



Ordinary Council Meeting

27 July 2022

Commencing at 1.00pm

LATE REPORTS AGENDA

Enclosed are late reports and/or attachments for Councillors to consider.

pp. Suzie Haslehurst

CHIEF EXECUTIVE OFFICER



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OF MEETING1

13.2 EMPLOYEES1

ATTACHMENTS can be found following the Officer Report

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**13.2 EMPLOYEES****13.2.1 Wheatbelt Secondary Freight Network DRAFT Governance Plan and Voting Rights**

Date of Report:	26 July 2022
Applicant or Proponent:	Allison Hunt, Local Government Interface Manager. Wheatbelt Region, Main Roads
File Reference:	OCR61451/TEC36
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	233/09/19: Formalise Commitment to WSN
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Advocacy
Attachments:	1. Wheatbelt Secondary Freight Network DRAFT Governance Plan ↓

PURPOSE OF THE REPORT

To:

1. Review the attached Wheatbelt Secondary Freight Network (WSFN) DRAFT Governance Plan (the Plan) as attached; and
2. Consider whether private contractors, contracting their services to local government, may have voting rights on the WSN Technical Committee.

BACKGROUND

In September 2019 Council had resolved (CRN: 233/09/19) as follows:

That Council:

1. *Formalise their commitment to the Wheatbelt Secondary Freight Network Program enabling them to be eligible for future funding and project consideration.*
2. *Receive the following WSN Program documents which outline how the WSN Steering Committee propose to administer the WSN Program:*
 - (a) *Program Governance Plan*
 - (b) *Program Delivery Plan*

(c) *Multi Criteria Analysis Methodology.*

3. *Endorse the processes and procedures outlined in the Program Governance Plan which enables the Wheatbelt North and Wheatbelt South Regional Road Groups and the WSNF Steering Committee to make decisions in accordance with the Program Governance Plan.*

COMMENTS AND DETAILS

A request was received from Allison Hunt, Local Government Interface Manager. Wheatbelt Region, Main Roads on 4 July 2022, seeking guidance in the form of a resolution from all 42 local governments at their July 2022 Council Meeting in terms of the Plan and voting rights on the WSNF Technical Committee.

The Wheatbelt North (WBN) and Wheatbelt South (WBS) Regional Road Groups at their Regional Road Group (RRG) Meetings held in February and March 2022 had proposed an independent review of the Plan and that review was undertaken by Nova Corvus Consulting Pty Ltd.

The Plan (Attachment1) is the first draft. Any comments to be made by decision of Council will be emailed to the Main Roads Local Government Interface Manager by 29 July 2022.

The 42 Council resolutions will be collated in regard to the Plan.

In terms of the "Technical Committee" the following was extracted from page 20 of the Plan:

The Technical Committee (TC) is a technical working group consisting of LGA representatives from both the WS and WN SRRG's, as well as the Program Management Team.

The role of the Technical Committee is to provide technical support, input and advice to key delivery components of the program.

The letter S in the term 'SRRG' refers to the Regional Road Groups (RRG's) sub-groups:

- Wheatbelt South (WS); and
- Wheatbelt North (WN).

The Plan states in terms of voting:

As far as practicable, decisions should be by consensus. Where voting is necessary, only SRRG nominated members will be voting representatives. Each voting member has one vote and decisions shall be by simple majority. If there is no majority, then the Chairperson shall cast a vote.

The Plan also states in terms of the word "consultants" that:

- *The project management team will engage consultants as required to deliver the program outcomes.*
- *The Program Director will oversee the work of the external technical consultants and will be the main contact for communication between the PMT and external consultants.*
- *Project Scoping and Approval states: Projects prioritisation will be undertaken via an MCA process by the PMT with input from relevant consultants as required and recommended by TC.*

The request was asking Councils to resolve, whether nominated members from the SRRGs who act as Contractors, contracting their services to local governments, could be either voting or non-voting members.

The nominated members from the SRRGs will typically be the Managers of Works and Services, or in the case of the Shire of Toodyay, the Manager Infrastructure and Assets as they are the Technical Officers who are responsible for putting projects forward for Regional Road Group funding.

The conflict of voting and/or non-voting has arisen because of the eligible 8 nominated members from the SRRGs within the Wheatbelt Region; two of the nominated members are private contractors, contracting to two different local government groups.

Local Government Employees and Contractors working for local government are required to adhere to a Code of Conduct that is not dissimilar to the Code of Conduct that all local government elected members and candidates are obliged to adhere to and that local governments are supposed to have in place in accordance with the provisions of the *Local Government (Model Code of Conduct) Regulations 2021*. This is particularly important in terms of ensuring that contractors and employees do not secure personal advantages or disadvantage others by holding their position.

If all 42 local governments recommend, in regard to the Wheatbelt Secondary Freight Network Technical Committee, that Contractors who are contracting their services to local governments and are appointed to the Committee should be voting members, there is a risk in terms of the responsibilities of the Technical Committee, listed on page 20 of the Plan.

It is noted that at 11.2.4 the WSNF is recommending reference be made to the government of Western Australia Department of Local Government Operational Guideline 20 – Disclosure of Financial Interest at Meetings and operational Guideline 1 – Disclosure of Interests affecting Impartiality for guidance and definitions of interests. The inclusion is just, given that the WSNF as a whole is representing the interests of local government.

If good governance was in effect, and two members were forced to abstain from voting, due to a direct financial interest; indirect financial interest; or a proximity interest - this would leave six members with the ability to still vote, which would not necessarily compromise the quorum of the Technical Committee.

Given the content of the Plan, and the Role and Responsibilities that the Technical Committee will have, a recommendation has been made for Council to agree as requested in an email, that it will receive the plan and recommend Consultants should be non-voting members.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

A key point of the *Shire's Strategic Community Plan 2028* is to ensure collaboration, understanding and facilitation.

A key objective of the Shire's Corporate Business Plan is to provide effective and efficient transport infrastructure and services to the community via the activities of construction and maintenance of roads, bridges, street lighting and depot maintenance.

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

The report is considered extremely urgent and its importance came to light after the finalisation of the Ordinary Council Meeting Agenda.

In terms of the Standing Orders Local Law 4.5(1) it is requested that Council agree to considering this as a matter of urgent business.

Local Government (Model Code of Conduct) Regulations 2021.

Risk related:

Nil.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council considers Item 13.2.1 Wheatbelt Secondary Freight Network DRAFT Governance Plan and Voting Rights as new business of an urgent nature.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 2

That Council receives the Wheatbelt Secondary Freight Network DRAFT Governance Plan.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 3

That Council recommends, in regard to the Wheatbelt Secondary Freight Network Technical Committee, that nominated members from the SRRGs who act as Contractors, contracting their services to one or more local governments should be appointed to the WSFN Technical Committee as non-voting members.



WSFN

WHEATBELT SECONDARY
FREIGHT NETWORK

WHEATBELT SECONDARY FREIGHT NETWORK GOVERNANCE PLAN

Doc No. ####
Date: June, 2022

WHEATBELT SECONDARY FREIGHT NETWORK GOVERNANCE PLAN – dd/mm/yyyy



Document Control

Owner	<p>This manual is owned and authorised by Chairperson of Wheatbelt Secondary Network Steering Committee.</p> <p>Authorisation As Chairperson of the Steering Committee, I authorise the issue and use of this Governance Plan for Wheatbelt Secondary Freight Network.</p>
Custodian	<p>The Wheatbelt Secondary Freight Network Program Director is the delegated custodian.</p> <p>All comments and requests for revision should be submitted to the Program Director in accordance with the document control procedures.</p>
Document Number	<p>????</p> <p>Printed copies are uncontrolled unless marked otherwise.</p>
Issue Date	dd/mm/yyyy
Review Frequency	4 years maximum

Amendments

Revision Number	Revision Date	Description of Key Changes	Section / Page No.

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Operational Definitions of Key Terms

Term	Definition
EO	Executive Officer
IPP	Indigenous Participation Plan
LGA	Local Government Authority
MRWA	Main Roads Western Australia
PD	Program Director
PM	Program Manager
PMT	Program Management Team
RDA-W	Regional Development Australia - Wheatbelt
RRG	Regional Road Group
SRRG	Sub-Regional Road Group
SC	Steering Committee
TC	Technical Committee
WALGA	Western Australian Local Government Association
WDC	Wheatbelt Development Commission
WSFN	Wheatbelt Secondary Freight Network
GP	Governance Plan
PPR	Project Proposal Report
WNRRG	Wheatbelt North Regional Road Group
WSRRG	Wheatbelt South Regional Road Group
MCA	Multi-Criteria Analysis

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References and Related Documents

Procedures outlined in this plan are to be read in conjunction with the following documents:

Document Number	Description
	Multi Criteria Analysis Methodology
	Basis of Design
	Indigenous Participation Plan
	Program Delivery Plan
	Program Management Host Memorandum of Understanding

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1 BACKGROUND

The Wheatbelt Secondary Freight Network (WSFN) in the Main Roads Western Australia Wheatbelt region comprises some 4,400km of Local Government managed roads that connect with State and National highways to provide access for heavy vehicles into the region. These roads are intended to enable large, high productivity trucks safe and cost-effective access to business.

The efficiency of supply chains serving industries in the Wheatbelt region is determined by the performance of the weakest link. Failure to maintain and improve productivity of the secondary freight network will reduce the international competitiveness of the Wheatbelt agricultural sector, which underpins employment and economic activity in the region. Transport links need to be improved if the productivity of this sector is to be supported.

The 42 Local Governments in the Wheatbelt region have worked collaboratively to identify the secondary freight network routes on Local Government roads in the Wheatbelt.

The Commonwealth and State Governments have committed funding to develop and deliver the WSFN improvements. The funding split is 80/20 respectively. Two thirds of the 20% State matching funding is provided by the State Government and one third from the Wheatbelt Local Governments whose assets are being upgraded.

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2 PURPOSE

The purpose of this Governance Plan (GP) is to identify how key governance and administrative aspects will be undertaken to ensure successful delivery of the program. It will assist to outline the structure and processes for decision making and consultation within the Wheatbelt Region Regional Road Groups (WR RRG), their respective Sub-Groups and Local Governments. It will address who has responsibility for decision making on specific components. The GP will provide a framework and guidelines for all members of the WSFN program to operate within. It also outlines how key administrative roles associated with program management such as stakeholder engagement, funding acquittal, project development and delivery and general correspondence will be undertaken. The GP links all administrative tasks into a single concise document that members of the program governance team can regularly refer to.

The GP will be used to communicate to all stakeholders how the program will be governed. It also provides a reference from which the governance of the program can be evaluated at any point in time and modified or improved as required.

The process and procedures outlined in this GP will enable Wheatbelt North and Wheatbelt South RRGs and the WSFN Steering Committee to make decisions in accordance with the GP. This approach would mitigate the need for every decision to be considered by all 42 Shires and would therefore enable swifter decision making.

This Governance Plan:

1. Provides for strategic leadership and direction for the WSFN program;
2. Ensures that timely, fully informed decisions concerning the implementation of work are made at the most appropriate level;
3. Ensures that the project maintains on-going funding support;
4. Provides oversight and guidance; and
5. Fosters accountability and transparency.

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3 SCOPE

The funding for the WSFN is improvements are on Local Government assets within the Wheatbelt Region and, as such, it is appropriate that the Local Governments determine program prioritisation, project selection, and appropriate standards and are responsible for design and delivery of the works.

This document proposed to outline how Local Government responsibilities for this program will be managed under the guidance of WSFN Steering Committee and its member organisations, with input from a WSFN Technical Committee, coordination via the Program Management Team and project delivery by the 42 Local Governments.

Specific delivery responsibilities for these groups are broadly considered across three areas:

- Governance
 - Provide sound governance
 - Overall program management
- Management
 - Project Development including design, and scoping and detailed budgets of projects.
 - Delivery of individual identified projects
- Administration
 - Funding breakdown.
 - Funding acquittal.
 - Program agreements.

Formal Agreement

This GP should be read in conjunction with the Multi-criteria Analysis (MCA) Methodology documents that provide operational details about how the work will be delivered.

All 42 Local Governments have formalised their commitment to WSFN Program, to be eligible for funding and project consideration, via a formal resolution of Council, which entailed the presentation and acknowledgement of the following WSFN program documents:

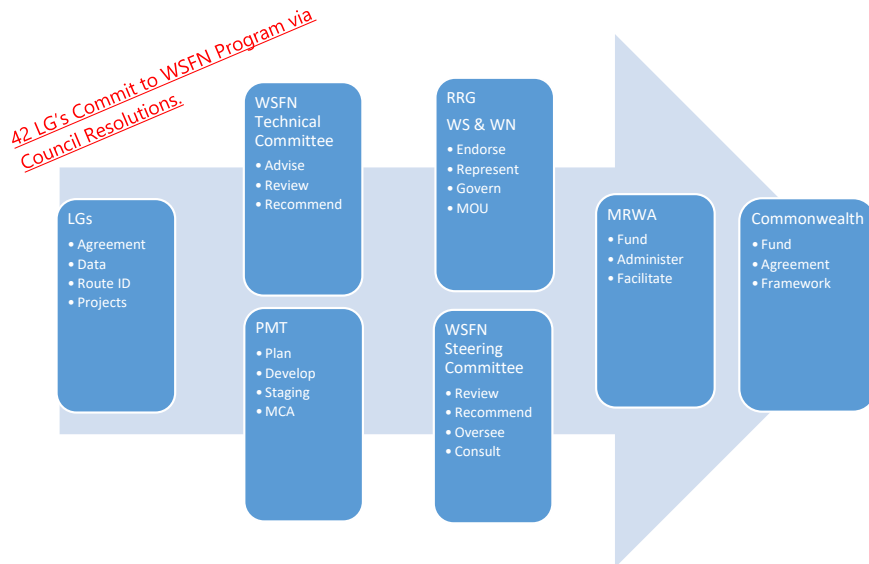
- Project Governance Plan
- Program Delivery Plan
- MCA Methodology.

The 42 Council resolutions have been collated as addendums to a formal agreement in the form of a Memorandum of Understanding that the Regional Road Group will sign with the Commonwealth and State Governments on behalf of all 42 LGs associated with the WSFN program. This formalises the ongoing commitment to the program.



4 GOVERNANCE STRUCTURE

The figure shows the governance structure for the Wheatbelt Secondary Freight Network.



The Minister for Transport is the overall funding approving authority for the WSFN. However, in a practical sense, the determination of projects and distribution of funding to those projects within the program will be determined by the WSFN. The practice for the approval of projects and distribution of funds within is maintained through the workings of the SC.

MRWA makes recommendations to the Minister of Transport for the approval of funding for the program.

Local Government provide representation on the RRG's, the Steering Committee and/or the Technical Committee. Local Governments provide submissions for funding under the WSFN and take part in the priority and determination process of those submissions through the above groups.

The RRG's approve endorsements from the Steering Committee and monitor the implementation of the projects from the program within their own region.

The Wheatbelt Secondary Freight Network Steering Committee (SC) comprises equal representation from the Wheatbelt North Regional Road Group (WNRRG) and the Wheatbelt South Regional Road Group (WSRRG). The SC oversees and monitors the distribution of funds as provided for under the Wheatbelt Secondary Freight Network and the delivery of the program.

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5 DELEGATIONS AND APPROVALS

The following table provides an overview of the delegations and approval authorities for each relevant stakeholder group associated with WSFN program governance and delivery.

Document	Individual LGs	WSFN Program Management Team	WSFN Technical Committee	WSFN Steering Committee	RRG	42 LGs
Formal Agreement	Commit			Endorse	Approve	Commit
Governance Plan	Commit	Prepare		Endorse	Approve	Receive
Program Delivery Plan	Receive	Prepare		Endorse	Approve	Receive
MCA	Provide Information	Prepare	Recommend	Endorse	Approve	Receive
Technical Documents		Prepare	Recommend	Approve	Receive	Receive
Annual Report	Provide Information	Prepare	Recommend	Endorse	Receive	Receive
Staging Plan	Develop / Commit	Collate / Submit	Recommend	Approve	Receive	Receive
Annual Program Budget	Develop / Commit	Collate / Submit	Recommend	Approve	Receive	Receive
Specific Projects	Develop / Construct	Review / Submit	Recommend	Approve	Receive	Receive

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6 COMMONWEALTH GOVERNMENT

The Commonwealth Government has committed to providing funding for the development and delivery of the WSFN program.

The Commonwealth Government will:

- Provide guidance regarding program delivery and funding arrangements for the WSFN program in-line with Commonwealth requirements.
- Note Agreement between the 42 Local Governments of Wheatbelt North & Wheatbelt South Regional Road Groups (RRGs) regarding on-going support for investment in the WSFN and governance arrangements.
- Approve annual program plan through the Program Proposal Report (PPR).
- Provide funding to the State Government via Main Roads Western Australia in alignment with agreed milestones.

7 STATE GOVERNMENT

Main Roads Western Australia (MRWA) will represent the State Government in financial arrangements with the Commonwealth Government and provide the link between the Commonwealth Government and the WSFN. MRWA will review the Project Proposal Reports submitted by WSFN prior to submission to the Commonwealth for approval and will provide a reporting link between the Commonwealth and WSFN for monthly progress of the Program.

Commonwealth and State Government funding will be managed through MRWA. MRWA will fulfil the public financial administration role as it does with the Regional Road Groups.

- MRWA to administer Commonwealth and State Government funds.
- Reporting implementation of the WSFN Program will be an additional funding stream within the Wheatbelt North and Wheatbelt South Regional Road Groups.

To enable the release of Commonwealth government funds, a Project Proposal Report (PPR) must be submitted to the Commonwealth Government for approval. The PPR is of similar nature to a business case of the project. In submitting the PPR to the Commonwealth, which will enable approval for the release of Commonwealth funding and payments, MRWA will confirm that the PPR in accordance with Commonwealth requirements and that the projects have been delivered in accordance with the PPR as amendment from time to time.

A key aspect of the approval process of the PPR is for the Program to have an Indigenous Participation Plan (IPP), which is submitted with the PPR for approval. The IPP sets out the indigenous employment and indigenous business expenditure targets for the Program, which flow down to each project within the Program.

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8 42 WHEATBELT REGION LOCAL GOVERNMENTS

The 42 Local Governments of the Wheatbelt Region have formalised their commitment to WSFN Program, to be eligible for future funding and project consideration, via a formal resolution of Council, which entailed the presentation and acknowledgement of the follow WSFN Program documents:

- Program Governance Plan
- Program Delivery Plan
- MCA Methodology.

They have provided necessary data to be utilised as part of MCA process and Delivery Plan development by identifying routes and assessing deliverability within the timeframes and parameters of the WSFN Program.

9 WHEATBELT NORTH AND WHEATBELT SOUTH REGIONAL ROAD GROUPS

The WSFN Program will use existing governance structures and decision-making processes within the Wheatbelt North (WN) and Wheatbelt South (WS) Regional Road Groups (RRG).

The RRGs will make decisions in accordance with agreed processes and procedures based upon advice from WSFN Steering Committee and the GP.

Their specific roles and responsibilities will entail:

- WS & WN RRGs to enter into a formal agreement representing all 42 LGs confirming their inclusion in WSFN program.
- Receive and acknowledge SC decisions.
- Approve the WSFN Governance Plan.
- Approve Multi Criteria Assessment as recommended by the SC.
- Receive and Note the Annual Report as presented by the SC.
- Approve the Program Delivery Plan.
- Receive and note the Annual Program Budget

When approving or endorsing items above, if the RRG's cannot come to an agreed position it will be referred to a mediation group comprising of RDA-W, WALGA and MRWA.

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10 WHEATBELT SECONDARY FREIGHT NETWORK STEERING COMMITTEE

The Steering Committee (SC) consist of Wheatbelt North and Wheatbelt South RRG representatives and has oversight of the development and delivery of the Wheatbelt Secondary Freight Network.

The Terms of Reference listed below apply to the role and activities of the SC. The SC oversees and monitors the distribution of funds as provided for under the WSFN and the delivery of the WSFN program. The SC also monitors the expenditure of the overall program and where appropriate, may redistribute funds to ensure the timely and best use of available resources.

10.1 Role and Responsibilities

The role of the Steering Committee is to provide strategic advice and direction to the WSFN program and ensure alignment with government and stakeholder requirements.

The SC shall be responsible for:

- Recommending the WSFN program (prioritisation of the nominated routes for the WSFN via MCA process) to the WNRRG and WSRRG for approval.
- On an annual basis, approve delivery projects and allocate project funding against an agreed scope and budget with individual LGA's, based on the approved program.
- Monitoring project delivery, including budget acquittal
- Recommending any variations / changes to the approved program to the WN and WS RRG's for approval.
- Review and recommend the multi-criteria analysis process and basis of design to the RRG's for approval.
- Monitoring the delivery and acquittal of funded projects.
- Redistributing funds between projects in the approved program to suit delivery progress/schedules.
- Reviewing individual WSFN procedures.
- Set and be responsible for these procedures covering the administration and functioning of the WSFN.
- Responding with appropriate strategies when funding changes are made under the WSFN.
- Providing political representation with Commonwealth and State governments as well as the Wheatbelt LGA's.
- Approval of engagement of Program Director.

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- Approval of delegation of authority and assignment of responsibilities of Program Director.
- Conduct periodic performance and development reviews of the Program Director's performance of their role in the WSFN.
- Approval of engagement of Program Manager.
- Approval of delegation of authority and assignment of responsibilities of Program Manager.
- Endorse the PPR and IPP for the Program for submission to the Commonwealth (via MRWA).
- Develop and execute a Memorandum of Understanding with the Program Host organisation for the engagement of the Program Management Team (PMT).
- Annual review of Program risks and risk management strategies as developed, reviewed and documented by the TC.

Subject to the endorsement of the WS and WN RRG's and MRWA, the overall program is submitted to the Commonwealth Minister for Transport for approval.

10.2 Management and Administration

10.2.1 Membership

The SC membership shall be made up of the following:

- 8 voting members (1 elected member from each of the 8 Sub-Regional Road Groups (SSRG's) within the Wheatbelt Region)
- 5 non-voting members
 - WSFN Program Director;
 - member from WA Local Government Association (WALGA);
 - member from Regional Development Australia – Wheatbelt (RDA-W);
 - member from Main Roads Western Australia (MRWA); and
 - member from Wheatbelt Development Commission (WDC).

The SRRG elected members are nominated to the Steering Committee for a two year term at the first RRG meeting following the LG elections.

10.2.2 Chairperson

The Chairperson shall be the elected from the nominated SRRG members at the first WSFN Steering Committee meeting following the LGA elections. If the Chairman resigns, a new Chairperson shall be elected at the next SC meeting following the resignation. The Chairperson will be elected for a two year term (or remainder there-of if the elected following resignation of previous Chairperson).

Should the Steering Committee be unable to agree on a nominated Chairperson within this first meeting, then it will be referred to a mediation group comprising of senior officers appointed by RDA-W, WDA, WALGA and MRWA.

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10.2.3 Deputy Chairperson

The Deputy Chairperson shall be elected from the nominated SRRG members at the first WSFN Steering Committee meeting following the LGA elections. If the Deputy Chairman resigns, a new Deputy Chairperson shall be elected at the next SC meeting following the resignation.

The Deputy Chairperson will be elected for a two year term (or remainder there-of if the elected following resignation of previous Deputy Chairperson).

The Deputy Chairperson shall undertake the duties of the Chairperson in the absence of the Chairperson.

10.2.4 Administration

The WSFN Program Management Team (PMT) will provide administrative support to the SC.

10.2.5 Observers

Members of the SC may invite to their meetings support staff and other personnel who would assist with matters under consideration. The WSFN Program Manager will attend SC meetings.

10.2.6 Voting and Decision Making

All voting members are entitled to one vote. Decisions shall be by simple majority. If there is no majority, then the Chairperson shall cast an additional vote.

10.2.7 Conflict of Interest

Members making decisions on, or Local Government employees and other persons giving advice to the SC on, WSFN matters have obligations to act honestly and responsibly in carrying out their functions.

Generally, those obligations include the disclosure of financial interests at SC meetings.

Members, Local Government employees and other persons giving advice must also be mindful of their obligation to deal with personal interests not considered as financial interests.

Reference should be made to the Government of Western Australia Department of Local Government Operational Guideline 20 – Disclosure of Financial Interest at Meetings and operational Guideline 1 – Disclosure of Interests Affecting Impartiality for guidance on definitions and disclosure of interests. A copy of these Guidelines are at Attachment 3.

Members, Local Government employees and other persons giving advice must declare any actual or perceived conflict of interest in any action, decision or determination being made by the SC before the SC makes an action, decision or determination on the matter.

An employee or person providing advice or a report should ensure that their interests are disclosed at the time they are asked to commence any work toward providing advice or a report, rather than after they have completed work on preparing the advice or report.

If a member discloses a financial interest in a matter being considered then:

- The disclosure must be recorded in the minutes of the meeting and include the

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nature and extent of the interest;

- The member with the interest must not discuss or vote on the action, decision or determination and must leave the meeting while the matter is being considered.

If there are not enough voting members remaining to form a quorum, a special meeting must be called and a resolution on the matter passed by the voting members.

If a member discloses an interest affecting impartiality in a matter being considered then:

- The disclosure must be recorded in the minutes of the meeting and include the nature and extent of the interest.

The member may then stay in the room and participate in the debate and votes. Following disclosure of an interest affecting impartiality, the members involvement in the meeting continues as if no interest existed.

10.2.8 Dispute Resolution

If there is a dispute between members of the SC, the parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all the parties.

If the parties are unable to resolve the dispute at the meeting then it will be referred to a mediation group comprising of senior officers appointed by RDA-W, WALGA and MRWA.

10.2.9 Meetings

The Chairperson, through the PMT, will develop an annual meeting timetable. A minimum of four meetings are to be held per year.

Meetings can be attended via electronic means by any or all participants. A quorum will be at least 50% of the number of voting members from each of the WS and WN RRG's.

The PMT will provide the agenda for meetings to the members within 5 working days prior to the meeting.

The PMT shall record minutes of its meetings and forward a copy to each Committee member, each RRG and each LGA. The draft meeting minutes will be forwarded to members within 7 working days after the meeting.

10.2.10 Delegated Representatives

Each Steering Committee member, including the Chairperson, may delegate authority to a nominated person, to attend and otherwise represent the member.

10.3 Discretionary Powers

The SC has the authority to adjust funding arrangements as appropriate, between projects within the approved prioritised routes of the WSFN program.

Any decision will be conveyed to the appropriate LGA and Regional Road Group secretariat for dissemination as appropriate.

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10.4 Financial Monitoring

At each SC meeting, a financial report is tabled that includes funds expended to date and forecasts - end of financial year expenditures (AFYEs).

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11 WHEATBELT SECONDARY FREIGHT NETWORK TECHNICAL COMMITTEE

The Technical Committee (TC) is a technical working group consisting of LGA representatives from both the WS and WN SRRG's, as well as the Program Management Team.

The role of the Technical Committee is to provide technical support, input and advice to key delivery components of the program.

These Terms of Reference shall apply to the role and responsibilities of the TC.

11.1 Role and Responsibilities

The role of the Technical Committee is to provide technical support, input and advice to key delivery components of the program

The responsibilities of the TC include:

- Recommend the Multi-Criteria assessment process to the SC.
- Review and recommend the Basis of Design to the SC.
- Recommend the prioritisation of the Program routes in accordance with the agreed Multi Criteria Assessment.
- Review 5-year Delivery Plan and recommend to WSFN SC.
- Prepare the Project Proposal Report (PPR) for the Program for submission to the Commonwealth to enable release of committed funding.
- Prepare and submit Indigenous Participation Plan to Commonwealth for approval.
- Review the project scope, design, and budgets.
- Review and recommend Annual Project Budgets to WSFN SC for endorsement
- Review and recommend project updates to WSFN SC as per the meeting schedule.
- Provide technical support to the WSFN Program Manager.
- Review of decisions disputed by LGA's.
- Review and provide recommendations of any formal requests received from individual Local Governments to WSFN SC.
- Facilitate Technical workshops with Local Governments to promote collaboration, knowledge sharing and upskilling.
- Sharing project knowledge and expertise between the WSFN delivery teams, WSFN PD and PM. Providing feedback of this knowledge to the respective SRRG's.
- Assisting PM in resolving any issues arising within SRRG's.
- Review of risks to the Program and developing mitigation strategies for these risks, document these risks within a risk register Risks to be reviewed on a regular basis.
- Review the Governance documents of the WSFN Project as relevant to the WSFN TC and recommend any changes to the WSFN SC for endorsement.

11.2 Management and Administration

11.2.1 Chairperson

The Chairperson of the Technical Committee will be the WSFN Program Director.

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11.2.2 Membership

The TC membership shall be made up of the following:

- 8 nominated members from the SRRG's within the Wheatbelt Region.
- WSFN Program Director.
- WSFN Program Manager.

The SRRG members are nominated to the Technical Committee for a two year term at the first RRG meeting following the LG elections.

The name of the nominated SRRG members must be provided to the PMT as soon as practicable after nominations are determined.

11.2.3 Voting and Decision Making

As far as practicable, decisions should be by consensus. Where voting is necessary, only SRRG nominated members will be voting representatives. Each voting member has one vote and decisions shall be by simple majority. If there is no majority, then the Chairperson shall cast a vote.

11.2.4 Conflict of Interest

Members making decisions on, or Local Government employees and other persons giving advice to the TC on, WSFN matters have obligations to act honestly and responsibly in carrying out their functions.

Generally, those obligations include the disclosure of financial interests at TC meetings.

Members, Local Government employees and other persons giving advice must also be mindful of their obligation to deal with personal interests not considered as financial interests.

Reference should be made to the Government of Western Australia Department of Local Government Operational Guideline 20 – Disclosure of Financial Interest at Meetings and operational Guideline 1 – Disclosure of Interests Affecting Impartiality for guidance on definitions and disclosure of interests. A copy of these Guidelines are at Attachment 3.

Members, Local Government employees and other persons giving advice must declare any actual or perceived conflict of interest in any action, decision or determination being made by the TC before the TC makes an action, decision or determination on the matter.

An employee or person providing advice or a report should ensure that their interests are disclosed at the time they are asked to commence any work toward providing advice or a report, rather than after they have completed work on preparing the advice or report.

If a member discloses a financial interest in a matter being considered then:

- The disclosure must be recorded in the minutes of the meeting and include the nature and extent of the interest;
- The member with the interest must not discuss or vote on the action, decision or determination and must leave the meeting while the matter is being considered.

If there are not enough voting members remaining to form a quorum, a special meeting must be called and a resolution on the matter passed by the voting members.

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If a member discloses an interest affecting impartiality in a matter being considered then:

- The disclosure must be recorded in the minutes of the meeting and include the nature and extent of the interest.

The member may then stay in the room and participate in the debate and votes. Following disclosure of an interest affecting impartiality, the members involvement in the meeting continues as if no interest existed.

11.2.5 Dispute Resolution

If there is a dispute between members of the TC, the parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all the parties.

If the parties are unable to resolve the dispute at the meeting, then the issue shall be brought to the attention of the SC by the TC for resolution.

11.2.6 LG Technical Committee Decision Review

If a LGA does not agree with decisions made by the TC, the LGA shall engage the TC member from their SRRG to assist representing them a meeting of the TC to review the disputed decision. At the meeting an LGA representative will present a reasoning for their disagreement with the decision, including endorsement by their SRRG member. Following this, the TC will then review the decision.

11.2.7 Meetings

The Chairperson of the TC, assisted by the PMT, will develop an annual meeting timetable relating to the timetable of the SC. A minimum of 4 meetings is to be held each year and at other times as the Chairperson deems necessary to deal with matters in a timely way.

The TC meetings are to be held at least 2 weeks in advance of the WSFN SC meeting schedule in the following months:

- February – Budget Review
- May – Annual Program Completion Report
- August – Annual and Forward Program Commencement Review
- December – Annual Program Delivery Review

The PMT will provide the agenda for meetings to the members within 5 working days prior to the meeting.

Meetings can be attended via electronic means by any or all participants.

The PMT shall record minutes of its meetings and forward a copy to each TC member. The draft meeting minutes will be forwarded to members within 7 working days after the meeting. The final unconfirmed minutes will be forwarded within 7 days after final comments have been received from members.

11.2.8 Delegated Representatives

Each Technical Committee member, including the Chairperson, may delegate authority to a nominated person, to attend and otherwise represent the member.

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11.2.9 Reporting Structure

The TC shall record minutes of its meeting and provide a copy to each member, the SC and each RRG.

The TC shall make recommendations as required to the SC.

11.2.10 Observers

Members of the TC may invite to their meetings support staff, other personnel or external technical expertise who would assist with matters under consideration.

11.2.11 Administration

PMT shall provide administrative support to the TC. The PMT will provide the primary contact for the TC.



12 PROGRAM MANAGEMENT TEAM

The Program Management Team (PMT) is a team consisting of the Program Director (PD), Program Manager (PM) and Executive Officer (EO) as well as other staff as required to undertake the delivery of the WSFN program.

The PMT may also engage specific technical resources as and when is required, within the approved Delegation of Authority.

Key responsibilities for the PMT are as follows:

- Work with individual LGs to:
 - Prepare work programs for future years.
 - Prepare scope for future works to ensure consistency along identified routes.
 - Allocate budgets against agreed scopes.
- Engage consultants as required to deliver the program outcomes.
- Prepare reports on program progress for presentation to the SC (including current year progress, annual progress from previous year and overall progress of program).
- Update prioritisation of the identified routes in accordance with the agreed Multi Criteria Assessment process, and present to the TC for review and recommendation.
- Report on program progress (including financial) and decisions required to the SC.
- Responsibility for the delivery and budget of the WSFN program, as delegated by the SC.
- Presentation of progress reports to SC.
- Report on progress of the program to Main Roads on a monthly basis.
- Presentation of recommendations to the SC for endorsement.
- Refine design criteria and develop preliminary standards and designs
- Consolidate existing data to gain an understanding of road user requirements, the physical site, and environmental context and constraints
- Undertake a study of quantified issues and opportunities, for input into route prioritisation.
- Collation and review of existing road condition and traffic data and program scopes.
- Identify priority projects and the proposed scope and timing for staged implementation of planned network
- Refine a route prioritisation MCA tool and conduct analysis of selected routes.
- Develop and maintain a route staging plan.
- Collection of additional, more detailed road condition and traffic data and project scope refinement.
- Site visits including cursory visual inspections would be undertaken to support desktop activities and to inform gap assessment.
- Development of detailed investigation and survey of priority projects. Supporting investigations that may be required which would include feature survey, environmental surveys, traffic surveys, utility services investigations (such as potholing), geotechnical and hydrological investigation.
- Development of “approved” and funded shovel ready projects

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- Allocation for specific design or engineering investigations for immediate priority works (environmental, geotechnical, survey, detailed design).

12.1 Program Director

The Program Director (PD) shall lead the Program Management Team, with both the PM and the Executive Officer directly reporting to the PD.

Apart from the Program Manager, the PD is, within their delegation of authority as set out by the SC, responsible for the appointment of any other PMT personnel. The Program Director will oversee the work of the external technical consultants and will be the main contact for communication between the PMT and external consultants.

The Program Director reports directly and primarily to the SC.

The PD will conduct periodic performance and development reviews of the Program Manager's and Executive Officer's performance of their role in the WSFN.

The SC will make a recommendation to the RRGs to approve the appointment of the Program Director.

12.2 Program Manager

The Program Manager (PM) is part of the Program Management Team.

The PM undertakes planning and coordination of activities associated with finalising the assessment, prioritisation and delivery of priority projects with relevant LGs.

12.3 Executive Officer

The Executive Officer (EO) is part of the Program Management Team and provides administrative support to the team. The EO also provides administrative support to the SC and the TC.

12.4 Program Management Host

The Program Management Host will be engaged by the SC. It is recommended that the Host engages or employs the Program Director, Program Manager and Executive Officer.

Specifics regarding the Host contract are to be determined via negotiation between the Host and the SC with a formal Memorandum of Understanding in place. The Host will be paid the costs of hosting from the program budget, and these will be paid directly by Main Roads.

12.5 Individual LGA's Project Development and Delivery

The following provides an overview of the key roles required by individual LGA's with the development and delivery of on-ground works. It outlines how the PMT and LGA's will work together towards successful project delivery.

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Stage	Details
1. Program Delivery Plan	<ul style="list-style-type: none"> ▪ PMT will develop a staging plan for program delivery, based on approved program. ▪ Relevant LGAs will be informed of their proposed project and indicative budget, scope and year of delivery. ▪ Identification of Funds required for a 4 year program set in advance by project priority lists. ▪ Funding to be limited according to individual LGA ability to deliver works.
2. Project Scoping and Approval	<ul style="list-style-type: none"> ▪ Priority projects will be determined via the MCA process. ▪ Projects will be scoped and a detailed budget developed by individual LGA's in-conjunction with PMT. ▪ Projects prioritisation will be undertaken via an MCA process by the PMT with input from relevant consultants as required and recommended by TC. ▪ PMT will make recommendations to the SC for endorsement. ▪ The SC will then forward endorsed recommendations through to the relevant WN or WS RRG.
3. Detailed Scoping, Design and Budget Development	<ul style="list-style-type: none"> ▪ LGA's will refine detailed budgets and designs (if necessary) for Priority projects in line with the Basis of Design. ▪ Provide final detail budgets and scope to PMT. ▪ LGA's are to include projects in their annual budget for the proposed year. ▪ LGA's to be responsible for all relevant approvals. ▪ PMT to work with LGA's to verify budgets.
4. Delivery	<ul style="list-style-type: none"> ▪ LGA's will be responsible for tendering, project management and delivery of each project in the proposed year. ▪ LGA's to ensure indigenous engagement targets set within the Program IPP are incorporated within each individual project. ▪ PMT to work with LGA's to provide technical assistance and advice during delivery. ▪ Incorporate into annual capital works program. ▪ Works already funded from other sources are not eligible for funding under this program. ▪ Cannot use existing funding sources, other than own sources funds, as co-contribution (ie not RRG or Roads to Recovery or Blackspot or Commodity Route funding sources)

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13 FUNDING AND FUNDING ALLOCATION

Both Funding and Funding Allocations will be as per the approved Commonwealth and State funding for the Wheatbelt Secondary Freight Network and the approved WSFN program.

13.1 Funding Sources

The WSFN has been jointly funded between the Commonwealth, State and Local Governments. The funding split is noted in the table below:

Funding Source	Funding Ratio
Commonwealth	80%
State	13.3%
LGA	6.7%
Total	100%

13.2 Funding Allocations

The revenue determined in section 13.1 above is distributed on the basis of program management costs, project development costs and project delivery costs.

13.3 Funding Acquittal

Main Roads WA (MRWA) will represent the State Government in financial arrangements with the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development and provide the link between the Commonwealth Government and the WSFN. MRWA will review the processes undertaken by RRGs, WSFN and associated LGs and approve when satisfied that these processes have been complied with.

Commonwealth and State Government funding will be managed through MRWA. MRWA will fulfil the public financial administration role as it does with the Regional Road Groups.

- MRWA to administer funds.
- Reporting implementation of the WSFN Program will be an additional funding stream within the Wheatbelt North and Wheatbelt South Regional Road Groups.
- Acquittal and review process for Certificates of Completion and Progress Payments is.
 - Progress Payment Certificate - First 40% (once project is approved).
 - Progress Payment Certificate - Second 40% (once project is commenced).
 - Completion Certificate - Final 20% (once project is completed).

13.4 Under or Over Expenditure

13.4.1 Under Expenditure

If the final cost of a project is less than the approved budget allocation, the Local

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Government will be paid the actual expenditure (less the one-third contribution) incurred subject to certification of satisfactory completion of the project.

The balance of the approved budget allocation is to be reallocated by the WSFN SC.

If the occasion arises where a Local Government has claimed payments in excess of the final project cost (less the 6.7% contribution) the total unexpended amount must be returned to the WSFN for redistribution.

13.4.2 Over Expenditure

Where a project is completed for more than the budget allocation the respective Local Government shall fund the shortfall.

A Local Government may apply to the WSFN SC to cover a funding shortfall in exceptional circumstances.

13.5 Certificate of Completion (Attachment 4b)

On completion of the project and with the final claim for payment (refer also section 13.9.3), the Local Government shall provide a Certificate of Completion (refer Attachment 4b) to MRWA together with a Project Completion Report supported with photographic evidence. This must include an accurate final cost, including expenditure detail as included in the original funding request. The Chief Executive Officer and the Works Supervisor/Engineer must co-sign this certificate prior to the balance of the funds being released to the Local Government.

13.6 Delays in Program

The WSFN shall monitor expenditure on approved roads projects with Local Governments to ensure funds will be expended and recouped within the financial year in accordance with the budget.

Where a Local Government cannot demonstrate acceptable progress on an approved project before December 31, the SC shall review and consider reallocating funds to the next highest priority project on the WSFN priority list. If the project is delayed and funding is reallocated in the current year, then the project will be placed in the forward program as the next priority project.

Every endeavour must be made to fully deliver the project scope and acquit the funds in the year of allocation. Under exceptional circumstances, extension of time may be considered by the Steering Committee.

A Local Government is to notify the PMT by no later than 30 November of any financial year, of circumstances in which WSFN project funding allocations are likely to remain unspent at the expiration of that financial year. These matters shall be referred to the TC for consideration and determination on the re-allocation of unspent funds for recommendation to the SC.

13.7 Reporting

MRWA, on behalf of WSFN, shall report to the Commonwealth on WSFN budget compared with actual expenditures. This report shall be at the project level and provide

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reasons for any variations between the approved budget and actual expenditure incurred.

Project status information reports shall be prepared by the relevant LGA and forwarded to the Program Manager who is responsible for co-ordinating all reporting associated with the WSFN to MRWA.

Completion reports are to be certified by the Works Supervisor/Engineer and the Chief Executive Officer of the Local Government and forwarded to the Program Manager.

13.8 Local Government Project Signage Requirements

All projects shall have signs installed as per the approved WSFN sign design.

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14 SUMMARY OF KEY DATES

Attachment 1 summarises the timing of procedures undertaken by the RRG’s, SC and TC in relation to delivery of the WSFN program.

The RRG’s, SC and TC should develop a timetable for meetings to align with the requirements of the procedures shown in Attachment 1.

ATTACHMENT 1 – TIMETABLE

The following timetable sets out a summary of dates relating to these procedures. This timetable allows sufficient time to complete budgetary processes and meeting Treasury requirements.

1	PROCESS STEP	END DATE
1	LG’s to advise PMT of IPP stats and project status during construction and until Certificate of Completion has been submitted	monthly ⁽²⁾
2	WSFN Steering Committee meeting Review progress and potential under-expenditure determine actions	December ⁽²⁾
3	PMT notify SC of any likely carry over.	April ⁽²⁾
4	Local Governments expend all distributions and provide PMT with Certificate of Completion.	July ⁽³⁾
5	PMT provide annual summary of project expenditure to the SC.	July ⁽³⁾

Notes: (1) for Next Financial Year; (2) for Current Financial Year; (3) for Prior Financial Year

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Dates Related to the Budget Process

PROCESS SEQUENCE		MONTH
1	LG's to review project scope and budget then submit to PM End of Month PMT to review and update delivery plan/next years budget	September ⁽¹⁾
2	WSFN Technical Committee meeting. Review proposed amendments and make recommendations to SC	December ⁽¹⁾
3	WSFN Steering Committee meeting Review recommendations and direct PTM to make adjustments	December ⁽¹⁾
4	WSFN Steering Committee meeting Review final Draft PPR and submit to RRG for notation	February ⁽¹⁾
5	PMT to submit PPR to Main Roads	February ⁽¹⁾
6	PMT to advise LGA's of approved project allocations so that the LG's can incorporate into their own budgets	February ⁽¹⁾
7	State Budget submitted to the Minister for Transport.	February ⁽¹⁾
8	State Budget approved by Parliament.	March ⁽¹⁾
9	WSFN Steering Committee meeting.	May ⁽¹⁾
10	Updated PPR with approved annual projects submitted to Minister for Transport's for approval.	April ⁽¹⁾
11	WSFN Steering Committee meeting.	August ⁽¹⁾

Notes: (1) for Next Financial Year; (2) for Current Financial Year; (3) for Prior Financial Year

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ATTACHMENT 2 – WHEATBELT SECONDARY FREIGHT NETWORK ADMINISTRATIVE PROCEDURES

(to be used as a guide)

Executive Support

The WSFN PMT will provide the executive support and all other administrative, technical support to the SC and TC. The following is an outline of the support to be provided:

- Provide information to RRG's, SC, TC and Local Governments on annual program of works, indicative funding and other financial matters.
- Provide the necessary support to assist Local Governments in programming and prioritising projects.
- Provide minute takers for meetings, distribute the minutes to the RRG members and SC members.
- Provide the necessary administrative duties involved in the follow up of meeting action.

Records

The following will be maintained by the PMT to support the RRG's, SC and TC:

- Correspondence File (which provides background information required to support action of the RRG).
- Meeting and agenda files (to ensure that ready access is available and records of Minutes maintained).
- Annual and Five Year Works Program including amendments.
- Summary of Payments of WSFN Funds to Local Governments.
- Certificates of Completion for WSFN Projects.
- An up to date Plans and Procedures.
- An up to date list of SC and TC membership.

Meetings

Timing and Venue

An annual timetable will be established and meetings should be conducted on a regular basis. The date and venue of meetings to be determined by the RRG's, SC and TC. Consider holding meetings at locations equitable for all participants.

Attachment 2 continued

Meeting Agenda

PMT staff to prepare the agenda in consultation with Chairperson of the SC or TC.

Format:

- Chairperson to open meeting, welcome members and observers and call for apologies.
- Confirmation of Minutes of previous meeting.
- Business arising from previous minutes.
- Presentation of Advisory Committee Minutes since last SC/TC meeting.
- Inwards and Outwards Correspondence
- Reports:
 - Chairperson
 - Submissions from Local Governments
 - Recommendations to SC
 - Summary of payments made to Local Governments (recoups, audit forms).
 - Amendments to Program of Works.
- General Business.
- Future meeting dates.
- Meeting close.

The Agenda provided to each SC/TC member is to include the following:

- Minutes of the previous meeting.
- Summary of financial status and completion of projects.
- Copies of inward and outward correspondence.
- Any other relevant papers, maps etc. to assist the Group.

Correspondence:

In general, correspondence is to be dealt with in the following manner:

- SC/TC correspondence is addressed to the Chairperson.
- All correspondence dealing with WSN Funding and SC/TC involvement is treated as inwards correspondence at the SC/TC Meetings.
- Urgent matters are referred by email (or facsimile) direct to the Chairperson, or otherwise presented at the SC/TC meeting.

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ATTACHMENT 3 – DISCLOSURE OF INTERESTS GUIDELINES

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