

GOVERNANCE COMMITTEE

1. Name

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

2. Head of Power

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

3. Definitions

Act	means the <i>Local Government Act 1995</i>
Council	means the body constituting of all council members convened formally as a Council under the Act.
Chief Executive Officer	means the Chief Executive Officer (CEO) of Shire of Mundaring.
Committee	means the Governance Committee.
Committee member	means a person appointed to this Committee.
Council member	means 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 fulfil the following objectives:

- a. Support Council in fulfilling its responsibility under section 2.7(2)(b) of the Act in determining the 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 Part 3, Division 2 of the Act.

5. Powers of the Committee

The Committee is a formally appointed committee of Council and is responsible to that body.

The Committee has no delegated authority and no authority to implement its recommendations without resolution of Council.

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

The Committee recommendations are advisory only and shall not be binding on Council.

6. Membership

The Committee shall consist of at least five (5) council members.

The quorum for a Committee meeting is as per section 5.19 of the *Local Government Act 1995*: at least 50% of members of the committee (whether vacant or not).

The Committee is supported by the Director Corporate Services and their nominees, principally the Corporate Services Directorate.

The Shire shall provide secretarial and administrative support to the Committee.

7. Presiding Member

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.

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.

If the Presiding Member is absent from a meeting, the Deputy Presiding Member is to preside at that meeting.

The role of the Presiding Member includes:

- a. overseeing and facilitating the conduct of meetings in accordance with the Act and the Shire's *Meeting Procedures Local Law 2015*;
- b. ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner; and
- c. 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.

In accordance with section 5.14 of the Act, if the Presiding Member and Deputy Presiding Member are not available or are unable or unwilling to perform the function of presiding member (but a quorum is still reached), then the committee members present at the meeting are to choose who is to preside at the meeting.

8. Meetings

The Committee will meet at least four times per year.

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

- a. if called for by either the Presiding Member 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.

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

9. Minutes

The minutes of the meeting shall be recorded and prepared as per the provisions of section 5.22 of the Act.

The content of the minutes shall be in accordance with regulation 11 of the *Local Government (Administration) Regulations 1996*.

10. Reporting

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

In the event of a tied vote, where the Presiding Member has exercised a casting vote, the matter will be referred to Council for deliberation.

11. Duties and Responsibilities

The duties and responsibilities of the Committee is to:

- a. provide guidance and assistance to Council in fulfilling its legislative responsibilities to '*determine the local government's policies*' (section 2.7 (2)(b) of the Act) by:
 - i. recommending to Council a biennial workplan for policy and local law review and development;
 - ii. reviewing and developing policies and local laws in accordance with the endorsed workplan and making recommendations to Council as a result of those reviews at the next available Ordinary Council Meeting; and
- b. assist Council in such other matters as the Council may refer to the Committee.

Planning policies are not considered to be the responsibility of the Committee to review and will instead be presented directly to Council.

Accounting policies and practices are not considered to be the responsibility of the Committee and will instead be presented to the Audit and Risk Committee.

12. 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, Council will appoint a replacement.

13. Code of Conduct

The Shire's Code of Conduct for Council Members, Committee Members and Candidates applies to all members of the Committee.

14. Public Question Time

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

15. Voting

Shall be in accordance with section 5.21 of the Act.

Each voting member of the Committee present at a meeting is entitled to one vote and are required to vote, subject to the provisions of the Act regarding interests.

In the event of a tied vote, the Presiding Member will have a casting vote.

16. Alteration to Terms of Reference

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 prior to the local government ordinary election.

17. Termination of Committee

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

Document Control

Committee established	September 2022	C21.09.22
-----------------------	----------------	-----------