



CONFIRMED MINUTES

SPECIAL COUNCIL MEETING

28 OCTOBER 2019

I certify that the minutes of the meeting of the Special Council held on Monday, 28 October 2019 were confirmed on Tuesday, 12 November 2019.

Presiding Person



**CONFIRMED MINUTES
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28 OCTOBER 2019**

ATTENTION/DISCLAIMER

The purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by an Elected Member or employee, or on the content of any discussion occurring during the course of the Meeting. Persons should be aware that regulation 10 of the *Local Government (Administration) Regulations 1996* establishes procedures to revoke or change a Council decision. No person should rely on the decisions made by Council until formal written advice of the Council decision is received by that person.

The Shire of Mundaring expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by an Elected Member or employee, or the content of any discussion occurring during the course of the Council Meeting.

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SPECIAL COUNCIL MEETING COUNCIL CHAMBER

1.0 OPENING PROCEDURES

The Presiding Person declared the meeting open at 6.30pm.

Acknowledgement of Country

Shire of Mundaring respectfully acknowledges the Whadjuk people of the Noongar Nation, who are the traditional custodians of this land. We acknowledge Elders past, present and emerging and respect their continuing culture and the contribution they make to the region.

Recording of Meeting

Members of Council and members of the gallery are advised that this meeting will be audio-recorded.

1.1 Announcement of Visitors

Nil

1.2 Attendance/Apologies/Approved Leave of Absence

Elected Members	Cr John Daw (President)	East Ward
	Cr Simon Cuthbert	East Ward
	Cr Jason Russell (Deputy President)	West Ward
	Cr Matthew Corica	West Ward
	Cr Toni Burbidge	Central Ward
	Cr Amy Collins	Central Ward
	Cr Doug Jeans	Central Ward
	Cr Darrell Jones	South Ward
	Cr David Lavell	South Ward
	Cr James Martin	South Ward
Staff	Jonathan Throssell	Chief Executive Officer
	Garry Bird	Director Corporate Services
	Megan Griffiths	Director Strategic & Community Services
	Mark Luzi	Director Statutory Services
	Shane Purdy	Director Infrastructure Services
	Anna Italiano	Minute Secretary
Apologies	Cr Kate Driver	East Ward
Absent	Nil	
Leave of Absence	Cr Ian Green	West Ward
Guests	Nil	
Members of the Public	2	

**Members of
the Press** Nil

2.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

3.0 DECLARATION OF INTEREST

3.1 Declaration of Financial Interest and Proximity Interests

Elected Members must disclose the nature of their interest in matters to be discussed at the meeting (*Part 5 Division 6 of the Local Government Act 1995*).

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting (*Sections 5.70 and 5.71 of the Local Government Act 1995*).

Nil

3.2 Declaration of Interest Affecting Impartiality

An Elected Member or an employee who has an interest in a matter to be discussed at the meeting must disclose that interest (*Shire of Mundaring Code of Conduct, Local Government (Admin) Reg. 34C*).

Nil

4.0 PUBLIC QUESTION TIME

15 minutes (with a possible extension of two extra 15 minute periods) are set aside at the beginning of each Council meeting to allow members of the public to ask questions of Council.

Public Question Time is to be conducted in accordance with Shire of Mundaring Meeting Procedures Local Law 2015.

Nil

5.0 PRESENTATIONS

5.1 Deputations

Nil

5.2 Petitions

Nil

5.3 Presentations

Nil

6.0 REPORTS OF EMPLOYEES

6.1 Appointment of Elected Members to Committees, Advisory Groups and Representatives Meetings

File Code	OR.MTG
Author	Danielle Courtin, Governance Coordinator
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Nil
Attachments	1. Terms of Reference - Committees, Groups and Representative Meetings ↓

SUMMARY

Council is invited to appoint Elected Members to committees of Council, external committees, advisory groups and representatives meetings.

BACKGROUND

Following the Local Government elections on 19 October 2019 all previous positions on committees, advisory groups and representatives meetings are declared vacant and nominations from Elected Members are invited.

STATUTORY / LEGAL IMPLICATIONS

Section 5.11 of the *Local Government Act 1995* states that where a person is appointed as a member of a committee, their membership continues until the next ordinary elections day, unless they have previously resigned, the committee is disbanded or they no longer hold the office by virtue of which they became a member.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Mundaring 2026 Strategic Community Plan

Priority 1 - Governance

Objective 1.2 – Transparent, responsive and engaged processes for Shire decision making

Strategy 1.2.1 – Increase transparency and responsiveness of Shire administration processes

SUSTAINABILITY IMPLICATIONS

Nil

RISK IMPLICATIONS

Risk: Reputational: Elected Members refuse to nominate for appointment to committees, advisory groups and representative meetings.		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
Council appoints Elected Members after each local government election.		

EXTERNAL CONSULTATION

Nil

COMMENT

The following table lists the committees, advisory groups and representatives meetings for which Elected Members' representation is sought. Where they are available the relevant terms of reference are attached (refer **Attachment 1**).

On external committee boards (Swan View & Districts Agriculture and Arts Society Inc., Mundaring Arts Centre Board, Mundaring & Hills Historical Society, Little Possums Daycare Committee and Mundaring Sharing Committee) Elected Members are appointed "ex officio", meaning that they are appointed because of their role as elected members. While they have the same voting rights as the other board members, their dual role on Council and on the external committee board may create a conflict of interest, for example when requests for funding from Council are decided, therefore Elected Members may consider abstaining from voting in those situations.

Committees of Council	Required	Meeting frequency	Duration
Australia Day Citizenship Awards Committee	4 Elected Members (1 from each ward)	Annually in December	1 hour
CEO Performance Review Committee	Shire President + Deputy Shire President + 3 Elected Members	5 performance review meetings + informal quarterly update meetings	1 - 1 ½ hours
Grants Selection Committee	Shire President + 1 Elected Member from each ward	As required (3 or 4 times per year)	½ - 1 hour
Advisory Groups	Required	Meeting frequency	Duration
Cultural Advisory Group	1 Elected Member	Quarterly	1 ½ hours

Darlington Community Recreation Advisory Group	1 Elected Member (South ward)	Quarterly	2 hours
Inclusion and Disability Access Advisory Group	1 Elected Member	Quarterly	1 hour
Youth Advisory Group	1 Elected Member	Fortnightly	1 ½ hours
Representatives Meetings	Required	Meeting frequency	Duration
Age Friendly Community Reference Group	1 Elected Member	Regularly over a period of 3 months	
Mt Helena Aquatic Centre Representatives Meeting	1 Elected Member	Six-monthly	½ hour
Reconciliation Action Plan Group	1 Elected Member	Regularly over a period of 3 months	
Tennis Courts Representatives Meeting	1 Elected Member	Six-monthly	1 hour
External Committees	Required	Meeting frequency	Duration
Swan View & Districts Agriculture and Arts Society Inc. <i>ex officio</i>	1 Elected Member (West ward)	Monthly	2 hours
Mundaring Arts Centre Board <i>ex officio</i>	1 Elected Member	Bi-monthly	2 hours
Mundaring Art Acquisition and Collection Panel (Mundaring Arts Centre)	1 Elected Member	One meeting in January	2 hours
Mundaring & Hills Historical Society <i>ex officio</i>	1 Elected Member	Monthly	1 ½ hours
Little Possums Daycare Committee <i>ex officio (subject to confirmation of Committee)</i>	1 Elected Member	tba	tba
Mundaring Sharing Committee <i>ex officio (subject to confirmation of Committee)</i>	1 Elected Member	tba	tba
WALGA East Metropolitan Zone	3 Elected Members 1 Deputy	Bi-monthly	1 hour
Perth Airport Municipalities Group	1 Elected Member 1 Deputy Elected Member	Quarterly	2 hours
Perth Airport Community Aviation Consultation Group	1 Elected Member CEO	3 times a year	2 hours
Eastern Subgroup of the Metropolitan Regional Road Group	1 Elected Member	Six-monthly	1 ½ hours
Parks of the Darling Range Community Advisory Committee	1 Elected Member	Quarterly	2 hours
Metro East Development Assessment Panel (DAP)	1 Alternate Member	As required	variable

The Shire President will call for nominations to each of the above committees or groups and preside over any ballot required to determine appointment(s) to the committee or group.

Development Assessment Panel members are appointed for a term ending 26 January 2020, but their appointment is conditional on being re-elected. Current members are Cr Lavell and Cr Burbidge, while Cr Jones and Cr Fox are alternate members. As Cr Fox has not contested this election, Council is requested to make a new appointment recommendation to DAP for one Alternate Member. Members are paid \$425 per session plus travel reimbursement.

VOTING REQUIREMENT

Absolute Majority - *Local Government Act 1995* section 5.10.

COUNCIL DECISION RECOMMENDATION		SC1.10.19	
Moved by	Cr Jones	Seconded by	Cr Cuthbertl

That Council, by absolute majority appoints Elected Members to the following committees, advisory groups and representatives meetings:

Committees of Council	
Australia Day Citizenship Awards Committee	1. Central: Cr Collins
	2. West: Cr Russell
	3. South: Cr Lavell
	4. East: Cr Cuthbert
CEO Performance Review Committee	Shire President: Cr Daw
	Deputy Shire President: Cr Russell
	1. Cr Green
	2. Cr Jones
	3. Cr Jeans
Grants Selection Committee	Shire President: Cr Daw
	1. Central: Cr Jeans
	2. West: Cr Corica
	3. South: Cr Martin
	4. East: Cr Cuthbert

Advisory Groups	
Cultural Advisory Group	Cr Lavell
Darlington Community Recreation Advisory Group	South Ward: Cr Martin
Inclusion and Disability Access Advisory Group	Cr Cuthbert
Youth Advisory Group	This was withdrawn to enable members of YAG to advise Council on its preference for selection of a Council representative. A report will be presented to Council at the 10 December 2019 Ordinary Council meeting.

Representatives Meetings	
Age Friendly Community Reference Group	Cr Jeans
Mt Helena Aquatic Centre Representatives Meeting	Cr Cuthbert
Reconciliation Action Plan Group	Cr Daw
Tennis Courts Representatives Meeting	Cr Burbidge

External Committees	
Swan View & Districts Agriculture and Arts Society Inc. <i>ex officio</i>	West Ward: Cr Green
Mundaring Arts Centre Board <i>ex officio</i>	Cr Jones
Mundaring Art Acquisition and Collection Panel (Mundaring Arts Centre)	Cr Russell
Mundaring & Hills Historical Society <i>ex officio</i>	Cr Jeans
Little Possums Daycare Committee <i>ex officio</i>	This was withdrawn as Little Possums Daycare Inc have advised that a Council <i>ex officio</i> representative is not required.
Mundaring Sharing Committee <i>ex officio</i>	Cr Daw
WALGA East Metropolitan Zone	1. Cr Driver
	2. Cr Russell
	3. Cr Cuthbert
	Deputy member: Cr Jeans
Perth Airports Municipalities Group	Cr Lavell
	Deputy member: Cr Russell
Perth Airport Community Aviation Consultation Group	Cr Lavell
Eastern Subgroup of the Metropolitan Regional Road Group	Cr Martin
Parks of the Darling Range Community Advisory Committee	Cr Collins

Metro East Development Assessment Panel (DAP)	This was withdrawn as the Department of Planning have requested that Council nominate 4 representatives (2 members and 2 alternate members) together rather than when a vacancy occurs. A report will be presented to the 12 November 2019 Ordinary Council meeting requesting nominations.
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CARRIED BY ABSOLUTE MAJORITY 10/0

For: Cr Daw, Cr Burbidge, Cr Jeans, Cr Jones, Cr Lavell, Cr Martin, Cr Cuthbert, Cr Collins, Cr Corica and Cr Russell

Against: Nil

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AUSTRALIA DAY CITIZENSHIP AWARDS COMMITTEE

TERMS OF REFERENCE

Established: October 2013

Terms of Reference: November 2017

Membership: Membership of the committee shall comprise one elected member from each ward.

Meetings: The committee shall meet once per calendar year.

Terms of Reference

1. NAME

The committee will be called the Australia Day Citizenship Awards Committee and will be referred to hereafter as "the committee".

2. HEAD OF POWER

The committee is established by Council under section 5.9 (2)(a) of the *Local Government Act 1995*.

The committee has delegated authority under section 5.16 of the *Local Government Act 1995*.

3. PURPOSE

The purpose of the committee is:

3.1 To assess applications received for each of the three categories of Australia Day Citizenship Awards, namely:

- Shire of Mundaring Rising Star (under 25)
- Shire of Mundaring Inspirational Volunteer
- Shire of Mundaring Access Mundaring
- Shire of Mundaring Long Service

3.2 To select the recipients for each category.

4. PRESIDING PERSON

The Committee will appoint a presiding person from among the committee members.

5. MEETINGS AND PROCEEDINGS OF THE COMMITTEE

- 5.1 Meetings of the committee shall not be open to the public, and all proceedings and records of the committee shall be confidential.
- 5.2 A quorum of the committee shall be three.
- 5.3 Decisions of the committee shall be by simple majority.

CEO PERFORMANCE REVIEW COMMITTEE

TERMS OF REFERENCE (Adopted May 2017 – C28.05.17)

1 Name

The name of the Committee shall be the Shire of Mundaring CEO Performance Review Committee.

2 Head of Power

The Committee is established by Council under Section 5.8 of the *Local Government Act 1995*.

3 Definitions

Act means the *Local Government Act 1995*.

Committee means the Shire of Mundaring CEO Performance Review Committee as stipulated in this document.

Council means the Council of the Shire of Mundaring.

Chief Executive Officer (CEO) means the Chief Executive Officer of the Shire of Mundaring.

Elected Member means a Councillor of the Shire of Mundaring Council.

Independent Facilitator means the person appointed by the Council to assist with the performance review process and who is acceptable to both parties, ie. CEO and Council.

KRAs means Key Result Areas as agreed between the CEO and Committee to deliver the key priorities of the Shire of Mundaring Corporate Business Plan.

Salaries and Allowances Determination means the determination provided by the Salaries and Allowances Tribunal under Section 7A of the *Salaries and Allowances Act 1975* which requires the Tribunal at intervals of not more than 12 months, to “inquire into and determine, the amount of remuneration, or the minimum and maximum amounts of remuneration, to be paid or provided to chief executive officers of local governments”.

4 Objectives

4.1 The Committee is established to fulfil the following functions:

- 4.2.1 Undertake an annual assessment of the CEO's performance in accordance with the provisions of the CEO's contract of employment;
- 4.2.2 In conjunction with the CEO, develop key result areas to deliver the key priorities of the Corporate Business Plan, and other methods that will

be used to assess the CEO's future performance and to meet the expectation of Council;

- 4.2.3 Review the CEO's remuneration package annually and make recommendations to Council in relation to remuneration, in accordance with the CEO's contract of employment, having consideration to the CEO's performance, current level of remuneration, and the Salaries and Allowances Determination;
- 4.2.4 Provide positive communication opportunities between Council and the CEO; and
- 4.2.5 Provide guidance to Council in assessing the CEO's performance.

5 Committee Structure

- 5.1 The Committee shall consist of Shire President and four elected members;
- 5.2 An independent facilitator, who is not a member of the Committee and who is acceptable to both parties i.e. CEO and Council, shall be appointed by Council to assist with the performance review process; and
- 5.3 A quorum will be three members.

The Committee is supported administratively by the Director Corporate Services and his or her nominees, principally the Corporate Services Directorate.

6 Terms of Appointment

Appointment to the Committee shall be determined by the Council following ordinary local government elections, for a term to expire on the date of the subsequent ordinary local government elections. If a member of the Committee resigns prior to an ordinary local government election, the Council will appoint a replacement.

7 Presiding Member

- 7.2 The Committee is to determine the Presiding Member of the Committee at the first meeting of the Committee immediately following the establishment of the Committee or following each biennial local government election, whichever is applicable;
- 7.3 The Committee is to determine a Deputy Presiding Member of the Committee at the first meeting of the Committee immediately following the establishment of the Committee or following each biennial local government election, whichever is applicable;
- 7.4 If the Chairperson is absent from a meeting, the Deputy Presiding Member is to preside at that meeting.
- 7.5 The role of the Presiding Member includes:
 - 7.5.1 overseeing and facilitating the conduct of meetings in accordance with the Act and the Shire's Meeting Procedures Local Law 2015;

- 7.5.2 ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner; and
- 7.5.3 where a matter has been debated significantly and no new information is being discussed, to call the meeting to order and ask for the debate to be finalised and the motion to be put.

8 Meetings of the Committee

- 8.2 The Committee will meet at least three times per year to facilitate an annual assessment of the CEO's performance.
- 8.3 An ordinary or a special meeting of the Committee is to be held:
 - 8.3.1 if called for by either the Chairperson or at least two Committee members in a notice to the CEO setting out the date and purpose of the proposed meeting; or
 - 8.2.2 if so decided by the Committee; or
 - 8.2.3 if called for by Council.
- 8.4 The Committee may invite Shire employees, appointed facilitator or others to attend meetings and provide pertinent information, where necessary.

9 Powers of the Committee

- 9.1 The Committee is a formally appointed committee of Council and is responsible to that body.
- 9.2 The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility.
- 9.3 The Committee does not have any delegated authority.
- 9.4 The Committee recommendations must be adopted by Council before implementation.

10 Voting

- 10.2 Each member of the Committee at a meeting will have one vote.
- 10.3 In accordance with section 5.21(3) of the *Local Government Act 1995*, the Presiding Member, in the event of an equality of votes, is to cast a second vote.

11 Review Process

The review process comprises the following steps:

- 11.2 Council appoints an independent facilitator to assist with the performance review process and who is acceptable to both parties, i.e. CEO and Council.

- 11.3** Committee meets to confirm process with independent facilitator;
- 11.4** CEO provides a written report and self-rating to the Committee against the Key Focus Areas (KFAs);
- 11.5** All elected members will participate in the performance review process;
- 11.6** All elected members shall individually and independently rate and discuss the performance of the CEO against each of the KRAs and provide such assessment directly and confidentially to the independent facilitator;
- 11.7** The independent facilitator will consolidate all scores and comments from interviews to present a first draft of the assessment report to the Committee to discuss and agree overall ratings;
- 11.8** The CEO meets with the Committee and independent facilitator for feedback and discussion;
- 11.9** The Committee agrees on final ratings;
- 11.10** The Committee and CEO agree to KFAs for the forthcoming year in review;
- 11.11** The independent facilitator completes the final report, with final ratings and specific comments against each KFA;
- 11.12** The CEO meets with the Committee and independent facilitator for discussion of remuneration package changes; and
- 11.13** The final report, new KFAs and any remuneration packages recommendations are provided to Council for consideration prior to September each year in accordance with the CEO contract of employment.

12 Timetable

ACTION	TIMING	RESPONSIBILITY
Elected Member: Session on CEO Appraisal process included in induction program	Post Local Government elections (October - alternate years)	Governance
Appointment of CEOPRC	Post Local Government elections	Council
Appoint independent external facilitator	Following Local Government elections	Council
Committee and facilitator to schedule meetings and interviews	November each year	CEOPRC
CEO briefings for CEOPRC	October December March	CEO

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Commencement of Appraisal Process: Briefing to Council	June	CEOPRC / Facilitator
CEO Self-Assessment	July	CEO
Questionnaire and CEO Report to Councillors	July	Facilitator
Interviews	July	Facilitator – Elected Members and CEO
Draft Councillor feedback report to CEOPRC	July	Facilitator
CEOPRC Meeting: Review feedback report and finalise as Appraisal Report	August	CEOPRC / Facilitator
Appraisal report provided to CEO; briefing for CEO	August	Facilitator
CEOPRC Meeting: Appraisal; Review/update key focus areas/objectives	August	CEOPRC / CEO / Facilitator
Draft Council Report	August	Facilitator
Report to Council; briefing	September	CEOPRC / Facilitator
Schedule ensuing year's process	September	Council / CEOPRC

13 Dispute

Where the CEO disagrees with the feedback he/she is entitled to request Council consider the rating.

14 Reporting Requirements

Recommendations arising from the Committee's deliberations shall be presented to the earliest available ordinary meeting of Council.

15. Alteration to Rules of Procedure

The Committee is to conduct a review of its terms of reference providing Council with recommendations for any changes every two years.

16. Termination of Committee

Termination of the Committee shall be at the discretion of Council and in accordance with the Act.

GRANTS SELECTION COMMITTEE

TERMS OF REFERENCE

(Adopted 27 July 2004 – RC6.07.04)

(Amended 27 April 2010 – C5.04.10)

(Amended 9 October 2018 – C5.10.18)

Established: 2004

1. NAME

The name of the Committee is the Grants Selection Committee.

2. HEAD OF POWER

The Committee is established by Council under Section 5.9 of the *Local Government Act 1995* as a committee comprised of council members under section (2)(a).

3. DEFINITIONS

Act means the *Local Government Act 1995*.

Committee means the Grants Selection Committee.

Council means the Council of the Shire of Mundaring.

Elected Member means a Councillor of the Shire of Mundaring

4. OBJECTIVES

- 4.1 Allocate funds to eligible not-for-profit groups who have made an application for financial support to the Community Grants Program.
- 4.2 Build the capacity of eligible not-for-profit groups to carry out projects that have a broad community benefit.
- 4.3 Assist in the development of a culture of partnership between community groups and the Shire.

5. COMMITTEE STRUCTURE

- 5.1 The Committee shall consist of five members and two deputy members:

- Shire President; and
- One elected member from each ward.
- Two elected members to act as deputy members.

- 5.2 A Committee member absent from three consecutive meetings **without leave** shall forfeit their membership of the Committee.

- 5.3 The Committee is supported by the Director Strategic and Community Services.

6. TERMS OF APPOINTMENT

- 6.1 Members are appointed by Council following ordinary local government elections for a term of up to two years to expire on the date of the subsequent ordinary local government elections.
- 6.2 If a member resigns prior to an ordinary local government election, Council will appoint a replacement.

7. PRESIDING PERSON

- 7.1 A presiding and deputy presiding person will be appointed at the first meeting of the Committee following ordinary local government elections.
- 7.2 The most senior employee present will preside over the meeting until the new presiding person and deputy presiding person are appointed.
- 7.3 The role of the presiding person includes:
- Overseeing and facilitating the conduct of meetings in accordance with the Act and the Shire's Meeting Procedures Local Law 2015;
 - Ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner; and
 - Where a matter has been debated significantly and no new information is being discussed, to call the meeting to order and ask for the debate to be finalised and the motion to be put.

8. MEETINGS OF THE COMMITTEE

- 8.1 The Committee will meet at least two times per calendar year.
- 8.2 Meetings of the Committee are open to the public and will be advertised on the Shire website and in local newspapers.
- 8.3 An ordinary or special meeting of the Committee is to be held:
- If called for by either the presiding person or at least two Committee members in a notice to the CEO setting out the date and purpose of the proposed meeting; or
 - If so decided by the Committee; or
 - If called for by Council.
- 8.4 The Committee may invite Shire employees and other appropriate persons to attend meetings and provide pertinent information where necessary.

- 8.5 The first item on the agenda for all Committee meetings (after apologies) shall be the declaration by Committee members present of any financial, proximity and impartiality interests. These shall be recorded in the minutes.
- 8.6 Committee members who have disclosed a financial or proximity interest must not be present during discussion of and voting on the matter in which they have an interest.
- 8.7 Committee members who have disclosed an impartiality interest may remain in the meeting and participate in the discussion and voting, unless the interest is such that it would prevent them from impartially and objectively considering all the relevant information.

9. POWERS OF THE COMMITTEE

- 9.1 The Committee is a formally appointed committee of Council and is responsible to that body.
- 9.2 The Committee has authority to allocate funding to eligible not-for-profit groups who have applied to the Community Grants Program for financial support.
- 9.3 Members of the Committee are not permitted to speak to the media as representatives of the Committee unless approved by Council.

10. VOTING

- 10.1 Each member of the Committee present during a meeting will have one vote.
- 10.2 The names of members voting for and against will be recorded in the minutes.

11. REVIEW OF TERMS OF REFERENCE

- 11.1 The Committee is to conduct a review of its terms of reference every two years.
- 11.2 Reviewed terms of reference will be provided to Council for consideration and adoption.

12. TERMINATION OF THE COMMITTEE

- 12.1 The Committee can be terminated in accordance with the Act or at the discretion of Council.

CULTURAL ADVISORY GROUP

TERMS OF REFERENCE

1. NAME

The name of the group is the Shire of Mundaring Cultural Advisory Group.

2. DEFINITIONS

“Group” means the Shire of Mundaring Cultural Advisory Group

“Council” means the Council of the Shire of Mundaring.

“Shire” means the Shire of Mundaring.

3. HEAD OF POWER

The Group is a volunteer group. The members of the Group are engaged by the Shire in the capacity of volunteers.

4. PURPOSE

- (a) Create an environment which supports and promotes excellence by all cultural organisations.
- (b) Foster the awareness of and involvement by residents in community cultural projects.
- (c) Through various cultural mediums highlight what is unique about the Shire of Mundaring as a place to live, work and visit.
- (d) Promote, inform and celebrate the achievement of local organisations, artists and cultural providers to build on the rich natural heritage and artistic traditions of the region thus attracting cultural tourism and building community
- (e) Identify potential funding partnerships and opportunities and attract funding to support cultural initiatives.
- (f) Through Shire employees, provide advice to Council on activities and projects which build on the Shire’s arts, cultural and heritage strengths.

5. MEMBERSHIP

The membership shall consist of up to 12 persons where backgrounds may generally reflect the following –

- 1 Elected Member
- 1 person representing a professional art organisation;
- 1 person representing professional visual artists;

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- 1 person representing community artists;
- 1 person representing local history;
- 1 person with a strong literary background;
- 1 person with a strong performing arts background;
- 1 person representing the business community;
- 1 person representing people with disabilities;
- 1 person representing young people under the age of 25;
- 1 person representing the indigenous community;
- 1 person representing the sporting community.

6. MANAGEMENT OF BUSINESS

- The Group shall elect its own Chair and determine its own procedures.
- The Group shall meet quarterly, or more frequently as required.
- The Group may invite other persons to attend any meeting but such persons shall not be entitled to vote on any decision arising out of that meeting.
- The Shire will provide administrative and executive support to facilitate the effective functioning of the Group.
- A record of proceedings shall be prepared for each meeting and distributed to all group members within 5 working days after each meeting. The document shall be filed in the Shire's record management system.

7. AMENDMENTS

The Group may amend these Terms of Reference from time to time.

DARLINGTON COMMUNITY RECREATION ADVISORY GROUP
TERMS OF REFERENCE

1. NAME

The name of the group is the Darlington Community Recreation Advisory Group.

2. DEFINITIONS

“Group” means the Shire of Mundaring Darlington Community Recreation Advisory Group

“Council” means the Council of the Shire of Mundaring.

“Shire” means the Shire of Mundaring.

3. PURPOSE

3.1 To provide information and advice to the Shire on matters relating to the recreation facilities in the Darlington precinct.

3.2 To assess the local communities’ recreation needs and wants and keep the Shire informed of these needs.

3.3 To assist the Shire by providing recommendations on future planning of the recreation facilities in the Darlington precinct.

3.4 To make recommendations to the Shire on capital items relating to recreational facilities within the Darlington precinct.

3.5 To be a focal point and act as a link between the Shire and the local community.

4. MEMBERSHIP

The members of the Advisory Group are engaged by the Shire in the capacity as volunteers.

The membership shall consist of persons comprising representatives from the following –

- 1 Shire of Mundaring Elected Member
- Darlington Volunteer Bush Fire Brigade
- Junior Cricket
- Social Cricket
- Darlington Tennis Club
- Darlington Arts Festival
- Darlington Social Club
- Junior Football

- Local Ratepayer or Progress Association
- Local schools
- Community representative/s not affiliated with other organisations represented on this group

5. MANAGEMENT OF BUSINESS

The Group shall elect its own Chair and determine its own procedures.

The group shall hold an AGM each February and elect the following office bearers: Chairperson and Secretary.

A quorum at a meeting will consist of at least four members present from representatives of the membership bodies.

The Group shall meet quarterly, or more frequently as required.

The Group may invite other persons to attend any meeting but such persons shall not be entitled to vote on any decision arising out of that meeting.

The Shire will provide administrative and executive support to facilitate the effective functioning of the Group.

The Shire agrees to pay the annual subscription of the DCRAG to the Darlington Review.

A record of proceedings shall be prepared for each meeting and distributed to all group members within 5 working days after each meeting. The document shall be filed in the Shire's records management system.

6. AMENDMENTS

The Group may amend these Terms of Reference from time to time as required.

INCLUSION AND DISABILITY ACCESS ADVISORY GROUP

TERMS OF REFERENCE

1. NAME

The name of the group is the Shire of Mundaring Inclusion and Disability Access Advisory Group.

2. DEFINITIONS

“Group” means the Inclusion and Disability Access Advisory Group.

“Council” means the Council of the Shire of Mundaring.

“Shire” means the Shire of Mundaring.

2. HEAD OF POWER

The Group is a volunteer group established by the Shire at its Ordinary Meeting of Council on 12 November 2013 (C17.11.13).

The members of the Inclusion and Disability Access Advisory Group are engaged by the Shire in the capacity of volunteers.

1. PURPOSE

- (g) Advocate for people who are experiencing access and inclusion barriers including people who have mental health issues or psychosocial disability.
- (h) To engage, promote and celebrate the achievements of people with disability and the abilities they have to offer including people who have mental health issues or psychosocial disability.
- (i) Commit to build a truly inclusive community that celebrates diversity and recognises the importance of including everyone.
- (j) Through Shire employees provide comment and advice to Council to remove access and inclusion barriers and raise issues for people with disability and their families, friends and carers.
- (k) To provide a means of communication between people with disability, families, friends, carers community members, Disability Services Commission and National Disability Insurance Scheme.
- (l) Be proactive in monitoring strategies/implementations of the Shire of Mundaring's Access and Inclusion Plan.
- (m) Assist Council in reviewing the Shire Access and Inclusion Plan.
- (n) To examine the implications of current policies and procedures relating to disability access and inclusion issues and when appropriate, report on and or make recommendations to Council.

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- **MEMBERSHIP**

The membership shall consist of up to 13 persons where backgrounds may generally reflect the following –

1. 1 Elected Member;
2. 4 persons who have a disability and reside within the Shire of Mundaring or who utilise the Shire of Mundaring as their local community;
3. 4 persons who are carers, friends or family of a person with a disability or who have demonstrated advocacy in access and inclusion issues for people disability and reside within the Shire of Mundaring or utilise the Shire of Mundaring as their local community;
4. 4 persons who represent a community service organisation that operates within the Shire of Mundaring and provides support for people with disability; and
5. 1 person representing a person or people who have mental health issues or psychosocial disability.

- **MANAGEMENT OF BUSINESS**

6. The Group shall elect its own Chair and determine its own procedures.
7. The Group shall meet quarterly, or more frequently as required.
8. The Group may invite other persons to attend any meeting but such persons shall not be entitled to vote on any decision arising out of that meeting.
9. The Shire will provide administrative and executive support to facilitate the effective functioning of the Group.
10. A record of proceedings shall be prepared for each meeting and distributed to all group members within 5 working days after each meeting. The document shall be filed in the Shire's record management system.
11. New members will be appointed by a majority of existing members at the next meeting of the committee following receipt of any new nomination(s).

- **AMENDMENTS**

The Group may amend these Terms of Reference from time to time.

MT HELENA AQUATIC CENTRE REPRESENTATIVES MEETING

TERMS OF REFERENCE

NAME

The name of the group is the Mt Helena Recreation and Aquatic Centre Representatives Meeting

DEFINITIONS

“Group” means the Shire of Mundaring Mt Helena Recreation and Aquatic Centre Representatives Meeting

“Shire” means the Shire of Mundaring

PURPOSE

- 3.1 To provide advice to the Shire on the management of the Mt Helena Recreation and Aquatic Centres.
- 3.2 To provide a venue for discussion between the Eastern Hills Senior High School and the Shire with regard to the management of these facilities.
- 3.3 To ensure the views of the community are reflected in the operation and management of the facility.

MEMBERSHIP

The membership shall consist of the following persons: –

- 1 Elected Member;
- Department of Education staff member/s representing Eastern Hills Senior High School; and
- Community representative/s.

MANAGEMENT OF BUSINESS

The Group shall elect its own Chair and determine its own procedures.

The Group shall meet bi-annually, or more frequently as required.

The Group may invite other persons to attend any meeting but such persons shall not be entitled to vote on any decision arising out of that meeting.

The Shire will provide administrative and executive support to facilitate the effective functioning of the Group.

A record of proceedings shall be prepared for each meeting and distributed to all group members within 10 working days after each meeting. The document shall be filed in the Shire’s record management system.

AMENDMENTS

The Group may amend these Terms of Reference from time to time.

TENNIS COURTS REPRESENTATIVES MEETING

TERMS OF REFERENCE

NAME

The name of the group is the Tennis Courts Representatives Meeting

DEFINITIONS

“Group” means the Shire of Mundaring Tennis Courts Representatives Meeting

“Shire” means the Shire of Mundaring.

PURPOSE

- 3.1 To provide strategic advice to the Shire on matters relating to the management and development of Shire owned tennis court facilities.
- 3.2. To assist the Shire by preparing a Rolling 5 Year Development Plan for tennis court facilities.
- 3.3 To make recommendations to the Shire on budget provision for the maintenance and development of tennis court facilities.
- 3.4 To make recommendations to the Shire in areas that the Shire can assist the clubs to encourage the growth and development of junior tennis within the Shire.
- 3.5 To provide a means of communication on strategic issues between tennis clubs and the Shire.

MEMBERSHIP

The membership shall consist of -

- 1 Elected Member; and
- 1 representative from each tennis club operating within the Shire of Mundaring.

MANAGEMENT OF BUSINESS

The Group shall elect its own Chair and determine its own procedures.

The Group shall meet quarterly, or more frequently as required.

The Group may invite other persons to attend any meeting but such persons shall not be entitled to vote on any decision arising out of that meeting.

The Shire will provide administrative and executive support to facilitate the effective functioning of the Group.

A record of proceedings shall be prepared for each meeting and distributed to all group members within 5 working days after each meeting. The document shall be filed in the Shire's records management system.

AMENDMENTS

The Group may amend these Terms of Reference from time to time.



Western Australian Local Government Association WALGA EAST METROPOLITAN ZONE STANDING ORDERS

1. INTERPRETATIONS

For the purposes of these Standing Orders, if not inconsistent with the context, the following words shall have the following meanings:

- 1.1 **"Absolute Majority" means:**
a majority of delegates of the Zone, whether present and voting or not.
- 1.2 **"Association" means:**
the Western Australian Local Government Association.
- 1.3 **"Chairman" means:**
the Chairman for the time being of the Zone.
- 1.4 **"Constitution" means:**
the Constitution of the Western Australian Local Government Association.
- 1.5 **"Delegate or Deputy Delegate" means:**
those persons duly elected, from time to time, for a fixed term to represent a Council at a Zone of the Western Australian Local Government Association.
- 1.6 **"Deputy Chairman" means:**
the Deputy Chairman for the time being of the Zone.
- 1.7 **"Meeting" means:**
a meeting of a Zone of the Western Australia Local Government Association.
- 1.8 **"Simple Majority" means:**
a majority of the delegates of the Zone that are present and voting.
- 1.9 **"State Council" means:**
the Executive of the Western Australian Local Government Association.
- 1.10 **"Zone" means:**
a geographically based subdivision containing Councils and incorporated within a country or metropolitan constituency as listed in Schedule three of the Constitution.
- 1.11 **"Zone Secretary" means:**
a person or persons nominated or appointed by the Zone or the Association to undertake Zone secretarial functions as required.

2. ORDINARY AND SPECIAL MEETINGS

Meetings of the Zone shall be of two kinds: "ordinary" and "special". No business shall be transacted at a special meeting other than for which the meeting was called.

3. CONDUCT OF MEETINGS

The proceedings and business of meetings of the Zone shall be conducted according to these Standing Orders.

4. NOTICE OF MEETING

- a. The Zone Secretary shall give at least 7 days' notice of a meeting to all delegates of the Zone unless all of the delegates have agreed in writing to shorter notice.
- b. Notice shall be given at the destinations appearing in the records of the Zone Secretary. Notice shall include the agenda for the meeting and will be deemed to have been delivered immediately if transmitted electronically or on the second working date after posting.
- c. Ordinary Meetings of the Zone shall be called by the Zone Secretary pursuant to sub-clause 4.1.
- d. Special Meetings of the Zone shall be called by the Zone Secretary on the written request of the Chairman or at least one quarter of the delegates.

5. QUORUM

- 5.1 The Zone shall not conduct business at a meeting unless a quorum is present.

- a. At any meeting of the Zone, greater than 50% of delegates present and entitled to vote shall form a quorum.
 - b. If a quorum has not been established within the 30 minutes after a meeting is due to begin then the meeting can be adjourned –
 6. by the Chairman of the meeting;
 7. if the Chairman is not present, by the Deputy Chairman of the meeting;
 8. if the Chairman or Deputy Chairman is not present, by a majority of delegates present;
 9. if only one delegate is present, by that delegate; or
 10. if no delegate is present by the Zone Secretary.
- The business that could have been transacted had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting.
- 5.4** If at any time during a meeting a quorum is not present, the Chairman shall suspend proceedings for five (5) minutes and if a quorum is not present after that period, the meeting shall be deemed to have been adjourned and the person presiding is to reschedule it to some future time.
- 5.5** Notice of a meeting adjourned because of the absence of a quorum shall be given to all delegates.
- 6. MEETINGS OPEN TO THE PUBLIC**
The business of the Zone shall be open to the public except upon such occasions as the Zone may by resolution otherwise decide.
- 7. ORDER OF BUSINESS**
Unless the meeting should decide otherwise, the order of business at Zone meetings, with the exception of special meetings or an adjourned meeting, shall be as follows:
 4. Recording of attendance and apologies;
 5. Announcements;
 6. Confirmation of minutes of previous meetings;
 7. Business arising from minutes;
 8. Deputations;
 9. Elections of Delegates/Chair;
 10. State Council agenda items;
 11. Matters for decision;
 12. Reports – Zone Representatives to State Council; and
 13. General business.
- 8. SPECIAL URGENT BUSINESS**
At any time during a meeting a delegate may, with the consent of the meeting, introduce a motion relating to special urgent business that calls for an expression of opinion from the meeting.
- In presenting an item of special urgent business, a delegate shall have sufficient copies of the motion in writing for distribution to all delegates present at the meeting and, where practicable, give prior notice to the Chairman of such intention.
- 9. CHAIRMAN**
In the construction of these Standing Orders unless the context requires otherwise, the word "Chairman" shall in the absence of the Chairman include the Deputy Chairman or the delegate chosen by resolution to preside at any meeting.
- 10. DELEGATE AND DEPUTY DELEGATE**
 - 10.1** In the construction of these Standing Orders unless the context requires otherwise, the word "delegate" shall in the absence of the delegate include the deputy delegate.
 - 10.2** A deputy delegate acting in the capacity of a delegate unable to attend a meeting shall exercise all rights of that delegate.
- 11. CHAIRMAN TO PRESIDE**
 - a. The Chairman shall preside at all meetings of the Zone but in absence of the Chairman, the Deputy Chair shall preside.
 - b. In the absence of the Chairman and the Deputy Chairman, the Zone shall choose by resolution a delegate present to preside at the meeting.
- 12. DEBATE PROCEDURES**
 - a. A delegate moving a substantive motion may speak for –
 - (a) 5 minutes in his or her opening address, unless the meeting resolves to grant an extension for a longer period; and
 - (b) 5 minutes in exercising the right to reply, unless the meeting resolves to grant an extension for a longer period.
 - b. Other speeches for or against motions are to be limited to 5 minutes.
 - c. No delegate, except the mover of a motion in reply, is to speak more than once on the same motion except by way of personal explanation.
 - d. As soon as the right of reply has been exercised, the motion is to be forthwith put to the vote without further comment.

- e. No discussion shall take place on any motion unless it is moved and seconded. Only one amendment on any one motion shall be received at a time, and such amendment shall be disposed of before any further amendment can be received. Any number of amendments may be proposed.
 - f. The provisions of these Standing Orders applicable to motions apply mutatis mutandis to amendments, except that the mover of an amendment shall have no right of reply.
 - g. When a motion has been moved and seconded, the person presiding shall at once proceed to take a vote thereon unless a delegate opposes it or an amendment is proposed.
 - h. No more than two delegates shall speak in succession on one side, either for or against the question before the Zone, and if at the conclusion of the second speaker's remarks, no delegate speaks on the other side, the motion or amendment shall at once be put to the vote.
 - i. At any time during a debate, but after the conclusion of a delegate's comments, a delegate who has not spoken during the debate may move, without discussion, "that the question be now put". If that motion is seconded and carried by a majority, the question shall be submitted at once to the Zone, after the mover has replied.
- 13. QUESTIONS**
Any delegate seeking to ask a question at any meeting of the Zone shall direct the question to the Chairman.
- 14. DELEGATES TO ADDRESS THE CHAIRMAN**
A delegate moving or seconding a motion or amendment or taking part in a discussion thereon shall address the Chairman.
- 15. POINT OF ORDER**
A delegate who is addressing the Chairman shall not be interrupted except on a point of order, in which event the delegate shall wait until the delegate raising the point of order has been heard and the question of order has been disposed of, whereupon the delegate so interrupted may, if permitted, continue.
- 16. MOTION - SUBSTANCE TO BE STATED**
A delegate seeking to propose an original motion or amendment shall state its substance before addressing the meeting thereon and, if so required by the Chairman, shall put the motion or amendment in writing.
- 17. PRIORITY OF SPEAKERS**
If two or more delegates wish to speak at the same time the Chairman shall decide who is entitled to priority.
- 18. CHAIRMAN TO BE HEARD**
Whenever the Chairman signifies a desire to speak during a debate, any delegate speaking or offering to speak is to be silent, so that the Chairman may be heard without interruption.
- 19. CHAIRMAN MAY CALL TO ORDER**
The Chairman shall preserve order, and may call any delegate to order when holding an opinion that there shall be cause for so doing.
- 20. RULING BY CHAIRMAN**
The Chairman shall decide all questions of order or practice, whose decision shall be final and be accepted by the Zone without argument or comment unless in any particular case the Zone resolves that a different ruling shall be substituted for the ruling given by the Chairman. Discussions shall be permitted on any such motion.
- 21. LIMITATION OF SPEECHES**
No delegate shall speak more than once on any motion unless in exercising a right to speak in closing the debate on a motion which the delegate has moved.
- 22. RESOLUTIONS**
22.1 Except as otherwise provided in these Standing Orders, all motions concerning the affairs of the Zone shall be passed by a simple majority.
- a. Any matter considered by the Zone at a Special Meeting shall not be passed unless having received an absolute majority.
- 23. NO DISCUSSION**
Where there is no discussion on a motion, the Chairman may deem the motion to be passed unless the meeting resolves otherwise.
- 24. PERMISSIBLE MOTIONS DURING DEBATE**
24.1 When a motion is under debate, no further motion shall be moved except the following:
- (a) that the motion be amended;
 - (b) that the meeting be adjourned;
 - (c) that the debate be adjourned;
 - (d) that the question be now put;
 - (e) that the meeting proceed with the next item of business;
 - (f) that the meeting sits behind closed doors.

- a. Any delegate who has not already spoken on the subject of a motion at the close of the speech of any other delegate may move without notice any one of the motions listed in clause 24.1 (b)-(f) and, if the motion is seconded, it shall be put forthwith.
 - b. When a debate is adjourned, the delegate who moves the adjournment shall be the first to speak on the motion when the debate is resumed unless the delegate advises of no desire to speak on the motion. Where this occurs, the Chairman shall then call for further speakers, except those delegates who have previously spoken shall not (unless the meeting otherwise agrees) be permitted to do so.
- 25. METHOD OF TAKING VOTES**
The Chairman shall, in taking a vote on any motion or amendment, put the question first in the affirmative, and then in the negative and may do so as often as is necessary to enable formation and declaration of an opinion as to whether the affirmative or the negative has the majority on the voices or by a show of hands.
- 26. DIVISION**
The result of voting openly is determined on the voices or by a show of hands and, immediately upon a vote being taken, a delegate may call for a division.
- 27. WITHDRAWAL OF MOTION**
A motion or amendment may be withdrawn by the mover, with the consent of the meeting, which shall be signified without debate.

No delegate may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.
- 28. ALL DELEGATES TO VOTE**
28.1 At meetings of the Zone, a delegate present at the meeting when a question is put shall vote on the question.
- Each delegate shall be entitled to exercise one deliberative vote on any matter considered by the Zone.
 - The Chairman shall exercise a deliberative vote in respect of a matter considered by the Zone. In the event of there being an equality of votes in respect of a matter, the Chairman shall exercise a second vote.
 - Where the Deputy Chairman is required to preside at a meeting, the Deputy Chairman shall exercise a deliberative vote in respect of a matter considered by the Zone. In the event of there being an equality of votes in respect of a matter, the Deputy Chairman shall exercise a second vote.
 - In the absence of the Chairman and Deputy Chairman, the delegate chosen by resolution to preside over the meeting shall exercise a deliberative vote in respect of a matter considered by the Zone. In the event of there being an equality of votes, the presiding delegate shall exercise a second vote.
- 29. RESCISSION OF RESOLUTION**
29.1 At the same meeting
Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall be the majority required), the Zone may, by simple majority at the same meeting at which it is passed, rescind or alter a resolution if all the delegates who were present at the time the original resolution was passed are present in their seats when the rescission or alteration is proposed.
- 29.2 At a Future Meeting**
Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall be the majority required), the Zone may rescind or alter a resolution made at an earlier meeting:
(a) by simple majority, where the delegate intending to move the motion has, through the Zone Secretary, given written notice of the intended motion to each of the other delegates at least seven (7) days before the meeting; or
(b) by absolute majority, in any other case.
- 30. SUSPENSION OF STANDING ORDERS**
30.1 In cases of urgent necessity or whilst the Zone is sitting behind closed doors, any of these Standing Orders may be suspended by a simple majority.

30.2 Any delegates moving the suspension of a Standing Order shall state the object of the motion, but discussion shall not otherwise take place.
- 31. NO ADVERSE REFLECTION ON ZONE**
A delegate of the Zone shall not reflect adversely upon a resolution of the Zone, except on a motion that the resolution be rescinded.
- 32. NO ADVERSE REFLECTION ON DELEGATE**
A delegate of the Zone shall not reflect adversely upon the character or actions of another delegate nor impute any motive to a delegate unless the Zone resolves, without debate, that the question then before the Zone cannot otherwise be adequately considered.
- 33. MINUTES**
Minutes of meetings shall be permanently recorded and copies supplied to all delegates.
- 34. CONFIRMATION OF MINUTES**
The minutes of any preceding meeting, whether ordinary or special, not previously confirmed shall be submitted at the next Ordinary Meeting of the Zone and no discussion thereon shall be permitted except as to their accuracy as a record of the proceedings.

35. GENERAL BUSINESS

A delegate may under general business introduce a motion relating to any item of interest to Local Government, but (except as provided for in clause 8) not otherwise.

36. AMENDMENTS

These Standing Orders may be altered, added to or repealed subject to a resolution passed by not less than 75% of delegates present at a meeting of the Zone. Copies of proposed alterations, additions or amendments shall be forwarded to all delegates by the Zone Secretary prior to the meeting.

PERTH AIRPORT MUNICIPALITIES GROUP – PAMG

ABOUT US

Back in 1981/82, a group of nine local governments formed a coalition as a result of community issues surrounding the redevelopment of Perth Airport. With the success of that coalition, the nine local governments determined to formally establish as the Perth Airports Municipalities Group in January 1983. The Perth Airports Municipalities Group Inc (PAMG) is a not-for-profit association now comprising of twelve local governments members. The Group meets on a quarterly basis with stakeholders such as the operators of Perth and Jandakot Airports and representatives from the Department of Transport, Airservices Australia and the WA Local Government Association to discuss matters which either directly or indirectly impact on the community such as aircraft noise, flight paths, off-airport development, on-airport development etc.

WHAT WE DO

The PAMG meets quarterly and is a forum for local government and airport operators to discuss and resolve issues relating to airports which either directly or indirectly affect the local community. As well as our 11 member local governments, the meetings are attended by representatives from Perth and Jandakot Airports and a representative from the Department of Transport.

The PAMG provides comment to State and Commonwealth Governments through its responses to draft legislation relating to airports and aviation, Senate Committee issues papers and public hearings e.g. Senate Inquiry into the “Effectiveness of Airservices Australia’s Management of Aircraft Noise”, discussion papers e.g. “Safeguards for Airports and the Communities Around Them”, and draft guidelines for things such as “Community Aviation Consultation Groups” and “Significant Impact on the Local or Regional Community” etc.

The PAMG receives briefings, reports and information from the operators of Perth and Jandakot Airports relating to their operations, on and off airport developments and any projects which may have a potential temporary impact on the local community such as runway maintenance works.

The Chairperson of the PAMG also represents WA on the Executive Committee of the Australian Mayoral Aviation Council (AMAC). AMAC is the national forum for local governments throughout Australia and was established for ongoing liaison with airport operators and other stakeholders, research, investigation and development of consolidated approaches to common issues surrounding airports and their co-existence with the local community

OBJECTIVES

The objects of the PAMG are -:

- (a) To provide a forum of meaningful discussion on issues which affect Metropolitan Airports and their environs;
- (b) To investigate, report and formulate recommendations in respect of matters affecting or likely to affect the development of Metropolitan Airports;
- (c) To monitor the use and environmental impact of Metropolitan Airports on neighbouring communities;

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- (d) To advise relevant State and Federal ministers, State and Commonwealth government departments, Airport Noise Management Committees, Community Aviation Consultative Committees and the Owner/s of Perth and Jandakot airports on issues of major concern affecting airports and the surrounding communities;
- (e) To establish and maintain a strong partnering relationship with the Owner/s of Perth and Jandakot airports for the purpose of open and effective dialogue to identify, discuss, advise, research and seek proactive resolutions to issues affecting the airports and the immediate local community;
- (f) To provide a conduit and consultation mechanism for the expression of community views and a proper exchange of information with members of the community;
- (g) To consider all proposals affecting airport development and operations before policy decisions are made and before changes are effected in relevant legislation and regulations;
- (h) To liaise with the airport emergency procedures committees where necessary on matters involving emergency co-ordination and rescue response;
- (i) To pursue active participation on Australian Mayoral Aviation Council (AMAC) and such other bodies that may come into existence for the purpose of fostering participation in the development, use and monitoring the impact of airports;
- (j) To promote the economic benefits of civil aviation airports; and
- (k) To liaise with local government on issues of concern to the community, and to provide a forum for discussion of planning and development issues affecting future communities close to the major municipal airports.

PERTH AIRPORT COMMUNITY AVIATION CONSULTATION GROUP

Terms of Reference and Code of Conduct

1. Purpose of Terms of Reference

The purpose of the Terms of Reference is to establish a common understanding and statement of intent to work collaboratively to recognise and enhance:

- the long term sustainability and growth of Perth Airport;
- Perth Airport's reputation as a responsible corporate citizen within the local and broader community; and
- Perth Airport's role as a major economic contributor for Western Australia.

2. Role of Perth Airport Community Aviation Consultation Group

The role of the Perth Airport Community Aviation Consultation Group (CACG) is to:

- a) provide a forum:
 - i. for community members and organisations to raise issues and express opinions regarding Perth Airport, particularly with regard to planning, development and operations including but not limited to:-
 - Existing and proposed airport development and operations, including the Perth Airport Expansion Plan and the Perth Airport Master Plan;
 - Environmental issues;
 - Ground transport & access issues;
 - Planning, regulatory & policy matters affecting the airport
 - Discussion of complaint-handling procedures;
 - Reports from Airservices Australia and the Civil Aviation Safety Authority; and
 - The contribution of the airport to the local, regional and national economy.
 - ii. for dissemination of information regarding Perth Airport; to complement measures employed by airport management and processes required to satisfy statutory obligations.
- b) to identify current and emerging trends in respect of community attitudes relating to Perth Airport;
- c) to stimulate the interest of the local population in the development of the airport;
- d) to collect and analyse feedback from the community regarding Perth Airport
- e) to report with recommendations to airport management regarding community perceptions and concerns relating to Perth Airport;
- f) from time to time hold public forums on specific issues; and
- g) to review and discuss any other community-related issues, and engage with the appropriate organisations or committees regarding these as needed.

Sub-committees may be established from time to time from the membership of the CACG to provide information or advice to the CACG.

3. Scope of Powers

The CACG will be for consultation purposes only and is not a decision-making body. The CACG is an independent forum representative of the community for the exchange of information about airport activity. The activities of the CACG will be determined by group consensus.

4. Relationship to other Airport Committees and Forums

The CACG is not a technical forum, and will therefore require the support, technical input and expertise of an industry-based group to assist in the understanding and articulation of complex operational matters.

As such, the CACG may, where appropriate, refer some items of business brought before the CACG to other more appropriate forums.

5. Membership

Appointments

The Membership of the CACG will be reviewed every two years.

The CACG will consist of representatives from each of the following groups appointed by the CACG. The membership will comprise:

- at least two Community organisations, residents groups or individuals ensuring a diverse and representative community membership affected by airport development and operations;
- one elected member representative from each of the local governments of Bayswater, Belmont, Kalamunda, Mundaring and Swan representing their local community constituents;
- one representative from the executive of each of the local governments of Bayswater, Belmont, Kalamunda, Mundaring and Swan;
- one representative from each of the federal seats of Hasluck, Pearce, Perth and Swan;
- one representative from the Tourism Council of WA;
- one representative from Main Roads Western Australia;
- one representative from a minimum of two and no more than five of the airlines operating at Perth Airport;
- one representative from the WA Department of Planning;
- one representative from the WA Department of Transport;
- one representative from Perth Airport management; and the
- independent Chair.

In addition the following will attend meetings in an advisory capacity:

- representatives from the Department of Infrastructure and Transport; and
- representatives from Airservices Australia.

Additional persons may be appointed to enhance the collective skills of the CACG, provide for greater diversity of representation or to replace a retiring member or on an ad hoc basis to address the Group on particular agenda items.

Members of the community can seek appointment to the CACG:

- by writing to the CACG Chair; or
- via written nomination from any existing member of the CACG, and

all requests for membership will be tabled for consideration and endorsement at the first scheduled meeting of the CACG after the date of receipt of the written request.

6. Meetings

Frequency

The CACG will meet at least three times a year and at venues to be determined by the CACG. Meetings generally shall be held on the first Monday of the month and meetings shall be held in three or more of the following months i.e. February, May, August and November.

Meetings will not be open to the public however provision will be made by prior arrangement through the Chair for individuals and persons representing community organisations to address the meeting during an open session. Such requests must be received by the Chair no later than seven days prior to a meeting.

Notices, Agenda & Minutes

Notices and agendas for meetings will be distributed so that they reach members not less than five days prior to the scheduled date for each meeting. Minutes of meetings will be kept and distributed to members not less than fourteen days and no later than 30 days after each meeting. Notices, agenda and minutes will generally be distributed, where document size permits, electronically.

Attendance

Airport management will attend meetings to present written reports and/or make presentations regarding policy, technical and other relevant matters, where appropriate and arranged with the Chair prior to the meeting.

A representative from the Commonwealth Department of Infrastructure and Transport and Airservices Australia will attend meetings as observers and advisors to the CACG whilst other government officials may from time to time attend meetings to present written reports and/or make presentations regarding policy, technical and other relevant matters, where appropriate and arranged with the Chair prior to the meeting.

Quorum

At a meeting one more than half the number of members represented in person by a delegate or deputy delegate will constitute a quorum.

7. Role of Chair

The independent Chair will chair all meetings at which they are present and ensure:

- adequate discussion time is devoted to issues of significance;
- unanticipated items of business can be discussed;
- open discussion and a frank exchange of views;
- to seek the input of all members as to agenda items;
- approval of meeting agendas and the draft minutes prior to distribution;
- the agenda materials and papers are meaningful and facilitate effective engagement of members in group discussions;
- the provision of effective follow-up of action items; and
- liaison with airport management regarding the CACG and ensure annual reporting requirements are met.

At the beginning of each calendar year, the CACG will appoint a member of the group to hold the office of Deputy Chair for the ensuing 12 month period. Where both the Chair and Deputy Chair are unavailable to preside over a scheduled meeting of the CACG, an interim Chair will be appointed by the group from the CACG members present at the meeting.

8. Role of Members

Members will regularly attend meetings and shall:

- come prepared to each meeting i.e. have downloaded, printed and read the agenda;
- pro-actively identify and raise issues that are relevant to the work of the CACG;
- objectively participate in the discussion of agenda items at meetings;
- where appropriate, discuss Perth Airport issues in forums and groups outside the CACG;
- notify the Chair of any requests for information from external parties; and
- declare any conflict of interest at the start of the meeting and absent him/herself from the meeting while the relevant item is being discussed.

9. Media and Communications

The Chair is responsible for approving all media releases/comment and is the only person authorised to speak with the media on behalf of the CACG.

A webpage on the Perth Airports Municipalities Group Inc.'s website has been dedicated specifically for making CACG information accessible to the community and to provide as a minimum the following information:

- About the CACG
- CACG Membership
- CACG Guidelines
- Terms of Reference
- Agenda and Minutes
- Access to existing useful links
- Ability to submit complaints and questions to the CACG via an on-line form.

Further development of the CACG webpage will be at the discretion of the Perth Airports Municipalities Group Inc.

10. Confidentiality

Most matters discussed by the CACG are not confidential however where a matter is raised and identified as being of a confidential nature either at, or prior to a meeting members are required to maintain that confidentiality at all times.

11. Support

Secretarial and administration support will be provided by the Perth Airports Municipalities Group Inc.

The role of the secretariat is the:

- Communication of arrangements made for the CACG, including any framework documents such as procedural arrangements and terms of reference, to the membership;
- Preparation, distribution and publication of records of Group meetings including but not limited to notices, agenda and minutes;
- Ensuring that CACG members are notified of meetings and given an opportunity to prepare for the meetings;
- Supporting the activities of the Chairperson as required;
- Assisting the CACG on policy, technical and other support issues, where required and as appropriate;
- Maintaining the CACG webpages on the PAMG website; and
- Preparing an annual report on the CACG's activities.

12. Expenses

Perth Airport will meet the cost of meeting expenses (e.g. secretariat, venue, catering etc).

13. Reporting

The CACG, through the Chair, shall comply with the following reporting requirements:

To airport management

Reporting to airport management will be by:

- providing a copy of the minutes of each meeting;
- correspondence from the Chair where required and appropriate;
- briefings by the Chair where required and appropriate; and the
- submission of an annual report of the CACG's activities no later than 30 June each year.

The community and stakeholders

Reporting to the community and stakeholders will be by:

- publishing the agenda and minutes of each meeting on the CACG webpage;
- presentations made at public forums as appropriate; and
- media releases where appropriate.

14. Disputes with Administration of the CACG

Where there is a dispute (administrative or procedural) it should be raised with the Chair but if the dispute is with the Chair, then it should be raised with the deputy Chair and settled by the CACG.

**METROPOLITAN REGIONAL ROAD GROUP
(NORTH EASTERN SUBGROUP)**

Role of the Regional Road Group

Through regional road groups the state government provides local government with a voice in how the State's contribution to local roads is spent. This organisational structure and regional framework is in recognition of the greater understanding of the local community's road needs that local government representatives have.

With the decline in the road dollar combined with the ever increasing demands on the asset, there is imminent need for elected members of local government to think beyond local boundaries in order to maximise community benefits and preserve and improve the road system through co-operative arrangements with neighbouring communities.

Elected members, through Regional Road Groups, are able to influence road funding decisions and make recommendations that are of direct benefit to local communities and the Western Australian road user.

Regional Road Groups are responsible for:

- (a) Assessing local government road funding needs
- (b) Prioritising Road projects and Black Spot Projects
- (c) Development of a long term plan (5 years) to distribute Road projects and Black Spot Grants
- (d) Developing and improving methodology for the prioritisation of projects and the distribution of State funds
- (e) Monitoring and reporting on program effectiveness
- (f) Implementing Performance Indicators and open and accountable processes
- (g) Ensuring grants are expended in the year of allocation
- (h) Monitoring local government expenditure on approved local roads projects
- (i) Recommending improved procedures to the Advisory Committee (equal representation from Main Roads and WALGA)
- (j) Raising relevant issues on the Local Roads program and the overall road needs of the region with the Advisory Committee; and
- (k) Providing advice to member local governments.

The Regional Road Group may delegate certain functions and tasks to regional Sub Groups, provided that all regional Sub Groups have the same delegated responsibilities.

PARKS OF THE DARLING RANGE COMMUNITY ADVISORY COMMITTEE

What is a regional park community advisory committee?

Regional Park Community Advisory Committees are established by the Department of Parks and Wildlife (the Department) to provide a regular forum to hear public opinion and exchange advice on management issues affecting regional parks.

Traditionally, the Department of Parks and Wildlife community advisory committees have been established in connection with the management of land vested in the Conservation Commission of WA and managed by the Department. However the role of regional park community advisory committees is not restricted to lands managed by the Department. As regional parks may consist of various land tenures managed by the Department, other State government agencies or local governments, it is expected that regional park community advisory committees will provide advice and exchange information on a range of issues spanning a number of management agencies.

The Director General of the Department of Parks and Wildlife appoints community members of community advisory committees. Appointments are endorsed by the Minister for the Environment.

The functions of a regional park community advisory committee are to:

4. provide advice on issues referred to the committee by the managers of the parks;
5. advise on the preparation and implementation of management plans and work programs;
6. provide advice on matters of public concern or interest relating to the parks;
7. assist the managing agencies in the dissemination of information to the broader community; and
8. provide liaison and assist with coordinating community input into the parks.

Committees are not empowered to administer management programs or activities, or direct departmental staff.

Community advisory committees provide an important liaison role for the Department regarding regional park management issues. Other community groups, State government agencies, local government and other landowners within regional parks also provide management advice. The Department's management decisions will take into consideration advice from all groups.

Membership

- (i) Community members of a regional park community advisory committee will be selected primarily on the basis of expertise, experience, personal interest, community networks and location.
The Department will generally be represented by one officer. However there will be cases when a community advisory committee needs additional support and advice from a number of staff members. Appropriate local government and State government staff will also be invited on to the committee.
- (ii) Members of the public should feel in some way represented on the community advisory committee. Community members will be drawn from a broad spectrum of park visitors and community interest groups. It is important that committees are of a "workable" size.

In principle, community members are selected for committees based on their:

- personal interest in the Park;
 - commitment to progressing the work of the committee;
 - ability to represent a broad range of relevant interests;
 - understanding of the issues affecting park management;
 - experience as a park visitor; and
 - good community networks.
- (iii) Community representatives on the advisory committees are chosen as individuals and are not selected to represent community interest groups, associations or commercial interests. This being the case, there is no provision for community representatives to organise proxies, or arrangements whereby other people can attend a meeting in the member's absence.
- (iv) Membership will be for a period of one to three years, with a view to rotating membership to ensure that the committee includes people who have an understanding of current community concerns and interests. Rotating membership will also ensure retention of committee experience.
- (v) Members whose terms expire are eligible to reapply for reappointment either immediately or in the future.

Appointments to the committee

- (i) The Director General of the Department of Parks and Wildlife will appoint community members of advisory committees. When seeking nominations for positions to a community advisory committee, the Department may call for expressions of interest by:
- advertising in at least one edition of a relevant local paper;
 - media Statements;
 - corresponding directly with relevant organisations and individuals. Relevant organisations and individuals may be invited by letter to submit names for appointment to the community advisory committee.
- (ii) Offering the chairperson role to a community member will be based on the member's knowledge of the area, experience in meeting procedures and understanding of management issues.

Conduct of meetings

- (i) Community advisory committees are established to hear public opinion and exchange advice on management issues. Where possible community advisory committees should attempt to reach consensus on issues. Reaching consensus, however, is not vital as all committee input will be taken into consideration in the final management decision.
- (ii) Regularity of meetings will be decided between the community advisory committee members and the Department.
- (iii) Meeting procedures adopted by a committee should be consistent with sound meeting practice. A meeting protocol, which inhibits fair input by all members, is not appropriate. It must be ensured that all members are provided with the opportunity to participate.
- (iv) The Department's representative must be in attendance for the meeting to occur

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- (v) Community advisory committees will be administered by the Department. This will include organising a venue, calling meetings, and circulating agendas and minutes.

Liaison with other bodies

- (i) In most instances, the functioning of the committee will be best served by having meetings closed to the public and the media. Members of the committee can act as private individuals in their relations with government or the media, but may not speak for the committee unless explicitly authorised by the Department.
- (ii) When acting for the advisory committee, members should only correspond under the 'signature' of the Chairperson and / or through the Department.

Forward planning

- (i) In consultation with the committee, the Department will provide a schedule of meeting dates and venues for the coming year.

DEVELOPMENT ASSESSMENT PANEL

Constitution of Development Assessment Panels

Each Development Assessment Panel (DAP) comprises five members; three specialist members, one of which is the presiding member, and two local members, nominated by the local government.

At a meeting of a DAP, a quorum is constituted by three members of the DAP, including the Presiding Member.

Specialist members

Specialist members are appointed from a list of appropriately qualified persons, based on the requirements outlined in the Development Assessment Panel (DAP) regulations. Specialist members may sit on more than one DAP. Specialist members must have experience in one or more of the following areas: planning, architecture, urban design, engineering, landscape design, environment, law, property development and management.

Presiding members

Presiding members are specialist members who hold planning qualifications who preside at Development Assessment Panel (DAP) meetings for the DAP in which they are appointed. In addition to the responsibilities of being a specialist member, presiding members must also chair meetings, determine minor amendments to DAP-determined applications, confirm DAP meeting minutes, and represent the DAP as the respondent in the event of an appeal.

Deputy presiding members

Deputy presiding members are specialist members who hold planning qualifications who will act in the place of the presiding member when he or she is unable to act by reason of illness, absence or other cause.

Local members

Local representation is a vital component of the Development Assessment Panel (DAP). Local members are members of a local government council who are nominated by that local government to sit on a DAP. The relevant local government will be responsible for nominating four local government representative members from the local government's pool of elected members (councillors). Two councillors will be local members, and two deputy local members to be called on if an issue of quorum arises. The Minister will appoint the local government representatives in accordance with the local government's nomination.

Should the local government fail to nominate four representatives, the Minister has the power to appoint two alternative community representatives to ensure local representation is always present on a panel. The regulations require that these alternate representatives are residents of the local area and have relevant knowledge or experience that, in the opinion of the Minister, will enable them to represent the interests of their local community.

Alternate members

There will be alternate (deputy) members for local members and specialist members. Alternate (deputy) members will be used when an issue of quorum arises or when a Development Assessment Panel (DAP) member is unable to act by reason of illness, absence or other cause. Deputy local members cannot sit in the place of specialist members, just as deputy specialist members cannot sit in the place of local members.

6.2 Appointment of Members to the Local Emergency Management Committee (LEMC)

File Code	GV.MTG 7/10
Author	Danielle Courtin, Governance Coordinator
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Nil
Attachments	1. LEMC Terms of Reference ↓

SUMMARY

Council is requested to appoint members to the Shire of Mundaring Local Emergency Management Committee (LEMC).

BACKGROUND

In accordance with the *Emergency Management Act 2005*, a local government is to establish a local emergency management committee and appoint members to that committee.

For the past two years the LEMC membership has been:

Cr Stephen Fox, LEMC Chair

Cr David Lavell

Officer in Charge, Mundaring Police Station, Deputy Chair

One representative from:

Salvation Army;

State Emergency Service - Mundaring;

Water Corporation;

St John Ambulance;

Department of Parks and Wildlife;

Swan Kalamunda Health Service;

Australian Red Cross;

Midland Police;

Acciona Trility (Mundaring Water Treatment Plant);

Department of Corrective Services – Wooroloo Prison Farm;

SERCO – Acacia Prison; and

Saint John of God Midland Public and Private Hospitals.

Two representatives from Department of Fire and Emergency Services (DFES);

Three representatives from Department for Child Protection;

Chief Executive Officer, Shire of Mundaring (or delegate);

Manager Community Safety and Emergency Management, Shire of Mundaring;

One Environmental Health Officer, Shire of Mundaring;

Chief Bush Fire Control Officer, Shire of Mundaring/DFES;

One Deputy Chief Bush Fire Control Officer, Shire of Mundaring;

One representative of the Shire of Mundaring Principals' Networking Forum.

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STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995 section 5.9 and section 5.10.

Section 38(3) of the *Emergency Management Act 2005* requires the local government to appoint a chairperson and other members to the LEMC.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Mundaring 2026 Strategic Community Plan

Priority 1 - Governance

Objective 1.2 – Transparent, responsive and engaged processes for Shire decision making

Strategy 1.2.1 – Increase transparency and responsiveness of Shire administration processes

SUSTAINABILITY IMPLICATIONS

Nil

RISK IMPLICATIONS

Risk: Reputational: Elected Members refuse to nominate for appointment to committees, advisory groups and representative meetings.		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
Council appoints Elected Members after each local government election.		

EXTERNAL CONSULTATION

Nil

COMMENT

To provide for continuity of the functions of the LEMC it will be recommended that members of the organisations listed above be appointed for the next two years, until the next ordinary local government elections.

The Terms of Reference for the Committee, as set by the State Emergency Management Committee (SEMC) are attached to this report.

VOTING REQUIREMENT

Absolute Majority - *Local Government Act 1995* section 5.10.

COUNCIL DECISION RECOMMENDATION	SC2.10.19
Moved by	Burbidge
Seconded by	Cr Cuthbert

1. That Council, by absolute majority, appoints the following as members of the Local Emergency Management Committee:

Cr Burbidge

Cr Cuthbert

One representative from each of the following organisations:

Salvation Army;

State Emergency Service, Mundaring;

Water Corporation;

St John Ambulance;

Department of Biodiversity, Conservation and Attractions;

Department of Health;

Australian Red Cross;

Officer in Charge, Midland Police;

Acciona Trility (Mundaring Water Treatment Plant);

Department of Corrective Services – Wooroloo Prison Farm;

SERCO – Acacia Prison;

Shire of Mundaring Principals' Networking Forum;

RISE Network; and

Two representatives from Department of Fire and Emergency Services (DFES);

Three representatives from Department of Community Services;

Officer in Charge, Mundaring Police, as the LEMC Deputy Chair in accordance with the *Emergency Management Act 2005*;

Community Emergency Services Manager (CESM) / Chief Bush Fire Control Officer, Shire of Mundaring/DFES;

One Deputy Chief Bush Fire Control Officer, Shire of Mundaring;

Chief Executive Officer, Shire of Mundaring (or his delegate);

Manager Community Safety and Emergency Management, Shire of Mundaring, as the LEMC Executive Officer; and

One Environmental Health Officer, Shire of Mundaring.

2. That Council appoints Cr Burbidge to the position of Chairperson of the Local Emergency Management Committee.

CARRIED BY ABSOLUTE MAJORITY 10/0

For: Cr Daw, Cr Burbidge, Cr Jeans, Cr Jones, Cr Lavell, Cr Martin, Cr Cuthbert,
Cr Collins, Cr Corica and Cr Russell

Against: Nil



WESTERN AUSTRALIA

STATE EMERGENCY MANAGEMENT COMMITTEE

Emergency Management for Local Government

State Emergency Management Policy No. 2.5

Amendment List

No	Date	Details	By
	20 March 2007	Initial issue replaces SEMC Policy Statement No.3	AR
	1 December 2009	Re-issue after consultation	HW
	June 2014	Scheduled review	SEMC Sec

RESPONSIBLE OFFICER: Executive Officer
State Emergency Management Committee

DATE FOR REVIEW: 19 August 2019

APPROVED AT SEMC MEETING

RESOLUTION NO: 57/2014

DATE APPROVED: 19 August 2014

DEFINITIONS

1. Terms used throughout the series of Emergency Management Policies have the meanings given in section 3 of the *Emergency Management Act 2005* (the EM Act), and the Emergency Management Western Australia Glossary.

INTRODUCTION

2. Effective emergency management arrangements enhance the community's resilience and preparedness for emergencies, through strategies that apply prevention/mitigation, preparedness, and response and recovery activities.
3. Local governments are the closest level of government to their communities and have access to specialised knowledge about the local environment and demographic features of their communities. Local governments also have specific responsibilities for pursuing emergency risk management as a corporate objective and as good business practice.
4. The Local Emergency Management Committee (LEMC), in addition to its prescribed role, is a forum for relevant agencies and organisations which, because of their local knowledge, can assist with the assessment of local emergency risk.

AUTHORITY

5. This State Emergency Management Policy (SEMP) is prepared under the authority of section 17 of the EM Act.

RESPONSIBILITY FOR REVIEW

6. The Responsible Officer for this policy shall conduct a review of the policy by the agreed review date.

APPLICATION

7. This policy applies to all local governments, LEMCs and Emergency Management Agencies (EMAs) participating in the development of Local Emergency Management Arrangements (LEMA) and other emergency management activities.

AIM

8. The aim of this policy is to provide direction and advice to local governments and LEMCs on their responsibilities in relation to emergency management.

KEY EMERGENCY MANAGEMENT RESPONSIBILITIES

9. A local government is to:
 - a) establish one or more LEMCs;
 - b) develop and maintain effective LEMA, including recovery plans, in accordance with ADP 5 – Emergency Management for Local Government.
 - c) nominate a Local Recovery Coordinator;
 - d) manage recovery following an emergency affecting the community in its district;

- e) make its LEMA available for inspection, free of charge, by members of the public during office hours and at any time on its publicly accessible internet website;
 - f) keep a copy of its LEMA at the offices of the local government. Confidential information should be stored appropriately and only be available to approved users nominated in the arrangements except with the concurrence of the Council Chief Executive Officer (CEO) or delegate; and
 - g) table the LEMA for Council for approval once endorsed by the LEMC.
10. LEMCs are emergency planning committees and although they will often include members from operational agencies (Controlling Agencies, HMAs, combat agencies or, support organisations), their role is not operational nor one of response. The HMA or Controlling Agency may establish an Incident Support Group (if required) to perform the operational function (refer to SEMP 4.1 - Incident Management).
11. The LEMC is to advise and assist the local government to ensure that LEMA are established, reviewed and tested in accordance with section 39 of the EM Act.
12. LEMA are to include a recovery plan and the nomination of a Local Recovery Coordinator as prescribed in section 41 (4) of the EM Act. Local Recovery Coordinators are to advise and assist local government and coordinate local recovery activities as outlined in SEMP 4.4 - Recovery Coordination.

OTHER KEY EMERGENCY MANAGEMENT RESPONSIBILITIES

13. District Emergency Management Committees are to provide advice and support to Local Government and their LEMCs in relation to emergency management activities.
14. The State Emergency Coordinator has appointed the Officer in Charge of each Police sub-district to be the Local Emergency Coordinator for the local government district in which they are situated (section 37(1) of the EM Act). Local Emergency Coordinators assist HMA's in providing a coordinated response and provide advice and support to the LEMC.
15. Controlling Agencies control the response activities to an emergency, as determined through legislation or by agreement with the HMA.
16. Hazard Management Agencies are responsible for emergency management, or the prescribed emergency management aspect, of the hazard for which they are prescribed (section 4(3) of the EM Act).
17. Combat Agencies are responsible for performing an emergency management activity prescribed by the regulations in relation to that agency's functions or specialised knowledge. (section 6 (2) of the EM Act).
18. Support Organisations are responsible for providing support functions prescribed by the regulations in relation to each such organisation (section 6 (4) of the EM Act).

LOCAL EMERGENCY MANAGEMENT COMMITTEES

19. A local government is to establish one or more LEMCs for their district (section 38 of the EM Act). If more than one LEMC is established, the local government is to specify the area in respect of which the committee is to exercise its functions (Refer to ADP-11 Amalgamation of Local Governments for the purposes of Emergency Management).

20. The EM Act requires that membership of a LEMC shall consist of a Chair, other members appointed by the relevant local government, and the Local Emergency Coordinator if not already appointed as Chair. (section 38(3) (a) of the EM Act)

LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

21. LEMA are to be consistent with the State emergency management policies and plans (section 41(3) of the EM Act) and shall be developed in accordance ADP 5 – Emergency Management for Local Government.

LOCAL RECOVERY PLAN

22. LEMA are to include a recovery plan (section 41(4) of the EM Act), and should be consistent with the Nation Principles for Disaster Recovery in accordance with SEMP 4.4 – Recovery Coordination.

EXERCISES

23. Local governments are to develop and conduct exercises to help build collaborative emergency management awareness at the local level. The LEMC may assist with this role.
24. Local governments are to ensure that exercising is undertaken at least each financial year, and that a post exercise report is submitted to the DEMC Executive Officer, in accordance with ADP - 5 Emergency Management for Local Government.

REFERENCES

- *Emergency Management Act 2005*
- SEMP 4.4 - Recovery Coordination
- SEMP 3.1 - Emergency Management Exercises
- SEMP 4.1 - Incident Management
- ADP 5 - Emergency Management for Local Government
- Emergency Management for Local Government Guide
- State Emergency Management Policies and Procedures.
- Australian Emergency Management Glossary
- Emergency Management Western Australia Glossary

CONSULTATION

Stakeholder consultation for this policy is undertaken by way of correspondence with identified stakeholders.

Organisations consulted in the development of this policy include:

- Department of Fire and Emergency Services
- Local Government Representatives
- Western Australian Local Government Association
- WA Department of Health
- Department for Child Protection and Family Support
- WA Police
- Relevant SEMC Subcommittees
- District Emergency Management Committees

- Local Emergency Management Committees

RISK MANAGEMENT STATEMENT

If a State emergency management policy for local governments is not prepared, the risks to State emergency management practice include:

- limiting the capacity of local government to comply with the requirements of the *Emergency Management Act 2005*;
- increased risk to the safety of community members who are inadequately prepared for an emergency incident;
- inconsistency in local emergency management arrangements development, content and format; and
- local emergency management arrangements not being consistent with State emergency management policies, State government direction or legislation.

This policy aims to guide local governments in the development, content and formatting of local emergency management arrangements and the fulfilment of their responsibilities under the *Emergency Management Act 2005*.

6.3 Appointment of Members to the Bush Fire Advisory Committee (BFAC)

File Code	OR.MTG 7/1
Author	Danielle Courtin, Governance Coordinator
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Nil
Attachments	1. BFAC Terms of Reference ↓

SUMMARY

Council established its Bush Fire Advisory Committee (BFAC) on 2 May 1963 in accordance with the *Bush Fires Act 1954* (The Act). Council is requested to appoint members to the BFAC at this time.

BACKGROUND

In accordance with the BFAC Terms of Reference (**ATTACHMENT 1**) and as provided in the Act, Council shall appoint Bush Fire Control Officers (FCOs) or members of Bush Fire Brigades as members of the Advisory Committee. In so doing, it shall have regard to the following –

- Each registered Bush Fire Brigade in the Shire may nominate one member;
- The Chief Executive Officer or his delegate shall be a member;
- Council may appoint two elected members;
- The Chief Bush Fire Control Officer and all five Deputy Chief Bush Fire Control Officers shall be members of the Committee;
- Each Brigade may nominate and Council may appoint a person to be deputy for a member of the Committee; and
- The Coordinator of Mundaring Fire School shall be a member of the Committee.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995 section 5.9 and section 5.10.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Mundaring 2026 Strategic Community Plan

Priority 1 - Governance

Objective 1.2 – Transparent, responsive and engaged processes for Shire decision making

Strategy 1.2.1 – Increase transparency and responsiveness of Shire administration processes

SUSTAINABILITY IMPLICATIONS

Nil

RISK IMPLICATIONS

Risk: Reputational: Elected Members refuse to nominate for appointment to committees, advisory groups and representative meetings.		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
Council appoints Elected Members after each local government election.		

EXTERNAL CONSULTATION

Nil

COMMENT

The Terms of Reference of the Committee require that the following are nominated to the Bush Fire Advisory Committee:

Two (2) Elected Members
Chief Bush Fire Control Officer
All five (5) Deputy Chief Bush Fire Control Officer
Captain – Chidlow VBFB
Captain – Darling Range VBFB
Captain – Darlington VBFB
Captain – Glen Forrest VBFB
Captain – Mount Helena VBFB
Captain – Parkerville VBFB
Captain – Sawyers Valley VBFB
Captain - Stoneville VBFB
Captain – Wooroloo VBFB
Co-ordinator - Mundaring Fire School
Director Statutory Services, Shire of Mundaring, as the

delegate of the Chief Executive Officer

VOTING REQUIREMENT

Absolute Majority - *Local Government Act 1995* section 5.10.

COUNCIL DECISION RECOMMENDATION	SC3.10.19
Moved by	Cr Burbidge
Seconded by	Cr Lavell

That Council, by absolute majority appoints the following as members of the Bush Fire Advisory Committee (BFAC):

Cr Burbidge
Cr Cuthbert
Chief Bush Fire Control Officer
All five (5) Deputy Chief Bush Fire Control Officer
Captain – Chidlow VBFB
Captain – Darling Range VBFB
Captain – Darlington VBFB
Captain – Glen Forrest VBFB
Captain – Mount Helena VBFB
Captain – Parkerville VBFB
Captain – Sawyers Valley VBFB
Captain - Stoneville VBFB
Captain – Wooroloo VBFB
Co-ordinator - Mundaring Fire School
Director Statutory Services, Shire of Mundaring, as the
delegate of the Chief Executive Officer

CARRIED BY ABSOLUTE MAJORITY 10/0

For: Cr Daw, Cr Burbidge, Cr Jeans, Cr Jones, Cr Lavell, Cr Martin, Cr Corica,
Cr Cuthbert, Cr Collins and Cr Russell

Against: Nil

**BUSH FIRE ADVISORY COMMITTEE
TERMS OF REFERENCE**



Established: 2 May 1963
Terms of Reference: Amended July 2016 - C11.07.16
Amended December 2017 - C3.12.17

1. NAME

The Name of the Committee is the Shire of Mundaring Bush Fire Advisory Committee.

2. HEAD OF POWER

The Committee is established by Council under Section 67 of the *Bush Fires Act 1954*.

3. DEFINITIONS

- BF Act means the Bush Fires Act 1954
- Committee means the Shire of Mundaring Bush Fire Advisory Committee (BFAC)
- Council means the Council of the Shire of Mundaring
- Elected Member means a Councillor of the Shire of Mundaring.

4. OBJECTIVES

- 4.1 To provide a forum for discussion and to advise Council on all matters relating to:
- The preventing, controlling and extinguishing of bush fires
 - The planning of the layouts of firebreaks in the district
 - Prosecutions for breaches of the BF Act
 - The formation of Bush Fire Brigades and the grouping thereof under group Brigade Officers
 - The ensuring of cooperation and coordination of Bush Fire Brigades in their efforts and activities
 - Any other matter relating to bush fire control whether of the same kind as, or different kind from those specified.

5. COMMITTEE STRUCTURE

- 5.1 The Committee shall consist of the following members:
- Two elected members
 - The Chief Executive Officer or delegate
 - The Chief Bush Fire Control Officer
 - The Five (5) Deputy Chief Bush Fire Control Officers
 - The Coordinator Mundaring Fire School or delegate
 - Brigade members, being Shire of Mundaring Volunteer Bush Fire Brigade Captains (9)
 - Deputy Brigade members in the event that the Brigade Captain is unable to attend a meeting, being the respective Shire of Mundaring Volunteer Bush Fire Brigade Lieutenant

BUSH FIRE ADVISORY COMMITTEE TERMS OF REFERENCE

- 5.2 A quorum will be 11 members.
- 5.3 The Committee is supported by the Director Statutory Services and Manager Community Safety and Emergency Management.

6. TERMS OF APPOINTMENT

- 6.1 Members are appointed by Council following ordinary Local Government elections for a term of up to two years to expire on the date of the subsequent ordinary Local Government elections.
- 6.2 If a member resigns or becomes ineligible prior to an ordinary Local Government election, Council will appoint a replacement.

7. PRESIDING PERSON

- 7.1 During the first meeting of the Committee after ordinary Local Government elections, the Committee shall appoint one of their number to be the Presiding Person.
- 7.2 At the same meeting the Committee shall appoint one of their number to be a Deputy Presiding Person.
- 7.3 The role of the Presiding Person includes:
 - Ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner and;
 - Where a matter has been debated significantly and no new information is being discussed, to call the meeting to order and ask for the debate to be finalised and the motion to be put.

8. MEETINGS OF THE COMMITTEE

- 8.1 The committee will meet at least 6 times per year in the months of February, March, May, August, October and November.
- 8.2 Meetings of the Committee are open to the public and will be advertised on the Shire website and by public notice in the local newspapers.
- 8.3 An ordinary or special meeting of the Committee is to be held:
 - If called for by either the Presiding Person or at least two Committee members in a notice to the CEO setting out the date and purpose of the proposed meeting; or
 - If so decided by the Committee; or
 - If called for by Council.
- 8.4 The Committee may invite Shire employees and other appropriate persons to attend meetings and provide pertinent information where necessary.

BUSH FIRE ADVISORY COMMITTEE TERMS OF REFERENCE

- 8.5 The first item on the agenda for all Committee meetings (after apologies) shall be the declaration by Committee members present of any financial, proximity and impartiality interests. These shall be recorded in the minutes.
- 8.6 Committee members who have disclosed a financial or proximity interest must not be present during discussion of and voting on the matter in which they have an interest.
- 8.7 Committee members who have disclosed an impartiality interest may remain in the meeting and participate in the discussion and voting, unless the interest is such that it would prevent them from impartially and objectively considering all the relevant information.

9. INVITEES

- 9.1 The Committee shall invite representatives of the following bodies to its meetings and shall hear and have regard for their views:
 - The Department of Biodiversity, Conservation and Attractions
 - Department of Fire and Emergency Services.
- 9.2 Such representatives shall not be members of the Committee.
- 9.3 The Committee may invite appropriate persons to attend any meeting but such persons shall not be entitled to vote on any decision arising out of that meeting.

10. POWERS OF THE COMMITTEE

- 10.1 The Committee is a formally appointed committee of Council and is responsible to that body.
- 10.2 The Committee does not have any delegated authority.
- 10.3 Committee recommendations must be adopted by Council during a formal Council meeting before they can be implemented.
- 10.4 Members of the Committee are not permitted to speak to the media as representatives of the Committee unless approved by Council.

11. SUBCOMMITTEES

- 11.1 The Committee may establish and appoint members from within its number to subcommittees to consider any specified matter or matters within the general remit of the Committee objectives.
- 11.2 The Committee shall determine the terms of reference for any subcommittee it so establishes.
- 11.3 A subcommittee so appointed shall report to the Committee in a frequency and manner determined by the Committee.

**BUSH FIRE ADVISORY COMMITTEE
TERMS OF REFERENCE**

12. VOTING

- 12.1 Each member of the Committee present during a meeting will have one vote.
- 12.2 The Presiding Person does not have a casting vote in the event of equality of votes.
- 12.3 In the case of an equality of votes the question/s shall be determined in the negative.
- 12.4 The names of members voting for and against will be recorded in the minutes.

13. REPORTING REQUIREMENTS

- 13.1 Recommendations arising from the Committee's deliberations shall be presented to the next ordinary meeting of Council.

14. REVIEW OF TERMS OF REFERENCE

- 14.1 The Committee is to conduct a review of its terms of reference every four years.
- 14.2 Reviewed terms of reference will be provided to Council for consideration and adoption.

15. TERMINATION OF THE COMMITTEE

- 15.1 The Committee can be terminated at the discretion of Council.

6.4 Appointment of Elected and Community Members to Environmental Advisory Committee

File Code	GV.MTG 7/2
Author	Briony Moran, Coordinator Environment and Sustainability
Senior Employee	Mark Luzi, Director Statutory Services
Disclosure of Any Interest	Nil
Attachments	<ol style="list-style-type: none">1. Proposed Amendments to Environmental Advisory Committee Terms of Reference ↓2. Community Nominees to Environmental Advisory Committee (confidential) (under separate cover)

SUMMARY

Council established its Environmental Advisory Committee (EAC) in October 1993. This report requests that Council appoints two Elected Members to the Committee and considers nominations from community members for a two year term expiring at the next ordinary elections in October 2021. The appointment of all nominees as community members is recommended, in addition to an amendment to the Terms of Reference to reflect the number of members to be appointed.

BACKGROUND

The current EAC Terms of Reference provided for membership of the Committee to consist of a maximum of 14 members, inclusive of two Elected Members and up to 12 community members with an interest and/or expertise in environmental matters and a demonstrated ability to provide impartial advice.

The objective of the EAC is to provide a forum for discussion and recommendations to Council including:

- Provide advice to Council on a range of environmental and sustainability issues within the Shire of Mundaring and across the community;
- Advise on priority projects to be considered for funding in the Corporate Business Plan and/or Annual Budget;
- Receive information and provide advice on key environmental and natural resource programs, services and facilities currently provided or planned by the Shire;
- Work with the community to create and encourage increased levels of environmental awareness;
- Make recommendations to Council on policy and appropriate courses of action to promote social, economic and environmental sustainability; and

- Work within community to increase awareness in mitigation and adaptation strategies for climate change.

At its meeting of 21 August 2019 the EAC considered an assessment matrix to be used if the number of applicants exceeds the number of community member positions available. The EAC resolved (EAC3.08.19) that:

1. the Committee notes that staff have prepared a matrix to assist with consideration of community nominations for Environmental Advisory Committee membership.
2. the Committee is concerned about retaining institutional knowledge and requests Council consider this aspect for future committee membership.

STATUTORY / LEGAL IMPLICATIONS

The EAC is established as a committee comprising council members and other members under section 5.9 of the *Local Government Act 1995* (the Act).

Council must appoint the committee members by absolute majority in accordance with section 5.10 of the Act.

In accordance with section 5.19 of the Act, 'the quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee'.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Mundaring 2026 Strategic Community Plan

Priority 1 - Governance

Objective 1.2 – Transparent, responsive and engaged processes for Shire decision making

Strategy 1.2.2 – Increase open and regular communication between elected members and the community

Priority 3 – Natural Environment

Objective 3.2 – A place where the environment is well managed

Strategy 3.2.1 – Identify and mitigate threats to the natural environment

SUSTAINABILITY IMPLICATIONS

As noted above, the objectives of the Environmental Advisory Committee include providing advice to Council on sustainability issues and promotion of social, economic and environmental sustainability.

RISK IMPLICATIONS

Risk: Reputational – appointment of community members does not occur before the next scheduled EAC meeting of 20 November 2019		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy: Appoint nominees as community members to EAC.		

EXTERNAL CONSULTATION

Nominations for the next two year term of membership to the EAC were sought by advertisements in the local newspaper and using Shire social media accounts. Nominations for membership closed on 2 October 2019.

COMMENT

Nine nominations for membership were received by the close of the nomination period, detailed in a **Confidential Attachment 2**.

The number of nominees is within the limit of up to 12 community members as permitted by the Terms of Reference.

All of the nominees have some relevant knowledge and experience and seven have previously served as EAC members. All are recommended to be appointed to the EAC. This ensures the retention of institutional knowledge, addressing the concern raised by the EAC in August 2019.

Appointing all community member nominees and 2 elected members would result in a Committee of 11. The current Terms of Reference allow for up to 14 Committee members, and requires a quorum of 7 (as noted in Statutory/Legal Implications section above). If the Terms of Reference are amended to reduce the number of community members to 9 in addition to the 2 elected members, this would require a quorum of 6.

Maintaining a higher number of positions on the Committee and resulting higher quorum may increase the likelihood of some meetings being unable to proceed due to a lack of quorum. It is therefore recommended that the Terms of Reference are amended as shown in **Attachment 2**, to reflect the number of members to be appointed.

VOTING REQUIREMENT

Absolute Majority - *Local Government Act 1995* section 5.10.

Preamble to Council Decision

Cr Jones, Cr Driver and Cr Collins were nominated as members of the EAC. As there were three nominees and two positions a ballot was held. Cr Collins and Cr Jones were subsequently nominated as members of the EAC.

COUNCIL DECISION RECOMMENDATION		SC4.10.19	
Moved by	Cr Jeans	Seconded by	Cr Russell

That Council:

1. Amends section 5.1 of the Environmental Advisory Committee Terms of Reference to allow a Committee of up to eleven members, including up to nine community members;
2. Amends section 5.2 of the Environmental Advisory Committee Terms of Reference to require that a quorum is at least 50% of the number of positions on the Committee (whether vacant or not);
3. By absolute majority appoints the following Elected Members to the Environmental Advisory Committee for a term up to the next local government elections in October 2021:

Cr Collins

Cr Jones

4. By absolute majority appoints the following as community members of the Environmental Advisory Committee for a term up to the next local government elections in October 2021:
 - a. Darren Murphy
 - b. Michael Waite
 - c. Christine Groom
 - d. Jim Thom
 - e. Mark Robertson
 - f. Tom Hogarth
 - g. Robert Ragg
 - h. Larissa Byrne
 - i. Stephan Millett

CARRIED BY ABSOLUTE MAJORITY 10/0

For: Cr Daw, Cr Burbidge, Cr Jeans, Cr Jones, Cr Lavell, Cr Martin, Cr Cuthbert, Cr Collins, Cr Corica and Cr Russell

Against: Nil



ENVIRONMENTAL ADVISORY COMMITTEE

TERMS OF REFERENCE

(Adopted 8 March 2016 – C4.03.16)
(Amended 25 October 2017 – SC5.10.17; 13 March 2018 – C6.03.18;
11 September 2018 – C8.09.18)

Established: October 1993

1. NAME

The name of the Committee is the Shire of Mundaring Environmental Advisory Committee.

2. HEAD OF POWER

The Committee is established by Council under section 5.8 of the *Local Government Act 1995* as a committee comprised of council members and other persons under section 5.9(2)(d).

3. DEFINITIONS

Act means the *Local Government Act 1995*.

Committee means the Shire of Mundaring Environmental Advisory Committee.

Council means the Council of the Shire of Mundaring.

Elected Member means a Councillor of the Shire of Mundaring.

4. OBJECTIVES

4.1 To provide a forum for discussion and recommendation to Council to:

- Provide advice to Council on a range of environmental and sustainability issues within the Shire of Mundaring and across the community;
- Advise on priority projects to be considered for funding in the Corporate Business Plan and/or Annual Budget;
- Receive information and provide advice on key environmental and natural resource programs, services and facilities currently provided or planned by the Shire;
- Work with the community to create and encourage increased levels of environmental awareness;
- Make recommendations to Council on policy and appropriate courses of action to promote social, economic and environmental sustainability; and
- Work within community to increase awareness in mitigation and adaptation strategies for climate change.

5. COMMITTEE STRUCTURE

5.1 The Committee shall consist of ~~fourteen~~^{eleven} members:

- Two elected members; and
- Up to ~~twelve~~^{nine} community members with an interest and/or expertise in environmental matters and a demonstrated ability to provide impartial advice.

5.2 A quorum will be ~~seven (7)~~^{at least 50% of the number of positions on the Committee (whether vacant or not).} members.

5.3 The Committee is supported by the Manager Planning and Environment and Coordinator Environment and Sustainability.

6. TERMS OF APPOINTMENT

6.1 Members are appointed by Council following ordinary local government elections for a term of up to two years to expire on the date of the subsequent ordinary local government elections.

6.2 If a member resigns prior to an ordinary local government election, Council will appoint a replacement.

7. PRESIDING PERSON

7.1 One elected member appointed to the Committee will be the presiding person.

7.2 In the absence of the Presiding Person the other elected member will assume the chair.

7.3 The role of the presiding member includes:

- Overseeing and facilitating the conduct of meetings in accordance with the Act and the Shire's *Meeting Procedures Local Law 2015*;
- Ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner; and
- Where a matter has been debated significantly and no new information is being discussed, to call the meeting to order and ask for the debate to be finalised and the motion to be put.

8. MEETINGS OF THE COMMITTEE

8.1 The Committee will meet at least three times per calendar year.

8.2 Meetings of the Committee are open to the public and will be advertised on the Shire website.

8.3 An ordinary or special meeting of the Committee is to be held:

- If called for by either the presiding person or at least two Committee members in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- If so decided by the Committee; or
- If called for by Council.

8.4 The Committee may invite Shire employees and other appropriate persons to attend meetings and provide pertinent information where necessary.

- 8.5 The first item on the agenda for all Committee meetings (after apologies) shall be the declaration by Committee members present of any financial, proximity and impartiality interests. These shall be recorded in the minutes.
- 8.6 Committee members who have disclosed a financial or proximity interest must not be present during discussion of and voting on the matter in which they have an interest.
- 8.7 Committee members who have disclosed an impartiality interest may remain in the meeting and participate in the discussion and voting, unless the interest is such that it would prevent them from impartially and objectively considering all the relevant information.

9. POWERS OF THE COMMITTEE

- 9.1 The Committee is a formally appointed committee of Council and is responsible to that body.
- 9.2 The Committee does not have any delegated authority.
- 9.3 Committee recommendations must be adopted by Council during a formal Council meeting before they can be implemented.
- 9.4 Members of the Committee are not permitted to speak to the media as representatives of the Committee unless approved by Council.

10. VOTING

- 10.1 Each member of the Committee present during a meeting will have one vote.
- 10.2 The names of members voting for and against will be recorded in the minutes.

11. REPORTING REQUIREMENTS

- 11.1 Recommendations arising from the Committee's deliberations shall be presented to the next ordinary meeting of Council.

12. REVIEW OF TERMS OF REFERENCE

- 12.1 The Committee is to conduct a review of its terms of reference every two years.
- 12.2 Reviewed terms of reference will be provided to Council for consideration and adoption.

13. TERMINATION OF THE COMMITTEE

- 13.1 The Committee can be terminated in accordance with the Act or at the discretion of Council.

6.5 Audit and Risk Committee - Review of Terms of Reference, Appointment of Elected Members and Independent Members

File Code	GV.MTG 6.1
Author	Danielle Courtin, Governance Coordinator
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Nil
Attachments	<ol style="list-style-type: none">1. Terms of Reference - tracked changes ↓2. Terms of Reference - final ↓3. Profile - Craig Wilkinson (confidential) (under separate cover)4. Profile - Tony Whitcomb (confidential) (under separate cover)

SUMMARY

This report recommends that Council -

1. Adopts the reviewed Terms of Reference of its Audit and Risk Committee (ARC), following changes to legislation and to reflect the appointment of a second independent member to the Committee;
2. appoints Elected Members to the Committee in accordance with its Terms of reference; and
3. re-appoints Mr Craig Wilkinson and appoints Mr Tony Whitcomb as independent members of the Committee, for a term expiring at the next Council election in October 2021.

BACKGROUND

On 28 October 2017 the *Local Government Amendment (Auditing) Act 2017* was proclaimed, giving the Auditor General the mandate to take on responsibility for the annual financial audits of all Western Australian local governments

On 26 June 2018 the *Local Government (Audit) Regulations 1996* were amended to reflect the revised functions of an audit committee.

In accordance with the Committee's existing Terms of Reference, Committee membership shall consist of the Shire President, Deputy Shire President, four elected members and one independent member.

Appointment to the Committee is determined by Council following ordinary local government elections, for a term to expire on the date of the subsequent ordinary local government elections.

STATUTORY / LEGAL IMPLICATIONS

Under the *Local Government Act 1995* section 5.9 – A committee is to comprise of

- a) Council members only
- b) Council members and employees
- c) Council members, employees and other persons
- d) Council members and other persons
- e) Employees and other persons; or
- f) Other persons only

“Other persons” meaning not a Council member or employee.

Under section 5.10 of the Act the appointment of committee members requires an absolute majority vote.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

In accordance with the Committee’s Terms of Reference the independent members will be reimbursed for travel costs upon presentation of receipts.

STRATEGIC IMPLICATIONS

Mundaring 2026 Strategic Community Plan

Priority 1 - Governance

Objective 1.2 – Transparent, responsive and engaged processes for Shire decision making

Strategy 1.2.1 – Increase transparency and responsiveness of Shire administration processes

SUSTAINABILITY IMPLICATIONS

Nil

RISK IMPLICATIONS

Risk: The Terms of Reference don’t reflect changes to legislation.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
Council regularly reviews the Terms of Reference of the Audit and Risk Committee.		
Risk: Perceived lack of transparency if Council does not appoint external members to the Committee.		

Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
Council appoints two external members with relevant qualifications, skills and experience.		

EXTERNAL CONSULTATION

Committee Terms of Reference clause 10.2: Calls for independent members to apply for a position on the Committee shall be advertised by local public notice.

Expressions of Interest (EOI) for this position were advertised in the Echo Newspaper on 8 June and 27 July 2019. The EOI closed on Monday 2 September 2019.

COMMENT

1. Terms of Reference

A draft of the reviewed Terms of Reference is attached to this report. It incorporates the legislative changes since the existing Terms of Reference were amended in December 2018, as well as allowing for two independent members to be appointed to the Committee.

2. Appointment of Elected Members

In accordance with the Committee's Terms of Reference Council is to appoint members to the Committee for a term of two years. Members must include the Shire President, the Deputy Shire President and four elected members.

3. Appointment of Independent Members

By the close of the nomination period two submissions were received. Mr Craig Wilkinson, the outgoing external member, has expressed an interest to serve a further two year term, and a new submission was received from Mr Tony Whitcomb.

Mr Wilkinson has been a valued member of the Committee, therefore it will be recommended that he be appointed for another two year term. Mr Wilkinson's profile is attached as **Confidential Attachment 3**.

Mr Tony Whitcomb has provided a profile in **Confidential Attachment 4**. He is a resident of the Shire and is currently Head of Health, Safety and Training for a major mining company based in Perth. He has formal qualifications and considerable experience in risk management, corporate governance, auditing and compliance management.

The Shire's Director Corporate Services and Manager Finance and Governance have met with Mr Wilkinson and Mr Whitcomb to explain the appointment process and gauge their understanding of the Shire's expectations of independent members on the Committee. They are aware of that responsibility and will be provided with an induction prior to attending their first Committee meeting if appointed by Council.

It will be recommended that, as both submitters have very strong credentials and would bring a wealth of experience and knowledge to the Committee, they both be appointed to the Committee.

If Council appoints Mr Wilkinson and Mr Whitcomb to the Committee they will be included in the Shire's professional indemnity insurance cover as members of a Committee of Council.

VOTING REQUIREMENT

Absolute Majority - *Local Government Act 1995* section 5.10

COUNCIL DECISION RECOMMENDATION		SC5.10.19	
Moved by	Cr Jones	Seconded by	Cr Lavell

That Council:

1. Adopts the reviewed Terms of Reference of the Audit and Risk Committee as attached;
2. By absolute majority and in accordance with the Committee's Terms of Reference, appoints the following Elected Members to the Committee:
Shire President: Cr Daw
Deputy Shire President: Cr Russell
Cr Corica
Cr Martin
Cr Cuthbert
Cr Jones; and
3. By absolute majority, appoints Mr Craig Wilkinson and Mr Tony Whitcomb as independent members to the Audit and Risk Committee for a term of two years until the next local government elections, due in October 2021.

CARRIED BY ABSOLUTE MAJORITY 10/0

For: Cr Daw, Cr Burbidge, Cr Jeans, Cr Jones, Cr Lavell, Cr Martin, Cr Collins, Cr Cuthbert, Cr Corica and Cr Russell

Against: Nil

AUDIT AND RISK COMMITTEE

TERMS OF REFERENCE (Amended December 2018 – C11.12.18) (Amended October 2019 – C)

Established: The Audit and Risk Committee in its current format was established in November 2015.

1. Name

The name of the Committee ~~shall be~~ the Shire of Mundaring Audit and Risk Committee.

2. Definitions

Act means the *Local Government Act 1995*.

Council means the Shire of Mundaring.

Chief Executive Officer (CEO) means the Chief Executive Officer of the Shire of Mundaring.

Elected Member means a Councillor of the Shire of Mundaring Council.

Independent Member means a community member with skills and experience that complement the Committee's objectives.

3. Objectives

The objective of the Committee is to assist Council in providing a transparent and independent process in its audit, risk and governance management to ensure accountability to the community in the governance and compliance framework and its financial and risk management responsibilities.

Reports from the Committee will assist Council in discharging its legislative responsibilities of controlling the Shire's affairs, determining the Shire's policies and overseeing the allocation of the Shire's finances and resources.

The Committee will ensure openness in the Shire's financial reporting and will liaise with the CEO to ensure the effective and efficient management of the Shire's financial accounting systems, risk management framework, and compliance with legislation.

4. Committee Structure

4.1 The Committee shall consist of:

- 4.1.1 Shire President, Deputy Shire President, four elected members; and
- 4.1.2 ~~One-Two~~ independent members, ~~other than an elected member~~;
- 4.2 The independent members of the Committee ~~shall~~will be appointed by Council;
- 4.3 The Chairperson of the Committee ~~shall~~will be appointed by the Committee; and
- 4.4 ~~A-The quorum for a Committee meeting will be~~ four members as per section 5.19 of the Local Government Act 1995: at least 50% of the number of offices (whether vacant or not) of member of the committee.

The Committee is supported by the CEO, and relevant staff nominated by the CEO.

5. Presiding Member

- 5.1 The Committee is to determine the Presiding Member of the Committee at the first meeting of the Committee immediately following the establishment of the Committee or following each biennial local government election, whichever is applicable;
- 5.2 The Committee is to determine a Deputy Presiding Member of the Committee at the first meeting of the Committee immediately following the establishment of the Committee or following each biennial local government election, whichever is applicable;
- 5.3 If the Chairperson is absent from a meeting, the Deputy Presiding Member is to preside at that meeting;
- 5.4 The role of the Presiding Member includes:
 - 5.4.1 overseeing and facilitating the conduct of meetings in accordance with the Act and the Shire's Meeting Procedures Local Law 2015;
 - 5.4.2 ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner; and
 - 5.4.3 where a matter has been debated significantly and no new information is being discussed, to call the meeting to order and ask for the debate to be finalised and the motion to be put.

6. Delegated Authority

The Committee has been delegated authority (delegation COM-46) to meet with the auditor at least once every year and is to provide a report to Council on the matters discussed and the outcome of those discussions.

7. Code of Conduct

The Shire of Mundaring Code of Conduct (Policy OR-12) applies to all elected members and external members of the Committee.

8. Public Question Time

Committee meetings are open to the public and Public Question Time will be conducted in accordance with the Shire's Meeting Procedures Local Law 2015.

9. Terms of Appointment

~~5.1~~ Appointment to the Committee ~~shall be~~ will be determined by the Council following ordinary local government elections, for a term to expire on the date of the subsequent ordinary local government elections. If a member of the Committee resigns prior to an ordinary local government election, the Council will appoint a replacement.

10. Qualification and Selection of ~~the~~ Independent Members

~~610.1~~ ~~The independent members~~ is ~~is~~ ~~must~~ to possess accounting or related financial, governance and risk management experience and have strong business acumen, management and communication skills.

~~610.2~~ Calls for ~~an~~ independent members s to apply for a position on the Committee ~~shall~~ must be advertised by local public notice.

11. Meetings of the Committee

~~711.1~~ The Committee will meet at least ~~three~~ four times per year.

~~711.2~~ An ordinary or a special meeting of the Committee is to be held:

- (a) if called for by either the Chairperson or at least two Committee members in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the Committee; or
- (c) if called for by Council.

~~711.3~~ The Committee may invite, through the CEO, Shire employees, auditors or others to attend meetings and provide pertinent information, where necessary.

12. Functions of the Committee

~~12.1~~ In accordance with Local Government (Audit) Regulations 1996, tThe Committee is to - —

- (a) to guide and assist the local government in carrying out —
 - (i) its functions under Part 6 of the Act; and

- (ii) its functions relating to other audits and other matters related to financial management;
 - (b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;
 - (c) to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —
 - (i) report to the council the results of that review; and
 - (ii) give a copy of the CEO's report to the council;
 - (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —
 - (i) regulation 17(1); and
 - (ii) the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);
 - (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
 - (f) to oversee the implementation of any action that the local government —
 - (i) is required to take by section 7.12A(3); and
 - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
 - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
 - (iv) has accepted should be taken following receipt of a report of a review conducted under the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);
 - (g) to perform any other function conferred on the audit committee by these regulations or another written law.
- Additionally, the Committee is to —
- (h) review the Shire's draft annual financial report, focusing on
 - (i) accounting policies and practices;
 - (ii) changes to accounting policies and practices;
 - (iii) the process used in making significant accounting estimates;
 - (iv) significant adjustments to the financial report (if any) arising from the audit process;
 - (v) compliance with accounting standards and other reporting requirements;
 - and
 - (vi) significant variances from prior years;

- (i) Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation, but before the annual financial report is signed;
- (j) Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committees terms of reference; and
- (k) Seek information or obtain expert advice through the CEO on matters of concern within the scope of the Committee's terms of reference.
- ~~(a) provide guidance and assistance to the local government –~~
 - ~~(i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and~~
 - ~~(ii) as to the development of a process to be used to select and appoint a person to be an auditor;~~
- ~~(b) provide guidance and assistance to the local government as to –~~
 - ~~(i) matters to be audited;~~
 - ~~(ii) the scope of audits;~~
 - ~~(iii) its functions under Part 6 of the Act; and~~
 - ~~(iv) the carrying out of its functions relating to other audits and other matters related to financial management;~~
- ~~(c) review a report given to it by the CEO under regulation 17(3) of the Local Government (Audit) Regulations 1996 (the CEO's report) and is to –~~
 - ~~(i) report to the council the results of that review; and~~
 - ~~(ii) give a copy of the CEO's report to the Council;~~
- ~~(d) review the annual Compliance Audit Return and report to the Council the results of that review; and~~
- ~~(e) consider the CEO's three yearly reviews of the appropriateness and effectiveness of the Shire of Mundaring's systems and procedures in regard to risk management, internal control and legislative compliance and report to the Council the results of those reviews.~~

12.2 Internal Audit

8.1 External Financial Audit

8.1.1 Delegated Authority COM-46:

~~The Committee has been delegated authority to meet with the auditor at least once in every year to satisfy the requirement of s. 7.12A(2) of the Act and is to provide a report to Council on the matters discussed and the outcome of those discussions;~~

8.1.2 Provide guidance and assistance to Council as to the carrying out of the functions of the local government in relation to audits;

8.1.3 Liaise with the CEO to ensure that the Shire of Mundaring does everything in its power to:

- ~~8.1.3.1 — assist the auditor to conduct the audit and carry out his or her other duties under the Act; and~~
- ~~8.1.3.2 — ensure that audits are conducted successfully and expeditiously;~~
- ~~8.1.4 Examine the reports of the auditor after receiving a report from the CEO on the matters to:~~
 - ~~8.1.4.1 — determine if any matters raised require action to be taken by the local government; and~~
 - ~~8.1.4.2 — ensure that appropriate action is taken in respect of those matters;~~
- ~~8.1.5 Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and present the report to Council for adoption prior to the end of the next financial year or six months after the last report prepared by the auditor is received, whichever is the latest in time;~~
- ~~8.1.6 Monitor the implementation of recommendations made by the audit and review the extent to which Council and management react to matters raised;~~
- ~~8.1.7 Review the Shire of Mundaring's draft annual financial report, focusing on:~~
 - ~~8.1.7.1 — accounting policies and practices;~~
 - ~~8.1.7.2 — changes to accounting policies and practices;~~
 - ~~8.1.7.3 — the process used in making significant accounting estimates;~~
 - ~~8.1.7.4 — significant adjustments to the financial report (if any) arising from the audit process;~~
 - ~~8.1.7.5 — compliance with accounting standards and other reporting requirements; and~~
 - ~~8.1.7.6 — significant variances from prior years;~~
- ~~8.1.8 Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed;~~
- ~~8.1.9 Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committee's terms of reference; and~~
- ~~8.1.10 Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference.~~

8.2 — Internal Audit

- ~~8.2.1.2~~ Review and approve the Internal Audit Charter and any subsequent changes, to ensure that internal audit activities are in accordance with the Internal Audit Charter;
- ~~8.2.1.2~~ The Internal Audit function shall report administratively to the CEO and functionally to the Council through the Audit and Risk Committee;

12.2.3 Ensure that at least one substantial internal audit is carried out and finalised each financial year;

8.212.2.34 Monitor and review recommendations arising out of internal audit reports and their implementation;

8.212.2.45 Review the effectiveness of the internal audit function, including compliance with relevant auditing standards;

8.212.2.56 Ensure the annual internal audit plan is informed by Council's Risk Management Framework; and

8.212.2.67 If considered necessary, meet with the internal audit service provider to discuss any matters the Audit and Risk Committee or the internal auditor believes need to be discussed privately.

812.3 Governance

128.3.1 Review the annual Compliance Audit Return and satisfy itself that the return is supported by appropriate processes and controls, to provide reasonable confidence about the accuracy of information contained in the return, and make a recommendation on its adoption to Council.

128.3.2 Consider the CEO's three yearly reviews of the appropriateness and effectiveness of the Shire of Mundaring's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the Committee, and report to the Council the results of those reviews.

812.3.3 Ensure a regular review of Council policies is completed.

812.4 Risk Management

128.4.1 Ensure Council's Risk Management Framework addresses Council's exposure to both strategic and operational risks;

812.4.2 Monitor the effectiveness of the Risk Management Framework through regular reviews and reporting;

812.4.3 Regularly review Council's strategic risk register to check that extreme and high level risks are ~~being~~ managed in accordance with the Risk Management Framework;

912.4.4 Address any specific requests referred from Council in relation to issues of risk and risk management; and

812.4.5 At least once every year consider a report from the Shire's Risk Management Committee in relation to the management of risk within the Shire, and satisfy itself that appropriate controls and processes are

in operation, and are adequate for dealing with risks that ~~the~~ ~~impact~~ ~~the~~ Shire.

13. Powers of the Committee

- ~~9~~13.1 The Committee is a formally appointed committee of Council and is responsible to that body.
- ~~9~~13.2 The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility.
- ~~9~~13.3 The Committee does not have any management functions and cannot involve itself in management processes or procedures.
- ~~9~~13.4 The Committee recommendations are advisory only and shall not be binding on Council.

14. Voting

- ~~14~~.1 Each member of the Committee at a meeting will have one vote.
- ~~14~~.2 The Presiding Member will have a deliberative vote but does not in the event of an equality of votes have a casting vote.
- ~~14~~.3 In the event of a tied vote the matter will be referred to Council for deliberation.

15. Reporting Requirements

- ~~14~~5.1 Recommendations arising from the Committee's deliberations shall be presented to the earliest available ordinary meeting of Council.

16. Alteration to ~~Rules of Procedure~~ Terms of Reference

- ~~42~~16.1 The Committee is to conduct a review of its terms of reference providing Council with recommendations for any changes, in the first instance after twelve months of operation, with subsequent reviews to be held every two years.

17. Termination of Committee

Termination of the Committee shall be:

- ~~13~~.1 in accordance with the Act; or
- ~~13~~.2 at the discretion of Council.

18. Remuneration

| ~~14.18.1~~ The independent memberss of the Committee ~~is~~ are to be reimbursed travel costs.

| ~~14.18.2~~ The Council will include the independent memberss of the Committee in its professional indemnity insurance coverage for the services they provide to the Council.

| ~~14.3~~ ~~The Council will include an allocation in its Annual Budget to allow the Committee to conduct investigations as deemed necessary and important.~~

AUDIT AND RISK COMMITTEE

TERMS OF REFERENCE

(Amended December 2018 – C11.12.18)
(Amended October 2019 – C)

Established: The Audit and Risk Committee in its current format was established in November 2015.

1. Name

The name of the Committee is the Shire of Mundaring Audit and Risk Committee.

2. Definitions

Act means the *Local Government Act 1995*.

Council means the Shire of Mundaring.

Chief Executive Officer (CEO) means the Chief Executive Officer of the Shire of Mundaring.

Elected Member means a Councillor of the Shire of Mundaring Council.

Independent Member means a community member with skills and experience that complement the Committee's objectives.

3. Objectives

The objective of the Committee is to assist Council in providing a transparent and independent process in its audit, risk and governance management to ensure accountability to the community in the governance and compliance framework and its financial and risk management responsibilities.

Reports from the Committee will assist Council in discharging its legislative responsibilities of controlling the Shire's affairs, determining the Shire's policies and overseeing the allocation of the Shire's finances and resources.

The Committee will ensure openness in the Shire's financial reporting and will liaise with the CEO to ensure the effective and efficient management of the Shire's financial accounting systems, risk management framework, and compliance with legislation.

4. Committee Structure

4.1 The Committee shall consist of:

- 4.1.1 Shire President, Deputy Shire President, four elected members; and
- 4.1.2 Two independent members;

- 4.2 The independent members of the Committee will be appointed by Council;
- 4.3 The Chairperson of the Committee will be appointed by the Committee; and
- 4.4 The quorum for a Committee meeting is as per section 5.19 of the *Local Government Act 1995*: at least 50% of the number of offices (whether vacant or not) of member of the committee.

The Committee is supported by the CEO, and relevant staff nominated by the CEO.

5. Presiding Member

- 5.1 The Committee is to determine the Presiding Member of the Committee at the first meeting of the Committee immediately following the establishment of the Committee or following each biennial local government election, whichever is applicable;
- 5.2 The Committee is to determine a Deputy Presiding Member of the Committee at the first meeting of the Committee immediately following the establishment of the Committee or following each biennial local government election, whichever is applicable;
- 5.3 If the Chairperson is absent from a meeting, the Deputy Presiding Member is to preside at that meeting;
- 5.4 The role of the Presiding Member includes:
 - 5.4.1 overseeing and facilitating the conduct of meetings in accordance with the Act and the Shire's Meeting Procedures Local Law 2015;
 - 5.4.2 ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner; and
 - 5.4.3 where a matter has been debated significantly and no new information is being discussed, to call the meeting to order and ask for the debate to be finalised and the motion to be put.

6. Delegated Authority

The Committee has been delegated authority (delegation COM-46) to meet with the auditor at least once every year and is to provide a report to Council on the matters discussed and the outcome of those discussions.

7. Code of Conduct

The Shire of Mundaring Code of Conduct (Policy OR-12) applies to all elected members and external members of the Committee.

8. Public Question Time

Committee meetings are open to the public and Public Question Time will be conducted in accordance with the Shire's Meeting Procedures Local Law 2015.

9. Terms of Appointment

Appointment to the Committee will be determined by the Council following ordinary local government elections, for a term to expire on the date of the subsequent ordinary local government elections. If a member of the Committee resigns prior to an ordinary local government election, the Council will appoint a replacement.

10. Qualification and Selection of Independent Members

- 10.1 Independent members must possess accounting or related financial, governance and risk management experience and have strong business acumen, management and communication skills.
- 10.2 Calls for independent members to apply for a position on the Committee must be advertised by local public notice.

11. Meetings of the Committee

- 11.1 The Committee will meet at least four times per year.
- 11.2 An ordinary or a special meeting of the Committee is to be held:
 - (a) if called for by either the Chairperson or at least two Committee members in a notice to the CEO setting out the date and purpose of the proposed meeting; or
 - (b) if so decided by the Committee; or
 - (c) if called for by Council.
- 11.3 The Committee may invite, through the CEO, Shire employees, auditors or others to attend meetings and provide pertinent information, where necessary.

12. Functions of the Committee

- 12.1 In accordance with *Local Government (Audit) Regulations 1996*, the Committee is to -
 - (a) to guide and assist the local government in carrying out —
 - (i) its functions under Part 6 of the Act; and
 - (ii) its functions relating to other audits and other matters related to financial management;
 - (b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;

- (c) to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —
 - (i) report to the council the results of that review; and
 - (ii) give a copy of the CEO's report to the council;
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —
 - (i) regulation 17(1); and
 - (ii) the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);
- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- (f) to oversee the implementation of any action that the local government —
 - (i) is required to take by section 7.12A(3); and
 - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
 - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
 - (iv) has accepted should be taken following receipt of a report of a review conducted under the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);
- (g) to perform any other function conferred on the audit committee by these regulations or another written law.

Additionally, the Committee is to —

- (h) review the Shire's draft annual financial report, focusing on
 - (i) accounting policies and practices;
 - (ii) changes to accounting policies and practices;
 - (iii) the process used in making significant accounting estimates;
 - (iv) significant adjustments to the financial report (if any) arising from the audit process;
 - (v) compliance with accounting standards and other reporting requirements; and
 - (vi) significant variances from prior years;
- (i) Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation, but before the annual financial report is signed;
- (j) Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committees terms of reference; and

- (k) Seek information or obtain expert advice through the CEO on matters of concern within the scope of the Committee's terms of reference.

12.2 Internal Audit

- 12.2.1 Review and approve the Internal Audit Charter and any subsequent changes, to ensure that internal audit activities are in accordance with the Internal Audit Charter;
- 12.2.2 The Internal Audit function shall report administratively to the CEO and functionally to the Council through the Audit and Risk Committee;
- 12.2.3 Ensure that at least one substantial internal audit is carried out and finalised each financial year;
- 12.2.4 Monitor and review recommendations arising out of internal audit reports and their implementation;
- 12.2.5 Review the effectiveness of the internal audit function, including compliance with relevant auditing standards;
- 12.2.6 Ensure the annual internal audit plan is informed by Council's Risk Management Framework; and
- 12.2.7 If considered necessary, meet with the internal audit service provider to discuss any matters the Audit and Risk Committee or the internal auditor believes need to be discussed privately.

12.3 Governance

- 12.3.1 Review the annual Compliance Audit Return and satisfy itself that the return is supported by appropriate processes and controls, to provide reasonable confidence about the accuracy of information contained in the return, and make a recommendation on its adoption to Council.
- 12.3.2 Consider the CEO's three yearly reviews of the appropriateness and effectiveness of the Shire of Mundaring's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the Committee, and report to the Council the results of those reviews.
- 12.3.3 Ensure a regular review of Council policies is completed.

12.4 Risk Management

- 12.4.1 Ensure Council's Risk Management Framework addresses Council's exposure to both strategic and operational risks;
- 12.4.2 Monitor the effectiveness of the Risk Management Framework through regular reviews and reporting;

- 12.4.3 Regularly review Council's strategic risk register to check that extreme and high level risks are managed in accordance with the Risk Management Framework;
- 12.4.4 Address any specific requests referred from Council in relation to issues of risk and risk management; and
- 12.4.5 At least once every year consider a report from the Shire's Risk Management Committee in relation to the management of risk within the Shire, and satisfy itself that appropriate controls and processes are in operation, and are adequate for dealing with risks that impact the Shire.

13. Powers of the Committee

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- 14.1 Each member of the Committee at a meeting will have one vote.
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- 14.3 In the event of a tied vote the matter will be referred to Council for deliberation.

15. Reporting Requirements

- 15.1 Recommendations arising from the Committee's deliberations shall be presented to the earliest available ordinary meeting of Council.

16. Alteration to Terms of Reference

- 16.1 The Committee is to conduct a review of its terms of reference providing Council with recommendations for any changes, in the first instance after twelve months of operation, with subsequent reviews to be held every two years.

17. Termination of Committee

Termination of the Committee shall be in accordance with the Act or at the discretion of Council.

18. Remuneration

- 18.1 The independent members of the Committee are to be reimbursed travel costs.
- 18.2 The Council will include the independent members of the Committee in its professional indemnity insurance coverage for the services they provide to the Council.

6.6 Appointment of Elected Members to the East Metropolitan Regional Council (EMRC)

File Code	WM.SER 01
Author	Danielle Courtin, Governance Coordinator
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Nil
Attachments	Nil

SUMMARY

Shire of Mundaring is a member of the Eastern Metropolitan Regional Council (EMRC), the regional council comprising the Cities of Swan, Belmont, Bayswater and Kalamunda, the Town of Bassendean and the Shire of Mundaring.

This report seeks Council's decision to appoint two elected members and a deputy elected member to the EMRC.

BACKGROUND

The EMRC was established in November 1983 and is a regional council under the *Local Government Act 1995*. It was originally set up to oversee the disposal of household waste in the region, but now also provides general waste management advice, environmental services, regional development marketing and risk management services (occupational safety and health) to member councils.

In accordance with the provisions of the Establishment Agreement between the EMRC and participating councils, Council must appoint two members to the EMRC. For the past two years Cr Daw (as the Shire President) and Cr Lavell have represented Council at the EMRC, while Cr Jeans has been the deputy member.

The Establishment Agreement states in part:

Appointment of Members –

- 1) *A Participant is to appoint two members of the Council of the Participant to be a member of the EMRC Council.*
- 2) *The Participants acknowledge that, whilst not being legally obliged to do so, it is the intention of each of them that, if at a meeting of the Council of a Participant, the Participant is to make an appointment to the EMRC Council and the Mayor or president informs the Participant of his or her wish to be a member of the EMRC Council, then the Participant will appoint the Mayor or President to be a member of the EMRC Council.*
- 3) *A Participant may appoint one member of the Council of the Participant who may act temporarily in place of either member of the EMRC Council appointed by the Participant during any period in which the member of the EMRC Council is unable by reason of illness, temporary absence from the State, conflict of interest or any other cause to perform the functions of the office.*

(Participant means the Shire of Mundaring).

In September 2007 Council resolved (C8.09.07):

That as a matter of practice, the Council member holding the office of Shire President be appointed as one of the Shire of Mundaring Council representatives to the EMRC.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995 – Part 3 – Division 4 – Regional Local Governments.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Shire of Mundaring pays an annual membership contribution to EMRC.

STRATEGIC IMPLICATIONS

Mundaring 2026 Strategic Community Plan

Priority 1 - Governance

Objective 1.2 – Transparent, responsive and engaged processes for Shire decision making

Strategy 1.2.1 – Increase transparency and responsiveness of Shire administration processes

SUSTAINABILITY IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

EXTERNAL CONSULTATION

Nil

COMMENT

The President is to call for nominations for membership of the EMRC in order to appoint two members to the EMRC Council and one deputy member.

Council has previously agreed that the Shire President is to be one of the two members, where the President so wishes.

Meetings are conducted monthly and run for two hours on average. The tenure of the appointment is until the next ordinary local government election.

Elected members appointed to EMRC receive quarterly councillor payments, currently set at \$2613.75/quarter, while the deputy member receives an allowance per attendance.

VOTING REQUIREMENT

Absolute Majority - *Local Government Act 1995* section 5.10.

Preamble to Council Decision

Cr Driver, Cr Lavell and Cr Jeans were nominated as the second member of the EMRC. As there were three nominees and one position a ballot was held. Cr Jeans was subsequently nominated as the second member of the EMRC.

COUNCIL DECISION RECOMMENDATION		SC6.10.19	
Moved by	Cr Russell	Seconded by	Cr Martin

That Council by absolute majority appoints:

1. Cr Daw and Cr Jeans as members of the EMRC; and
2. Cr Collins as deputy member of the EMRC..

CARRIED BY ABSOLUTE MAJORITY 10/0

For: Cr Daw, Cr Burbidge, Cr Jeans, Cr Jones, Cr Lavell, Cr Martin, Cr Collins, Cr Cuthbert, Cr Corica and Cr Russell

Against: Nil

7.0 CLOSING PROCEDURES

7.1 Date, Time and Place of the Next Meeting

The next Ordinary Council meeting will be held on Tuesday, 12 November 2019 at 6.30pm.in the Council Chamber.

7.2 Closure of the Meeting

The Presiding Person declared the meeting closed at 7.34pm.