

CITY OF COCKBURN

SUMMARY OF MINUTES OF SPECIAL COUNCIL MEETING HELD ON MONDAY, 24 OCTOBER 2011 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF SPECIAL COUNCIL MEETING HELD ON MONDAY, 24 OCTOBER 2011 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor
Mr K Allen	-	Deputy Mayor
Ms L Smith	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mrs V Oliver	-	Councillor
Mr B Houwen	-	Councillor
Mr S Pratt	-	Councillor
Mr S Portelli	-	Councillor
Mr Y Mubarakai	-	Councillor

IN ATTENDANCE

Mr D. Green	-	Acting Chief Executive Officer, and Director, Administration & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr D. Arndt	-	Director, Planning & Development
Ms S. Seymour-Eyles	-	Manager Corporate Communications
Ms V. Viljoen	-	PA to Chief Executive Officer

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.01pm.

The Presiding Member congratulated Cllr Reeve-Fowkes on her re-election to Council, and extended a warm welcome to new Councillors Pratt, Portelli and Mubarakai.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Not applicable.



3. DISCLAIMER (To be read aloud by Presiding Member)

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)

Nil

5. APOLOGIES & LEAVE OF ABSENCE

Nil

6. PUBLIC QUESTION TIME

Nil

7. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS

Nil

8 (SCM 24/10/2011) - PURPOSE OF MEETING

The purpose of the meeting is to consider:

1. The election of the Deputy Mayor;
2. Payment of Elected Members' allowances, as follows:
 - Mayoral and Deputy Mayoral Allowances as per Policy SC14;
 - Meeting Attendance Fees – Elected Members as per Policy SC1;
 - Elected Members Communication Allowance as per Policy SC15;
 - Elected Members Information Technology Allowance as per Policy SC32;
 - Elected Members – Provision of Motor Vehicle or Vehicle Allowance; and
3. Appointment of Committee Membership to:



- Audit and Strategic Finance Committee;
- Grants and Donations Committee;
- Chief Executive Officer's and Senior Staff Key Projects Appraisal Committee;
- Local Emergency Management Committee;
- Delegated Authorities, Policies and Position statements Committee (separate report).

9. COUNCIL MATTERS

9.1 (SCM 24/10/2011) - ELECTION OF DEPUTY MAYOR (CC/U/003) (D GREEN)

RECOMMENDATION

That Council conduct an election for the position of Deputy Mayor, pursuant to Schedule 2.37(1) of the Local Government Act 1995.

At this point of the meeting Mayor Howlett advised that, in accordance with the provisions of the Local Government Act, he had requested that the Acting Chief Executive Officer (A/CEO) conduct the election. The A/CEO advised that he had received written nominations for the position of Deputy Mayor from Cllr Kevin Allen and Cllr Lee-Anne Smith.

For the purpose of adhering to the Regulations in regard to secret voting, the A/CEO advised that individual Elected Members would be required to cast their vote for this purpose. The A/CEO would provide the ballot paper for each Elected Member to complete privately, following which the ballot paper would be delivered to the nominated desk and placed in the ballot box.

The A/CEO and the Director Finance and Corporate Services then counted the votes, in accordance with the voting provisions of the Act.

The A/CEO then advised the meeting that the result of the secret ballot determined that the necessary number of votes was achieved in favour of Cllr Kevin Allen.

The A/CEO declared Cllr Allen elected Deputy Mayor for the period to October 2013. Cllr Allen made the Declaration for the office of Deputy Mayor in accordance with the requirements of the Local Government Act 1995.



Background

The Local Government Act 1995 (Schedule 2.3 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 given notice that he 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 Act.

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 an 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 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 2013.

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 Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

Council may provide a Deputy Mayor's Allowance.

Legal Implications

Schedule 2.3.7(1) and Schedule 4.1 Division 2 of the Local Government Act, 1995 refer.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



9.2 **(MINUTE NO 4637) (SCM 24/10/2011) - REVIEW OF MAYORAL AND DEPUTY MAYORAL ALLOWANCE (CC/L/003; CC/U/003) (S DOWNING) (ATTACH)**

RECOMMENDATION

That Council:

- (1) set the Mayoral Allowance of \$60,000 per year, payable monthly in arrears; and
- (2) set the Deputy Mayoral Allowance of \$15,000 per year, payable monthly in arrears.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

Policy SC14 – “Mayoral and Deputy Mayoral Allowance” states that:

In accordance with the provisions of Section 5.98(5) and 5.98A(1) of the Local Government Act, an “allowance” determined by Council at a meeting following the Elections each ordinary election year, shall be paid to the Mayor and Deputy Mayor payable in arrears each month.

Submission

N/A

Report

In October 2009 Council decided that the Mayoral Allowance should remain at \$60,000, payable monthly in arrears. This is the maximum amount allowed under the provisions of the Local Government Act 1995. There have been no recent amendments to the Local Government (Administration) Regulations 1996 to provide for any change to this amount.



Council Policy SC14, states that this allowance should be paid as a reimbursement of the time commitment to the position by the Mayor of the day.

As there are no known changes to the circumstance under which the allowance is provided, it is proposed that the Mayoral allowance be \$60,000.

In October 2009, Council decided that the Deputy Mayoral Allowance would remain at \$15,000 per year, paid monthly in arrears.

Council Policy SC14 states, that this allowance should be paid as a reimbursement of the time commitment to the position by the Mayor of the day.

As there are no known changes to the circumstance under which the allowance is provided, it is proposed that the Mayoral allowance be \$60,000 and the Deputy Mayoral allowance remain at \$15,000.

Strategic Plan/Policy Implications

Council Policy SC14 - "Mayoral and Deputy Mayoral Allowance" and Local Government (Administration) Regulations 1996 Regulation 33 and 33A refers.

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

Funds are provided in the Council Budget for these payments:

GL 110-6812 (Mayoral Allowance)
GL 110-6822 (Deputy Mayoral Allowance)

Legal Implications

Local Government Regulations (Administration) 1996 are relevant.

Community Consultation

N/A

Attachment(s)

Council Policy SC14 "Mayoral and Deputy Mayoral Allowance".



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

9.3 (MINUTE NO 4638) (SCM 24/10/2011) - COUNCILLORS - MEETING/ANNUAL FEE (CC/U/003) (S DOWNING) (ATTACH)

RECOMMENDATION

That Council pay an Annual Fee to Councillors, in lieu of a meeting fee, of \$7,000 per annum payable monthly in arrears.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr L Smith SECONDED Deputy Mayor K Allen that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

The Local Government Act 1995 provides that the Council may pay to Elected Members, a meeting fee or an annual amount.

Submission

N/A

Report

Council Policy SC1 'Meeting Attendance Fees' provides for Elected Members to be paid the maximum annual fee prescribed by the Local Government (Administration) Regulations 1996 (WA) (as amended) in-lieu of fees for attending meetings.

The Regulations were amended on 31 March 2005 and increased the maximum annual meeting attendance fee for an Elected Member to \$7,000 per year.



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

Elected Members affected by this item are Councillors only, as the Mayor's Meeting Fee is the subject of a separate Council resolution.

Strategic Plan/Policy Implications

Council Policy SC1 – *Meeting Attendance Fees – Elected Members*.

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

Funds are provided in the Council Budget for these payments:

GL 110-6247 (Councillor meeting allowances).

Legal Implications

Local Government Regulations (Administration) 1996 are relevant.

Community Consultation

N/A

Attachment(s)

Council Policy SC1 – “Meeting Attendance Fees – Elected Members”.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



9.4 **(MINUTE NO 4639) (SCM 24/10/2011) - MAYORAL MEETING/ANNUAL FEE (CC/U/003) (S DOWNING)**

RECOMMENDATION

That Council pay an annual fee to the Mayor, in lieu of a meeting fee, of \$14,000 per annum payable monthly in arrears.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Deputy Mayor K Allen SECONDED Cllr V Oliver that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

The Local Government Act 1995 provides that Council may pay to the Mayor, a meeting fee or an annual amount.

Submission

N/A

Report

Council Policy SC1 – *Meeting Attendance Fees* provides for Elected members to be paid the maximum annual fee prescribed by the Local Government (Administration) Regulations 1996 (WA) (as amended) in-lieu of fees for attending meetings.

The Regulations were amended on 31 March 2005 and increased the maximum annual meeting attendance fee for an Elected Member other than the Mayor to \$14,000 per year.

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

Strategic Plan/Policy Implications

Council Policy SC1 'Meeting Attendance Fees - Elected Members'.



Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

Funds are provided in the Council Budget for these payments:

GL 110-6247 (Councillor meeting allowances)

Legal Implications

Local Government Regulations (Administration) 1996 are relevant.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

9.5 (MINUTE NO 4640) (SCM 24/10/2011) - INFORMATION TECHNOLOGY ALLOWANCE (CC/U/003) (S DOWNING) (ATTACH)

RECOMMENDATION

That Council pay an Information Technology Allowance of \$1,000 per year, payable in advance, to those Elected Members opting not to be provided with Council issued Information Technology items.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0



Background

The Local Government Act 1995 provides that the Council may pay to Elected Members, an allowance in lieu of reimbursement of Information Technology Expenses.

Submission

N/A

Report

Policy SC32 'Elected Members Information Technology Allowance' states that:

1. Elected Members may be provided by Council with the following information technology items for use in their duties as an Elected Member:
 - Laptop or desktop computer with monitor
 - Appropriate software
 - Printer/scanner/photocopier unit
 - Broadband Internet Access and router
 - Minor associated items such as ink cartridges
2. These items will be supplied in-lieu of payment of an Information Technology Allowance as provided for under Section 34AA of the Local Government (Administration) Regulations 1996.
3. Should Elected Members opt not to receive all items currently supplied then they may be paid an Information Technology Allowance equivalent to the value of the items not required of up to the maximum allowance provided for under Section 34AA of the Local Government (Administration) Regulations 1996.
4. Should Elected Members opt not to be provided with all items listed in Clause 1, they will be provided with a Council email address, which is to forward email to a personal email address and also be accessible via Microsoft Office Outlook Web Access.

In July 2005 Council decided that:

The Local Government (Administration) Regulations were amended on 31 March 2005 to include provision for payment of an Information Technology Allowance to a maximum of \$1,000 p.a. to Elected Members to cover information technology expenses incurred.



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

Strategic Plan/Policy Implications

Council Policy SC32 'Elected Members Information Technology Allowance'.

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

Funds are provided in the Council Budget for these payments:

GL 110-6246 (Councillor Communication expenses)

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Policy SC32 – "Elected Members Information Technology Allowance".

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



9.6 (MINUTE NO 4641) (SCM 24/10/2011) - ELECTED MEMBERS COMMUNICATION ALLOWANCE (CC/U/003) (S DOWNING) (ATTACH)

RECOMMENDATION

That Council pay a Communication Allowance of \$2,400 per year to Elected Members, payable in advance.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr C Reeve-Fowkes SECONDED Cllr V Oliver that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

The Local Government Act 1995 (Section 5.99A) provides for payments of an annual allowance instead of reimbursing Elected Members for particular types of expenses.

Submission

N/A

Report

Policy SC 15 'Elected Members Communication Allowance' states that:

1. The Elected Members will be paid an annual amount at the rate of the maximum total annual allowance prescribed by S.34A of the Local Government (Administration) Regulations 1996 (as amended) to cover the following communication expenses:-
 - (a) telephone rental at the Members' private residences;
 - (b) Telephone line rental in respect of answering/fax machines installed at the Mayor's and Members' private residences;
 - (c) Council related charges for telephone calls made from telephones located at the Members' residences; and
 - (d) Mobile telephone rental and call charge plans.



2. Prior to receiving the communications allowance each year, and on a standard form, Elected Members must provide the following contact details to Council's Customer Services Unit for advertising in appropriate Council related publications:
 - (a) Landline telephone number;
 - (b) Mobile telephone number; and
 - (c) Facsimile number
3. Council will pay the allowance annually in advance, calculated from each ordinary election and the full amount will be provided for in each annual budget.
4. That Elected Members are to be paid the maximum amount that was allowed to be paid for the entire period.

Regulation 34A states that the maximum allowance that can be paid is \$2,400. For voting purposes, Elected Members do not have a financial interest in the decision.

Strategic Plan/Policy Implications

Council Policy SC15 'Elected Members Communication Allowance'.

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

Funds are provided in the Council Budget for these payments:

GL 110-6246 (Councillor Communication expenses)

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Policy SC15 – "Elected Members' Communication Allowance".



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

9.7 (MINUTE NO 4642) (SCM 24/10/2011) - TRAVEL ALLOWANCE FOR ELECTED MEMBERS (CC/P/002; CC/U/004) (D GREEN) (ATTACH)

RECOMMENDATION

That Council:

- (1) not provide a vehicle to the Mayor as a method of payment of an expense which can be reimbursed, in accordance with Local Government (Administration) Regulations 34AD; and
- (2) continue to reimburse all Elected Members a vehicle allowance in accordance with Clause 1 (5) of Council Policy SC26 'Reimbursement of Elected Member Expenses'.

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Cllr L Smith that

- (1) provide a fully maintained motor vehicle to the incumbent Mayor of the day as a method of payment of an expense which can be reimbursed in accordance with Local Government (Administration) Regulations 34AD;
- (2) prepare a policy that contains the agreement (to be signed between the City and the incumbent Mayor of the day) setting out the terms and conditions of the use of the vehicle for official and private purposes including:
 1. the type/standard of vehicle to be provided;
 2. home garaging and commuting rights;
 3. the circumstances of a spouse/partner or other authorised person driving the vehicle;
 4. the requirement to maintain a logbook for official and private purposes as the basis upon which the costs of private use will be calculated and subsequently required to be paid by the Mayor to the City including the frequency and method of such payments noting that where the predominant use of the vehicle is for official purposes only those vehicle costs of a 'variable' nature directly affected



- by the additional private use are to be used for determining the payment for private use by the Mayor ie fuel, vehicle servicing costs (and then only the additional servicing costs occasioned by private use) and depreciation where it can be shown that the additional private use has negatively impacted on the trade value of the vehicle);
5. specifying the timeframe for the return of the vehicle to the City when the incumbent Mayor ceases to hold office; and
 6. specifying the use of the vehicle by Councillors;
- (3) The provision of a fully maintained motor vehicle being provided to be in lieu of travel/mileage claims otherwise claimable for the use of his/her personal motor vehicle;
 - (4) The motor vehicle is not to be used for commercial purposes;
 - (5) The provision of a fully maintained motor vehicle not occurring at the reduction of the fees, allowances and reimbursements (other travel/mileage claims) otherwise ordinarily payable to the incumbent Mayor of the day;
 - (6) The provision of a fully maintained motor vehicle to be administered in accordance with any related Management Practice that the City may have in place;
 - (7) The acquisition and replacement/changeover of the motor vehicle to be administered in accordance with the City's Light Vehicle Fleet Acquisition and Disposal Practices; and
 - (8) Amend Council Policy SC26 'Reimbursement of Elected Member Expenses', where necessary.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/1

Reason for Decision

On 3 May 2011 Regulation 34AD was Gazetted. The effect of Local Government (Administration) Regulation 34AD – Section 5.101A is to enable a local government to provide a vehicle owned by it for use by:

- (1) the Mayor; or
- (2) a Councillor, if no other reasonable alternative method of travel is available to the Councillor and prior written approval (of the CEO or Mayor) is given.

Prior to this no provision existed for a local government to provide a vehicle to an Elected Member, although increasingly in recent years



both Shire Presidents and Mayors were provided with a motor vehicle under varying arrangements.

The provision of a fully maintained motor vehicle to Mayors and Shire Presidents is seen by an increasing number of local governments as a means of allowing those incumbents to attend the significant number of official engagements that occur without the unreasonable expectation that they would use their private vehicles. This has been accepted by the Department of Local Government and the Government itself in terms of amending the legislation and its subsequent gazettal on 3 May 2011.

The preparation and adoption of a policy that contains the agreement (to be signed between the City and the Mayor of the day) will set out the terms and conditions of the use of the vehicle for official and private purposes and would be brought to a future Council meeting for consideration, in accordance with Council's policies.

The City of Cockburn with a population of 91,000 is now considered one of the larger metropolitan local governments. Many of these larger local governments provide a motor vehicle to their Mayor. Interestingly, discussions with several Mayors indicated that they were unaware of the new legislation and that they would be discussing the matter with their respective Chief Executive Officers. Indeed some of those local government policies reviewed contravened the legislation that was gazetted on 3 May 2011.

The current mileage reimbursement methodology applied to Elected Members has been recommended as the easiest administrative option to continue with into the future to reimburse the Mayor of the day and that the current process avoids any potential misunderstanding that may arise from the Agreement as the reason for not recommending the provision of a motor vehicle to the incumbent Mayor of the day.

Council does not agree that this is sufficient justification for not providing a vehicle for the Mayor.

Background

In April 2011, the Department of Local Government issued a Circular which dealt with the matter of providing Elected Members of local governments with a vehicle, for the purpose of conducting civic duties associated with their official functions.

While the Circular mentioned Elected Members in a generic sense, the focus of the information related to the practice of some (mostly larger metropolitan) local governments providing a Council owned vehicle for the incumbent Mayor of the day.



Historically, there have been a number of local governments which have opted to provide a Mayoral vehicle. Indeed, the City of Cockburn was such a Council, which adopted the practice up until 1999, when the Council was dismissed and the need for a vehicle was redundant. Upon resumption of an elected Council in 2000, the option to provide a Mayoral vehicle was not supported and has not been formally considered since.

The main matters for consideration have been the lack of statutory ability for a vehicle to be used in a private capacity by an Elected Member and that, in the event of Council providing a vehicle for the use of the Mayor, close attention is paid to separating civic from private use and formulating a procedure to ensure private use expenditure is recouped from the Mayor. The Circular suggests this be administered through the development of a Council Policy, hence the reason the matter was initially considered through the DAPPS Committee.

Submission

This matter was considered by the Delegated Authorities, Policies and Position Statements (DAPPS) Committee Meeting held on 22 September 2011, where it was recommended (and subsequently adopted by Council) to be deferred and reconsidered at this meeting.

Report

The attached Circular points out the manner in which legislative changes have now been introduced in an attempt to clarify the mechanism by which local governments can provide a vehicle for the use of Elected Members. This has been introduced as Regulation 34AD, as shown in the attachment. The effect of this Regulation is to enable a local government to provide a vehicle owned by it for use by:

- (1) the Mayor; or
- (2) a Councillor, if no other reasonable alternative method of travel is available to the Councillor and prior written approval (of the CEO or Mayor) is given.

In the case of the City of Cockburn, this provision would only realistically apply to the Mayor, as Councillors would reasonably be able to access an alternative mode of transport to attend any official functions required by their role. A taxi would be considered to be a reasonable alternative under such circumstances.

A secondary requirement of the Regulation is that prior to an Elected Member being provided with a Council owned vehicle, an Agreement must be signed setting out the responsibilities of the member in relation to the use of the vehicle.



Interestingly, the Regulation makes no mention of a Policy to be adopted as a part of this process, yet the Department's Circular states that it is 'expected' that this would be the case.

The Circular goes further by suggesting how the issue of private usage and other factors governing the supply of a vehicle to a Mayor should be administered.

As previously mentioned, it is the practice (both past and current) of many local governments to provide a Council owned vehicle for use by the Office of the Mayor, in the execution of the many civic duties associated with the role. However, there is no single preference on how this is dealt with by local governments in the metropolitan area of Perth.

An examination of the procedures adopted by a number of Councils in the metropolitan area has produced the following alternatives:

- Option 1: Provision of Council owned vehicle with private use reimbursed by the Mayor.
- Option 2: Provision of Council owned vehicle with travel costs associated with official usage reimbursed to the Mayor.
- Option 3: Provision of Council owned vehicle, included as part of the Mayoral allowance.
- Option 4: Reimbursement of travel expenses (mileage allowance), as provided for under Regulation 34AB, attached.

Currently, the City of Cockburn deals with this matter by way of Option 4, which requires Elected Members (including the Mayor) to submit a claim form for the reimbursement of transport costs incurred by the use of their private vehicle, or alternative travel option (eg. taxi fares).

This mode of payment is simple to administer and overcomes any potential misunderstanding which may arise from the Agreement associated with the provision of a motor vehicle and the preferences of individual Mayors in relation to such details as the type of vehicle provided and the calculation of official/private usage.

Therefore, on balance, it is suggested that Council continues with its practice of providing reimbursement of travelling expenses to all Elected Members via mileage allowance as per Regulation 34AB, which reflects a reasonable recompense for the use of private motor vehicles for undertaking Council related duties.

Should Council elect to provide a vehicle for use by the Mayor, the Australian Taxation Office (ATO) requirements relative to taxation compliance issues are covered in the attachment, as requested by



Council at its October 2011 Council Meeting (as part of the DAPPS Minutes adopted at that meeting).

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

Funds are available within Council's Governance Account for the reimbursement of Elected Members vehicle expenses.

Legal Implications

Sec.5.101A of the Local Government Act, 1995 and Regulation 34AD and 34AB of the Local Government (Administration) Regulations, refers.

Community Consultation

N/A

Attachment(s)

1. Department of Local Government Circular 'Provision of Motor Vehicles to Elected Members'.
2. Extract from Local Government (Administration) Regulations 1996.
3. Extract from Public Service Award 1992 – Motor Vehicle Allowance.
4. Australian Taxation Office compliance issues associated with the provision of Council owned vehicle to Elected Members.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



9.8 (MINUTE NO 4643) (SCM 24/10/2011) - MEMBERSHIP OF THE AUDIT AND STRATEGIC FINANCE COMMITTEE (CC/C/001) (D GREEN) (ATTACH)

RECOMMENDATION

That Council:

- (1) appoint the following Elected Members (minimum 3) to the Audit and Strategic Finance Committee _____;
- (2) pursuant to Section 7.1B of the Local Government Act, 1995, delegate the authority of Council to meet with the Auditor to the Committee.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted and the following Elected Members be appointed to the Audit and Strategic Finance Committee:

- Mayor Logan Howlett
- Deputy Mayor Kevin Allen
- Clr Carol Reeve-Fowkes
- Clr Lee-Anne Smith
- Clr Bart Houwen
- Clr Tony Romano
- Clr Yaz Mubarakai

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

Part 7 of the Local Government Act, 1995 prescribes matters dealing with Audits and financial accounts in local government and requires all Councils to establish an Audit Committee and appoint at least three persons to the Committee. Council established its Audit Committee in May 2005, which then became the Audit & Strategic Finance Committee in October 2009.

Submission

N/A



Report

Membership of the Audit & Strategic Finance Committee may comprise only of Elected Members and other persons subject to a majority of members being Elected Members of Council. As there is a requirement for the Committee to liaise very closely with both its internal and external Auditors, it is not considered necessary that any other persons be appointed as Committee members. Employees of the City, including the Chief Executive Officer, are excluded from becoming members of the Committee. Retiring members of the Committee are Mayor Howlett and Ctrs Allen, Romano, Reeve-Fowkes and ex-Councillors Attrill and Limbert.

The Terms of Reference (TOR) for the Committee are attached.

The Audit calendar is also included in the TOR to ensure the Committee meets to a regular timeframe throughout the year and considers those matters identified in the calendar and the TOR in a timely manner.

Finally, it is considered appropriate for Council to delegate the function of meeting with the appointed (external) Auditor to the Committee to eliminate the requirement for the Auditor to present the same reports to both the Committee and the Council, as required under Section 7.12A(2) of the Act.

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

N/A

Legal Implications

Part 7 of the Local Government Act, 2005 refers.

Community Consultation

N/A

Attachment(s)

Terms of Reference.



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

9.9 (MINUTE NO 4644) (SCM 24/10/2011) - MEMBERSHIP OF THE CHIEF EXECUTIVE OFFICER'S AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE (CC/C/001) (D GREEN) (ATTACH)

RECOMMENDATION

That Council appoint the following Elected Members (minimum 3) _____ to the Chief Executive Officer's and Senior Staff Key Projects Appraisal Committee.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr L Smith that the recommendation be adopted and the following Elected Members be appointed to the Chief Executive Officer's and Senior Staff Key Projects Appraisal Committee:

- Mayor Logan Howlett
- Deputy Mayor Kevin Allen
- Clr Reeve-Fowkes
- Clr Lee-Anne Smith
- Clr Bart Houwen
- Clr Tony Romano
- Clr Yaz Mubarakai

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

This Committee was established in September 2005. Its primary functions are to review the performance of the CEO, in accordance with the negotiated contract of employment, provide recommendations to Council in relation to the approved remuneration package and



assess relevant outcomes in accordance with Key Performance Indicators.

Submission

N/A

Report

The tenure of members appointed to the Committee expired at the October 2011 Council elections. Those members were Mayor Howlett and Cllrs Allen, Romano, Reeve-Fowkes, Smith and ex-Councillors Attrill and Limbert. In accordance with Section 5.10 of the Local Government Act, 1995, Council is to appoint elected members (minimum of 3) to be members of the Committee, should it wish the Committee to remain in operation.

The Terms of Reference for the Committee are attached.

Strategic Plan/Policy Implications

Governance Excellence

- To maintain a professional, well-trained and healthy workforce that is responsive to the community's needs.

Budget/Financial Implications

N/A

Legal Implications

Sec. 5.10 of the Local Government Act, 1995 refers.

Community Consultation

N/A

Attachment(s)

Terms of Reference.

Advice to Proponent(s)/Submissioners

N/A

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

N/A



9.10 (MINUTE NO 4645) (SCM 24/10/2011) - MEMBERSHIP OF THE GRANTS AND DONATIONS COMMITTEE (CC/C/001) (D GREEN) (ATTACH)

RECOMMENDATION

That Council appoint the following Elected Members (minimum 3) _____ to the Grants and Donations Committee.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted and the following Elected Members be appointed to the Grants and Donations Committee:

- Mayor Logan Howlett
- Deputy Mayor Kevin Allen
- Clr Reeve-Fowkes
- Clr Val Oliver
- Clr Lee-Anne Smith
- Clr Bart Houwen
- Clr Tony Romano

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

This Committee was established in September 2005. Its primary functions are to make recommendations to Council regarding budgeted allocations of grants, donations and sponsorships, following the assessment of applications from individuals and organisations against the criteria established by Council.

Submission

N/A

Report

The tenure of members appointed to the Committee expired at the October 2011 Council elections. Those members were Mayor Howlett and Clrs Allen, Oliver, Reeve-Fowkes and Romano. In accordance



with the Local Government Act, 1995 (Sec. 5.10) Council is to appoint elected members (minimum 3) to be members of the Committee should it wish for the Committee to remain functional.

The Terms of Reference for the Committee are attached.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.

Budget/Financial Implications

N/A

Legal Implications

Sec. 5.10 of the Local Government Act, 1995, refers.

Community Consultation

N/A

Attachment(s)

Terms of Reference.

Advice to Proponent(s)/Submissioners

N/A

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

N/A

9.11 (MINUTE NO 4646) (SCM 24/10/2011) - MEMBERSHIP OF LOCAL EMERGENCY MANAGEMENT COMMITTEE (CC/C/001) (D GREEN) (ATTACHED)

RECOMMENDATION

That

- (1) appoints _____ (Elected Members) as members of the Local Emergency Management Committee; and
- (2) requests representatives from the following organisations to be appointed members(1) appoints _____ (Elected Members) as members of the Local Emergency Management Committee; and (2) requests representatives from the following



organisations to be appointed members of the Committee: 1. Police Service South Metro Sub-District Local Emergency Co-ordinator. 2. City of Cockburn Bush Fire Brigade (2). 3. WA State Emergency Service. 4. Cockburn State Emergency Services. 5. Fire and Emergency Services Authority. 6. St John Ambulance Service. 7. Department for Communities. 8. Fremantle Hospital. of the Committee:

1. Police Service – South Metro Sub-District Local Emergency Co-ordinator.
2. City of Cockburn Bush Fire Brigade (2).
3. WA State Emergency Service.
4. Cockburn State Emergency Services.
5. Fire and Emergency Services Authority.
6. St John Ambulance Service.
7. Department for Communities.
8. Fremantle Hospital.

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted and the following Elected Members be appointed to the Local Emergency Management Committee:

- Mayor Logan Howlett
- Clr Reeve-Fowkes
- Clr Stephen Pratt

CARRIED 10/0

Background

All Councils in this State are now required to establish a local emergency management committee, pursuant to the Emergency Management Act (EMA), 2005. An extract of the relevant provisions of the Act is attached. Consequently, Council established the Committee in November 2007. Currently the City of Cockburn members appointed to the Committee are Mayor Howlett and Clr Reeve-Fowkes.

Submission

N/A



Report

The EMA provides that the Committee consists of members appointed by Council, one of which must be the local emergency co-ordinator, who is attached to the District Office of the WA Police Service. The previously constituted committee had a membership which is representative of all organisations which have a role in the preparation of counter emergency plans and operations. Therefore, it is recommended that Council adopt a similar structure in order to maintain the continuity of its functions.

The Act also provides for the State Emergency Management Committee to determine the constitution, procedures and terms/conditions of appointment of the Committee members. These have been provided for in the attached Policy No.2.5. The document also establishes the regularity of Committee meetings and the matters which should be considered by the Committee.

Other procedures, functions and arrangements to be undertaken by the Committee are also contained within the Policy. Administrative support for the Committee is to be provided by the City.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.

Budget/Financial Implications

Funding is available in Council's Budget to provide the necessary administrative support for the committee.

Legal Implications

Sec.38 of the Emergency Management Act (EMA) 2005, refers.

Community Consultation

N/A

Attachment(s)

1. Extract from EMA (Sec. 38).
2. State Emergency Management Policy 2.5.



Advice to Proponent(s)/Submissioners

N/A

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

N/A

9.12 (MINUTE NO 4647) (SCM 24/10/2011) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS (DAPPS) COMMITTEE (CC/C/001; FS/P/003) (D GREEN) (ATTACH)

RECOMMENDATION

That Council:

- (1) disbands the Delegated Authorities, Policies and Position Statements Committee; and
- (2) requires all items previously considered by the Committee to be presented directly to Council for consideration, on a regular basis, that enables all Policies, Position Statements and Delegated Authorities to be reviewed within a 12 month period from November 2011.

COUNCIL DECISION

MOVED Cllr C Reeve-Fowkes SECONDED Cllr V Oliver that Council:

- (1) receive the report,
- (2) retain a Delegated Authorities, Policies and Position Statements Committee (DAPPS) with the relevant administrative Terms of Reference that applied to the previous DAPPS Committees;
- (3) the DAPPS Committee to meet every two months, or more frequently, so as not to impede Administrative processes; and
- (4) all Policies, Delegated Authorities and Position Statements to be presented to this Committee at least annually, for review and to ensure current relevance, prior to adoption by full Council.

CARRIED 10/0



Reason for Decision

Section 2.7 of the Local Government Act provides direct guidance to Council when it advises on the Role of Council, it states:-

Under Section 2.2 Role and Responsibilities of the Council and Councillors

The roles and responsibilities of council and councillors are prescribed by the Act:

Role of the Council –

Section 2.7 of the Act provides that the role of Council is to:

- Direct and control the local government's affairs;
- Be responsible for the performance of the local government's functions;
- Oversee the allocation of the local government's finances and resources; and
- Determine the local government's policies.

Furthermore, the Role of the Councillor –

Section 2.10 of the Act states the role of a councillor is to:

- represent the interests of electors, ratepayers and residents;
- provide leadership and guidance to the community;
- facilitate communication between the community and the council;
- participate in decision-making processes at meetings; and
- performs such other functions as are given to a councillor or by this Act or any other written law.

The continuation of this advisory committee facilitates the appropriate forum for informed and considered views on issues of Policy, for inclusion in Council's deliberation processes.

It is recognised that the DAPPS Committee is essentially a working group, that will make recommendations to Council, which will require final approval and adoption at the first available Ordinary Council Meeting by Full Council.

Council has given the matter much consideration and after a successful trial during the last few months, reaffirms that the DAPPS committee must be reinstated.



Background

At the Council Meeting held on 14 July 2011 the Delegated Authorities, Policies and Position Statements (DAPPS) Committee was formally established and membership appointed, in accordance with the attached resolution.

Furthermore, pursuant to Section 5.11(2)(d) of the Local Government Act, 1995, membership of the Committee terminated on 15 October 2011, being the ordinary elections day.

In addition, Council has recently adopted a Policy which provides for all DAPPS items to be reviewed on an annual basis, as a minimum. The same Policy includes the mechanism by which the review of all DAPPS related items will take place is to be determined by resolution of Council at the first meeting of Council following the biennial election cycle. A copy of the relevant Policy (SC47) is attached.

Submission

N/A

Report

The intent of this report is to enable council to nominate the mechanism by which it wishes to undertake the formal review of its DAPPS related items, in accordance with its Policy (SC47).

Mechanisms available for Council to consider are:

1. through a formally established Committee, pursuant to Sec. 5.8 of the Act;
2. an informal Working Group comprising of Elected Members and Staff convened to assess these documents; and/or
3. individual officer reports provided directly to a meeting of Council.

Comments for and against each method are provided for Members to consider:

1. COMMITTEE SYSTEM -

Reasons For

- (i) Provides a separate forum for matters of Policy, Positions and Delegated Authority to be considered.



- (ii) Could be considered a “review board” for these matters to be scrutinised, prior to final consideration by Council.

Reasons Against

- (i) High level of regulatory administrative and governance compliance required to support the functioning of Committees.
- (ii) Resource intensive and a duplication of materials required to produce Committee documentation.

2. WORKING GROUP –

Reasons For

- (i) Less formal and not constrained by statutory requirements.
- (ii) Less resource intensive and reduction of material wastage associated with a formal Committee.

Reasons Against

- (i) No capacity to make formal recommendations for Council consideration.
- (ii) Still requires a meeting process to be convened, requiring additional time commitment of Elected Members and Staff.

3. DIRECT COUNCIL REPORTS -

Reasons For

- (i) Most time efficient methodology to have matters considered by Council, thus reducing unnecessary bureaucratic processes.
- (ii) Reduces wastage (staff time and materials/equipment), thus supporting Council’s sustainability initiatives.

Reasons Against

- (i) Does not provide for “review” opportunities prior to consideration of items by Council.
- (ii) Annual review of documents susceptible to being overlooked due to lack of any preliminary involvement of Elected Members.

On balance, it remains the administration’s strong preference to facilitate these items through a direct line of reporting to Council, due primarily to the associated efficiency gains and elimination of wastage provided by this methodology.



It is considered that any concerns of a regular review of these documents not being formally presented to Council as a result of no Elected Members' oversight, can be overcome by introducing an administrative directive that commits all relevant documentation to be presented to Council for formal consideration routinely throughout the year.

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

Additional costs will be incurred in the production of Committee documentation should Council elect to continue with the operation of a DAPPS Committee.

Legal Implications

Sections 5.8 and 5.10 of the Local Government Act, 1995, refers.

Community Consultation

N/A

Attachment(s)

1. Extract of Council Minutes OCM 14 July 2011.
2. Council Policy SC47 "Formal Introduction and Review of Council Policies, Position statements & Delegated Authorities.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



(MINUTE NO 4648) (SCM 24/10/2011) - MEMBERSHIP - DELEGATES AUTHORITIES, POLICIES AND POSITION STATEMENTS (DAPPS) COMMITTEE (CC/C/001; FS/P/003)

COUNCIL DECISION

MOVED Clr C Reeve-Fowkes SECONDED Deputy Mayor K Allen that Council appoint the following Elected Members as members of the Delegated Authorities, Policies and Position Statements Committee:

- Mayor Logan Howlett
- Deputy Mayor Kevin Allen
- Clr Carol Reeve-Fowkes
- Clr Bart Houwen
- Clr Steven Portelli
- Clr Yaz Mubarakai
- Clr Tony Romano

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

10. **(MINUTE NO 4649) (SCM 24/10/2011) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

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 Deputy Mayor K Allen SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

CARRIED 10/0



11 (SCM 24/10/2011) - CLOSURE OF MEETING

MEETING CLOSED AT 8.07PM.

CONFIRMATION OF MINUTES

I, (Presiding Member) declare that these minutes have been confirmed as a true and accurate record of the meeting.

Signed: Date:/...../.....

