GOVERNANCE COMMITTEE

These Terms of Reference are to be read in conjunction with the "Committees, Advisory Groups, Representative Meetings and Working Groups Policy".

1. Name

The name of the committee is Shire of Mundaring Governance Committee.

2. Head of Power

The committee is established by Council under section 5.8 of the *Local Government Act 1995* (C21.09.22).

3. Definitions

Act	the *Local Government Act 1995*.
Council	the body consisting of all council members sitting formally as the Council of the Shire of Mundaring.
Chief Executive Officer	the Chief Executive Officer (CEO) of Shire of Mundaring.
committee	the Governance Committee.
member	a person appointed to this committee.
council member	a person elected under the Act as a member of Council. The Shire's council members includes the Shire President, Deputy Shire President and Councillors (as defined by the Act).

4. Objectives

The committee is established to focus on key aspects of the Shire's Governance specific to:

a. Support Council in fulfilling its responsibility under section 2.7(2)(b) of the Act in determining the Council policies of the local government.

b. Assist Council in carrying out its legislative functions in the making, amending, revoking and reviewing of local laws under section 3.11, Part 3, Division 2 of the Act.

5. Powers

The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference. This is in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

The committee has no delegated authority.

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. The committee does not have any management functions and cannot involve itself in management processes or procedures.

6. Membership

The committee shall consist of up to five council members.

If authorised by the committee, council members attending as observers may participate in the meeting (but are not able to vote).

The CEO and employees are not members of the committee. The Director Corporate Services is to provide administrative support to the committee.

The committee may invite, through the CEO, Shire employees or others to attend meetings, participate in discussions and provide pertinent information where necessary but such persons shall not be entitled to vote on any item arising out of that meeting.

7. Appointment

Members are appointed to committees by Council for a term to expire on the date of the subsequent ordinary local government elections.

If for any reason, a member is unable to hold office for the full period of their appointment, Council shall fill that vacancy. The member appointed shall hold office for the balance of the term of the member originally elected.

7.1. Council Members

Council members are appointed in accordance with section 5.10 of the Act.

7.2. Presiding Member

The presiding member and deputy presiding member are to be appointed by Council resolution at its first meeting immediately following the biennial local government election.

8. Roles and Responsibilities

Each member is expected to abide by the Shire's "Code of Conduct for Council Members, Committee Members and Candidates" (Code of Conduct), to have open and honest discussions and to treat each member and employees with due courtesy and respect.

Council members and employees are to disclose financial, proximity and impartiality interests in accordance with the Act

Each member is responsible for attending meetings, reviewing relevant material to enable informed discussion and making timely decisions/actions to progress the objectives of the committee.

In addition to the above, the specific roles for each membership type are as follows:

- Council members are responsible for ensuring that the committee adheres to the direction set by Council, contributing from a Shire-wide perspective, and ensures that delivery of the committee's objectives.

- The Presiding Member is responsible for ensuring all members have an opportunity to participate in discussions in an open and encouraging manner and ensuring the timely consideration of items. Where the presiding member is unable or unwilling to chair the meeting, the deputy presiding member will chair the meeting.
- Employees are responsible for conducting necessary research as required by the committee, providing professional advice, and for administering its meetings.

9. Meetings

Meetings shall be held in accordance with the provisions of the Act, the *Local Government (Administration) Regulations 1996* and the *Meeting Procedures Local Law 2015*. Due consideration is to be given to the "Committees, Advisory Groups, Representative Meetings and Working Groups Policy".

Ordinary meetings will be held at least four times per year.

Special meetings may be held:

a. if called for by either the presiding member or at least two 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.

Meetings are to be generally open to the public with public participation in accordance with the *Meeting Procedures Local Law 2015*.

9.1. Quorum

Meeting quorum is at least three members.

9.2. Voting

Each member of the committee at a meeting will have one vote. The presiding member will have a deliberative vote in the event of an equality of votes have a casting vote. In the event of a tied vote the presiding member uses casting vote to break tie before the matter is referred to Council for deliberation.

If a member is unable to attend a meeting, they must advise the presiding member as soon as reasonably practicable.

10. Recording and Reporting

The contents of the Minutes are to be in accordance with the Act and *Meeting Procedures Local Law 2015*.

Where a committee does not have a delegation/ authorisation, if a decision is the duty or function of the Council, it must be referred to Council.

Recommendations of the committee to be included in a Council meeting agenda to obtain a formal Council decision, where applicable. Committee recommendations are advisory only and shall not be binding on Council.

11. Changes to Terms of Reference

This Terms of Reference is to be reviewed prior to each ordinary local government election.

These Terms of Reference may be amended by the committee when required with Council to adopt any changes.

12. Disband

Council may determine at any time that a committee is no longer required and is to be disbanded.

Document Control

Item	Date	Resolution #
Committee established (in current format)	September 2022	C21.09.22
Reviewed	September 2023	C26.09.23
Reviewed	September 2025	C-5-9-2025