



City of Cockburn
Special Council Meeting
Commencing at 7.43pm

Minutes

For Thursday, 21 October 2021

These Minutes are subject to confirmation

Presiding Member's signature

A handwritten signature in blue ink, which appears to read "Logan Hewitt". The signature is written in a cursive style and is positioned above a horizontal blue line.

Date: 11 November 2021

CITY OF COCKBURN

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CITY OF COCKBURN**Minutes Of Special Council Meeting
Thursday, 21 October 2021****PRESENT****ELECTED MEMBERS**

Mr L Howlett	-	Mayor (Presiding Member)
Mr K Allen	-	Councillor
Ms P Corke	-	Councillor
Mr T Dewan	-	Councillor
Mr P Eva	-	Councillor
Ms L Kirkwood	-	Councillor
Mr M Separovich	-	Councillor
Ms C Stone	-	Councillor
Dr C Terblanche	-	Councillor
Mr T Widenbar	-	Councillor

IN ATTENDANCE

Mr T Brun	-	Chief Executive Officer
Mr D Arndt	-	Chief of Built and Natural Environment
Mrs G Bowman	-	Chief of Community Services
Mr S Downing	-	Chief Financial Officer
Mr A Lees	-	Chief of Operations
Mr D Green	-	Executive Governance and Strategy
Ms V Green	-	Executive Corporate Affairs
Ms J Iles	-	Executive People Experience and Transformation
Ms E Milne	-	Executive Governance and Strategy
Ms M Nugent	-	Media and Communications Officer
Mrs B Pinto	-	Governance Officer

1. Declaration of Meeting

The Presiding Member opened the meeting at 7.43pm.

9. Purpose of Meeting

- Election of the Deputy Mayor
- Setting of Meeting Fees and Mayoral/Deputy Mayoral Allowance
- Appointment of Membership of Committees (on an interim basis pending Council consideration of the Governance Review Report)
- Appointment of Delegates to the WA Local Government (South Metropolitan Zone).



10. Governance and Strategy

10.1 Election of Deputy Mayor

Author D Green

Attachments N/A

RECOMMENDATION

That Council conduct an election for the position of Deputy Mayor, pursuant to Schedule 2.3 Clause 7(1) of the *Local Government Act 1995*.

In accordance with the provisions of the *Local Government Act 1995*, Mayor Howlett requested that the Chief Executive Officer conduct the election for Deputy Mayor.

The chief Executive Officer asked whether any of the nominees wished to withdraw their nomination.

Cr Terblanche advised the meeting she was withdrawing her nomination for Deputy Mayor.

The Chief Executive Officer called for any further nomination.

The Chief Executive Officer advised there were now three nominations for Deputy Mayor, being from: Cr Corke, Cr Widenbar and Cr Eva.

The Chief Executive Officer invited the remaining nominees to address the meeting. No nominees wished to further address the meeting.

In accordance with Regulations to conduct a secret vote, the Chief Executive Officer advised individual Elected Members would be required to cast their vote.

The Chief Executive Officer issued an initialled ballot paper to each Elected Member, and requested they cast their vote, one at a time, by placing their Ballot Paper in the Ballot Box on the nominated ballot table.

On completion of voting, the Chief Executive Officer and the Executives Governance and Strategy counted the votes, in accordance with the voting provisions of Schedule 4.1 of the *Local Government Act 1995*.

The Chief Executive Officer advised the meeting the election was complete with the following results:

Cr Eva – 2 votes

Cr Corke – 3 votes

Cr Widenbar – 5 votes

The Chief Executive Officer declared Cr Widenbar as Deputy Mayor for the period to October 2023.



The Presiding Member invited Cr Widenbar to read aloud his declaration.

Cr Widenbar made the Declaration for the Office of Deputy Mayor, in accordance with the requirements of the *Local Government Act 1995*.

The Presiding Member congratulated Deputy Mayor Widenbar and invited him to assume the Deputy Mayor's chair.

Background

The *Local Government Act 1995* (Schedule 2.3 Clause 7(1)) provides that the office of the Deputy Mayor is to be filled as the first matter dealt with after the election of Council.

Submission

N/A

Report

The election is to be conducted in accordance with the procedure prescribed by the Mayor. The Mayor has appointed the Chief Executive Officer (CEO) to conduct the election and has informed all Councillors that they may nominate themselves for the position, in writing, prior to the meeting.

The election is to be conducted in accordance with the *Local Government Act 1995*.

If a Councillor is nominated by another Councillor, the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election (orally or in writing) that he/she is willing to be nominated for the office.

The Council Members are to vote on the matter by secret ballot as if they were voting at an election.

The votes are to be counted and the successful candidate is the candidate who receives the greater or greatest number of votes in accordance with Schedule 4.1, Division 2 of the *Local Government Act 1995* (i.e. "first past the post" system).

If a Deputy Mayor is not elected due to equity of votes, that count is to be discontinued and, not more than seven (7) days later, a Special Meeting of Council is to be held.

Any nominations may be withdrawn and further nominations may be made before or when the Special Meeting is held.



If, at the Special Council Meeting, an equal number of votes exist after the count, the person conducting the election is to draw lots to determine which candidate is to be declared the Deputy Mayor.

The appointment will be in place for two years until October 2023.

The person elected by Council as Deputy Mayor has to make a declaration on the prescribed form before acting in the office.

The declaration is to be made in the presence of an authorised person, before whom a statutory declaration may be made, pursuant to Schedule 2 of the *Oaths, Affidavits and Statutory Declarations Act, 2005*.

Strategic Plans/Policy Implications

Listening and Leading

A community focused, sustainable, accountable and progressive organisation.

- Best practice Governance, partnerships and value for money.

Budget/Financial Implications

Council may provide a Deputy Mayor's Allowance.

Legal Implications

Schedule 2.3 Clause 7(1) and Schedule 4.1 Division 2 of the *Local Government Act, 1995* refer.

Community Consultation

N/A

Risk Management Implications

Failure to elect a Deputy Mayor would be in breach of the *Local Government Act 1995*.

Advice to Proponent(s)/Submitters

Elected Members were provided advice on 18 October 2021

Implications of Section 3.18(3) *Local Government Act 1995*

Nil



10.2 (2021/MINUTE NO 0181) Meeting Attendance Fees**Author(s)** D Green**Attachments** 1. Elected Member Entitlements - Allowances and Reimbursements - Policy [↓](#)**RECOMMENDATION**

That Council:

1. PAYS an Annual Fee to the Mayor, in lieu of a meeting fee, of \$47,516 per annum payable monthly in arrears;
2. PAYS an Annual Fee to Councillors, in lieu of a Meeting Fee, of \$31,678 per annum, payable monthly in arrears; and
3. REVIEWS the fee payable, following consideration of the Governance Review, to be presented at the November 2021 Ordinary Council Meeting.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**Council Decision**

MOVED Cr C Stone SECONDED Cr M Separovich

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0**Background**

The *Local Government Act 1995*, Section 5.98 (1) provides that the Council may pay to Elected Members, including the Mayor, a meeting by meeting fee or an annual payment in lieu of meeting fee, for attendance at Council and Standing Committee Meetings.

Submission

N/A

Report

Council Policy "Elected Member Entitlements – Allowances and Reimbursements" provides for Elected Members, including the Mayor, in clause (1) 3 Annual Meeting Attendance Allowance, to be paid the maximum "in lieu" annual fee prescribed by Section 5.98 or 5.99 of the *Local Government Act 1995* (as amended).

The *Local Government Act 1995* also provides for the payment of per meeting attendance fees, which Council could consider as an alternative to the payment of an annual meeting attendance fee.



The per meeting attendance fee would not provide for the same amount overall and is linked to actual number of Council, Standing Committees and other Meetings attended.

Meeting attendance fees are set by the Salaries and Allowances Tribunal and reviewed on an annual basis. The 2021/22 amount for the Mayor is between \$24,604 and \$47,516 per annum, if paid in lieu of actual Meeting attendance. The 2021-22 annual amount for a Councillor is set between \$24,604 and \$31,678

The per-meeting attendance fee is set as follows:

- Mayor - between \$615 and \$1,189 per meeting for Council Meetings and between \$308 and \$396 for Committee, Reference Group and External Organisation Meetings as a formally appointed Council delegate
- Councillor - between \$615 and \$793 per meeting for Council Meetings and between \$308 and \$396 for all Committee, Reference Group and External Meetings as a formally appointed Council delegate

Given that the Governance Review has been completed and will be briefed to Elected Members on 28 October 2021, it would be prudent to review a final decision on this matter, as Council may wish to reconsider its options in relation to its meeting structures, membership appointments and business processes as outcomes of the Review.

For voting purposes, Elected Members (including the Mayor) do not have a financial interest in the decision.

Strategic Plans/Policy Implications

Listening and Leading

A community focused, sustainable, accountable and progressive organisation.

- Best practice Governance, partnerships and value for money.

Budget/Financial Implications

The municipal budget provides for the payment of annual attendance fees for Elected Members.

Legal Implications

Sections 5.98 and 5.99 of the Local Government Act 1995 refer.

Community Consultation

N/A



Risk Management Implications

There “Low” level of “Compliance” risk implications from the adoption or payment of the meeting attendance fees as provided for by the *Local Government Act 1995*.

Advice to Proponent(s)/Submitters

N/A

Implications of Section 3.18(3) *Local Government Act 1995*

Nil



Title	Elected Members Entitlements - Allowances & Reimbursements
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Policy Type

Council

Policy Purpose

The objectives of this policy are:

1. To provide a clear outline of entitlements available to Elected Members under the Local Government Act 1995 (the Act) and Local Government (Administration) Regulations 1996 (the Regulations) and within the prescribed ranges established by the Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time.
2. To enable Elected Members to be accessible to the community, their colleagues and the City's staff.

Equipment and facilities subject to this policy are provided to Elected Members on the absolute understanding that they will not be used for any election purposes.

Policy Statement

In addition to those entitlements available to Elected Members (Member/s) under legislation, the policy outlines "approved expenses" the City will reimburse to Elected Members when incurred in their capacity as an Elected Member.

The Council also recognises that Elected Members have a responsibility to undertake training and development necessary to fulfil their duties of public office. To this end Council has a separate policy "Attendance at Conferences, Seminars and Training" which provides for allowances to facilitate attendance at conferences and training opportunities.

(1) Prescribed allowances

1. Mayoral Allowance

The annual local government allowance for the Mayor (in addition to any fees or reimbursements of expenses payable under the Act and Regulations) is recommended to be the maximum amount as determined by the Salaries and Allowances Tribunal, subject to the formal resolution of Council

2. Deputy Mayoral Annual Allowance

An annual local government allowance is to be paid to the Deputy Mayor (in addition to any fees or reimbursements of expenses payable under the Act and-Regulations), is recommended to be the maximum percentage determined by the Salaries and Allowances Tribunal of the annual allowance to which the Mayor is entitled, subject to the formal resolution of Council.

[1]

Title	Elected Members Entitlements - Allowances & Reimbursements
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3. Annual Meeting Attendance Allowance

In lieu of paying Elected Members a meeting attendance fee for Council, Committee or prescribed meetings, it is recommended to pay the maximum amount within the range set by the Salaries and Allowances Tribunal from time to time that may be paid annually, subject to the formal resolution of Council.

(2) Prescribed expense reimbursements (Administration Regulation 31(1)(b))

1. Travel expenses

Elected members who attend Council, Committee, Council appointed Reference Groups or other formally arranged meetings, briefings, civic functions, seminars or training on behalf of the Council, are entitled to be reimbursed travel expenses. Councillors will be automatically paid the prescribed mileage, allowance for attendance at formal Council meetings and Standing Committee meetings, in accordance with Clause (9) 2(a) of this Policy.

2. Child care costs

Elected members are entitled to be reimbursed child care costs, while attending Council, Committee, Council appointed Reference Groups or other formally arranged meetings, briefings, civic functions, seminars or training on behalf of the Council, to the maximum allowance as determined under the Salaries and Allowances Tribunal annual determination, or the actual cost per hour, whichever the lesser amount is.

(3) Discretionary expense reimbursements (Administration Regulation 32(1))

1. Parking

Car-parking fees:

- (a) Incurred attending an event in their capacity as a Council member; or
- (b) Incurred where an Elected Member having driven their private vehicle to their place of work, attends an event (in their capacity as a Council Member) directly following work, instead of travelling to the event by taxi.

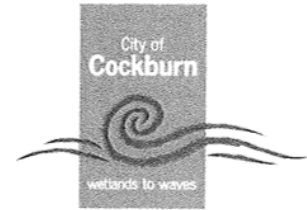
2. Minor hospitality

Elected members may be reimbursed reasonable minor hospitality costs, up to a maximum amount of \$30, incurred while attending meetings, functions, events and other occasions while undertaking the recognised functions of an Elected Member referred to elsewhere in this Policy.

3. consumable Office supplies

[2]

Title	Elected Members Entitlements - Allowances & Reimbursements
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Elected members may be reimbursed for any consumable office supplies reasonably required to undertake the recognised functions of an Elected Member, excluding any costs incurred relevant to any elections

4. Other approved expenses

Council will reimburse the following expenses incurred by Elected Members in carrying out their duties or performing their functions:

- (a) Dry cleaning specifically incurred as a result of attending recognised Council related functions referred to elsewhere in this Policy
- (b) Hire of clothing when attending a recognised Council related function that requires formal attire as stipulated on the invitation, but not otherwise
- (c) Permissible personal expenses not otherwise paid in advance by the City incurred as a result of attending a conference, seminar or training as a delegate of Council in accordance with Council Policy "Attendance at Conferences, Seminars and Training".
- (d) Reimbursement of legal representation costs incurred in accordance with Council Policy "Legal Representation & Costs Indemnification – Elected Members & Employees".
- (e) Reimbursement of one(2) Membership of a Professional Association per year, subject to the purpose of the Association being related to the role or function of an elected member, up to a maximum value of \$1,000.

(4) Prescribed allowances paid in lieu of reimbursements

1. Information and Communication Technology (ICT) Allowance

It will be recommended that all Elected Members are paid the maximum annual amount for ICT Expenses subject to the formal resolution of Council. The allowance will be paid annually in advance within the range set by the Salaries and Allowances Tribunal through a determination from time to time, calculated from each ordinary election and the full amount will be provided for in each annual budget. The ICT Allowance is for costs relating to:

- (a) telephone rental at the Elected Members' private residence;
- (b) Council related charges for telephone calls made from telephones located at the Elected Members' private residences; and
- (c) mobile telephone rental and call charge plans.
- (d) Laptop, iPad or any desktop computer (with monitor), including,
 - appropriate software
 - printer/scanner
 - broadband internet access and router
 - associated consumables

[3]

Title	Elected Members Entitlements - Allowances & Reimbursements
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(5) Discretionary non-monetary allowances paid in lieu of reimbursements

1. Equipment and stationery

Elected Members will be eligible to receive the following to assist them to undertake the recognised functions of an Elected Member.

- (a) Elected Members will be provided with a mobile computer, compatible with the City's security and other systems.
- (b) Elected Members will be provided with access to a computer for their use within the City's Administration Centre.
- (c) Elected Members will be supplied, as reasonably required to undertake the functions of an Elected Member, with:
 - i. Business cards, and
 - ii. Letterhead template.
- (d) Elected Members will be supplied with a name badge at the commencement of their term of office. Replacement name badges will be supplied, upon request, if lost, stolen, damaged or worn.

(6) Mayoral Vehicle Provision

- 1. The position of Mayor shall, for the purpose of carrying out the recognised functions of the Mayoral office, be entitled to receive the provision of a fully maintained local government owned vehicle to the equivalent standard of that provided to the Senior Employees. The Mayor of the day may elect to choose a vehicle of a lesser standard at his/her discretion, subject to the City's Light Fleet Purchasing Guidelines.
- 2. All costs associated with the private use of the Mayoral vehicle are to be reimbursed to the City of Cockburn by the Mayor in accordance with the "Mayoral Motor Vehicle Agreement" detailed in (6) 3 below.
- 3. Details of the arrangement for the provision, use and responsibilities for the vehicle in (6) 2 above is included in a Deed of Agreement between the City of Cockburn and the Mayor.
- 4. The calculation of the reimbursement for the private use is by way of a Log Book in accordance with the requirements of the Australian Taxation Office
- 5. All disputes in regard to this policy will be referred to the Chief Financial Officer in the first instance. In the event that the Member and the Director cannot reach an agreement, the matter will be submitted to Council for resolution.

(7) Provision of Support

1. Mayor

The Mayor shall, in carrying out the Mayoral duties and responsibilities, be entitled to receive, the benefit of the following facilities and resources without

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Title	Elected Members Entitlements - Allowances & Reimbursements
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the reduction of the fees and allowances approved by Council under section 5.98, 5.98A, 5.99 and 5.99A of the Local Government Act 1995.

- (a) the use of an office;
- (b) a City employee or other employee resource to the extent considered appropriate by the CEO ;
- (c) all items associated with the effective and efficient administration of the Mayor's office as determined from time to time by the CEO; and
- (d) access to the Elected Member's Lounge and refreshments

2. Deputy Mayor and other Councillors:

The Deputy Mayor and other Councillors shall in carrying out their civic duties and responsibilities be entitled to receive, and the benefit of the following facilities without the reduction of the fees and allowances under section 5.98, 5.98A, 5.99 and 5.99A of the Local Government Act 1995:

- (a) Access to the Elected Member's Lounge and refreshments.
- (b) Access to a suitably equipped shared office, reading room, meeting and conference rooms within the Administration Centre with photocopying, printing, facsimile, internet and telephone facilities, as deemed necessary by the CEO to fulfil their Council related functions.
- (c) Some secretarial support as deemed necessary by the CEO including limited word processing, photocopying, and postage.

(8) Insurance

The City will insure or provide insurance cover for Elected Members for:

- 1. Accidental injury whilst engaged in the performance of the official duties of their office, including direct travel to and from activity.
- 2. Liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the policy of cover/insurance
- 3. Spouses/partners of Elected Members when the spouse/partner is accompanying the Member in an official (non – personal) capacity.

(9) Policy Administration

1. Time Limit on Claims and Approval Process

- (a) Elected Members applying to receive reimbursement of expenses in accordance with the provision of this policy must submit the appropriate Reimbursement of Expenses Form to the Chief Executive Officer, together with acceptable supporting documentation.
- (b) Requests for reimbursement must be received within three (3) calendar months after the expenses were incurred.

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Title	Elected Members Entitlements - Allowances & Reimbursements
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2. Payment of fees/allowances

- (a) All Allowances will be paid automatically unless an Elected Member has advised the Chief Executive Officer in writing that they do not want to claim any or part of the available allowances.
- (b) All allowances will be paid monthly in arrears, except for the ICT allowance which will be paid annually in advance, calculated from each ordinary election and will be provided for in each annual budget.
- (c) Any taxation liability arising from these payments is the individual responsibility of each Elected Member.
- (d) If an Elected Member has previously advised that they do not want all or part of the available allowances that they are entitled to, any subsequent request for full or additional payment will not be back paid, but will accrue from the date of such request.
- (e) If an Elected Member ceases to hold office, payment will only be made up to and including the final day of engagement.

3. Dispute Resolution

Any disputes in regard to this policy will be referred to the Chief Executive Officer in the first instance. In the event that the Elected Member and the Chief Executive Officer cannot reach an agreement, the matter will be reported to Council for resolution.

Strategic Link:	Corporate Governance Charter
Category	Elected Members
Lead Business Unit:	Executive
Public Consultation: (Yes or No)	No
Adoption Date: (Governance Purpose Only)	9 September 2021
Next Review Due: (Governance Purpose Only)	The policy is to be reviewed every two years through consultation with Elected Members to ensure that it meets its objective and provides clear accountability requirements unless legislative amendments require an immediate review. September 2023
ECM Doc Set ID: (Governance Purpose Only)	8232292

[6]

Document Set ID: 8232292
Version: 4, Version Date: 01/10/2021



10.3 (2021/MINUTE NO 0182) Review of Mayoral and Deputy Mayoral Allowances

Author(s) D Green

Attachments N/A

Recommendation

That Council:

- (1) SETS the Mayoral Allowance of \$89,753 per year, payable monthly in arrears; and
- (2) SETS the Deputy Mayoral Allowance of \$22,438.25 per year, payable monthly in arrears.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

Council Decision

MOVED Cr T Dewan SECONDED Cr K Allen

That the recommendation be adopted

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

Council's Policy "Elected Member Entitlement - Allowances and Reimbursements" clause (1) 1 and 2 states, "the annual local government allowance for the Mayor and Deputy Mayor (in addition to any fees or reimbursements of expenses payable under the *Local Government Act 1995* and Regulations) is recommended to be the maximum amount as determined by the Salaries and Allowances Tribunal (SAT), subject to the formal resolution of Council.

The SAT determination provides for the Mayoral Allowance in Band 1 local governments, which includes the City of Cockburn, to be set between \$51,258 and \$89,753

Submission

N/A

Report

As there are no known changes to the circumstances under which the Mayoral Allowance is to be provided, it is proposed that the Mayoral Allowance remain at \$89,753 per annum, which is the maximum amount provided for by the Salaries and Allowances Tribunal.



As there are no known changes to the circumstances under which the Deputy Mayoral Allowance is to be provided, it is proposed that the Deputy Mayoral allowance be \$22,438.25, which is the maximum amount provided for by the legislation (i.e. a maximum of 25% of the Mayoral Allowance as set by Council).

Strategic Plans/Policy Implications

Listening and Leading

A community focused, sustainable, accountable and progressive organisation.

- Best practice Governance, partnerships and value for money.

Budget/Financial Implications

The municipal budget provides for the payment of annual Mayoral and Deputy Mayoral Allowances.

Legal Implications

Section 5.98(5)(a) and Section 5.98A of the *Local Government Act 1995* refer.

Community Consultation

N/A

Risk Management Implications

There are no risk management implications from the adoption or payment of the annual Mayoral and Deputy Mayor Allowances as provided for by the *Local Government Act 1995*.

Advice to Proponent(s)/Submitters

N/A

Implications of Section 3.18(3) *Local Government Act 1995*

Nil



10.4 (2021/MINUTE NO 0183) Information and Communication (ICT) Allowance

Author(s) D Green

Attachments 1. SAT Determination Statement [↓](#)

RECOMMENDATION

That Council:

- (1) PROVIDES a “Surface Pro” device, valued at approximately \$2,500 to all elected members, for the purpose of providing access to all Council related information, including Meeting Agendas;
- (2) AMORTISES the written down value of the devices over a four-year period, (approximately \$625 per annum) after which continuing members will be issued with a new similar device; and
- (3) PAYS an annual Information Communication Technology (ICT) Allowance of \$2,635, plus the amortised annual cost of the “Surface Pro” device (\$625) and an annual data usage allocation of \$240, to all Elected Members, in accordance with the maximum sum allowed (\$3,500) to be paid as an allowance by the State Administrative Tribunal.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

Council Decision

MOVED Deputy Mayor T Widenbar SECONDED Cr C Stone

That Council PAYS an Information Communication Technology (ICT) Allowance of \$3,500 per annum, payable in advance, to all Elected Members.

LOST 2/8

For: Cr M Separovich, Cr T Dewan

Against: Mayor L Howlett, Deputy Mayor T Widenbar, Cr L Kirkwood, Cr K Allen, Cr P Corke, Cr C Terblanche, Cr P Eva, Cr C Stone

Council Decision

MOVED Cr P Corke SECONDED Deputy Mayor T Widenbar

That Council:

- (1) PAYS an Information Communication Technology (ICT) Allowance of \$3,500 per annum, payable in advance, to all Elected Members;
- (2) Elected Members who wish are able to negotiate the purchase of their existing Surface Pro devices on an individual basis.

LOST 1/9

For: Cr L Kirkwood

Against: Mayor L Howlett, Deputy Mayor Widenbar, Cr K Allen, Cr M Separovich, Cr P Corke, Cr C Terblanche, Cr P Eva, Cr C Stone, Cr T Dewan

8.31pm Cr Eva departed the meeting.



(2021/MINUTE NO 0184) Suspend Standing Orders**Council Decision**

MOVED Cr C Terblanche SECONDED Cr P Corke

That Council SUSPENDS Standing Orders for a maximum of 10 minutes, the time being 8.32pm.

CARRIED 8/1

For: Mayor L Howlett, Deputy Mayor T Widenbar, Cr L Kirkwood, Cr K Allen,
Cr M Separovich, Cr P Corke, Cr C Terblanche, Cr C Stone

Against: Cr T Dewan

8.34pm Cr Eva returned to the meeting.

(2021/MINUTE NO 0185) Reinstate Standing Orders**Council Decision**

MOVED Cr P Corke SECONDED Cr K Allen

That Council REINSTATE Standing Orders, the time being 8.42pm.

CARRIED 9/1

For: Mayor L Howlett, Deputy Mayor L Kirkwood, Cr K Allen, Cr M Separovich,
Cr P Corke, Cr C Terblanche, Cr P Eva, Cr C Stone and Cr T Widenbar

Against: Cr T Dewan

Council Decision

MOVED Cr P Corke SECONDED Cr T Dewan

That Council:

- (1) PAYS an Information Communication Technology (ICT) Allowance of \$3,500 per annum, payable in advance, to all Elected Members;
- (2) OFFERS the purchase of any existing ICT equipment at the written down value, in accordance with Council's Disposal of Assets Policy, to Elected Members;
- (3) PROVIDES and uploads all licence installation and any other support pertaining to each Elected Member's ICT equipment, in order to undertake their duties.
- (4) OFFERS access to existing telecommunication providers, internet service with access, at cost, to be deducted from the ICT allowance; and
- (5) OFFERS Elected Members the choice of retaining their existing devices on the basis as outlined in sub-recommendation (2) above.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/2

For: Mayor L Howlett, Deputy Mayor T Widenbar, Cr L Kirkwood,
Cr M Separovich, Cr P Corke, Cr C Terblanche, Cr P Eva, Cr C Stone

Against: Cr K Allen and Cr T Dewan



Reason for Decision

This provides a number of options for Elected Members to either purchase the current device provided at a written down value, or another device of their preference.

The City will ensure all members are provided with the necessary licence and software installations for them to undertake their roles and responsibilities.

Background

The *Local Government Act 1995*, Section 5.99 (B) provides that the Council may pay to Elected Members, an allowance in lieu of reimbursement of information communication technology (ICT) expenses.

The amount previously paid to Elected Members has been the maximum allowable amount of \$3,500 per annum.

In addition, the City provides all members with a “Surface Pro” laptop style device aimed at providing all information related to Elected Members, which they will retain at the end of the four-year term.

In particular, the device provided a copy of the City’s Council and Standing Committee Meeting Agendas. This was done with a view to eliminating the need for paper Agendas.

Submission

N/A

Report

Council Policy “Elected Members Entitlements – Allowances & Reimbursements” states that:

1. Information and Communications Technology (ICT) Allowance

It will be recommended that all Elected Members are paid the maximum annual amount for ICT expenses subject to the formal resolution of Council.

The allowance will be paid annually in advance, with the range set by the Salaries and Allowances Tribunal (SAT) through a determination from time to time, calculated from each ordinary election and the full amount will be provided in each annual budget.

The ICT allowance is for costs relating to:

- a. telephone rental at the Members’ private residences
- b. Council related charges for telephone calls made from telephones located at the Members’ residences
- c. mobile telephone rental and call charge plans



- d. Laptop, iPad or any desktop computer (with monitor), including;
- appropriate software
 - printer/scanner
 - broadband internet access and router, and
 - associated consumables

Council also provides Elected Members with technology devices from time to time, for specific purposes associated with their Council related functions (e.g. iPads/laptops for Council Agenda access). These devices are not included in this allowance and remain the property of Council.

However, such a practice overall needs to be considered in the context and intent of the SAT principles, as attached, which state that the allowance should include factors such as the practices of local governments in the use of ICT (e.g. laptops, iPads) and that the allowance should not be provided as a “windfall” for members.

Accordingly, it is proposed that the Surface Pro devices form part of the ICT allowance provided to members, with the difference being that the devices will now be written down in value over an electoral cycle (four years) and become the property of each member after that period. Continuing members will receive a new equivalent device after four years.

The maximum amount of the allowance (\$3,500 per annum) is recommended to be paid as an allowance to cover the ICT costs associated with the functions of an Elected Member, including the annual amortised cost of the device, plus data usage costs, being deducted, with the residual amount paid to Elected Members annually.

For voting purposes, Elected Members do not have a financial interest in the decision.

Strategic Plans/Policy Implications

Listening and Leading

A community focused, sustainable, accountable and progressive organisation.

- Best practice Governance, partnerships and value for money.

Budget/Financial Implications

The municipal budget provides for the payment of the annual ICT Allowances to elected members.

Legal Implications

Section 5.99B of the *Local Government Act 1995* refers.

Community Consultation

N/A



Risk Management Implications

There is a “Low” level of “Compliance” risk implications from the adoption or payment of the ICT Allowances as provided for by the Local Government Act, 1995.

Advice to Proponent(s)/Submitters

N/A

Implications of Section 3.18(3) *Local Government Act 1995*

Nil



This Part deals with annual allowances that a local government or regional local government may decide to pay.

9.1 GENERAL

1. Pursuant to section 5.99A of the LG Act, a local government or regional local government may decide by absolute majority that instead of reimbursing council members under the LG Act section 5.98(2) for all of a particular type of expense, it will pay all council members, for that type of expense, the annual allowance determined in section 9.2 of this Part or, as the case requires, an annual allowance within the range determined in that section.
2. Where a local government or regional local government has decided to pay council members an annual allowance for an expense of a particular type instead of reimbursing expenses of that type under section 5.98(2) of the LG Act, section 5.99A of the LG Act provides for reimbursement of expenses of that type in excess of the amount of the allowance.
3. In determining the maximum annual allowance for expenses of a particular type, the Tribunal has taken into account a range of factors including the following:
 - o the intent of the allowance to reflect the extent and nature of the expenses incurred and not to result in a windfall gain for council members;
 - o the capacity of local governments to set allowances appropriate to their varying operational needs;
 - o the particular practices of local governments in the use of information and communication technology (e.g. laptop computers, iPads); and
 - o the varying travel requirements of council members in local governments associated with geography, isolation and other factors.

9.2 ANNUAL ALLOWANCES DETERMINED INSTEAD OF REIMBURSEMENT FOR PARTICULAR TYPES OF EXPENSES

1. In this section:
 - o **ICT expenses** means:
 1. rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations; or
 2. any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations;
 - o **travel and accommodation expenses** means:
 1. travel costs, as prescribed by regulation 31(1)(b) of the LG Regulations; or
 2. any other expenses that relate to travel or accommodation and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations.
2. For the purposes of section 5.99A(b) of the LG Act, the minimum annual allowance for ICT expenses is \$500 and the maximum annual allowance for ICT expenses is \$3,500.
3. For the purposes of section 5.99A(a) of the LG Act, the annual allowance for travel and accommodation expenses is \$50.

Schedule 1: Local Government Band Allocations

SCHEDULE 1: LOCAL GOVERNMENT BAND ALLOCATIONS

Local Government	Band
Albany City	1
Armadale City	1
Ashburton Shire	2
Augusta-Margaret River Shire	2
Bassendean Town	3
Bayswater City	1

SCHEDULE 1: LOCAL GOVERNMENT BAND ALLOCATIONS

Local Government	Band
Albany City	1
Armadale City	1
Ashburton Shire	2
Augusta-Margaret River Shire	2
Bassendean Town	3
Bayswater City	1
Belmont City	1
Beverley Shire	4
Boddington Shire	4
Boyup Brook Shire	4
Bridgetown-Greenbushes Shire	3
Brookton Shire	4
Broome Shire	2
Broomehill-Tambellup Shire	4
Bruce Rock Shire	4
Bunbury City	1
Busselton City	1
Cambridge Town	2
Canning City	1
Capel Shire	3
Carnamah Shire	4
Carnarvon Shire	2
Chapman Valley Shire	4
Chittering Shire	3
Christmas Island Shire	3
Claremont Town	3
Cocos (Keeling) Islands Shire	4
Cockburn City	1
Collie Shire	3
Coolgardie Shire	3
Coorow Shire	4
Corrigin Shire	4
Cottesloe Town	3
Cranbrook Shire	4
Cuballing Shire	4
Cue Shire	4

Local Government	Band
Cunderdin Shire	4
Dalwallinu Shire	3
Dandaragan Shire	3
Dardanup Shire	3
Denmark Shire	3
Derby-West Kimberley Shire	2
Donnybrook Balingup Shire	3
Dowerin Shire	4
Dumbleyung Shire	4
Dundas Shire	4
East Fremantle Town	3
East Pilbara Shire	2
Esperance Shire	2
Exmouth Shire	3
Fremantle City	1
Gingin Shire	3
Gnowangerup Shire	4
Goomalling Shire	4
Gosnells City	1
Greater Geraldton City	1
Halls Creek Shire	3
Harvey Shire	2
Irwin Shire	3
Jerramungup Shire	4
Joondalup City	1
Kalamunda Shire	2
Kalgoorlie-Boulder City	1
Karratha City	1
Katanning Shire	3
Kellerberrin Shire	4
Kent Shire	4
Kojonup Shire	3
Kondinin Shire	4
Koorda Shire	4
Kulin Shire	4
Kwinana City	1
Lake Grace Shire	4

Local Government	Band
Laverton Shire	3
Leonora Shire	3
Mandurah City	1
Manjimup Shire	2
Meekatharra Shire	3
Melville City	1
Menzies Shire	4
Merredin Shire	3
Mingenew Shire	4
Moora Shire	3
Morawa Shire	4
Mosman Park Town	3
Mount Magnet Shire	4
Mount Marshall Shire	4
Mukinbudin Shire	4
Mundaring Shire	2
Murchison Shire	4
Murray Shire	2
Nannup Shire	4
Narembeen Shire	4
Narrogin Shire	3
Nedlands City	2
Ngaanyatjarraku Shire	4
Northam Shire	2
Northampton Shire	3
Nungarin Shire	4
Peppermint Grove Shire	4
Perenjori Shire	4
Perth City	1
Pingelly Shire	4
Plantagenet Shire	3
Port Hedland Town	1
Quairading Shire	4
Ravensthorpe Shire	3
Rockingham City	1
Sandstone Shire	4
Serpentine-Jarrahdale Shire	2

Local Government	Band
Shark Bay Shire	4
South Perth City	2
Stirling City	1
Subiaco City	2
Swan City	1
Tammin Shire	4
Three Springs Shire	4
Toodyay Shire	3
Trayning Shire	4
Upper Gascoyne Shire	4
Victoria Park Town	2
Victoria Plains Shire	4
Vincent City	2
Wagin Shire	4
Wandering Shire	4
Wanneroo City	1
Waroona Shire	3
West Arthur Shire	4
Westonia Shire	4
Wickepin Shire	4
Williams Shire	4
Wiluna Shire	4
Wongan-Ballidu Shire	4
Woodanilling Shire	4
Wyalkatchem Shire	4
Wyndham-East Kimberley Shire	2
Yalgoo Shire	4
Yilgarn Shire	3
York Shire	3

10.5 (2021/MINUTE NO 0186) Temporary Appointment of Standing Committee Members

Author(s) D Green
Attachments N/A

RECOMMENDATION

That Council:

- (1) 1. APPOINTS the following members to the Audit and Strategic Finance Committee, on an interim basis, pending consideration of the Governance Review Report to be considered at the Council Meeting scheduled for 11 November 2021: _____, _____, _____, _____,
2. PURSUANT to Section 7.1B of the *Local Government Act 1995* (the Act) delegate the authority of Council to meet with the Auditor, as required by Section 7.12A of the Act, to the Committee; and
- (2) APPOINTS the following members of the Delegated Authorities and Policies (DAP) Committee, on an interim basis, pending consideration of the Governance Review Report to be considered at the Council Meeting scheduled for 11 November 2021: _____, _____, _____ and _____.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

Council Decision

MOVED Cr M Separovich SECONDED Councillor T Dewan
 That Council

- (1) 1. APPOINTS the following members to the Audit and Strategic Finance Committee, on an interim basis, pending consideration of the Governance Review Report to be considered at the Council Meeting scheduled for 11 November 2021: Mayor Howlett, Cr Separovich, Cr Allen, Cr Corke, Cr Dewan and Cr Terblanche,
2. PURSUANT to Section 7.1B of the *Local Government Act 1995* (the Act) delegate the authority of Council to meet with the Auditor, as required by Section 7.12A of the Act to the Committee; and
- (2) APPOINTS the following members of the Delegated Authorities and Policies (DAP) Committee, on an interim basis, pending consideration of the Governance Review Report to be considered at the Council Meeting scheduled for 11 November 2021: Mayor Howlett, Deputy Mayor Widenbar, Cr Separovich, Cr Stone, Cr Corke, Cr Dewan and Cr Terblanche.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0



Reason for Decision

These are two core committees of Council and they need to have Elected Members present on them in order to conduct scheduled meetings during November 2021.

Background

Part 7 of the Act requires that all local governments establish an Audit Committee. As an Audit Committee Meeting is scheduled to be conducted on 18 November 2021, it is recommended that Council appoints interim membership to the Committee to ensure that the business of the Committee, which includes the receipt of the Financial Audit Report, can be conducted and the Minutes presented to Council in December 2021.

In addition, the DAP Committee has a Meeting scheduled for 25 November 2021, which will contain the Review undertaken of Council Policies and Delegated Authority documents, as recommended in the Inquiry into the City of Cockburn Report.

Accordingly, it is proposed that both of these Committees be allocated interim membership to enable the Meetings to be conducted, as scheduled, in order for important business to be undertaken and relevant recommendations made for Council consideration.

Submission

N/A

Report

Membership of the Audit and Strategic Finance Committee may be comprised exclusively of Elected Members (minimum of three), however can also include other persons, subject to the majority of Committee Members being Elected Members of Council.

The City of Cockburn chose to include an External Member, with requisite audit credentials, as a Committee member for a two-year term, expiring in early 2023.

Specifically, employees of the City are excluded from being appointed as members.

The Audit Calendar which has been prepared to identify time critical functions and which are the responsibility of the Audit Committee to oversee, has identified a number of issues which are required to be adopted by Council prior to 31 December 2021.

One of these is the 2020/21 Financial Audit Report, which will be presented by the Office of Auditor General (OAG) and KPMG, its contracted external auditor at the Meeting.



In addition, it is also recommended that Council delegates the function of meeting with the Auditor/s, as required by the Act (Section 7.12A), to eliminate the requirement for the Auditor to present the same reports to both the Committee and the Council Meeting.

The DAP Committee Meeting contains a high priority item, which was initiated from the Inquiry into the City of Cockburn, being the Review of the City's Policies and Delegated Authorities, which was undertaken by Conway Highbury Pty Ltd and provides a number of recommendations for the Committee to consider.

Accordingly, it is recommended that both of these Committees have an interim allocation of membership appointments made to enable their specified business to be considered, without being impacted by any changes, which may be the result of the Governance Review Report, which could be separately adopted by Council and affect the makeup, name and functions performed by a number of Council appointed Standing Committees.

As no other established Standing Committees of Council are scheduled to meet prior to the end of 2021, it is proposed that no appointments to those Committees be confirmed by Council at this stage, pending the consideration by Council of the Governance Review Report, which will be presented to the 11 November 2021 OCM.

The Report is likely to include a number of potential options for amendments to be made to the current procedures associated with Council's past meeting practices.

Strategic Plans/Policy Implications

Listening & Leading

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Budget/Financial Implications

N/A

Legal Implications

Part 7 of the *Local Government Act 1995* and the Local Government (Audit) Regulations refer.

Section 2.7 (2) (b) and Section 5.10 of the *Local Government Act 1995* refer.

Community Consultation

N/A



Risk Management Implications

There is a “Low” level of “Compliance” risk and a “Moderate” level of “Service Disruption” risk associated with this item.

Advice to Proponent(s)/Submitters

N/A

Implications of Section 3.18(3) *Local Government Act 1995*

Nil



10.6 Appointment of Delegates - WA Local Government Association (WALGA) - South Metropolitan Zone

Author(s) D Green

Attachments N/A

RECOMMENDATION

That Council appoints _____, _____, and _____ (maximum of three Elected Members) as its delegates to the Western Australian Local Government Association (WALGA) South Metropolitan Zone.

(2021/MINUTE NO 0187) Appointment of Delegates - WA Local Government Association (WALGA) - South Metropolitan Zone

Council Decision

MOVED Cr M Separovich SECONDED Cr K Allen

That Council appoints Mayor Howlett as a delegate to the Western Australian Local Government Association (WALGA) South Metropolitan Zone.

CARRIED 9/1

For: Mayor L Howlett, Deputy Mayor T Widenbar, Cr L Kirkwood, Cr K Allen, Cr M Separovich, Cr P Corke, Cr C Terblanche, Cr C Stone, Cr T Dewan

Against: Cr P Eva

(2021/MINUTE NO 0188) Appointment of Delegates - WA Local Government Association (WALGA) - South Metropolitan Zone

Council Decision

MOVED Cr M Separovich SECONDED Cr T Dewan

That Council appoints Cr Stone as a delegate to the Western Australian Local Government Association (WALGA) South Metropolitan Zone.

CARRIED UNANIMOUSLY 10/0

(2021/MINUTE NO 0189) Appointment of Delegates - WA Local Government Association (WALGA) - South Metropolitan Zone

Council Decision

MOVED Cr M Separovich SECONDED Cr K Allen

That Council appoints Cr Terblanche as a delegate to the Western Australian Local Government Association (WALGA) South Metropolitan Zone.

CARRIED 9/1

For: Mayor L Howlett, Deputy Mayor T Widenbar, Cr L Kirkwood, Cr K Allen, Cr M Separovich, Cr P Corke, Cr C Terblanche, Cr C Stone, Cr T Dewan

Against: Cr P Eva



(2021/MINUTE NO 0190) Appointment of Delegates - WA Local Government Association (WALGA) - South Metropolitan Zone**Council Decision**

MOVED Cr K Allen SECONDED Cr M Separovich

That Council appoints Cr M Separovich and Deputy Mayor T Widenbar, as Deputy delegates to the Western Australian Local Government Association (WALGA) South Metropolitan Zone.

CARRIED 7/3

For: Mayor L Howlett, Deputy Mayor T Widenbar, Cr L Kirkwood, Cr K Allen, Cr M Separovich, Cr C Terblanche, Cr C Stone

Against: Cr P Corke, Cr P Eva and Cr T Dewan

Background

WALGA is the peak advocacy body representing local government in this State. It is comprised of a number of Zones, including the South Metropolitan Zone, which covers the districts of Melville, Fremantle, East Fremantle, Cockburn, Kwinana and Rockingham.

Submission

N/A

Report

WALGA Zone meetings consider a broad range of portfolio functions across the spectrum of local government responsibilities, which have the general capacity to impact on local communities.

Each Zone submits recommendations from its meetings to be considered by the WALGA State Council (Executive). Once adopted, the State Council decisions become the official position promoted on behalf of the sector.

WALGA has requested that all local governments advise of their appointed Zone delegates by 5 November 2021. Accordingly, this matter is presented to Council for its consideration.

Zone Meetings are conducted bi-monthly on the last Monday at 5.30pm, on a rotational basis at member local government offices.

Strategic Plans/Policy ImplicationsListening and Leading

A community focused, sustainable, accountable and progressive organisation.

- Best practice Governance, partnerships and value for money.

Budget/Financial Implications

Annual WALGA subscriptions payable are included in the City`s Municipal Budget.

Legal Implications

N/A

Community Consultation

N/A

Risk Management Implications

There is a “Low” level of “Brand / Reputation” risk associated with this item.

Advice to Proponent(s)/Submitters

N/A

Implications of Section 3.18(3) *Local Government Act 1995*

Nil



12. Resolution of Compliance

(2021/MINUTE NO 0191) RECOMMENDATION

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (3) managed efficiently and effectively.

Council Decision

MOVED Cr K Allen SECONDED Cr C Stone

That the recommendation be adopted.

CARRIED UNANIMOUSLY 10/0

13. Closure of Meeting

The Presiding Member closed the meeting at 9.00pm.