected member appointments as per Meelup Regional Park Committee

The City has been invited to provide representation to a number of external groups and committees. A brief overview of the function and membership of each group is set out in table 4 below.

Table 4: External Groups – Elected Member representation

Group	Function	Membership
Peron-Naturaliste Partnership	<ul style="list-style-type: none"> One of nine local governments that form the board Works with State Government to lobby Federal Government about environmental issues 	<ul style="list-style-type: none"> 1 Elected Member 1 Deputy Member
Busselton and Sugito Sister Cities Partnership	<ul style="list-style-type: none"> Manages the sister city relationship with Sugito, Japan and arranged adult and youth exchanges 	<ul style="list-style-type: none"> 1 Elected Member 1 Deputy Member
Regional Road Group and Convention	<ul style="list-style-type: none"> The group prioritises and resolves projects for the allocation of monies received from State and Federal Governments 	<ul style="list-style-type: none"> 1 Elected Member 1 Deputy Member
Busselton Jetty Inc.	<ul style="list-style-type: none"> Supports the management of the Busselton Jetty 	<ul style="list-style-type: none"> 1 Elected Member

The Mayor is appointed to three committees by virtue of the office held. A brief overview of the function and membership of these committees is set out in table 5 below.

Table 5: Mayoral Appointments

Group	Function	Membership
Regional Capitals Australia (RCA)	<ul style="list-style-type: none"> Brings Australia's 51 regional capital cities together as one unified voice to provide an alliance that understands and presents to the Federal Government the needs of combined regional communities 	<ul style="list-style-type: none"> Mayor <i>By appointment by the RCA board</i>
Regional Capitals Western Australia Alliance (RCAWA)	<ul style="list-style-type: none"> Provides a Western Australian alliance of regional capitals 	<ul style="list-style-type: none"> Mayor
South West Zone Local Government Association	<ul style="list-style-type: none"> An association of 12 South West Local Governments that meet to consider WA Local Government initiatives. 	<ul style="list-style-type: none"> Mayor 1 Deputy Member

There are a further four committees which Council is represented on where Elected Member nominations require Ministerial appointment, as outlined in table 6 below.

Table 6: Ministerial Appointments

Group	Function	Membership
Development Assessment Panel (DAP)	<ul style="list-style-type: none"> The Development Assessment Panel reports to the Minister for Planning on planning decisions 	<ul style="list-style-type: none"> 2 Elected Members 2 Deputy Members
Yallingup Land Conservation District Committee	<ul style="list-style-type: none"> Statutory committee appointed by the Commissioner of Soil and Land Conservation in Western Australia, to administer land 	<ul style="list-style-type: none"> 1 Elected Member
Vasse Ministerial Taskforce	<ul style="list-style-type: none"> Invite and appointment by the relevant Minister 	<ul style="list-style-type: none"> 1 Elected Member
GeoCatch	<ul style="list-style-type: none"> A multi-agency committee which provides direction and support to lead agencies responsible for activities to improve waterway health 	<ul style="list-style-type: none"> Mayor or delegate <i>Appointment is for a 3 year term, current term expires 2025</i>

Statutory Environment

Section 5.11 of the *Local Government Act 1995* (the Act) prescribes that the tenure of a committee member ends on the Ordinary Council Election day (in this instance being 21 October 2023) and the Council must consider the future membership of these committees.

Section 5.10(2) of the Act provides that each council member is entitled to be a member of at least one of the committees of Council.

Section 5.10(4) of the Act provides that, if a committee can have a council member as a member, and the Mayor informs the local government of their wish to be a member of that committee, the Council must appoint the Mayor to that committee.

Section 5.10(5) of the Act provides that, if a committee can have an employee as a member, and the CEO informs the local government of their wish to be a member of that committee, the Council must appoint the CEO or their representative to that committee.

Section 7.1A of the Act requires that each local government is to establish an audit committee consisting of at least three elected members.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Not applicable.

Policy:

[Meeting, Information Sessions and Decision Making Processes](#)

In accordance with Council Policy '[Fees, Allowances and Expenses for Elected Members](#)', Elected Members are entitled to be paid a travelling allowance for attending meetings of community groups or other external organisations of which the Elected Member has been appointed as the Council's representative.

Financial Implications

There are no specific financial implications associated with the appointment of members to committees and groups, as the costs related to travel (where required) and other related expenses have been allocated in the Annual Budget.

External Stakeholder Consultation

Not Applicable.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place.

No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could determine that it requires more or less members on any of the committees or groups, subject to any statutory requirements and noting that each formal Committee must have a minimum of three members.

CONCLUSION

Elected Members are required to be appointed to the Council committees and working groups, and various external groups outlined in this report at the first Special Council meeting following the local government election.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Elected Members appointed to Council committees and working groups	25 October 2023
Elected Members appointed to external groups where Ministerial approval is required	Following approval of the relevant Minister

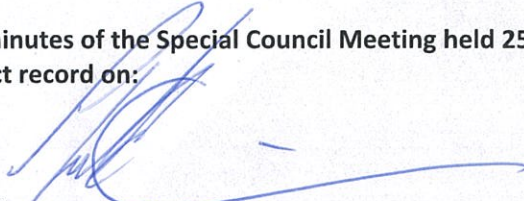
10. CLOSURE

The meeting was closed at 6:30pm.

The minutes of the Special Council Meeting held 25 October 2023 were confirmed as a true and correct record on:

Date:

Presiding Member:



Special Council Meeting
MINUTES
25 October 2023