

Disability Access and Inclusion Committee

Minutes

21 February 2024

Committee Terms of Reference

The Disability Access and Inclusion Committee has been established:

- 1. To provide an oversight role in the development and implementation of the statutory requirements of the Disability Access and Inclusion Plan (DAIP);*
- 2. To review progress of the organisation in the achievement of the objectives of the DAIP;*
- 3. To review the Statutory Reports required under the DAIP;*
- 4. To review the progress of the organisation in relation to progress against the objectives of the Community Strategic Plan as it relates to disability, access and inclusion;*
- 5. To review any reports provided by the Co-Design Access Panel;*
- 6. To advise Council on issues relating to disability, access and inclusion within the City of Bunbury.*
- 7. To activate and drive the City's vision of becoming the Most Accessible Regional City in Australia (MARCIA).*

Table of Contents

<u>Item No</u>	<u>Subject</u>	<u>Page No</u>
<u>1.</u>	<u>Declaration of Opening</u>	<u>3</u>
1.1	Election of the Presiding Member	3
<u>2.</u>	<u>Disclaimer</u>	<u>8</u>
<u>3.</u>	<u>Announcements from the Presiding Member</u>	<u>8</u>
<u>4.</u>	<u>Attendances.....</u>	<u>8</u>
4.1	Apologies.....	8
4.2	Approved Leave of Absence	9
<u>5.</u>	<u>Declaration of Interest</u>	<u>9</u>
<u>6.</u>	<u>Public Question Time</u>	<u>9</u>
<u>7.</u>	<u>Confirmation of Minutes.....</u>	<u>9</u>
<u>8.</u>	<u>Petitions, Presentations and Deputations</u>	<u>10</u>
8.1	Petitions	10
8.2	Presentations	10
8.3	Deputations.....	10
<u>9.</u>	<u>Method of Dealing with Minutes Business</u>	<u>10</u>
<u>10.</u>	<u>Reports</u>	<u>11</u>
10.1	Review of Committee Terms of Reference	11
10.2	Future Meeting Dates.....	15
<u>11.</u>	<u>Applications for Leave of Absence.....</u>	<u>19</u>
<u>12.</u>	<u>Questions from Members</u>	<u>19</u>
12.1	Response to Previous Questions from Members taken on Notice	19
12.2	Questions from Members.....	19
<u>13.</u>	<u>Urgent Business</u>	<u>21</u>
<u>14.</u>	<u>Date of Next Meeting.....</u>	<u>21</u>
<u>15.</u>	<u>Close of Meeting.....</u>	<u>21</u>

Acknowledgement of Country

The City of Bunbury acknowledge the traditional owners of the land, the Noongar Wardandi people and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures; and to Elders past, present and emerging.

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY

We are one team
We keep each other safe
We display empathy and respect
We have fun and celebrate our successes
We work together to achieve great outcomes

WE ARE OPEN

We are open to opportunities
We actively listen and think things through
We are inclusive and treat everyone equally
We are honest and open in our communications
We are open to feedback to improve our performance

WE ARE BRAVE

We lead the change, we own it
We trust and empower each other
We have the difficult conversations early
We hold ourselves to the highest standard
We have the courage to improve and simplify

Disability Access and Inclusion Committee Notice of Meeting

Dear Committee Members

The next Ordinary Meeting of the Disability Access and Inclusion Committee will be held in the *Ocean Room*, 2-4 Stephen Street, Bunbury, on 21 February at 4:30pm.



Elizabeth Denniss
Manager Community Connection

Minutes 21 February 2024

Members of the public to note that recommendations made by this committee are not final and will be subject to adoption (or otherwise) at a future meeting of the Bunbury City Council.

Committee Members:

Member Name	Representing
Cr Karen Turner	Councillor Representative
Cr Ben Andrew	Councillor Representative
Rob Manning	Community Representative
Tania McInnes	Service Provider Representative-Advocacy WA

Support Staff:

Name	Title
David Russell	Proxy for Alan Ferris Chef Executive Officer Acting Director Sustainable Communities
Elizabeth Denniss	Manager Community Connection
Greg Golinski	Manager Governance

1. Declaration of Opening

The Presiding Member declared the meeting open at 4.00 pm.

Acknowledgement of County

The City of Bunbury acknowledge the traditional owners of the land, the Noongar Wardandi people and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures; and to Elders past, present and emerging.

1.1 Election of the Presiding Member

As this is the first meeting of the Disability Access and Inclusion Committee since the 2023 local government elections, the committee is required to elect a Presiding Member from amongst themselves in accordance with Section 5.12 of the *Local Government Act 1995*.

The CEO will call for nominations for the position of Presiding Member.

In the event that there is more than one nomination for the position of Presiding Member, the Chief Executive Officer will act in the position of Returning Officer to conduct the ballot as required under the *Local Government Act 1995*. The ballot for the position of Presiding Member will be conducted in accordance with clause 5.12 and Schedule 2.3 of the *Local Government Act 1995* as outlined below:

5.12. Presiding members and deputies, election of

(1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —

(a) to “office” were references to “office of presiding member”; and

(b) to “council” were references to “committee”; and

(c) to “councillors” were references to “committee members”.

Schedule 2.3, Division 1

4. How mayor or president is elected

- (1) *The council is to elect a councillor to fill the office.*
- (2) *The election is to be conducted by the CEO in accordance with the procedure prescribed.*
- (3) *Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.*
- (3a) *Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) *If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) *The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) *Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.*
- (7) *As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.*

[Clause 4 amended: No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]

5. Votes may be cast a second time

- (1) *If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.*
- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.*

- (3) *When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.*
- (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*

How to count votes and ascertain the result of an election is covered through the provisions of Division 2 of Schedule 4.1 of the *Local Government Act 1995* as outlined below:

2. *One office election: 2 candidates*

- (1) *If there are only 2 candidates in a one office election —*
 - (a) *the first-preference votes for each candidate must be counted; and*
 - (b) *the candidate who has the greater number of first-preference votes is elected.*
- (2) *If the candidates have the same number of first-preference votes, the returning officer must draw lots in accordance with regulations to determine which candidate is elected.*

3. *One office election: 3 or more candidates*

Clauses 4 and 5 apply if there are 3 or more candidates in a one office election.

4. *Count of first-preference votes*

- (1) *The first-preference votes for each candidate must be counted.*
- (2) *A candidate is elected if the number of first-preference votes for the candidate exceeds 50% of the total number of all the first-preference votes for candidates.*

5. *Process if no candidate elected under clause 4*

- (1) *The process in subclause (2) —*
 - (a) *must be followed if no candidate is elected under clause 4;**and*

- (b) as necessary, must be repeated until a candidate is elected under subclause (3)*
- (2) The process is as follows —*
- (a) exclude the candidate (the excluded candidate) with —*
 - (i) if this process is being followed for the first time — the fewest first-preference votes; or*
 - (ii) if this process is being repeated — the fewest votes on the last count under paragraph (d);*
 - (b) set aside as exhausted any ballot paper of the excluded candidate that contains —*
 - (i) no preference votes at all; or*
 - (ii) no preference votes for any continuing candidates;*
 - (c) transfer any remaining ballot papers of the excluded candidate that indicate the next available preference for a particular continuing candidate to that continuing candidate;*
 - (d) count the number of votes for each of the continuing candidates by totalling the following —*
 - (i) the number of first-preference votes for the continuing candidate;*
 - (ii) if this process is being followed for the first time — the total number of ballot papers transferred to the continuing candidate under paragraph (c);*
 - (iii) if this process is being repeated — the total number of ballot papers transferred to the continuing candidate under paragraph (c) on this or a previous occasion.*
- (3) A continuing candidate is elected if, on a count under subclause (2)(d), the number of votes for the continuing candidate exceeds 50% of the total number of all the votes for continuing candidates.*
- (4) Subclause (6) applies if subclause (2)(a) cannot otherwise be applied because, as the case requires —*
- (a) 2 or more candidates have the same number of first-preference votes (no other candidates having fewer first-preference votes); or*

- (b) *2 or more candidates have the same number of votes on the last count under subclause (2)(d) (no other candidates having fewer votes).*

- (5) *Subclause (6) also applies if subclause (3) cannot otherwise be applied because —*
 - (a) *there are only 2 continuing candidates in a count under subclause (2)(d); and*
 - (b) *on the count, the continuing candidates have the same number of votes.*

- (6) *The returning officer must draw lots in accordance with regulations to determine, as the case requires —*
 - (a) *the candidate to be excluded; or*
 - (b) *the continuing candidate to be elected.*

- (7) *For the purposes of the process in subclause (2), a ballot paper is a ballot paper of the excluded candidate if either of the following applies —*
 - (a) *the ballot paper contains a first-preference vote for the excluded candidate;*
 - (b) *the process is being repeated and the ballot paper was transferred to the excluded candidate under subclause (2)(c) on a previous occasion.*

- (8) *For the purposes of the process in subclause (2), a continuing candidate is a candidate to whom neither of the following applies —*
 - (a) *the candidate is the excluded candidate;*
 - (b) *the process is being repeated and the candidate was excluded under subclause (2)(a) on a previous occasion.*

The successful nominee will be declared elected to the position of Presiding Member of the Disability Access and Inclusion Committee for a 2 year term.

Elected Member Ben Andrew nominated for position of Presiding Member of the Disability Access and Inclusion Committee.

Committee Decision

Endorsement of Elected Member Ben Andrew as Presiding Member of the Disability Access and Inclusion Committee.

CARRIED UNANIMOUSLY

4 votes “for” / Nil votes “against”

2. Disclaimer

Not applicable to this committee.

3. Announcements from the Presiding Member

The Presiding Member briefly provided an overview of DAIC and more information about himself to all members.

4. Attendances

4.1 Apologies

Apologies

Name	Title
Alan Ferris	Chef Executive Officer
Karin Strachan	Director Strategy & Organisational Performance
Cassie Curulli	Team Leader Community Partnerships Office and Activation
Rebecca Sheperd	Community Member

Did not attend

Name	Title
Cr Gabi Ghasseb	Councillor Representative

4.2 Approved Leave of Absence

Nil.

5. Declaration of Interest

IMPORTANT: Committee members to complete a “Disclosure of Interest” form for each item on the Minutes in which they wish to disclose a financial/proximity/impartiality interest. They should give the form to the Presiding Member before the meeting commences. After the meeting, the form is to be forwarded to the Administration Services Section for inclusion in the Corporate Financial Disclosures Register.

6. Public Question Time

Not applicable.

7. Confirmation of Minutes

The Minutes of the meeting of the Disability Access and Inclusion Committee Meeting held 7 June 2023 had been circulated.

Recommendation

That the Minutes of the Disability Access and Inclusion Committee Meeting held 7 June 2023 be confirmed as a true and correct record.

Committee Decision

The recommendation (as printed) was moved by Councillor Karen Turner, seconded by Rob Manning.

CARRIED UNANIMOUSLY
4 votes “for” / Nil votes “against”

8. Petitions, Presentations and Deputations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

Nil

9. Method of Dealing with Minutes Business

Items are dealt with in the order that they appear.

10. Reports

10.1 Review of Committee Terms of Reference

File Ref:	COB/306 and COB/1772
Applicant/Proponent:	Internal
Responsible Officer:	Sue Alexander, Community Partnerships Officer
Responsible Manager:	Elizabeth Denniss, Manager Community Connection
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	NIL

Summary

The purpose of this report is for the Disability Access and Inclusion Committee to review its terms of reference in accordance with Council Decision 237/23 that all Council Committees were requested to review their respective terms of reference and report back to Council by April 2024.

Executive Recommendation

That the Disability Access and Inclusion Committee undertake a review of their current Terms of Reference and report back to Council by April 2024.

The Disability Access and Inclusion Committee has been established:

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- 2. To review progress of the organisation in the achievement of the objectives of the DAIP;*
- 3. To review the Statutory Reports required under the DAIP;*

4. *To review the progress of the organisation in relation to progress against the objectives of the Community Strategic Plan as it relates to disability, access and inclusion;*
5. *To review any reports provided by the Co-Design Access Panel;*
6. *To advise Council on issues relating to disability, access and inclusion within the City of Bunbury.*
7. *To activate and drive the City’s vision of becoming the Most Accessible Regional City in Australia (MARCIA).*

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust governance
Outcome 13	A leading local government
Objective 13.1	Provide strong, accountable leadership and governance

Regional Impact Statement

Regional Impact Statement The desired outcomes of the policy will positively impact our community by connecting the City’s goals to State and Federal government responsibilities. This will ensure that we are collaborating and voicing issues we are facing as a community, to promote better support and needed change.

Background

In establishing its committees post the 2023 City of Bunbury election and making appointments therein, Council requested that all committees review their respective terms of reference and report back to Council by April 2024 (refer Decision 237/23).

Council Policy Compliance

The DAIC operates under the Council's Code of Conduct.

The City's DAIP commitments are outlined in the Access and Inclusion Council Policy

Legislative Compliance

Not applicable.

Officer Comments

A workshop was held on 18 January 2023 with DAIC members to review the revised Terms of Reference to ensure it adequately reflected the intended purpose of the Committee

The current Disability Access and Inclusion Terms of Reference were reviewed at the DAIC meeting held 25 January 2023.

The DAIC reviewed Terms of Reference were tabled at the Ordinary Council Meeting held 21 February 2023 as per below.

That Council endorse the amendment of the DAIC Terms of Reference as follows:

The Disability Access and Inclusion Committee has been established:

- 1. To provide an oversight role in the development and implementation of the statutory requirements of the Disability Access and Inclusion Plan (DAIP);*
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- 3. To review the Statutory Reports required under the DAIP;*
- 4. To review the progress of the organisation against the objectives of the Community Strategic Plan as it relates to disability, access and inclusion;*

5. *To review any reports provided by the Co-Design Access Panel; and*
6. *To advise Council on issues relating to disability, access and inclusion within the City of Bunbury.*
7. *To advocate and drive the City’s vision of becoming the Most Accessible Regional City in Australia (MARCIA).*

CARRIED UNANIMOUSLY
11 votes “for” / nil votes “against”

Decision 019/23 resulted in Council endorsing the current DAIC Terms of Reference.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

The current Terms of Reference were workshopped by members of the DAIC on 18 January 2023 and the draft Terms of Reference were presented to the DAIC Committee at the meeting held 25 January 2023 for endorsement and Council endorsed the current Terms of Reference at Ordinary Council Meeting held 21 February 2023.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Immediate once Council have endorsed the recommendation.

3. 20 November 2024
4. 19 February 2025
5. 21 May 2025
6. 20 August 2025
7. 19 November 2025

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Our City
Aspiration	Civic leadership, partnerships and sound governance in delivering with and for the community
Outcome 4	A compassionate and inclusive community
Objective 4.3	Trusted leadership and robust decision-making

Regional Impact Statement

Regional Impact Statement The desired outcomes of the policy will positively impact our community by connecting the City's goals to State and Federal government responsibilities. This will ensure that we are collaborating and voicing issues we are facing as a community, to promote better support and needed change.

Background

The Disability Access and Inclusion Committee has been established:

1. *To provide an oversight role in the development and implementation of the statutory requirements of the Disability Access and Inclusion Plan (DAIP);*
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5. *To review any reports provided by the Co-Design Access Panel;*
6. *To advise Council on issues relating to disability, access and inclusion within the City of Bunbury.*
7. *To advocate and drive the City's vision of becoming the Most Accessible Regional City in Australia (MARCIA).*

To enable DAIC to undertake actions mentioned in the DAIC Terms of Reference members are asked to confirm Committee meeting dates for the next 2 years up to the 2025 local government election.

Council Policy Compliance

The DAIC operates under the Council's Code of Conduct.

The City's DAIP commitments are outlined in the Access and Inclusion Council Policy.

Legislative Compliance

Disability Services Act 1993 (amended 2004)
Local Government Act 1995

Officer Comments

The Disability Access and Inclusion Committee has historically met every 3 months over a 12-month period.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications impacting from the recommendations of this report.

Community Consultation

Not applicable.

Councillor/Officer Consultation

Not applicable.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Not applicable.

Outcome of Meeting held 21 February 2024

Committee Decision

The recommendation (as printed) was moved by Tania McInnes, seconded by Councillor Karen Turner.

CARRIED UNANIMOUSLY
4 votes “for” / Nil votes “against”

DAIC members also proposed and agreed to the implementation of seven (7) additional workshop sessions to be held 6 weeks prior to scheduled DAIC meetings.

Workshop dates are as below:

1. 10 April 2024
2. 10 July 2024
3. 9 October 2024
4. 8 January 2025
5. 9 April 2025
6. 9 July 2025
7. 8 October 2025

Topics discussed in these workshops will be identified by DAIC members and coordination will be supported by the Community Partnerships Officer – Inclusion.

11. Applications for Leave of Absence

Nil.

12. Questions from Members

12.1 Response to Previous Questions from Members taken on Notice

Nil

12.2 Questions from Members

No questions had been received at the time of printing.

Questions received after printing from Tania McInnes:

1. I would like the Committee to acknowledge the attached SW Times article, specifically the exchange between the Bunbury Car Club, the Bunbury City Council and the Human Rights Commission in relation to the request by Mr Sears to improve access at the Bunbury City Speedway dated Thursday 15 February 2024.

Response from DAIC members:

All members acknowledged the above-mentioned article.

2. I would like to remind the Committee that this point of discussion was initiated in February last year (2023) by Mr Brendan Kelly, with Committee and Council members on behalf of Mr Sears. However, at the time, despite a request for it to be tabled at a DAIC meeting, the matter was not tabled, nor does it appear that any follow up was provided.

3. The article refers to the BCC offering support to the Bunbury Car Club and I would like to table the following questions.

(a) Can the Committee advise the members what the support referred to in the article, offered constitutes?

The City of Bunbury sent letters to the Clubs (Lessees) to:

- Offer them a non-legally binding accessible a service through Advocacy WA (at no cost),
- Provide them with a Q&A fact sheet and explain the benefits for participation and opportunities for grant funding through state and federal sources for future capital upgrades.
- This was provided to all Clubs (Lessees) who held a ground lease and owned their own building however this was a voluntary audit and there was no requirement for this to occur.
- Advice was sent out 10 July 2023.

(b) Does the Committee consider that it has a responsibility to be proactive in supporting the Bunbury Car Club to meet their accessibility aspirations?

The Committee supports any future actions undertaken by the City to support the accessible aspirations of the Bunbury Car Club.

© If so, what is that support, and how will it progress the actions required to improve accessibility at the Bunbury City Speedway?

The Committee supports any future actions undertaken by the City regarding supporting the improvement of accessibility across all Clubs.

3. Advocacy WA asserts that under the Bunbury City Council commitment to the State Disability Strategy, the BCC holds an inherent and ethical responsibility to support those local organisations that lease their lands and to work collaboratively to improve access, safety and amenity to those facilities.

13. Urgent Business

Nil

14. Date of Next Meeting

The next meeting of the DAIC will be held at 4.00pm on Wednesday 22 May 2025.

15. Close of Meeting

The Presiding Member declared the meeting closed at 5.00pm.