

9.4 LATE REPORT: APPOINTMENT OF AN ALTERNATE MEMBER FOR MINDARIE REGIONAL COUNCIL – 6 DECEMBER 2018

TRIM Ref: D18/169588
Author: Meluka Bancroft, A/Manager Governance and Risk
Authoriser: David MacLennan, Chief Executive Officer
Attachments: Nil

RECOMMENDATION:

That Council **APPROVES BY ABSOLUTE MAJORITY** the appointment of Councillor as its alternate member for the Mindarie Regional Council meeting to be held on 6 December 2018, due to the unavailability of Council's appointed member, Mayor Emma Cole.

PURPOSE OF REPORT:

For Council to appoint an alternate member to the Mindarie Regional Council (MRC) meeting on 6 December 2018.

BACKGROUND:

In accordance with the Mindarie Regional Council Establishment Agreement (Constitution) and the subsequent Deeds of Variation the MRC is to comprise of Council Members from each constituent member Council. The Deed of Variation dated 25 November 1996 provides that the City of Vincent is to be represented by one Council Member.

In accordance with section 702 of the *Local Government Act 1960*, Council shall nominate a Council Member to replace the appointed member, if the appointed member is unavailable.

DETAILS:

On 24 October 2017, Council appointed Mayor Emma Cole as its nominated representative to the MRC, in accordance with section 701 of the *Local Government Act 1960*. The Mayor has conflicting professional engagements on the night of 6 December 2018 and will therefore be unavailable to attend the scheduled MRC meeting.

Administration recommends that an alternative Council Member is appointed to attend on the City's behalf.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Sections 701 and 702 of the *Local Government Act 1960* were repealed by the *Local Government Act 1995*, however, in accordance with clause 10 of Schedule 9.3 to the *Local Government Act 1995* these sections continue to apply to regional councils created in accordance with the *Local Government Act 1960*.

Section 702(1) provides that:

"Whenever a vacancy occurs or is due to occur, by effluxion of time or otherwise, in the office of a regional councillor appointed by a constituent municipality that constituent municipality shall appoint a qualified person to fill that vacancy and notify the secretary of the regional council that it has made the appointment."

Section 52(1) of the *Interpretation Act 1984* deals generally with appointment of a person to act in the role, and provides that:

“Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such power or duty shall also have the power

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- (b) where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position;*
 - (c) to specify the period for which any person so appointed in exercise of such power or duty shall hold his appointment.”*

In accordance with section 5.10 of the *Local Government Act 1995* an absolute majority decision of Council is required to appoint a Council Member to the MRC.

RISK MANAGEMENT IMPLICATIONS:

Medium: The non-attendance of a City representative at the MRC meeting will result in the City not having any voting entitlement on matters raised at the meeting.

STRATEGIC IMPLICATIONS:

This recommendation aligns with the “Innovative and Accountable” objective in the City’s Strategic Community Plan 2018-2028.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for the City.

In accordance with the MRC Policy No: CP 01 the alternative member will receive \$140 for attending the 6 December 2018 MRC meeting.

COMMENTS:

It is recommended that Council appoints an alternate Council Member to attend the upcoming MRC meeting on 6 December 2018.