

Special Meeting of Council


Minutes

Section 5.22 of the Local Government Act 1995

29 October 2019

Unconfirmed Minutes

These minutes were approved for distribution on 30 October 2019.



Stan Scott

CHIEF EXECUTIVE OFFICER

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the Minutes will be confirmed subject to any amendments made by the Council.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Council Meeting are put together as attachments to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

Confirmed Minutes

These minutes were confirmed at a meeting held on 26 November 2019.

Signed:

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.

Shire of Toodyay

SPECIAL COUNCIL MEETING – 29 OCTOBER 2019

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ATTACHMENTS *with separate index follows Item 7.*

Shire of Toodyay

MINUTES

SPECIAL COUNCIL MEETING – 29 OCTOBER 2019

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr B Manning, Shire President, declared the meeting open at 3.08pm.

2. RECORDS OF ATTENDANCE

Members

Cr B Manning	Shire President
Cr R Madacsi	Deputy Shire President
Cr B Bell	
Cr T Chitty	
Cr P Hart	
Cr S Pearce	
Cr B Rayner	
Cr B Ruthven	

Staff

Mr S Scott	Chief Executive Officer
Ms A Bell	Manager Community Development
Mr K Nieuwoudt	Manager Planning & Development
Mr S Patterson	Manager Works and Services
Mrs N Rodger	Finance & HR Coordinator
Mrs M Rebane	Executive Assistant

Visitors

P Ruthven
B Keens

2.1 APOLOGIES

Cr Greenway – leave of absence (19 Sept 2019 to 31 Oct 2019)

3. DISCLOSURE OF INTERESTS

The Chief Executive Officer advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

4. PUBLIC QUESTIONS (relating to the purpose of the meeting)

Nil

5. PUBLIC SUBMISSIONS (relating to the purpose of the meeting)

Nil

6. REPORTS TO COUNCIL

6.1 Committees of Council and Advisory Groups

Date of Report:	30 August 2019
Applicant / Proponent/s:	Executive Services Team
File Reference:	MTG7, MTG8
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Scott – CEO
Previously Before Council:	August 2019 OCM Item 10.5.2 September 2019 OCM Item 9.5.1
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Committees of Council and Advisory Groups Terms of Reference; and 2. Advisory Groups Policy; and 3. <i>For Information Purposes only</i> – the Department's Operational Guideline for Audit Committees.
Voting Requirements:	Simple Majority

PURPOSE OF THE REPORT

To consider adopting a Committees of Council and Advisory Groups Terms of Reference (TOR) and an Advisory Groups Policy (AG Policy).

EXECUTIVE SUMMARY

At the September 2019 Council Meeting Council resolved to:

1. Close the Works Advisory Committee and the Community and Public Transport Advisory Committee Meeting.
2. Defer consideration of all other recommendations to the Special Meeting of Council 29 October 2019 at 3.00pm.

This report will consider submissions made at the September 2019 Ordinary Council Meeting, and include information previously presented to Council.

BACKGROUND

The TOR and AG Policy are documents created on behalf of Council.

Comments made within the submissions made to Council at the September 2019 Council Meeting are addressed as follows:

Submission 1

The use of the words "liaise with the CEO" in respect to the performance of its functions as an Audit Committee (in accordance with Regulation 16 of the *Local Government (Audit) Regulations 1996*) does not mean that the legislation has been misinterpreted. The functions of the CEO are to manage day-to-day operations (section 5.41 of the *Local Government Act 1995*). The department's

operational guideline states that the Committee “liaise with the CEO.” The words included in the TOR should not be misconstrued.

The TOR states under the heading “Rules around Establishment of the Audit Committee” that the CEO is prohibited from being a member of the Audit Committee. The submitter believed that this information had been omitted when it clearly exists on page 10 of the TOR.

Point 10 is not incomplete as it should not only refer to Regulation 17(3) but also to Regulation 17(1) and Regulation 17(2). Regulation 17 is titled “CEO to review certain systems and procedures”. If this legislative clause was intended to mean that the “Audit Committee was to review certain systems and procedures” the title would reflect that. It does not, therefore it is not an Audit Committee responsibility.

Reference to (d) and (f) of Regulation 16 is part of the functions of the Audit Committee which they are able to do through their meetings and through “liaising with the CEO” in respect to those matters. Regulation 16 is mentioned in the TOR under the heading “Role of the Audit Committee” (page 11).

There has been no failure on the part of the Officer to include the legislated functions in the TOR because on page 11 of the TOR the Role of the Audit Committee has been written as plainly as it could be written; stating that the Audit Committee has specific functions to follow that are set out in Regulation 16 of the *Local Government (Audit) Regulations 1996*. (**Attachment 1.**)

In respect to Committee Membership composition, there are currently nine Councillors. (Refer to the Legal and Statutory Implications section of this report as it includes Clause 7.1A. Audit committee taken from the *Local Government Act 1995*).

When deciding Committee Membership the Council will refer to Clause 7.1A at all times, however in the TOR a number was stated because to have more than that number of Councillors may indicate a preference of Council to have all members of Council be members on the Audit Committee.

The committee member composition asks that Clause 7.1A of the Local Government Act 1995 be referred to. There is no need to duplicate it by writing it in full in the TOR. Council are responsible for determining membership.

Where it states that the Presiding Person of the Audit Committee is to be a Councillor the reason this was included in the TOR was because it was seen as a way to benefit a Councillor; giving a Councillor the opportunity to Chair. The submitter states that it is not part of the legislation however technically it is guided by legislation (refer to **Clause 5.12 of the Local Government Act 1995** in the legal and statutory section of this report).

The statement in the TOR under the sub-heading “All members shall have full voting rights” was made because it would be an excellent training opportunity for a Councillor to chair a Committee as it gives them experience. If Council doesn’t wish to give their Councillors the opportunity to lead, they can collectively decide to make an amendment.

The TOR does contain all relevant legislation and if Council resolves to adopt and thereby endorse its content, that it in fact does carry weight. Any belief that it would not carry weight would mean that the policies and Strategic Planning documents that Council endorses and/or adopts would not carry weight either.

Submission 2:

Firstly, this submission referred to clauses that did not actually exist in the policy nor the terms of reference. Comments in relation to the clauses that do exist are referenced below:

Clause 1.1 states that Advisory Groups are to operate within the TOR adopted by Council. There is no clause within the TOR that states that the Administration may establish an Advisory Group.

The Standing Orders are complex. They were written by a legal firm in 2008. The Advisory Groups Policy will simplify the requirements for Advisory Groups. The policy will, for Advisory Groups, act in place of the *Shire of Toodyay Standing Orders Local Law 2008*; whilst still referring to some of the clauses in that local law. This will make it easier for community members of the groups to understand their responsibilities in terms of membership of the group and how the meetings are conducted, et cetera.

Essential Committees will still follow relevant legislation and the *Shire of Toodyay Standing Orders Local Law 2008*. Committee Members will also be subject in principle (in terms of propriety) to the principles of the *Local Government (Rules of Conduct) Regulations 2007*.

Clause 3.1 of the Advisory Group Policy states that the Presiding Member is to be appointed by the Council or by the Group, if Council so decides. The appointment by Council of a Councillor or a Senior Support Staff member to the position of Presiding Member is for the opportunity and benefit of the person so appointed to gain experience in a role of chairing a meeting. Chairing a meeting is only that. A chair is required to ensure the meeting runs to the agenda and doesn't go off tangent.

Frequency of meetings and the commencement time is in line with current and previous management practices. The comment made by the submitter insinuates that each time a committee or advisory group wants to meet it requires that Council approve it which defeats the purpose of setting a schedule and establishing a committee or advisory group with a purpose.

The Council and Committee Meeting Schedule has always been adopted by Council. The Officer's Recommendations that have been made previously and resolved by Council have always included the words "unless otherwise determined by the Presiding Member."

The fact that meetings are held in the Council Chambers at the Shire of Toodyay necessitates the Presiding Member contact the Senior Supporting Officer to find out what date is possible for the set-up of a meeting. If Council were to decide that the meetings are made public this will further delay meeting dates because meetings are meant to be advertised.

Documents that Council adopts do have weight and are enforceable by the very nature of the fact that Council resolves to make them so. If this were not the case then policies that Council adopts would not be enforceable either.

Submission 3:

The statement made on page 1 is in line with management practices. Where changes to any document previously adopted by Council are to take place, the relevant staff propose the amendments and the CEO reads their corresponding

Officer Report and approves the amendments in principle prior to them being endorsed by Council. Endorsement by Council should be what is understood by the statement. This was relayed to Council at their Agenda Briefing in September 2019. The notes from that briefing are included in the attachments to the September 2019 Council Meeting Minutes.

Whilst it states, on page 21 of the Terms of Reference in respect to the Environmental Advisory Group, that “the Supporting Officer to the Advisory Group will provide a report, quarterly to the Council at the quarterly Strategic Council Forums on the activities of the Advisory Group” it is a management practice that Councillors report on their attendance at meetings, including matters raised by Committees at every Strategic Council Forum.

Councillors have access to their Councillor Hub and are therefore aware of the content of Committee Meeting Minutes. At the October 2019 Council Meeting, Council may amend the wording in the TOR under the heading “Reporting” however, if Council decides that the Presiding Member is not a Councillor, then that may mean a written report from the Presiding Member being a committee member, may need to be received in time for the Strategic Council Forum. Having the Supporting Officer be the responsible person for providing a report to Council at the Strategic Forum will also mean that further information since the Committee Meeting can be given to Council to keep them up-to-date on matters raised by the Committee and outcomes to follow at the Council Meeting, etc.

Please note that the only possible way where Council can establish an advisory group, whether or not it is recommended by the Administration is through an Officer Report to an official Ordinary Council (or Special Council) Meeting in accordance with **Section 5.20 of the Local Government Act 1995** (Refer to the Statutory section of this report).

Clause 2.2 has been written to reflect that the Advisory Group will only consider matters (in respect to their purpose) referred to it (through their purpose) by Council. Council may choose to amend the words “will only” to the words “may also” at Clause 2. Still, the intent is that an Advisory Group will only consider matters in respect to their purpose, as set by Council. The aims and objectives are broad enough for the group to continue to be effective.

At Clause 4.2(g) (and Clause 4.5(e)) the word “consensus” as per most google meanings means a general agreement, a judgement arrived at by most of those concerned and solidarity in sentiment and belief. It is no more or less different than simple or absolute majority. It just means that a vote will be counted and any differences noted in the minutes of the meeting.

At Clause 4.4(d) it says “may” present matters to Council. The Senior Supporting Officer can use their discretion in consultation with the group. This clause is important because of the fact that the committee cannot direct Administrative staff and if a new project/idea is part of their purpose but needs funding to action it a decision will ultimately be required to be made by Council. Council ought to have a right to decide whether to pursue a new project / idea where it may require funding or a burden on Council resources to investigate, research and decide whether or not to proceed. If brought to the Council at a Council Meeting or Strategic Forum it would be brought to the Council as an Officer Report.

MINUTES OF SPECIAL MEETING OF COUNCIL
HELD IN SHIRE OF TOODYAY COUNCIL CHAMBERS ON 29 OCTOBER 2019

Clause 4.4(f) is necessary. Somebody needs to be signing off the Agenda. It says the CEO **or** the Senior Supporting Officer. The Senior Supporting Officer provides reports for the Agenda, but they do not prepare the agenda. It is the Executive Services Assistant that handles this operational activity.

Clause 6.3 is clear. The principles of the *Local Government (Rules of Conduct) Regulations 2007* shall apply to all members of the Advisory Groups which will mean that the Community Members in particular will be subject to the same ethical propriety requirements that Councillors who are also members of the Advisory Groups already are. It is included in the policy as a means of fairness, openness, and inclusivity as a one and all “team-building” measure.

Clause 13 is operational. Any amendments made will be as part of the review management practice listed on page 1 of the Terms of Reference.

CONSULTATION

The TOR and AG Policy are Council’s documents.

This was explained to Council at the Agenda Briefing held on Tuesday 22 October 2019 (Refer to the Agenda Briefing Notes – *these are attachments to the Ordinary Council Meeting Agenda for the meeting to be held on 29 October 2019*).

These documents have been to Council on 4 separate occasions as follows:

Meeting Date	Outcome
Agenda Briefing held on 20 August 2019	Notes taken at the Agenda Briefing are included in the attachments to the August 2019 Ordinary Council Meeting Minutes.
Ordinary Council Meeting held on 27 August 2019.	Council resolved that the matter of the “Committees of Council Review” be deferred to the September 2019 Ordinary Council Meeting. Minutes of this meeting are to be found at the abovementioned link.
Agenda Briefing held on 17 September 2019	Notes taken at the Agenda Briefing are included in the attachments to the September 2019 Ordinary Council Meeting Minutes.
Ordinary Council Meeting held on 24 September 2019.	Council resolved to close two Committees and defer consideration of all other recommendations to the Special Meeting of Council 29 October 2019 at 3.00pm

It is important to note that the Agenda Briefings of Council are open to the public.

The content of the TOR and AG Policy was borrowed from several different existing governance related documents **adopted by** other local governments who have very good governance procedures such as the City of Vincent, the City of Bunbury, and the City of Mandurah.

Consideration was taken into account by way of commentary made by submitters in August 2019 as to the content of both documents. Neither

documents erode the power of Elected Members, nor the body of Council. From a governance perspective, these documents are in line with the way the Shire leads and operates.

STRATEGIC IMPLICATIONS

The vision written in the Community Strategic Plan (CSP) is that the district is a vibrant rural community that respects our environment, celebrates our past and embraces a sustainable future. In terms of governance the CSP also makes the following statements:

- In governance, the community want transparency and openness between the Shire and the community and a strong focus on community cohesion, led by the elected Councillors.
- A Council that engages with the community and provides good governance on behalf of the community.
- Provide accountable and transparent leadership for the community.
- Consistently improve our governance practices.
- Ensure rigorous organisational systems.
- Governance is the way the Shire leads and operates.
- Collaboration, understanding and facilitation.
- Continue to provide appropriate local governance training for Councillors and senior management.
- Strategic focus: Local Government is representative democracy, where the community's needs and aspirations are represented through elected Councillors who provide strategic leadership and high level governance.
- Consistently improve our governance practices.
- Build a positive culture of engagement between the Shire and the community.
- Improve internal and external communication to maximise transparency.
- Ensure appropriate induction and skills for all elected representatives.

POLICY IMPLICATIONS

Council Policy 0.4 Museum Collection and Conservation Management, would need to be amended in order to remove consultation with the Museum Advisory Committee. Its amendment should not hold up the adoption of the Terms of Reference document as the proposal is that the Committee be an Advisory Group.

Currently the CEO has a Delegation of Council to accept items into the museum collection (accession) and to decide up on items that will be removed from the collection (de-accession) upon advice received from the Museum Curator in both instances.

FINANCIAL IMPLICATIONS

There are no adverse financial implications envisaged from this report.

LEGAL AND STATUTORY IMPLICATIONS

Section 5.8 of the *Local Government Act 1995* provides for the establishment of committees of 3 or more persons. Sections 5.9 and 5.10 provide for the types of committees and Appointment of Committee Members.

The *Local Government Act 1995* is silent on the formation of Advisory Groups by local government. As a local government the Shire has an obligation to operate within the parameters of the legislation that governs it. However, a lot of research was undertaken in respect to the Terms of Reference and the Advisory Groups Policy.

It was initially anticipated that the Advisory Groups would not be bound at all to the Standing Orders, hence the use of the City of Vincent policy in August 2019, which the City of Vincent provided to us.

We had consulted with members of the Environmental Advisory Committee after the August 2019 Agenda Briefing. We provided further advice to Council at the August 2019 Ordinary Council Meeting. Through review of both documents we addressed the issues brought up by community members at the August 2019 Ordinary Council Meeting.

The fact that Council deferred the matter to the September 2019 Council Meeting enabled the Executive Services Team to research guidelines published by the Department of Local Government, Sport and Cultural Industries and in effect, revise the TOR and AG Policy to better suit Shire of Toodyay governance and management practices.

The public notice of Council and Committee Meetings is in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* (Act s.5.25(1)(g)). Local Public Notice is seven days in accordance with section 1.7 of the *Local Government Act 1995*.

7.1A. Audit committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

* Absolute majority required.

- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

[Section 7.1A inserted: No. 49 of 2004 s. 5; amended: No. 5 of 2017 s. 11.]

5.12. Presiding members and deputies, election of

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —
 - (a) to “office” were references to “office of presiding member”; and
 - (b) to “council” were references to “committee”; and

- (c) to “councillors” were references to “committee members”.
- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
 - (a) to “office” were references to “office of deputy presiding member”; and
 - (b) to “council” were references to “committee”; and
 - (c) to “councillors” were references to “committee members”; and
 - (d) to “mayor or president” were references to “presiding

5.20. Decisions of councils and committees

- (1) A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (2) A decision of a committee does not have effect unless it has been made by a simple majority or, if another kind of majority has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (3) This section does not apply to elections —
 - (a) by a council of the local government’s mayor or president under section 2.11; or
 - (b) by a council of the local government’s deputy mayor or president under section 2.15; or
 - (c) by a committee of the committee’s presiding member or deputy presiding member under section 5.12.

RISK IMPLICATIONS (including DAIP)

There are no adverse risk implications envisaged from this report.

SOCIAL IMPLICATIONS

There are no adverse social implications envisaged from this report.

ENVIRONMENTAL IMPLICATIONS

There are no adverse environmental implications envisaged from this report.

ECONOMIC IMPLICATIONS

There are no adverse economic implications envisaged from this report.

OFFICER COMMENT / DETAILS

The submissions made after the Agenda Briefing on 20 August 2019 enabled the TOR and AG Policy to be revised and amended.

The inclusion of the Essential Committees into the TOR was for the purposes of providing 1 (one) document to the new Councillors who were to join the Shire of Toodyay after the October 2019 Ordinary Local Government Elections.

An explanation in terms of the Essential Committees and Advisory Groups (provided to Council at their August and September Ordinary Council Meetings) is as follows:

- **Audit Committee (AC)**

This is an Essential Committee. The title does not contain the word “Advisory”. This committee is listed in the TOR as an essential committee. It would remain as such.

The content of the TOR is taken directly from information available through legislative instruments.

It was pointed out as part of a submission in August 2019 that many of the points contained within the Committee brief do not apply to this local government.

Following an in-depth review of the legislation and cross-referencing with the operational guide that the Department of Local Government, Sport and Cultural Industries publishes in respect to Audit Committees it seems that many of the points listed in the Committee Brief were taken directly from pages 10 to 13 of the operational guideline (Refer to **Attachment 3**). Some points had an asterix (*) before them, and the explanation given within the operational guideline is that the asterix means that they are “optional.” This means that it is up to the local government to decide whether they be included or not.

Liaison with the Acting Manager Corporate Services and cross referencing the functions of the Audit Committee specified in the regulations (refer to **Attachment 1**) meant that the points could be revised to reflect the actual functions of the Audit Committee which are actually set by legislation.

- **Bush Fires Advisory Committee (BFAC)**

Even though the Committee has the word “advisory” in it, this committee is listed in the TOR as an essential committee, and therefore would remain as such.

The content of the TOR is taken directly from information available through instruments of legislation and what is available on the Shire of Toodyay website under Master Plans.

- **Local Emergency Management Committee (LEMC)**

This is an Essential Committee. The title does not contain the word “Advisory”. This committee is listed in the TOR as an essential committee, and therefore would remain as such.

The content of the TOR is taken directly from information available through instruments of legislation and what is available through the State Emergency Management Committee website.

Local Recovery Committee (LRC)

This is a sub-committee of the LEMC.

The content of the TOR is taken directly from information available through instruments of legislation and what is available through the State Emergency Management Committee website.

At the August 2019 Council Meeting it was explained that the main point of difference with respect to a Committee of Council and an Advisory Group will be that the Advisory Group will not be expected to adhere stringently to the Shire of Toodyay *Standing Orders Local Law 2008*.

Advisory Committees have to an extent operated as Advisory Groups due to an *unfamiliarity* with the Shire's Standing Orders. For efficacy, meetings have always been moved along by the Presiding Member in order to get the business presented discussed however, at some Committee Meetings:

- Although most motions are moved after brief discussion there have been occasions where they are moved, amended, and changed in a way that is not in line with Standing Orders.
- Where new motions of committees have been presented, there have been a few occasions where Committee Members discuss what a motion will look like as they go. This process (not in line with Standing Orders) often takes anything from five to twenty five minutes to finalise.
- Some recommendations have been completely left field, where no research has been undertaken prior to the motion being moved at a Committee Meeting, or the Manager has been asked to do research about something that is not part of the Committee's brief to bring it to them.
- No consideration has been given to what is already existing in the community via the resources of other government departments or more importantly, what is contained within the Shire's Strategic Community Plan, nor the other plans that sit within the integrated planning framework.

For the purposes of this report discussion about the current status of "Advisory Committees" and the reasons why they would made into an Advisory Group are as follows:

- **Museum Advisory Committee (MAC)**

It was reported at the August 2019 Strategic Council Forum that the membership of the committee had been consulted with in respect to possible closure of the committee. Council Policy was referred to during the discussion. The accession into and out of the Museum Collection is done by the CEO (through a delegation of Council) and the Museum Curator is sub-delegated. Matters such as these would have to continue and the delegation itself would require amendment if the committee is discontinued.

The option of making this committee a Friends of the Museum Advisory Group was considered. At these committee meetings the group discusses all manner of topics, related to the brief, but there have been some occasions where matters have crossed over into being operational in substance and effect. This is most likely due to the fact that the members, from time to time, do in fact assist the Museum Curator outside of the committee structure.

At their August 2019 Committee Meeting the Committee did not resolve that they wanted to remain as a committee, but as the consultation section of this report indicates – they did say they wanted to still meet.

The purpose of the Museum Advisory Committee as set by Council was as follows:

To provide guidance and assistance to the Council on matters affecting the selection, interpretation or display of the museums artefacts and matters relating to the promotion of the Museum.

The Manager Community Development has amended the Aims and Objectives of the Museum Advisory Group (Refer to **Attachment 1**).

- **Environmental Advisory Committee**

This committee had its purpose set by Council. The main aim had been to provide advice on the implementation of the Environmental Management Strategy. As a Committee it did not have delegated authority.

Councillors who are members of the Committee pass feedback from the Committee to Councillors at the Quarterly Strategic Forum during their representative updates.

This Advisory Committee has technically been operating their meetings like an Advisory Group. This report seeks to formalise that process by renaming them as the “Environmental Advisory Group”.

At the Agenda Briefing held on 20 August 2019, Councillors were a bit concerned that the Community Members of the Environment Advisory Committee might object to being revamped into becoming an Advisory Group.

Community Members provided their opinions by way of a schedule of submissions that was presented to Council at the 27 August 2019 Ordinary Council Meeting.

The purpose of the Environmental Advisory Committee as set by Council was as follows:

“To provide:

- (i) Advice to Council on the implementation of the environmental strategy;*
- (ii) Develop relevant documents including policies, strategies, leaflets, pamphlets or booklets consistent with the environmental strategy for consideration by Council; and*
- (iii) Provide advice on relevant matters referred to it by Council.”*

The Manager Planning and Development has amended the Aims and Objectives of the proposed Environmental Advisory Group in the TOR (Refer to **Attachment 1**) to better reflect the Group’s work, purpose and desired outcomes.

As the Manager will be the Senior Supporting Officer (and Member) of the Environmental Advisory Group the driver of the group will be through the Senior Supporting Officer, with the support of Council.

As advised in the consultation implications section of this report, the current Committee made a recommendation to Council that their meetings be open to the public and their minutes be on the Shire’s website.

In relation to the minutes being on the Shire's website Council will note that the Advisory Groups Policy states that the minutes of Advisory Groups will be posted to the Shire's website at **Clause 4(5) (h)**.

In relation to the meetings being open to the public Council will note that the Advisory Groups Policy states that the Advisory Group meetings will not be open to the public at **Clause 4(2) (b)**.

Opening the meetings up to the public means that meetings have to be advertised which means there has to be at least a fourteen day (14 day) window before a meeting can be set up by the Presiding Member in liaison with the Senior Supporting Officer.

The purpose of the Environmental Advisory Group is to provide advice to Council. It is not intended to be a vehicle for becoming an autonomous group that pulls in other existing environmental groups within the district or regional areas to drive other environmental group's ideas and/or agendas not determined by Council.

The Environmental Management Strategy came into being through the adoption of the Strategic Community Plan by Council, ergo the advisory group is set up by Council to provide advice to Council on environmental matters in line with the Strategic Community Plan and the EMS.

Due to the delay of the adoption of the Committees of Council and Advisory Groups TOR and AG Policy by Council, the Administration have not advertised for community representatives, nor contacted the current representatives in the lead-up to the October 2019 Ordinary Election and subsequent meetings.

This is because, as part of the advertisement for committee members it was envisaged that guidance through the TOR be given to prospective members so that they would have the information at their fingertips as to what the Committees / Advisory Groups are all about and what their responsibilities would be if they were to apply to the Council body to be a member.

The appointment of community members to the Essential Committees and Advisory Groups as outlined in the TOR will now occur after the October 2019 Ordinary Council Meeting.

In summary, the TOR and AG Policy are Council documents. Whilst it is recommended that Council adopt them as they are in order for them to be made publicly available, the decision to adopt them as they are lies with Council.

OFFICER'S RECOMMENDATION

That Council resolves to:

1. Adopt the Shire of Toodyay Committees of Council and Advisory Groups Terms of Reference as attached; thereby formally:
 - (a) change the Museum Advisory Committee to the Museum Advisory Group; and
 - (b) note the Environmental Advisory Committee recommendation made at their meeting dated 3 September 2019; and
 - (c) change the Environmental Advisory Committee to the Environmental Advisory Group; and

2. Adopt the Policy titled "Advisory Groups Policy" as attached.

Cr Manning sought clarification from the CEO in relation to the process to be followed.

Cr Rayner moved the Officer's Recommendation.

Cr Chitty seconded the motion.

Clarification was sought.

Debate commenced.

Cr Madacsi foreshadowed an alternate motion.

Cr Chitty moved a Procedural Motion as follows:

That the debate be adjourned at 3.15pm in relation to the Committees of Council and Advisory Groups matter in accordance with Standing Order 10.1(c) to the next Ordinary Council Meeting to be held on 25 February 2020

Cr Rayner seconded the motion.

The motion was put.

PROCEDURAL MOTION/COUNCIL RESOLUTION NO. 238/10/19

Moved Cr Chitty

Seconded Cr Rayner

That the debate be adjourned at 3.15pm in relation to the Committees of Council and Advisory Groups matter in accordance with Standing Order 10.1(c) to the next Ordinary Council Meeting to be held on 25 February 2020

MOTION CARRIED 6/2

As the motion to adjourn the debate in relation to this matter was carried, in accordance with Standing Order 10.7:

- (a) All debate on the motion ceased immediately and will continue as part of the Agenda for the Ordinary Council Meeting to be held on 25 February 2020;
- (b) The names of Members who have spoken on the matter are as follows:
 - Cr B Rayner;
 - Cr S Pearce;
 - Cr R Madacsi; and
 - Cr B Ruthven.
- (c) The provisions of clause 7.9 will apply when the debate is resumed as if there had been no adjournment.

6.2 2020 Council Meetings Schedule

Date of Report:	11 October 2019
Applicant / Proponent/s:	Shire of Toodyay
File Reference:	MTG1
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Scott – CEO
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Schedule for 2020.
Voting Requirements:	Absolute Majority

PURPOSE OF THE REPORT

To receive and endorse the 2020 Schedule for the following:

1. Council body;
2. Community Engagement; and
3. Regional Cooperation.

EXECUTIVE SUMMARY

This report has been included within the Special Meeting Agenda because it is part of a management practice following an ordinary local government election.

This report has been written with the understanding that the previous report gets endorsement from Council.

The Schedule for 2020 includes dates for the Farmers' Markets which only need be noted by Council as local government is not responsible for the setting of dates for the farmers market.

BACKGROUND

In 2019 Council Forums went from being held monthly to being held quarterly. This was due to Agenda Briefings being held one week prior to each monthly Ordinary Council Meeting (OCM).

The Agenda Briefing provides an opportunity for Elected Members to ask questions and clarify issues relevant to the specific agenda items before Council.

Council has no power to make decisions at an Agenda Briefing. In order to ensure full transparency, the meetings will be open to the public to observe the process. Where matters are of a confidential nature, the Shire President will rule that the meeting go behind closed doors which means that at that point, the agenda briefing is closed to the public.

CONSULTATION

Nil

STRATEGIC IMPLICATIONS

A key point of the *Shire's Strategic Community Plan 2028* is Governance – i.e. the way the Shire leads and operates. The strategic outcome is that Council will engage with the community and provide good governance on behalf of the community.

Community Meetings focus on the aspirations of the community in terms of social, built environment, governance, economic development and the environment.

In governance, the community want transparency and openness between the Shire and the community and a strong focus on community cohesion, led by the elected Councillors.

Community aspirations are for the Shire of Toodyay Council to continue to provide appropriate governance training for Councillors and senior management.

POLICY IMPLICATIONS

There are no adverse policy implications envisaged from this report.

FINANCIAL IMPLICATIONS

There are no adverse financial implications envisaged from this report.

LEGAL AND STATUTORY IMPLICATIONS

In terms of meetings that are open to the public the following regulation from the Local Government (Administration) Regulations 1996 applies:

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

RISK IMPLICATIONS (including DAIP)

There are no adverse risk implications envisaged from this report.

SOCIAL IMPLICATIONS

There are no adverse social implications envisaged from this report.

ENVIRONMENTAL IMPLICATIONS

There are no adverse environmental implications envisaged from this report.

ECONOMIC IMPLICATIONS

There are no adverse economic implications envisaged from this report.

OFFICER COMMENT / DETAILS

Endorsement of the Officer's Recommendation at **Agenda Item 6.1** will mean that the dates for the **Essential Committees** and **Advisory Groups** are automatically endorsed for 2020 because they have been included in the Terms of Reference.

Attachment 1 will indicate what those dates are for those two meeting types.

In regard to the other meetings on Attachment one they have been broken down into three sections as follows:

1. Council body;
2. Community Engagement; and
3. Regional Cooperation.

The Officer's Recommendations have been split into these same sections.

OFFICER'S RECOMMENDATION 1 – Council Body Meetings

That Council conduct its Council Body Meetings as follows:

1. Ordinary Council Meetings will be held at the Shire of Toodyay Council Chambers on the fourth Tuesday of each calendar month, commencing at 4.00pm, except for the month of December 2020 (due to the Christmas Break) which shall be held on the third Tuesday;
2. Agenda Briefings will be held at the Shire of Toodyay Council Chambers on the third Tuesday of each calendar month, commencing at 4.00pm, except for the month of December 2020 (due to the Christmas Break) which shall be held on the second Tuesday.
3. Strategic Council Forums will be held at the Shire of Toodyay Council Chambers quarterly on the second Tuesday of the months of February, May, August and November 2020.

OFFICER'S RECOMMENDATION 2 – Community Engagement

That Council:

1. Notes the dates of the Farmer's Market for 2020, subject to change by the organisers of the Farmers Market in 2020;
2. Will hold six Community Meetings in 2020 as follows:
 - Wed 18 March 2020 (6.00pm) – Morangup Community Centre.
 - Sat 2 May 2020 (10.00am) – Toodyay Community Centre.
 - Wed 10 June 2020 (6.00pm) – Bejoording Community Hall.
 - Sat 18 July 2020 (10.0am) – Morangup Community Centre.
 - Wed 2 Sept 2020 (6.00pm) – Toodyay Community Centre.
 - Sat 28 Nov 2020 (10.00am) – Bejoording Community Hall.

OFFICER'S RECOMMENDATION 3 – Regional Cooperation

That Council notes the dates of the AROC CEO Meetings and AROC Presidents Meetings for 2020, subject to change by the members of the AROC Group.

Cr Chitty moved the **Officers' Recommendation 1 – Council Body Meetings.**

Cr Rayner seconded the motion.

Clarification was sought.

MOTION/COUNCIL RESOLUTION NO. 239/10/19

Moved Cr Madacsi

Seconded Cr Bell

That Council suspend the operation of Standing Order 7.9 at 3.40pm in order to permit free-flowing discussion and clarification in accordance with Clause 16.1 of the *Standing Orders Local Law 2008*.

MOTION CARRIED 8/0

Clarification was sought.

Discussion ensued.

MOTION/COUNCIL RESOLUTION NO. 240/10/19

Moved Cr Rayner

Seconded Cr Bell

That Standing Order 7.9 be resumed at 3.51pm in accordance with Clause 16.1 of the *Standing Orders Local Law 2008*.

MOTION CARRIED 8/0

Cr Pearce moved an amendment to the motion as follows:

That at Point 1 and Point 2 the time of the meeting be amended from 4.00pm to 5.00pm but that the words “for a trial period of six months” be added to the end of the two points.

Cr Madacsi seconded the amendment.

Clarification was sought.

Debate commenced.

Clarification was sought.

Debate continued.

The amendment was put.

AMENDMENT/COUNCIL RESOLUTION NO. 241/10/19

MOVED Cr Pearce

SECONDED Cr Madacsi

That at Point 1 and Point 2 the time of the meeting be amended from 4.00pm to 5.00pm but that the words “for a trial period of six months” be added to the end of the two points.

VOTES EQUALLY DIVIDED 4/4

In accordance with 5.21(3) of the Local Government Act 1995, the Presiding Member cast a second vote ‘for’ the motion.

AMENDMENT LOST 4/5

The motion was put.

OFFICER’S RECOMMENDATION 1 – Council Body Meetings/COUNCIL RESOLUTION NO. 242/10/19

MOVED Cr Chitty

SECONDED Cr Rayner

That Council conduct its Council Body Meetings as follows:

1. Ordinary Council Meetings will be held at the Shire of Toodyay Council Chambers on the fourth Tuesday of each calendar month, commencing at 4.00pm, except for the month of December 2020 (due to the Christmas Break) which shall be held on the third Tuesday;
2. Agenda Briefings will be held at the Shire of Toodyay Council Chambers on the third Tuesday of each calendar month, commencing at 4.00pm, except for the month of December 2020 (due to the Christmas Break) which shall be held on the second Tuesday.
3. Strategic Council Forums will be held at the Shire of Toodyay Council Chambers quarterly on the second Tuesday of the months of February, May, August and November 2020.

MOTION CARRIED 8/0

MOTION/COUNCIL RESOLUTION NO. 243/10/19

MOVED Cr Chitty

SECONDED Cr Rayner

That the Special Meeting be adjourned at 4.01pm to be continued at the conclusion of the Ordinary Council Meeting held on 29 October 2019.

MOTION CARRIED 8/0

The Shire President resumed the Special Meeting at 6.12pm.

Cr Rayner moved the **Officer's Recommendation 2 – Community Engagement.**

Cr Bell seconded the motion.

Clarification was sought.

The motion was put.

OFFICER'S RECOMMENDATION 2 – Community Engagement/COUNCIL RESOLUTION NO. 264/10/19

MOVED Cr Rayner

SECONDED Cr Bell

That Council:

1. Notes the dates of the Farmer's Market for 2020, subject to change by the organisers of the Farmers Market in 2020;
2. Will hold six Community Meetings in 2020 as follows:
 - Wed 18 March 2020 (6.00pm) – Morangup Community Centre.
 - Sat 2 May 2020 (10.00am) – Toodyay Community Centre.
 - Wed 10 June 2020 (6.00pm) – Bejoording Community Hall.
 - Sat 18 July 2020 (10.00am) – Morangup Community Centre.
 - Wed 2 Sept 2020 (6.00pm) – Toodyay Community Centre.
 - Sat 28 Nov 2020 (10.00am) – Bejoording Community Hall.

MOTION CARRIED 8/0

OFFICER'S RECOMMENDATION 3 – Regional Cooperation/COUNCIL RESOLUTION NO. 265/10/19

MOVED Cr Ruthven

SECONDED Cr Madacsi

That Council notes the dates of the AROC CEO Meetings and AROC Presidents Meetings for 2020, subject to change by the members of the AROC Group.

MOTION CARRIED 8/0

6.3 Allocation of Membership to Committees and Advisory Groups

Date of Report:	11 October 2019
Applicant / Proponent/s:	Shire of Toodyay
File Reference:	MTG1
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Scott – CEO
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil.
Voting Requirements:	Absolute Majority

PURPOSE OF THE REPORT

To allocate membership of Councillors to Committees and Advisory Groups.

EXECUTIVE SUMMARY

This report has been written with the understanding that Agenda Items 6.1 and 6.2 gain the endorsement by Council.

This report will be an opportunity for Councillors to nominate what committees and advisory groups they would like to be a member on.

BACKGROUND

This report has been included within the Special Meeting Agenda because it is part of a management practice following an ordinary local government election.

CONSULTATION

Nil

STRATEGIC IMPLICATIONS

There are no adverse strategic implications envisaged from this report.

POLICY IMPLICATIONS

There are no adverse policy implications envisaged from this report.

FINANCIAL IMPLICATIONS

There are no adverse financial implications envisaged from this report.

LEGAL AND STATUTORY IMPLICATIONS

Reference should be made to the Disclaimer at the front of the Committees of Council and Advisory Groups Terms of Reference (refer to **Attachment 1** to Agenda Item 6.1).

Committees of Council are generally established in order to provide advice and guidance to Council in terms of achieving Council's strategic direction which is

illustrated via the adoption of the Shire's Community Strategic Plan and associated Integrated Planning Strategic documents.

The *Shire of Toodyay Standing Orders Local Law 2008* has a complete section (Section No. 17.1 Establishment of Committees) in regard to "Committees" with references made to the *Local Government Act 1995* (the Act) and relevant subsidiary legislation.

Section 5.8 of the *Local Government Act 1995* provides for the establishment of committees.

Section 5.9 of the *Local Government Act 1995* provides for the types of Committees.

Section 5.10 of the *Local Government Act 1995* provides for the appointment of Committee Members.

RISK IMPLICATIONS (including DAIP)

There are no adverse risk implications envisaged from this report.

SOCIAL IMPLICATIONS

There are no adverse social implications envisaged from this report.

ENVIRONMENTAL IMPLICATIONS

There are no adverse environmental implications envisaged from this report.

ECONOMIC IMPLICATIONS

There are no adverse economic implications envisaged from this report.

OFFICER COMMENT / DETAILS

It is envisaged that this matter will be discussed at the Agenda Briefing scheduled for 22 October 2019.

The dates for the 2020 Committees and Advisory Group Meetings were captured within **Attachment 1** of Agenda Item 6.2 - 2020 Council Meetings Schedule.

On the Special Meeting date of 29 October 2019, whiteboards will be strategically placed in Council Chambers and the Presiding Member will adjourn the meeting for ten minutes. The first five minutes will be where Councillors write their names on the white boards. The second five minutes will be where Admin take a record of the whiteboards and prepare the subsequent Officer's Recommendation.

Officer's Recommendation 1 - Audit Committee Membership

Section 7.1A *Local Government Act 1995* states the following in terms of membership on an Audit Committee:

7.1A. Audit committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the

members, and the majority of the members, are to be council members.

* Absolute majority required.

- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

[Section 7.1A inserted: No. 49 of 2004 s. 5; amended: No. 5 of 2017 s. 11.]

The Terms of Reference that at the time of writing this report is yet to be endorsed by Council will require that once Council Representatives have been allocated to the Audit Committee approaches to previous representatives as well as local public notice advertisement will be made to seek community membership to the Audit Committee.

The deadline for this advertisement would be by the November 2019 Agenda Briefing.

This way the community members could attend the December Audit Committee Meeting which was scheduled (prior to the local government Ordinary election) for 5 December 2019. The holding of Audit Committee Meetings is subject to the provision of the Auditor's reports.

OFFICER'S RECOMMENDATION 1 – Audit Committee

That Council:

1. Appoint the following Councillors as Primary Members of the Audit Committee:
[NAME 1](#)
[NAME 2](#)
[NAME 3](#)
[NAME 4](#)
2. Appoint the following Councillors as Deputy Members of the Audit Committee:
[NAME 1](#)
[NAME 2](#)

Officer's Recommendation 2 – Bush Fire Advisory Committee (BFAC) Membership

Bush Fire Advisory Committee (BFAC) means a committee established under Part V, Section 67 of the *Bush Fires Act 1954*.

The Membership Composition for the BFAC is as stated in the Committees of Council and Advisory Groups Terms of Reference (refer to **Attachment 1** to Agenda Item 6.1).

There is no requirement for recruiting more community representatives on the BFAC due to the membership composition of the BFAC.

The next meeting of the BFAC will be 7 November 2019.

OFFICER'S RECOMMENDATION 2 – Bush Fire Advisory Committee

That Council:

1. Appoint the following Councillors as Primary Members of the BFAC:
[NAME 1 and NAME 2](#)
2. Appoint the following Councillors as Deputy Members of the BFAC:
[NAME 1 and NAME 2](#)

Officer's Recommendation 3 – Local Emergency Management Committee (LEMC) Membership

Local Emergency Management Committee (LEMC) means a committee established under Section 38(1) of the *Emergency Management Act 2005*.

The Membership Composition for the LEMC is as stated in the Committees of Council and Advisory Groups Terms of Reference (refer to **Attachment 1** to Agenda Item 6.1).

There is no requirement for recruiting more community representatives on the LEMC due to the membership composition of the LEMC as dictated by Sections 16 to 20 of State Emergency Management Policy No. 2.5.

The next meeting of the LEMC will be 13 November 2019.

OFFICER'S RECOMMENDATION 3 – Local Emergency Management Committee

That Council:

1. Appoint the following Councillors as Primary Members of the LEMC:
[NAME 1 and NAME 2](#)
2. Appoint the following Councillors as Deputy Members of the LEMC:
[NAME 1 and NAME 2](#)

Officer's Recommendation 4 – Environmental Advisory Group (EAG) Membership

The Membership Composition for the EAG is as stated in the Committees of Council and Advisory Groups Terms of Reference (refer to **Attachment 1** to Agenda Item 6.1).

The Terms of Reference that at the time of writing this report is yet to be endorsed by Council will require that once Council Representatives have been allocated to the Advisory Group approaches to previous representatives of the EAC, as well as local public notice advertisement will be made to seek community membership to the Environmental Advisory Group.

The deadline for this advertisement would be by the November 2019 Agenda Briefing.

This way the community members could attend the December 2019 EAG Meeting, scheduled for 3 December 2019.

OFFICER'S RECOMMENDATION 4 – Environmental Advisory Group

That Council:

1. Appoint the following Councillors as Primary Members of the EAG:
NAME 1 and NAME 2
2. Appoint the following Councillors as Deputy Members of the EAG:
NAME 1 and NAME 2

Officer's Recommendation 5 – Museum Advisory Group (MAG) Membership

The Membership Composition for the MAG is as stated in the Committees of Council and Advisory Groups Terms of Reference (refer to **Attachment 1** to Agenda Item 6.1).

The Terms of Reference that at the time of writing this report is yet to be endorsed by Council will require that once Council Representatives have been allocated to the Advisory Group approaches to previous representatives of the MAC, as well as local public notice advertisement will be made to seek community membership to the Museum Advisory Group.

The deadline for this advertisement would be by the November 2019 Agenda Briefing.

Prior to the local government Ordinary election a meeting was scheduled for 14 November 2019 but this can be deferred until such time as the community membership can be ratified by Council at the November 2019 OCM.

Consultation with the Manager Community Development and the Museum Curator and Cultural Heritage Officer will need to be undertaken prior to the setting of an alternate meeting date.

OFFICER'S RECOMMENDATION 5 – Museum Advisory Group

That Council:

1. Appoint the following Councillors as Primary Members of the MAG:
NAME 1 and NAME 2
2. Appoint the following Councillors as Deputy Members of the MAG:
NAME 1 and NAME 2

MOTION/COUNCIL RESOLUTION NO. 266/10/19

MOVED Cr Ruthven

SECONDED Cr Rayner

That Council suspend the operation of Standing Order 7.9 at 6.17pm in order to permit free-flowing discussion and clarification in accordance with Clause 16.1 of the *Standing Orders Local Law 2008*.

MOTION CARRIED 8/0

**OFFICER'S RECOMMENDATION 1 – AUDIT COMMITTEE/COUNCIL
RESOLUTION NO. 267/10/19**

MOVED Cr Chitty

SECONDED Cr Pearce

That Council:

1. Appoint the following Councillors as Primary Members of the Audit Committee:
Cr Ruthven;
Cr Hart;
Cr Madacsi;
Cr Pearce;
2. Appoint the following Councillors as Deputy Members of the Audit Committee:
Cr Bell
Cr Chitty
3. Authorises the CEO to place advertisements for Expressions of Interest by Friday 1 November 2019 for community representatives on the Audit Committee, with a closing date of Friday 22 November 2019 on the Shire's Facebook page, Shire's Website, November newsletter and in the November edition of the Toodyay Herald.
4. Present all expressions of interest received to Council for consideration and selection at the November 2019 Ordinary Council Meeting.

MOTION CARRIED 8/0

**OFFICER'S RECOMMENDATION 2 – Bush Fire Advisory
Committee/COUNCIL RESOLUTION NO. 268/10/19**

MOVED Cr Chitty

SECONDED Cr Pearce

That Council:

1. Appoint the following Councillors as Primary Members of the BFAC:
Cr Rayner and Cr Bell
2. Appoint the following Councillors as Deputy Members of the BFAC:
Cr Ruthven and Cr Chitty

MOTION CARRIED 8/0

OFFICER'S RECOMMENDATION 3 – Local Emergency Management Committee/COUNCIL RESOLUTION NO. 269/10/19

MOVED Cr Chitty

SECONDED Cr Pearce

That Council:

1. Appoint the following Councillors as Primary Members of the LEMC:
Cr Bell and Cr Pearce
2. Appoint the following Councillors as Deputy Members of the LEMC:
Cr Chitty and Cr Rayner

MOTION CARRIED 8/0

OFFICER'S RECOMMENDATION 4 – Environmental Advisory Committee/COUNCIL RESOLUTION NO. 270/10/19

MOVED Cr Chitty

SECONDED Cr Pearce

That Council:

1. Appoint Cr Manning, Cr Hart and Cr Madacsi as Primary Members of the EAC:
2. Appoint Cr Greenway as a Deputy Member of the EAC.
3. Authorises the CEO to place advertisements for Expressions of Interest by Friday 1 November 2019 for community representatives on the Environmental Advisory Committee, with a closing date of Friday 22 November 2019 on the Shire's Facebook page, Shire's Website, November newsletter and in the November edition of the Toodyay Herald.
4. Present all expressions of interest received to Council for consideration and selection at the November 2019 Ordinary Council Meeting.

MOTION CARRIED 8/0

OFFICER'S RECOMMENDATION 5 – Museum Advisory Committee/COUNCIL RESOLUTION NO. 271/10/19

MOVED Cr Chitty

SECONDED Cr Pearce

That Council:

1. Appoint Cr Pearce and Cr Manning as Primary Members of the MAC:
2. Not appoint Councillors as Deputy Members of the MAC.
3. Authorises the CEO to place advertisements for Expressions of Interest by Friday 1 November 2019 for community representatives on the Museum Advisory Committee, with a closing date of Friday 22 November 2019 on the Shire's Facebook page, Shire's Website, November newsletter and in the November edition of the Toodyay Herald.
4. Present all expressions of interest received to Council for consideration and selection at the November 2019 Ordinary Council Meeting.

MOTION CARRIED 8/0

6.4 Appointments to represent Council

Date of Report:	11 October 2019
Applicant / Proponent/s:	Shire of Toodyay
File Reference:	MTG1/IAM62878
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Scott – CEO
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none">1. External Council Representation;2. CRC Correspondence; and3. Election of Zone Delegates and State Councillors including the prospectus for Elected Members.
Voting Requirements:	Absolute Majority

PURPOSE OF THE REPORT

To nominate representatives to represent Council on other organisations including but not limited to: (1) Associations, (2) Incorporated bodies, (3) Community Groups, and (4) Businesses.

EXECUTIVE SUMMARY

When the Committee Review was initially undertaken in August 2019, attention was also given to the external representation of Councillors.

This report aims to present information to Council from that meeting and Councillors will nominate themselves or other Councillors to the available positions.

The process for the election to these positions is that Council and individual members agree by consensus that all appointments are moved as a single resolution.

BACKGROUND

At the Strategic Forum held in August 2019 the CEO provided an overview in relation to representation on External Committees. The result of that overview, in combination with the comments made from existing representatives at the time determined the content of **Attachment 1**.

CONSULTATION

The Toodyay CRC were contacted after the August 2019 Strategic Forum and have provided correspondence (Refer to **Attachment 2**).

STRATEGIC IMPLICATIONS

A key point of the *Shire's Strategic Community Plan 2028* is to ensure that the strategic focus of the Shire will commit themselves to achieving the highest levels of accountability.

Local Government is representative democracy, where the community's needs and aspirations are represented through elected Councillors who provide strategic leadership and high level governance. The Shire strives to ensure that the community is engaged in important decisions and supports the direction of Council.

POLICY IMPLICATIONS

The Shire of Toodyay Members Policy (M.7) titled "Council Representation on Committees that are not Committees of Council" sets out the roles and responsibilities delegates must adhere to when fulfilling their role as a delegate. This policy is obtainable via the Shire of Toodyay website at the following Link: <http://www.toodyay.wa.gov.au/Council/Shire-Documents>

FINANCIAL IMPLICATIONS

There are no adverse financial implications envisaged from this report.

LEGAL AND STATUTORY IMPLICATIONS

There are no adverse legal nor statutory implications envisaged from this report.

RISK IMPLICATIONS (including DAIP)

There are no adverse risk implications envisaged from this report.

SOCIAL IMPLICATIONS

There are no adverse social implications envisaged from this report.

ENVIRONMENTAL IMPLICATIONS

There are no adverse environmental implications envisaged from this report.

ECONOMIC IMPLICATIONS

There are no adverse economic implications envisaged from this report.

OFFICER COMMENT / DETAILS

The information provided in the August 2019 Council Forum Program in terms of external organisations is below however reference should be given to **Attachment 1** to this report.

Avon Midland Country Zone of the WA Local Government Association **Current Delegates – Shire President, with a deputy appointed by Council**

The Zone structure is the formal means for WALGA to consult with the sector. Zone delegates elect a representative for the State Council which is the management body for the association. Zone meetings consider matters coming before the State Council for decision. Please refer to **Attachments 1 and 3**.

Butterly Cottages Association Inc

Current Delegates – Cr Chitty

The Shire of Toodyay has an MOU with Butterly Cottages resulting from Council's funding of Rosedale Village. The MOU entitles the Shire to be represented on the committee.

Office of Emergency Management - Wheatbelt District Emergency Management Committee (DEMC)

Current Representative from the Avon – the CEO, Shire of Toodyay

The committee is the next level up from the LEMC.

Rural Water Council (RWC)

Current Delegates – Shire President and CEO

The Shire of Toodyay is a member of the RWC and provides up to 2 delegates to attend meetings. The committee provides good access to the Minister for Water.

Toodyay Chamber of Commerce & Industry Inc.

Previous Nominee – Cr Welburn

The Shire of Toodyay is a member of the chamber and may nominate a delegate to be considered for election to the committee.

Toodyay Community Resource Centre

Previous Nominee – Cr Dow

Toodyay CRC provides a range of services to the Toodyay Community. The Shire coordinates its community development activities to ensure that services are cooperative and collaborative with the CRC. *Please refer to **Attachments 1 and 2.***

Safer Toodyay – formerly Toodyay Community Safety and Crime Prevention Association Inc

Previous Nominee – Cr Dow

Apart from promoting crime prevention and partnering the Shire in the Choose Respect initiative, this incorporated body now incorporates the work of the Road Wise Committee.

Toodyay Road Community Reference Group (Main Roads)

Current Nominee – Shire President and Manager Works and Services

This committee has been set up by Main Roads to ensure community input for the Toodyay Road upgrade project.

Toodyay Road Liaison Committee

Current Representative – Cr Greenway

This committee is based in Gidgegannup and is largely focussed on the metropolitan end of Toodyay Road. It has representatives of brick and clay transport operators so it is still useful to be involved.

Toodyay Tidy Towns Committee

Current Representative – Cr Greenway

The Tidy Towns Committee is the unincorporated group that managed Toodyay's participation in the Keep Australia Beautiful Council's Tidy Towns and Sustainable Community Awards. Toodyay won the 2015 State and National

Awards after having won several State Category Awards over several years. The Adopt-a-Spot project continues to keep much of Toodyay litter-free.

Wheatbelt North Regional Road Group North
Previous Representative – Cr Twine

Regional Road Groups are the means by which funding for work on Local Government Roads is distributed to Local Governments.

There are 24 Shires in Wheatbelt North and the group is split into 4 subgroups. Toodyay is part of the Avon subgroup. The chairs of each of the subgroups are elected by subgroup members and together with Main Roads representatives attend the full RRG Meetings. Regional Road Groups helps determine the methodology for distribution of the allocation to the group, and also participate in the technical working group which helps determine funding rules.

Funding for roads of regional significance, State and Federal Black Spot Projects and commodity route funding are all managed through RRG processes.

Development Assessment Panels

Primary Delegates – Cr Chitty and Cr Rayner & Cr Greenway (Deputy)

Development Assessment Panels consider planning applications for larger projects, generally those valued at more than \$7 million. Appointments are made by the Minister for Planning based on Council recommendations. Given that there have been no projects referred to the DAP in the last 8 years it is proposed that Council nominate two primary and two deputy representatives following the Ordinary Election.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 272/10/19

MOVED Cr Bell

SECONDED Cr Rayner

That Council nominates that the following persons be elected to represent the Shire of Toodyay on external organisations listed below:

Organisation Name	Delegates	Deputy Delegates (where applicable)
Avon Midland Country Zone of the WA Local Government Association	Shire President & CEO	Deputy Shire President
Avon Tourism Incorporated	One Councillor and the CEO's nominated delegate	CEO Nominated delegate
Butterly Cottages Association Inc	Cr Greenway	Cr Pearce
Office of Emergency Management - Wheatbelt District Emergency Management Committee (DEMC)	Note that the Chief Executive Officer is the delegate	Not applicable

Signed: 

Presiding Member

Date: 26-11-2019

MINUTES OF SPECIAL MEETING OF COUNCIL
HELD IN SHIRE OF TOODYAY COUNCIL CHAMBERS ON 29 OCTOBER 2019

Organisation Name <i>continued</i>	Delegates	Deputy Delegates <i>(where applicable)</i>
Rural Water Council (RWC)	Deputy Shire President Chief Executive Officer	Shire President CEO Delegated Officer
Toodyay Chamber of Commerce & Industry Inc (Committee Members meeting)	Cr Manning	Cr Madacsi
Toodyay Community Resource Centre	Cr Pearce	Cr Ruthven
Safer Toodyay now incorporating the work of the Roadwise Committee	Cr Rayner	Cr Ruthven
Toodyay Road Community Reference Group (Main Roads by invitation)	Shire President Manager Works and Services	Deputy Shire President
Toodyay Road Liaison Committee	Cr Madacsi	Cr Pearce
Toodyay Tidy Towns Committee	CEO or nominated delegate	CEO's nominated delegate
Wheatbelt Regional Road Group North (Avon Sub group)	Cr Madacsi Manager Works and Services	
Development Assessment Panel	Cr Rayner Cr Chitty	Cr Manning Cr Madacsi
MOTION CARRIED 8/0		

MOTION/COUNCIL RESOLUTION NO. 273/10/19

MOVED Cr Chitty

SECONDED Cr Rayner

That Standing Order 7.9 be resumed at 6.41pm in accordance with Clause 16.1 of the *Standing Orders Local Law 2008*.

MOTION CARRIED 8/0

7. CLOSURE OF MEETING

Cr Manning, Shire President, declared the meeting closed at 6.42pm.

Attachments to Minutes

Special Council Meeting

29 October 2019

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Shire of Toodyay

Committees of Council And Advisory Groups

TERMS OF REFERENCE

DISCLAIMER

Please note that the information contained in this document should be cross-referenced with information available from **The Western Australian Legislation website** that is now hosted by the **Parliamentary Counsel's Office** and can be accessed at www.legislation.wa.gov.au

Terms of Reference

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Overview

The Shire of Toodyay (Shire) recognises the value of community input and is continually looking for ways to engage more deeply with the community.

This document has been developed as a one-stop reference for Council so that it may be adopted as a whole document that contains the relevant terms of reference for Committees of Council and Advisory Groups.

The Terms of Reference has been written to identify the following:

Committees of Council are:

- Established legislatively with a defined regulatory purpose;
- To be bound by the provisions contained in the *Local Government Act 1995* and subsidiary legislation (under the *Local Government Act 1995*).
- To be bound by the provisions contained within the *Shire of Toodyay Standing Orders Local Law 2008*; and
- To be bound by the provisions contained in the Shire of Toodyay's Code of Conduct.

Advisory Groups are:

- To be bound by the Terms of Reference contained herein, with reference to the Policy titled "Advisory Groups Policy" which will act as guidance for establishment and operation of the Shire's Advisory Groups, adopted by Council on DATE _____;

This document proposes that the Shire has two Advisory Groups. The importance of having Advisory Groups is backed by the research undertaken by the Australian Centre of Excellence for Local Government (ACELG) which identified the following benefits of establishing advisory groups:

- **Group members:** generally saw the advisory groups as a structure through which they could contribute to, and have a degree of ownership of, a place with which they had significant history.
- **Administration Staff:** advisory groups provide them with an ongoing link to communities and places.
- **The community:** ratepayers might see advisory groups as an example of community input.

Advisory Groups provide a way for the Shire to have deeper conversations and collaboration with the community as part of the Shire's existing Community Strategic Plan and community development framework.

Review

This Terms of Reference document will be reviewed at least every two years. Amendments to the Terms of Reference will be approved by the CEO, and endorsed by Council.

What are Committees of Council

A Committee of Council is established under legislative / regulatory instruments by the local government (Council).

The Shire of Toodyay has three Essential Committees, one of which is closed to the public. They are as follows:

1. Audit Committee - *closed to the public*
2. Bush Fire Advisory Committee
3. Local Emergency Management Committee

3.1 Local Recovery Committee

The three Committees of Council listed above are referred to as a Standing Committee. Their functions and roles are set by legislation and ratified by Council after each local government Ordinary Election.

Standing Committee means a permanent committee that meets regularly.

The term for a 'Standing Committee' of the Council is ongoing. The Committees of Council will need to be formally re-appointed by Council following each Local Government Election.

The CEO or his/her nominee is to be available to attend meetings to provide advice and guidance to the committee. Secretarial/administrative support is available to the committee through the Office of the CEO or his/her nominee.

For the purposes of this document the roles of these Committees of Council, including appointment of members has been included in the terms of reference relevant to that Committee.

Responsibilities

All members of Essential Committees are expected to adhere to the *Local Government (Rules of Conduct) Regulations 2007*, the *Shire of Toodyay Code of Conduct* and the *Shire of Toodyay Standing Orders Local Law 2008*.

Councillors who are members of a Council Committee are also subject to the provisions of the *Corruption and Crime Commission Act 2003* and the *Defamation Act 2005*. [Ref. Guide to council and committee meetings produced by the Department of Local Government].

Invitees

The Presiding Member of Essential Committees may invite representatives from relevant government departments, and other bodies with specialist advice, to its meetings as and when required. Such representatives shall not be members.

Reporting

The recommendations made by Essential Committees of Council shall be presented to the next Ordinary Council Meeting, via the process of the Agenda Briefing to allow Councillors to ask questions for clarification purposes only.

The Presiding Members of Essential Committees of Council may report quarterly to the Council at the quarterly Strategic Council Forums on the activities of the Essential Committee.

Rules in respect to Committees of Council

Reference should be made to the Disclaimer at the front of this document.

Committees of Council are generally established in order to provide advice and guidance to Council in terms of achieving Council's strategic direction which is illustrated via the adoption of the Shire's Community Strategic Plan and associated Integrated Planning Strategic documents.

The ***Shire of Toodyay Standing Orders Local Law 2008*** has a complete section in regard to "Committees" with references made to the *Local Government Act 1995* (the Act) and relevant subsidiary legislation as follows:

17.1 Establishment of committees

- (1) The establishment of committees is dealt with in the Act.

Subdivision 2 – Committees and their meetings; Section 5.8 of the *Local Government Act 1995* provides for the establishment of committees and states as follows:

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

** Absolute majority required.*

- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include:
- (a) the terms of reference of the committee;
 - (b) the number of Council Members, officers and other persons to be appointed to the committee;
 - (c) the names or titles of the Council Members and officers to be appointed to the committee;
 - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
 - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

17.2 Types of committees

The types of committees are dealt with in the Act.

Sections 5.9 provides for the types of committees.

5.9. Committees, types of

- (1) In this section —

other person means a person who is not a council member or an employee.

- (2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

17.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

5.16. Delegation of some powers and duties to certain committees

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.
* *Absolute majority required.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
 - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

17.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

5.17. Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate —
 - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
 - (i) any power or duty that requires a decision of an absolute majority of the council; and
 - (ii) any other power or duty that is prescribed;
and
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

[Section 5.17 amended: No. 49 of 2004 s. 16(2); No. 16 of 2019 s. 19.]

17.5 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this division and review the delegations at least once every financial year.

17.6 Appointment of committee Members

The appointment of committee Members is dealt with in the Act.

Sections 5.10 provides for the types of committees and membership.

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

[Section 5.10 amended: No. 16 of 2019 s. 18.]

17.7 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

5.11. Committee membership, tenure of

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
 - (b) the person resigns from membership of the committee; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the term of the person's appointment as a committee member expires; or
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,whichever happens first.

17.8 Appointment of deputies

Please note: The appointment of Deputy Committee Members is dealt with in the Act.

5.11A. Deputy Committee members

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.
** Absolute majority required.*
- (2) A person who is appointed as a deputy of a member of a committee is to be —
 - (a) if the member of the committee is a council member — a council member; or
 - (b) if the member of the committee is an employee — an employee; or
 - (c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or
 - (d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

[Section 5.11A inserted: No. 17 of 2009 s. 20.]

In terms of appointment of Deputies **the Standing Orders only specifies the following points:**

- (1) The Council may appoint one or more Members to be a deputy or deputies for a committee member and, where two or more deputies for the same Member are appointed, the Council is to determine the order of priority among those deputies.
- (2) A deputy may act temporarily in place of the committee member for whom he or she was appointed as a deputy on any occasion on which, or during any period in which, the committee member is unable to perform the functions of the position.
- (3) A member of a committee is not eligible to be appointed as a deputy in respect of the same committee.
- (4) Whenever a committee member is unable to attend a committee meeting, or part of a committee meeting, his or her deputy may:
 - (a) attend the meeting, or that part of the meeting, in place of the committee member; and
 - (b) exercise all the rights, powers and privileges of the committee member.
- (5) In any case where more than one deputy is available to act in place of the committee member, the deputy with the higher priority, as determined by the Council under sub-clause (1), is to act.

17.9 Resignation of committee Members

The resignation of committee Members is dealt with in the Local Government (Administration) Regulations 1996 (regulation 4).

Committee members, resignation of

A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation.

Regulation 4

17.10 Calling committee meetings

A meeting of a committee is to be held:

- (a) if called for in a verbal or written request, to the CEO by the Presiding Member of the committee, identifying the date and purpose of the proposed meeting;
- (b) if called for by at least one third of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) if so decided by the committee.

17.11 Standing Orders to apply

These Standing Orders are to apply to the conduct of committee meetings, with the exception of:

- (a) clause 7.1 in relation to seating;
- (b) clause 7.5(1)(b) in relation to the requirement to rise; and
- (c) clause 7.9 in relation to speaking twice.

17.12 Committee to report

A committee:

- (a) is answerable to the Council;
- (b) is to report on its activities when, and to the extent, required by the Council; and
- (c) as soon as possible after it has decided on a matter referred to it by the Council, is to prepare a report containing recommendations and submit it to the Council.

Meetings

The public notice of Council and Committee Meetings is in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* which states as follows:

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
 - (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*
- (3) *Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.*
- (4) *If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.*

Part 2 – Meetings of Council in the Shire of Toodyay's Standing Orders Local Law 2008 (Clause 2.1(1)) references the Act and states "Ordinary meetings are to be held not more than 3 months apart.

1.7. Local public notice

- (1) *Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —*
 - (a) *published in a newspaper circulating generally throughout the district; and*
 - (b) *exhibited to the public on a notice board at the local government's offices; and*
 - (c) *exhibited to the public on a notice board at every local government library in the district.*
- (2) *Unless expressly stated otherwise it is sufficient if the notice is —*
 - (a) *published under subsection (1)(a) on at least one occasion; and*
 - (b) *exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —*
 - (i) *the time prescribed for the purposes of this paragraph; or*
 - (ii) *if no time is prescribed, 7 days.*

[Section 1.7 amended: No. 64 of 1998 s. 18(3).]

Minutes

The keeping of minutes of a meeting is regulated through Section 5.22, Part 5 (Division 2) of the *Local Government Act 1995* which states as follows:

5.22. Minutes of council and committee meetings

- (1) The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.
- (2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.
- (3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

Audit Committee (AC)

Audit Committee means an audit committee established under section 7.1A of the *Local Government Act 1995*.

In relation to the Appointment, Function and Responsibilities of Audit Committees please refer to the attached Local Government Operational Guideline Number 09 – Revised September 2013.

The guideline states that the audit committee (or any other committee) cannot be given a management task where the Act and Regulations make the CEO specifically responsible. Where the local government is assigned the function through the legislation, the audit committee may have a role unless the function has been delegated to the CEO by Council.

This is classified as an “essential committee” and can be defined as a ‘Standing Committee’ of the Council.

Standing Committee means a permanent committee that meets regularly.

Rules around Establishment of the Audit Committee

The Local Government Act 1995, Division 1A – Audit Committee, Section 7.1A state the following:

7.1A. Audit committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.
** Absolute majority required.*
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

[Section 7.1A inserted: No. 49 of 2004 s. 5; amended: No. 5 of 2017 s. 11.]

Please note that the Department Guideline states that if a Council considers it appropriate, the whole Council can be appointed to the audit committee.

Rules around the Delegation to the Audit Committee

The Local Government Act 1995, Division 1A – Audit Committee state the following:

7.1B. Delegation of some powers and duties to audit committees

- (1) Despite section 5.16, the only powers and duties that a local government may delegate* to its audit committee are any of its powers and duties under this Part other than this power of delegation. ** Absolute majority required.*
- (2) A delegation to an audit committee is not subject to section 5.17.
[Section 7.1B inserted: No. 49 of 2004 s. 5.]

Rules around the Decisions the Audit Committee can make

The Local Government Act 1995, Division 1A – Audit Committee state the following:

7.1C. Decisions of audit committees

Despite section 5.20, a decision of an audit committee is to be made by a simple majority.
[Section 7.1C inserted: No. 49 of 2004 s. 5.]

Role of the Audit Committee

The Audit Committee has specific functions to follow that are set out in Regulation 16 of the *Local Government (Audit) Regulations 1996* which states as follows:

16. Functions of audit committee

An audit committee has the following functions —

- (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.

[Regulation 16 inserted: Gazette 26 Jun 2018 p. 2386-7.]

Responsibilities of the Audit Committee

All members of the Audit Committee are expected to adhere to the Local Government (Rules of Conduct) Regulations 2007, the Shire of Toodyay Code of Conduct and the Shire of Toodyay Standing Orders Local Law 2008.

The responsibilities of the Audit Committee will be to:

1. Liaise with the CEO in relation to the performance of its functions as an Audit Committee in accordance with regulation 16 of the *Local Government (Audit) Regulations 1996*;
2. Recommend to Council the Appointment of an Auditor in accordance with Section 7.3 of the Local Government Act 1995;
3. Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;
4. Examine the reports of the auditor after receiving a report from the CEO on the matters to:
 - (a) determine if any matters raised require action to be taken by the local government; and

- (b) oversee the implementation of any action so determined in respect of those matters;
- 5. Receive the scope of the audit plan and program from the Office of the Attorney General;
- 6. 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;
- 7. 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;
- 8. Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference following authorisation from the Council;
- 9. Review the annual Compliance Audit Return in accordance with regulation 14(3A) of the Local Government (Audit) Regulations 1996 and report to the Council the results of that review; and
- 10. Receive and review the CEO's report on the results of a review of certain systems and procedures in accordance with regulation 17 of the *Local Government (Audit) Regulations 1996* and report to Council the results of that review.

Training Requirements

The Department's guideline states that Members of the committee should be encouraged to attend appropriate courses to keep them up to date with legislation, accounting and other relevant issues.

In accordance with the Department's guideline, Community Members (i.e. External persons) appointed to the committee will have business or financial management/reporting knowledge and experience, and be conversant with financial and other reporting requirements.

Committee Membership Composition (refer to section 7.1A Local Government Act 1995)

The committee will consist of:

- (a) Six Elected Members (four primary members and two deputies) so as to provide for the requirement that the 'majority' of members are members of the Council;
- (b) A maximum of three Community Members, appointed by Council by way of a public advertisement and their terms of appointment be for a maximum term of two years.

In accordance with the Department's Guideline the terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives.

As such, the appointment of external persons (Community Members) shall be made by Council by way of a public advertisement and be for a maximum term of two years.

The Terms "External Persons" and Community Members" have the same meaning as **other person**.

All members shall have full voting rights.

The Presiding Person of the Audit Committee is to be a Councillor, elected at the first meeting of the Audit Committee following a local government Ordinary Election.

Frequency of Meetings

Tentative Audit Committee Meetings shall be set “quarterly” to be held at 2.00pm on the 1st Thursday of March, June, September and December. Meetings will be confirmed once Auditor Reports have been received.

The core items an Audit Committee Meeting will discuss is as follows:

MARCH	Compliance Audit Return
JUNE	to discuss Audit Management Report from the Interim Audit done by Auditors
SEPT	Auditor to be present at this meeting & follow up outstanding matters
DECEMBER	Audit Report, Management Report, Annual Report and Annual Financials

In practice, often the reports from Auditors have delayed meetings of the Audit Committee.

Therefore, in accordance with Standing Orders 17.10 the calling of Audit Committee Meetings shall be determined at the discretion of the Presiding Person; in liaison with the Administration who will advise when reports from Auditors or other matters are required to be discussed by the Committee; or unless otherwise determined by the Presiding Person.

Bush Fire Advisory Committee (BFAC)

Bush Fire Advisory Committee means a committee established under Part V, Section 67 of the *Bush Fires Act 1954*.

This is classified as an “essential committee” and can be defined as a ‘Standing Committee’ of the Council.

Standing Committee means a permanent committee that meets regularly.

Rules around Establishment of BFAC

67. Advisory committees

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.
- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
 - (a) make rules for the guidance of the committee; and
 - (b) accept the resignation in writing of, or remove, any member of the committee; and
 - (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.
- (4) A committee appointed under this section —
 - (a) may from time to time meet and adjourn as the committee thinks fit;
 - (b) shall not transact business at a meeting unless the quorum fixed by the local government is present;
 - (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

[Section 67 inserted: No. 11 of 1963 s. 28; amended: No. 67 of 1970 s. 5; No. 65 of 1977 s. 45; No. 14 of 1996 s. 4.]

Rules around the Delegation to this Committee

Refer to the rules in respect to Committees of Council

Role of the Bush Fire Advisory Committee

To provide advice to the local government on matters pertaining to obligations contained within the Bush Fires Act, organising, managing, resourcing and training volunteer bush fire brigades.

While not mandatory, this committee provides a very worthwhile role in engaging with brigades and gaining feedback and input on policy and strategy.

1. Recommend and regularly review Councils policies relating to the delivery of fire prevention, preparedness, response and recovery.
2. Provide support and guidance to all Bush Fire Brigades and Toodyay State Emergency Services Units within the Shire of Toodyay and to assist those brigades/unit to fulfil their objectives.

3. Establish and maintain an operational command and control structure by developing procedures to enhance the ability of the brigades/units to carry out operations, activities and training efficiently and effectively.
4. Ensure co-operation and co-ordination between all brigades/units within the Shire of Toodyay and between all other brigades/units and stakeholders in their efforts and activities.
5. Advise Council regarding all matters relating to prosecutions for breaches of the Bush Fires Act 1954.
6. Advise regional officers in the area and any other relevant person or organization on matters referred to the committee.
7. Committee to respond to Council on agenda items submitted from council.
8. Perform any other function assigned to the Committee under section 67 of the Bush Fires Act, Fire and Emergency Services Act, various Acts and Regulations or Council policy.

Responsibilities

All members of the Bush Fire Advisory Committee are expected to adhere to the *Local Government (Rules of Conduct) Regulations 2007*, the *Shire of Toodyay Code of Conduct* and the *Shire of Toodyay Standing Orders Local Law 2008*.

Training Requirements

In respect to the Bush Fire Advisory Committee please also refer to the Bush Fire Operating Procedures which is an Administration Manual that includes Standard Operating Procedures. This document was adopted by Council as an Interim Policy on 18 December 2018 and is supported by the Volunteer Bush Fire Brigade Service of WA. This document speaks to the training requirements of personnel who are members on the Bush Fire Advisory Committee.

Committee Membership Composition

The Presiding Person of the Bush Fire Advisory Committee is to be a Councillor, elected at the first meeting of the Bush Fire Advisory Committee following a local government Ordinary Election.

- (a) Four elected members (two primary and two deputy)
- (b) Captain & FCO (or their representative) from the following brigades:
 - Bejoording
 - Morangup
 - Coondle-Nunile
 - Julimar
 - Toodyay Central
 - SES Brigade
- (c) Chief Bush Fire Control Officer or his Deputy / Deputies
 - Deputy Bush Fire Control Officer (DBFCO) 1
 - Deputy Bush Fire Control Officer (DBFCO) 2
- (d) Supporting Officers or representative
 - Toodyay Volunteer Fire & Rescue Representative
 - Bushfire Risk Management Planning Coordinator
 - Chief Executive Officer Shire of Toodyay
 - Community Emergency Services Manager
 - Department of Parks & Wildlife Representative
 - Department of Fire & Emergency Services (DFES) Representative

Frequency of Meetings

The Bush Fire Advisory Committee shall meet at least “quarterly.”

The core items a Bush Fire Advisory Committee will discuss is as follows:

FEBRUARY	67(1) of the Act - any matters relating to be reported; Review of SOP's and Admin Manual
MAY	Llaw - 3.5(2) Equipment Officer to Report
AUGUST	Llaw - 3.9(2) Table Minutes from Brigade's AGM's for receipt at BFAC; Llaw - 3.11 Appointment of Officers following brigade AGM's; Updating Brigade Members Information; Form 12's; BFAC Membership
NOVEMBER	67(1) of the Act - any matters relating to be reported.

The Committee will meet at 6.00pm on the 1st Tuesday of the months of February, May, August and November, unless otherwise determined at the discretion of the Presiding Person.

Local Emergency Management Committee

Local Emergency Management Committee means a committee established under Section 38(1) of the Emergency Management Act 2005.

This is classified as an “essential committee” and can be defined as a ‘Standing Committee’ of the Council.

Standing Committee means a permanent committee that meets regularly.

Part 3 (Division 1) Section 38 of the *Emergency Management Act 2005* provides for the establishment of a Local Emergency Management Committee.

Section 38(3) of the Emergency Management Act 2005 provides for the membership of a LEMC subject to Section 38(4) of the Emergency Management Act 2005 whereby the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

Sections 16 to 20 of State Emergency Management Policy No. 2.5 – Emergency Management in Local Government Districts provides guidelines to local government in relation to the membership of a Local Emergency Management Committee.

Rules around the Establishment of this Committee

38. Local emergency management committees

- (1) A local government is to establish one or more local emergency management committees for the local government’s district.
- (2) If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.
- (3) A local emergency management committee consists of —
 - (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
 - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.
- (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

Role of the Local Emergency Management Committee

To purpose of the Local Emergency Management Committee is to advise and assist the Local Government in ensuring that the Local Emergency Management arrangements are established for its district; to liaise with public authorities and other persons in the development, review and testing of Local Emergency Management arrangements; and to carry out other emergency management activities as directed by the SEMC or prescribed by the Regulations.

The Local Emergency Management Committee has specific functions to follow that are set out in Section 39 and 40 of the Emergency Management Act 2005 which states as follows:

39. Functions of local emergency management committees

- The functions of a local emergency management committee are, in relation to its district or the area for which it is established —
- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and
 - (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and

- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

40. Annual report of local emergency management committee

- (1) After the end of each financial year each local emergency management committee is to prepare and submit to the district emergency management committee for the district an annual report on activities undertaken by it during the financial year.
- (2) The annual report is to be prepared within such reasonable time, and in the manner, as is directed in writing by the SEMC.

Responsibilities

All members of the Local Emergency Management Committee are expected to adhere to the *Local Government (Rules of Conduct) Regulations 2007*, the *Shire of Toodyay Code of Conduct* and the *Shire of Toodyay Standing Orders Local Law 2008*.

The State Emergency Management Guidelines state that LEMC is not an operational committee but rather the organisation established by the local government to assist in the development of local emergency management arrangements for its district.

The LEMC plays a vital role in assisting our communities become more prepared for major emergencies by:

- Developing, enhancing and testing preparedness planning from a multi-agency perspective having local knowledge of hazards, demographic and geographic issues; they provide advice to Hazard Management Agencies to develop effective localised hazard plans;
- providing a multi-agency forum to analyse and treat local risk; and
- Providing a forum for multi-agency stakeholders to share issues and learnings to ensure continuous improvement.

Training Requirements

As determined by the State Emergency Management Committee.

Committee Membership Composition

The State Emergency Management Guidelines state that LEMC membership must include at least one local government representative and the Local Emergency Coordinator. Relevant government agencies and other statutory authorities will nominate their representatives to be members of the LEMC.

The term of appointment of LEMC members shall be determined by the local government in consultation with the parent organisation of the members.

The Presiding Person of the Local Emergency Management Committee is to be the CESM, in accordance with Section 38 (3) (b) of the *Emergency Management Act 2005*.

The composition of this committee is proposed to be as follows:

- (a) Community Emergency Services Manager (CESM) or deputy to act as the Presiding Member of the Committee in accordance with Section 38 (3) (b) of the *Emergency Management Act 2005*
- (b) Four elected members (two primary and two deputy)
- (c) Chief Bush Fire Control Officer or deputy
- (d) Local Recovery Coordinator
- (e) Deputy Recovery Coordinator
- (f) Supporting Officers or representative
 - Toodyay Volunteer Fire & Rescue Representative
 - Bushfire Risk Management Planning Coordinator
 - Police Officer in Charge – Toodyay
 - Chief Executive Officer – Shire of Toodyay

- Chief Bush Fire Control Officer (CBFCO)
- Department of Child Protection and Family Support representative
- Community Emergency Management Coordinator (CEMO)
- DFES District Manager Representative
- Main Roads Representative
- Toodyay Volunteer Fire & Rescue representative
- Silver Chain Service Coordinator Representative
- St John Ambulance representative
- St John Ambulance Paramedic
- Red Cross Representative
- Ranger Representatives
- Principal, Toodyay District High School
- Health/Medical Representative
- Main Roads Representative

Frequency of Meetings

The Local Emergency Management Committee shall meet at least “quarterly.” The Committee will meet at 5.00pm on the 2nd Wednesday of February, May, August and November, unless otherwise determined at the discretion of the Presiding Person.

Local Recovery Committee

The **Local Recovery Committee** means a committee established under Section 36(b) of the *Emergency Management Act 2005*.

Rules around the Establishment of this Committee

Refer to the rules in respect to Committees of Council

36. Functions of local government

It is a function of a local government —

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district; and
- (b) to manage recovery following an emergency affecting the community in its district; and
- (c) to perform other functions given to the local government under this Act.

Role of the Local Recovery Committee

The Local Recovery Committee is set up for the purpose of coordinating and supporting local government in relation to the management in relation to the recovery processes within the community subsequent to a major emergency in accordance with the Shire's Local Emergency Management Arrangements.

The Local Recovery Committee is a subcommittee of the LEMC tasked with aspects of Recovery and its purpose is to assist the local government in the recovery process following a local emergency.

Responsibilities

The responsibility of the Local Recovery Committee is "to ensure a coordinated multi-agency approach to community recovery and make appropriate recommendations, based on lessons learnt, to the Local Emergency Management Advisory Committee to improve the community's recovery preparedness."

Training Requirements

As determined by the State Emergency Management Committee.

Committee Membership Composition

As this is a sub-committee to the LEMC, the Presiding Person is to be either the CEO or the Community Emergency Services Manager (CESM).

- (a) Shire President
- (b) Local Recovery Coordinator
- (c) Deputy Recovery Coordinator
- (d) Chief Executive Officer
- (e) Community Emergency Services Manager

Frequency of Meetings

The Local Recovery Committee shall meet as and when required to do so, unless otherwise determined at the discretion of the CEO in liaison with the CESM.

Reporting

Reports and recommendations of each Local Recovery Committee Meeting shall be presented to the next Local Emergency Management Committee Meeting.

What are Advisory Groups

An **Advisory Group** means and includes **Working Groups** referred to in the **Advisory Group Policy** adopted by a resolution of the Council.

An Advisory Group is to act in an advisory capacity, providing the Shire with its agreed views and/or proposals relevant to the aim and objectives for which the Group was established.

Advisory Groups are made up of councillor and community representatives (including representatives of organisations and agencies), with support from the Shire of Toodyay's Administration.

Each Advisory Group will have the Shire's Executive Support, providing both professional advice as well as undertaking the role of group 'secretary'. This non-voting role will be undertaken by a Shire Officer and is the main contact for specific matters relating to the running of the Advisory Group. Advisory Groups do not have the power to make decisions on behalf of Council.

An Advisory Group has no decision-making powers and does not have any delegated authority to act on behalf of the local government (Council).

In operation, the Groups cannot direct employees, call tenders, award contracts, expend monies, direct volunteers, or do anything which is the responsibility of the Shire of Toodyay.

The Shire's Advisory Groups

The Shire of Toodyay has two Groups as follows:

1. Environmental Advisory Group; and
2. Museum Advisory Group.

How are Advisory Groups Run?

Advisory Groups will operate in accordance with the Policy titled "Advisory Groups Policy."

The term for an 'Advisory Group' of the Council is ongoing. The Advisory Group will need to be formally re-appointed by Council following each Local Government Election.

Invitees

The Presiding Member of the Advisory Groups may invite representatives from relevant government departments, and other bodies with specialist advice, to its meetings as and when required. Such representatives shall not be members.

Reporting

Recommendations made by Advisory Groups will be in accordance with the Advisory Groups Policy.

The Supporting Officer to the Advisory Group will provide a report, quarterly to the Council at the quarterly Strategic Council Forums on the activities of the Advisory Group.

Environmental Advisory Group (EAG)

Aims

To inform and advise Council on environmental and sustainability related issues and Council's role in improving the natural environment of Toodyay. The EAG particularly advises on the implementation, monitoring and review of the Shire's Environmental Strategy and Biodiversity Strategy, subsequent strategies and actions.

Objectives

- i. Provide input and advice to Council on issues of environmental sustainability;
- ii. To provide input to Council on behalf of the community and community organisations;
- iii. To actively support Council's consultation with and advocacy to the broader community;
- iv. To provide input and advice to Council on the implementation of Council's Environmental Management Strategy and development and implementation of Council's Biodiversity Strategy;
- v. To monitor and review environmental and sustainability issues in Toodyay;
- vi. To provide input and assist in developing relevant documents including policies, strategies, leaflets, pamphlets or booklets consistent with Council's Environmental Management Strategy; and
- vii. To assist Council in determining of priority activities to be undertaken and annual objectives.

Membership Composition

- (a) Four elected members (two primary and two deputy)
- (b) Eight community members - A pre-requisite to being appointed as a community member will be the applicant's commitment to preserving the natural environment.
- (c) Supporting Officers
 - Manager Planning and Development
 - Development Services Officer
 - Planning Officer
 - Reserves Management Officer

Responsibilities

As community representatives Environmental Advisory Group members are expected to:

- (a) Have a broad understanding of the environmental and planning legislative framework operating in WA
- (b) Be fully conversant with agenda items and display a high level of preparedness for meetings.
- (c) Be regularly in attendance at meetings.
- (d) Contribute to the sustainability of the district of the Shire of Toodyay by understanding the relevant environmental issues facing the Shire.
- (e) Present evidence based advice.

Frequency of Meetings

The Environmental Advisory Group meets at 5.00 pm on the first 1st Tuesday of March, June, September and December unless otherwise determined by the Presiding Member of the Advisory Group in consultation with the most Senior Supporting Officer

Museum Advisory Group (MAG)

Aims

To provide guidance and assistance to Council on matters affecting the Museums. This may include the selection, interpretation and/or display of the museum's artefacts as well as on matters relating to the promotion of the Museums, including community engagement programs.

Objectives

The objectives of the Advisory Group are as follows:

- a) To increase the usage of the Museums by the local community and visitors to Toodyay through active promotion.
- b) To provide input into effective interpretation and display and care of the Museum's collection.

Membership Composition

- a) Four elected members (two primary and two deputy)
- b) Up to six community members – a pre-requisite to being appointed as a community member will be the applicant's commitment to the work that is undertaken by the Museum.
- c) Supporting Officers
 - Manager Community Development
 - Museum/Cultural Heritage Officer
 - Community Development PA

Responsibilities

As community representatives Museum Advisory Group members are expected to:

- a) Be fully conversant with agenda items and display a high level of preparedness for meetings
- b) Be regularly in attendance at meetings
- c) To provide comment and recommendations on issues associated with the operation and development of the Museums and its programs.

Frequency of Meetings

The Museum Advisory Group meets at 4.00 pm on the 4th Thursday of February, April, September and November, unless otherwise determined by the Presiding Member of the Advisory Group in consultation with the most Senior Supporting Officer.

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Advisory Groups Policy

Purpose

1. To provide guidance for the establishment of Shire of Toodyay (the Shire's) Advisory Groups.
2. To provide a clear framework for the operation and administration of Advisory Groups.

Establishment

Advisory Group means and includes Working Groups referred to in this Policy established by a resolution of the Council via a recommendation made by the Shire's Administration.

The Council may establish an Advisory Group to:

- facilitate Council Member, stakeholder and/or community input and involvement opportunities;
- to provide advice; and
- support to the Shire, in regard to strategic, special interest and/or operational activities.

Advisory Groups are established pursuant to this Policy and by the same principles that exist under the *Local Government Act 1995* – as explained in the *Committees of Council and Advisory Groups Terms of Reference*.

1. OPERATION

- 1.1 Advisory Groups are to operate within the Terms of Reference adopted by Council.
- 1.2 The Terms of Reference will provide:
 - (a) A clear statement of the aims and objectives (i.e. the scope of activity to be undertaken);
 - (b) The Membership composition;
 - (c) The responsibilities; and
 - (d) The frequency of meetings.

2. TERMS OF REFERENCE AND ROLE

- 2.1 The role of an Advisory Group is to act in an advisory capacity, providing the Shire's Administration and the Council with its views and/or proposals relevant to the aims and objectives for which the group was established.
- 2.2 The Advisory Group will only consider matters referred to it by Council.
- 2.3 An Advisory Group has no decision making powers and does not have any authority to act on behalf of the Shire. In operation, the group cannot direct employees, call tenders, award contracts, expend monies, direct volunteers or do anything which is the responsibility of the Shire of Toodyay.

3. ROLE OF THE PRESIDING MEMBER

- 3.1 The Advisory Group Presiding Member is to be appointed by the Council or by the Group, if Council so decides.
- 3.2 The Presiding Member will preside at all meetings. In the absence of the Presiding Member, the group will elect an Acting Chair from their number. A member of Executive Support will take the Chair, open the meeting and call for nominations. A person elected by the quorum will assume the Chair for that meeting.
- 3.3 The Presiding Member (in liaison with the most Senior Supporting Officer appointed to the Advisory Group) shall ensure that the Advisory Group operates in accordance with this Policy at all times.

4. MEETING PROCEDURES

4.1 Conduct of Advisory Groups

The Shire's Standing Orders Local Law will not apply to Advisory Groups, with the exception of the following Clauses:

7.2 Respect to the Presiding Member

After the business of a meeting has commenced, a Member is not to enter or leave the meeting without first paying due respect to the Presiding Member.

7.4 Entering or leaving a meeting

During the course of a meeting, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time, and the specific place within an agenda item, of the Member's entry or departure.

7.6 Priority of Speaking

Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.

A decision of the Presiding Member under sub-clause (1) is not open to discussion or dissent.

A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

8.1 Presiding Member to preserve order

The Presiding Member is to preserve order, and, whenever he or she considers it necessary, may call any Member to order.

8.6 Right of Presiding Member to adjourn

For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.

On resumption, the debate is to continue at the point at which the meeting was adjourned.

If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

11.1 Disclosure of interests

Members and officers must deal with all interests and potential conflicts of interest in accordance with the provisions and requirements of:

- (a) Division 6 – Disclosure of Financial Interests (set out in the provisions of Sections 5.59 to 5.73 of the *Local Government Act 1995*); and
- (b) Regulation 11 of the *Local Government (Rules of Conduct) Regulations 2007*.

4.2 Advisory Group Meetings will:

- (a) be held at least four times during the year, in accordance with the adopted Terms of Reference. Extraordinary meetings may be called by the Presiding Member of the Advisory Group in consultation with the most senior Supporting Officer.
- (b) Not be open to the public as a local government power or duty will not be delegated to the advisory group (ref to section 5.23(1)(b) of the *Local Government Act 1995*).
- (c) not require public notice as the meeting will not be open to the public (ref to regulation 12(1)(b) of the *Local Government (Administration) Regulations 1996*); and
- (d) be conducted in an informal manner, providing opportunities for ideas to be raised and general discussion;
- (e) Encourage fair and respectful discussion;
- (f) Focus on the relevant issues at hand;
- (g) Provide advice to Council, as far as practicable, on a consensus basis;
- (h) be limited to a maximum of one and a half hours duration, commencing on time and concluding by the stated completion time, unless the Group resolves to extend the meeting to a particular time for the completion of business.

4.3 Quorum

A quorum will be a minimum 50% members, the minimum of 50% of members must be present within 15 minutes of the scheduled meeting start time. If a quorum is not present then the meeting is to be cancelled and rescheduled.

4.4 Agendas

- (a) Agendas must be prepared for each meeting that an Advisory Group holds.
- (b) Members may submit items for consideration by tabling matters at one meeting for discussion at the next, or by contacting the most Senior Supporting Officer to submit items for listing on the Agenda not less than 14 days prior to the scheduled meeting date.
- (c) The relevant Supporting Officer will be responsible for preparing the Advisory Group Agenda, researching and reporting on those matters to be listed in the Agenda.
- (d) If matters have financial implications or are outside of strategic outcomes contained in the Community Strategic Plan, the Senior Supporting Officer may present such matters to Council at a Quarterly Strategic Forum in order to seek Council's approval before undertaking research or reporting on matters to the Group.
- (e) All meetings shall be confined to items listed on the Agenda.
- (f) The Chief Executive Officer or relevant Senior Supporting Officer will approve the Agenda for each meeting prior to its distribution.
- (g) The Agenda must be provided to members of the group not less than 7 days before the time fixed for the holding of the meeting.

4.5 Minutes of Meeting

- (a) Minutes must be taken for each meeting that an Advisory Group holds.
- (b) The relevant Senior Supporting Officer having responsibility for the Advisory Group shall be responsible for the accuracy of the Advisory Group Minutes.
- (c) The Minutes shall accurately record the details of any disclosure of interest and the extent of such interest.
- (d) The Minutes shall also record the times any person who has made a disclosure, has departed and/or re- enters the meeting in accordance with Standing Orders 7.4 of the Shire of Toodyay Standing Orders 2008.
- (e) Items considered at the meeting will not be voted upon. The Minutes will record consensus agreement on actions and any points of agreement/disagreement. They will not reflect verbatim discussion on issues or matters discussed during debate prior to consensus agreement being reached. During the meeting the Senior Support Officer will read out the agreed actions and any points of agreement to the meeting to ensure they are accurately reflected to the consensus view.
- (f) The Chief Executive Officer or relevant Senior Supporting Officer will approve the Minutes prior to their distribution.
- (g) Minutes will be distributed to members within ten (10) working days after the date of the meeting.
- (h) Minutes will be posted to the Shire's website unless they are considered by the Senior Supporting Officer or the CEO to be confidential.
- (i) Recommendations made by the Advisory Group that require a Council decision are to be presented to Council at the next available Ordinary Council Meeting.
- (j) Recommendations made by the Advisory Group and presented to Council by the Senior Supporting Officer through an Officer Report will include consideration as to whether the proposal is:
 - (i) Consistent with the Shire's established strategic and operational planning and the objective for which the Advisory Group was established.
 - (ii) Within the Shire's capacity relevant to staffing, resources and adopted budget and also operational effectiveness and efficiencies.
 - (iii) Endorsed by Council resolution, where funding from external sources is proposed.
- (k) Feedback from the Group will be embodied into the appropriate Officer's report to Council under the Consultation section.

5. CONFIDENTIALITY AND PRIVACY

- (a) Members may have exposure to confidential or personal information. Members are required to maintain the security of any confidential information and not access, use or remove any information, unless the member is authorised to do so.
- (b) Members are not to speak to the media in their capacity as Advisory Group members.

6. CODE OF CONDUCT

- 6.1 The Shire's *Code of Conduct* shall apply to members of the Advisory Groups.
- 6.2 A Member is not to use offensive or objectionable expressions in reference to any Member, employee or other person.
- 6.3 The principles of the *Local Government (Rules of Conduct) Regulations 2007* shall apply to all members of the Advisory Groups. Any breach of the principles of the Rules of Conduct Regulations shall be treated as a breach of the Code of Conduct.
- 6.4 The Shire's Chief Executive Officer is available to provide any assistance or guidance concerning the Code or any matters of Interest.

7. CONFLICT OF INTEREST

- 7.1 The financial, proximity and impartiality interest provisions of the *Local Government Act 1995* will apply to the Shire's Advisory and Working Groups.
- 7.2 All members need to be aware that any conflict of interest needs to be recognised AND recorded in the minutes taken of the Meeting, to ensure that probity is maintained at all times.

8. INSURANCES

The Shire will arrange all insurance to cover Advisory Group members whilst discharging their normal course of duty, including travel to and from the meeting.

9. MEMBERSHIP

Membership of an Advisory Group is to be determined by the Council on a basis of relevancy to the aims and objectives (purpose) for which the group has been established. Membership may include Council Members, Community Members, Employees and Representatives of Stakeholder Organisations.

- 9.1 Where Advisory Group membership includes representatives of Stakeholder Organisations, the Shire shall seek written nomination(s) from the organisation(s).
- 9.2 Where Advisory Group membership includes representatives to be drawn from members of the community; the Shire shall publicly advertise and call for nominations to be received within a defined period. Members are to be appointed by the Council on the basis of demonstrated knowledge, skills and/or understanding relevant to the purpose for which the Advisory Group has been established.
- 9.3 The term of membership of an Advisory Group is to align with the local government elections cycle, with membership expiring at the next ordinary local government election, with the following exceptions:
 - (a) Where the Advisory Group's operations are likely to conclude within a period that does not exceed 12 months following the next ordinary local government elections, the community and/or organisation representation shall continue to the planned conclusion of the Advisory Group's operations. The Council representation shall however, be reappointed following the ordinary local government election.
 - (b) Where the Advisory Group's Terms of Reference have been fulfilled, the Advisory Group may be abolished at the determination of Council.
- 9.4 In any case, in order to facilitate specific aspects of the operations of an Advisory Group, membership with required skills or knowledge may also be co-opted on an 'as required' basis, by either the Chief Executive Officer or Advisory Group Presiding Member.

10. TENURE OF APPOINTMENT

- 10.1 Council will appoint a member to the Advisory Group including the prescribed Term and any conditions for a period of up to two (2) years.
- 10.2 Council may terminate the appointment of any member prior to the expiry of his/her term, if:
- (a) the Presiding Member and Chief Executive Officer are of the opinion that the member is not making a positive contribution to deliberations of the group; or
 - (b) the member is found to be in breach of the Shire of Toodyay Code of Conduct or a serious contravention of the *Local Government Act 1995*; or
 - (c) a member's conduct, action or comments brings the Shire of Toodyay into disrepute.

11. VACANCIES

Vacancies shall be filled by calling for nominations of either the Council or community representatives. Members filling a vacated position will hold that position for the remainder of the two (2) years duration of the convened Advisory Group, as approved by the Council.

12. COUNCIL DECISION

The Shire's decision making obligations are guided by relevant legislative, strategic and operational requirements and therefore the views or proposals of an Advisory Group may not always prevail.

13. REVIEW

The operations of an Advisory Group shall be reviewed and presented to Council for re-adoption not more than three months before each Ordinary Council Election.

Reference Information

Related Documents

Related Legislation *Local Government Act 1995 (WA)*

Associated Forms and Attachments

Document Category	Governance
Document Title	Advisory Groups Policy
Document ID	
Version No.	
Archived and previous version	
Access Restrictions	
Approved By	Council
Date of Approval (OCM)	
Date of Last Review	
Date of Next Review	2021



Government of **Western Australia**
Department of **Local Government and Communities**

Local Government Operational Guidelines

Number 09 – Revised September 2013

Audit in Local Government

The appointment, function
and responsibilities of
Audit Committees

1. Introduction

The *Local Government Act 1995* (the Act) requires that all local governments establish an audit committee. An audit committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

The purpose of this guideline is to assist local governments to establish and operate an effective audit committee. Clear and comprehensive terms of reference, setting out the committee's roles and responsibilities, are essential and a model terms of reference for an audit committee is provided with this guideline. Matters such as the governing legislation, membership, primary roles and responsibilities of the committee and ancillary functions are also addressed. Guidance is provided to the committee as it approaches its task of appointing an external auditor through provision of a minimum standard audit specification and as it forms an opinion of the local government's internal audit requirements.

2. Audit Requirements, Committees and Functions

The relevant parts of the Act and regulations that relate to audit requirements, audit committees and their functions are listed below.

Financial Management

In relation to financial management under Part 6 of the Act, a local government is to –

- a) prepare and adopt an annual budget in the form and manner prescribed (section 6.2). A copy of the budget is to be sent to the Department within 30 days of adoption.
- b) prepare an annual financial report and such other financial reports as prescribed. The accounts of the local government and annual financial report are to be submitted to the auditor for audit by 30 September (section 6.4).
- c) have a municipal fund and a separate and distinct trust fund (section 6.6).
- d) establish and maintain reserve funds for the holding of monies set aside for future use (section 6.11).

Audit Requirements for Local Governments

Part 7 of the Act and the *Local Government (Audit) Regulations 1996* (the Regulations) address the situation of audit. In relation to the duties of the local government with respect to audits –

- a) the local government is to do everything in its power to –
 - i. assist the auditor to conduct an audit and carry out his or her other duties under the Act; and

- ii. ensure that audits are conducted successfully and expeditiously;
- b) a local government is to meet with its auditor at least once in every year;
- c) a local government is to examine the report of the auditor and is to –
 - i. determine if any matters raised require action to be taken by the local government; and
 - ii. ensure that appropriate action is taken in respect of those matters;
- d) a local government is to –
 - i. prepare a report on any actions taken in respect of any matters raised in the report of the auditor; and
 - ii. forward a copy of that report to the Minister by the end of the next financial year, or six months after the last report prepared by the auditor is received by the local government, whichever is the latest in time.
- e) the only powers and duties that can be delegated to a committee are any of the powers and duties of the local government under Part 7 of the Act; that is, those relating to audit. The committee cannot on-delegate the powers and duties delegated to it;
- f) an audit committee with a member who is a person that is not an elected member can be delegated powers and duties referred to in (e); and
- g) a decision of the committee is to be made by simple majority.

Audit Committee Functions

The Regulations state that an audit committee –

Establishment of the Audit Committee

The Act and Regulations provide that:

In relation to the establishment of an audit committee –

- a) each local government is to establish an audit committee consisting of three or more persons to exercise the powers and discharge the duties conferred on it;
- b) members of the committee are to be appointed by an absolute majority decision of Council. At least three of the members, and the majority of the members, are to be elected members;
- c) the Chief Executive Officer (CEO) is not to be a member of the committee and may not nominate a person to be a member or have a person to represent him or her as a member of the committee;
- d) an employee is not to be a member of the committee;
- (a) is to 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;
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;
- (b) may 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;
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management;
- (c) is 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;
 - (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 biennial reviews of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance and report to the council the results of those reviews.

3. Operation of Audit Committees

Role and Responsibilities

The role of the audit committee is to support Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, internal and external audit functions and ethical accountability.

The audit committee should critically examine the audit and management reports provided by the external auditor. The committee would then determine if matters raised in the reports require action to be taken by the local government and ensure that appropriate action is implemented.

A further role for the audit committee would be to receive and authorise the report relating to the audit prepared by the CEO that is to be sent to the Minister.

This report would outline any actions the local government has taken or intends to take in relation to the matters identified by the auditor.

While a formal internal audit function could be considered to be an operational function and therefore the responsibility of the CEO, it is desirable for an internal auditor to have a direct line of communication to the Audit Committee.

The Audit Committee needs to form an opinion of the local government's internal audit requirements and recommend a course of action that ensures that any internal audit processes adopted are appropriate, accountable and transparent. The role of the external auditor in this regard can be established at the time of appointment.

Please note that an audit committee (or any other committee) cannot be given a management task where the Act and Regulations make the CEO specifically responsible. Where the local government is assigned the function through the legislation, the audit committee may have a role unless the function has been delegated to the CEO by the Council.

The deliberations and recommendations of the committee must be independent and autonomous. Therefore, the Act prohibits the CEO being a member of the committee. However, it is essential that the CEO be given every opportunity to provide his/her expert advice to the committee as he/she does with full Council and other committees.

A model terms of reference is attached as Appendix 1 to assist local governments to define an appropriate role for its audit committee. When considering the model, local governments need to remember it is a guide and they can delete or modify any matters they believe not applicable.

It is important to note that the legislation gives the audit committee a specific role in appointing the auditor. It is to recommend to the Council who should be appointed as the auditor. Attached as Appendix 2 is a model 'Minimum Standard Audit Specification' that local governments can use when developing a process to be used to select and appoint a person to be the auditor.

Local governments can amend the document to suit their individual requirements. Any scope adopted must meet, as a minimum, the legislative requirements, as outlined in the Act and the Regulations.

The legislation specifies that a local government is required to meet with its auditor at least once in every year. The term "local government" in this context means the Council. If Council so resolved via a formal delegation, a meeting between the audit committee and the auditor would satisfy this requirement.

It is acknowledged that the requirement to meet at least once per year may incur a significant financial burden for the more remote local governments. In such circumstances the meeting can be conducted by telephone or video conference. The Council or audit committee should resolve how the meeting with the auditor will be conducted and for the record of the meeting to show that the auditor was involved and the matters discussed. It would be inappropriate for Council representatives to meet with the auditor in their offices unless they were members of the Audit Committee or a significant majority of the members are present.

The committee may need to liaise regularly with the external auditor to discuss the audit plan, results of the audit and implementation of any recommendations for action emerging from the audit. How communication and liaison between auditor and committee is to occur should be addressed in the agreement of appointment.

Advice from the auditor may address issues such as –

- (i) an assessment of accounting procedures;
- (ii) an assessment of internal controls;
- (iii) an assessment of risk;
- (iv) compliance with the Act and associated regulations;
- (v) compliance with Council policies;
- (vi) performance assessments on the efficiency and effectiveness of operations;
- (vii) processes of the internal audit;
- (viii) outcomes of the external audit prior to issue of management and audit reports; and
- (ix) changes to accounting standards and legislation and the impact on the local government.

Membership

The Act requires that an audit committee is to consist of a minimum of 3 members and in that situation all must be council members. Where a committee consists of more than 3 members then a majority of those members must be council members. Local governments may decide to appoint a committee involving only elected members or they may appoint one or more persons who are external to the Council. If a Council considers it appropriate, the whole Council can be appointed to the audit committee.

If the local government wishes to appoint one or more persons other than elected members to the committee, which is recommended, it should ensure that they have the requisite knowledge and skills to provide benefit to the committee.

Operation of the Committee

Irrespective of the membership of the committee, all legislative requirements relating to committee meetings such as advertising meeting dates, notice of meeting and keeping minutes of meetings need to be complied with.

The legislation prevents a meeting fee being paid to an external person but it is permissible for a payment to be made as a reimbursement of expenses, commensurate with the expertise and knowledge such people bring to the committee. The Council will need to determine whether payment will be offered and the level of that reimbursement payment.

Members of the committee should be encouraged to attend appropriate courses to keep them up to date with legislation, accounting and other relevant issues.

Other Responsibilities

Local governments are required by legislation to complete a statutory compliance return (Compliance Audit Return or CAR) annually and have the return adopted by Council. The return is a checklist of a local government's compliance with the requirements of the Act and its Regulations, concentrating on areas of compliance considered "high risk."

The Audit Committee is to review the annual CAR and report to the Council the results of that review, prior to adoption of the return by Council. After adoption, the return is to be signed by the Mayor or President and the CEO prior to it being forwarded to the Department.

The Audit Committee is to consider the CEO's biennial reviews (see Regulation 17.) of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance and report to the council the results of those reviews.

Attached as Appendix 3 is information to assist in determining what falls within the terms 'risk management,' 'internal control' and 'legislative compliance.'

The audit committee could also consider proposals from the CEO as to whether the compliance audit, and the biennial reviews of risk management, internal control and legislative compliance, are undertaken internally or an external party is contracted to undertake the task. In the case of an external party the audit committee would have responsibility to receive the review report from the CEO and make recommendations on it to full Council.

4. The External Audit

Appointment of the Auditor

The Act and Regulations provide that –

- a) on the recommendation of the audit committee a local government is to from time to time appoint, by absolute majority, a person to be its auditor;
- b) the local government may appoint one or more persons as its auditor;
- c) the local government's auditor is to be a person who is –
 - a. a registered company auditor; or
 - b. an auditor approved by the Minister;
- d) a person may not be appointed as a local government auditor if that person is –
 - a. a councillor or employee of the local government;
 - b. in debt to the local government for more than \$5,000;
 - c. a councillor or employee of a regional local government in which the local government is a participant;
 - d. a member of an incorporated association formed by the local government; or
 - e. a class of persons as prescribed in the Regulations;
- e) an auditor is not to be appointed for more than five years; and
- f) the appointment of a person as an auditor is to be made by agreement in writing and is to include –
 - i. the objectives of the audit;
 - ii. the scope of the audit;
 - iii. a plan for the audit;
 - iv. details of the remuneration and expenses to be paid to the auditor; and
 - v. the method to be used by the local government to communicate with, and supply information to, the auditor.

The committee should undertake a proper selection and appointment process as part of appointing, or reappointing an auditor. If reappointment is being considered, the process should include the review of key issues as in i. to v. above.

It is important to realise that the Act specifies that it is a named person(s) that is appointed as auditor, not the company, or 'the partners' of the company which employs the person. Therefore, when the audit report is received it must be signed by the person(s) appointed as the auditor; it cannot be the generic signature identifying the firm.

Conduct of the Audit

The Act and Regulations provide that –

- a) the auditor is required by 31 December next following the financial year to which the audit relates, to examine the accounts and annual financial report submitted for audit;
- b) the auditor is to form an opinion as to whether –
 - i. the accounts are properly kept; and
 - ii. the annual financial report –
 - is prepared in accordance with the financial records; and
 - represents fairly the results of the operations of the local government and its financial position at 30 June;
- c) the auditor is to prepare a report on the audit and within 30 days of completing the audit forward a copy to –
 - i. the mayor or president;
 - ii. the CEO of the local government; and
 - iii. the Minister;

- d) the report is to give the auditor's opinion on –
 - i. the financial position of the local government; and
 - ii. the results of the operation of the local government;
- e) the report is to include –
 - i. any material matters that indicate significant adverse trends in the financial position or the financial management practices of the local government;
 - ii. any matters indicating non-compliance with financial management requirements of the Act, Regulations and any other written law;
 - iii. details of whether information and explanations were obtained;
 - iv. a report on the conduct of the audit; and
 - v. the opinion of the auditor as to whether or not the specific financial ratios reported are supported by verifiable information and reasonable assumptions;
- f) where it is considered appropriate to do so the auditor is to prepare a management report to accompany the auditor's report;
- g) where the auditor considers that –
 - i. there is any error or deficiency in an account or financial report;
 - ii. any money paid from, or due to the local government has been, or may have been misapplied; or
 - iii. there is a matter arising from the audit that needs to be addressed by the local government; details are to be included in the report to the Minister; and

- h) the auditor has a right of access at all reasonable times to such books, accounts, documents and assets of the local government as are in the opinion of the auditor necessary to allow the audit to be conducted.

Scope of the Audit

The Act and Regulations prescribe the scope of the external audit of the annual financial statements of a local government.

The scope details are going to vary between local governments but as an aid a model minimum standard audit specification is attached as Appendix 2 to this guideline. Individual local governments can amend that document to suit their particular needs.

Reporting by the Auditor

Regulations require the auditor, where appropriate, to prepare a management report to accompany the auditor's report. Although there is no legislative requirement for the auditor to prepare a management report unless he or she deems it appropriate, local government may wish to require the auditor to prepare a report on all issues identified during the audit.

The auditor, after completing the audit, is to forward a copy of his or her audit and management report to –

- the Mayor or President;
- the CEO of the local government; and
- the Minister via the Department.

It is the CEO's responsibility to ensure that the external audit report is provided to the audit committee. In considering the audit and management reports presented to the audit committee, the CEO should:

- a) examine any critical matters raised in the reports that affect the financial position of the local government; and
- b) provide comment on any critical matters raised and action proposed to be taken to address those matters.

Once Council has addressed matters raised, or accepted the CEO's planned remedial action on matters raised in the audit and management reports, the CEO should provide feedback to the Department on those matters.

Appendix 1

Model Terms of Reference – Audit Committees

Important: The following Model Terms of Reference contains clauses that may not be applicable to each local government. Local governments will need to consider each clause and only adopt those that are applicable to the roles and responsibilities and delegated powers and functions that will apply to their audit committee.

The clauses that may be considered optional have been asterisked (*).

Objectives of Audit Committees

The primary objective of the audit committee is to accept responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs.

Reports from the committee will assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies and overseeing the allocation of the local government's finances and resources. The committee will ensure openness in the local government's financial reporting and will liaise with the CEO to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation.

The committee is to facilitate –

- the enhancement of the credibility and objectivity of *internal and external financial reporting;

- *effective management of financial and other risks and the protection of Council assets;
- compliance with laws and regulations as well as use of best practice guidelines relative to audit, risk management, internal control and legislative compliance;
- *the coordination of the internal audit function with the external audit; and
- the provision of an effective means of communication between the external auditor, *internal auditor, the CEO and the Council.

Powers of the Audit Committee

The Audit 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 is a formally appointed committee of council and is responsible to that body. 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.

Membership

The committee will consist of *four members with three elected and *one external person. All members shall have full voting rights.

*External persons appointed to the

committee will have business or financial management/reporting knowledge and experience, and be conversant with financial and other reporting requirements.

*Appointment of external persons shall be made by Council by way of a public advertisement and be for a maximum term of two years. The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives.

*Reimbursement of approved expenses will be paid to each external person who is a member of the committee.

The CEO and employees are not members of the committee.

The CEO or his/her nominee is to be available to attend meetings to provide advice and guidance to the committee.

The local government shall provide secretarial and administrative support to the committee.

Meetings

The committee shall meet at least *quarterly.

Additional meetings shall be convened at the discretion of the presiding person.

Reporting

Reports and recommendations of each committee meeting shall be presented to the next ordinary meeting of the Council.

*The committee shall report annually to the Council summarising its activities during the previous financial year.

Duties and Responsibilities

The duties and responsibilities of the committee will be –

- a) Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits;
- b) Develop and recommend to Council an appropriate process for the selection and appointment of a person as the local government's auditor;
- c) Develop and recommend to Council –
 - a list of those matters to be audited; and
 - the scope of the audit to be undertaken;
- d) Recommend to Council the person or persons to be appointed as auditor;
- e) Develop and recommend to Council a written agreement for the appointment of the external auditor. The agreement is to include –
 - the objectives of the audit;
 - the scope of the audit;
 - a plan of the audit;
 - details of the remuneration and expenses to be paid to the auditor; and
 - the method to be used by the local government to communicate with, and supply information to, the auditor;
- f) Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;
- g) Liaise with the CEO to ensure that the local government does everything in its power to –
 - assist the auditor to conduct the audit and carry out his or her other duties under the *Local Government Act 1995*; and
 - ensure that audits are conducted successfully and expeditiously;
- h) Examine the reports of the auditor after receiving a report from the CEO on the matters to –
 - determine if any matters raised require action to be taken by the local government; and
 - ensure that appropriate action is taken in respect of those matters;
- i) Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time;
- j) Review the scope of the audit plan and program and its effectiveness;
- k) *Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or CEO (see reference to internal audit page 14);
- l) *Review the level of resources allocated to internal audit and the scope of its authority;
- m) *Review reports of internal audits, monitor the implementation of recommendations made by the audit and review the extent to which Council and management reacts to matters raised;
- n) *Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs;
- o) *Review the local government's draft annual financial report, focusing on –
 - accounting policies and practices;
 - changes to accounting policies and practices;
 - the process used in making significant accounting estimates;
 - significant adjustments to the financial report (if any) arising from the audit process;

- compliance with accounting standards and other reporting requirements; and
 - significant variances from prior years;
- p) *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;
- q) *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;
- r) Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference following authorisation from the Council;
- s) Review the annual Compliance Audit Return and report to the council the results of that review, and
- t) Consider the CEO's biennial reviews of the appropriateness and effectiveness of the local government'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.

Internal Audit

Many local governments have recognised the need to improve their internal auditing processes, and have moved to either employ an internal auditor or contract out the internal audit function.

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an

organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

The scope of an internal audit would be determined by the Audit committee, with input from the CEO, based on the size of the local government's internal operations and the level of compliance to be achieved. The role differs from that of the external auditor who is appointed by council on the recommendation of the Audit Committee, to report independently to it, through the mayor/president and the CEO, on the annual financial statements. The external auditor's primary role is to decide whether the annual financial statements of a local government are free of material misstatement.

There are certain functions of the internal audit that complement the external auditor's role. As the external auditor plans for an effective audit they need to assess and determine whether to include the scope, procedures and outcomes of the internal audit. The CEO must refer all internal audit reports to the Audit Committee for consideration.

An internal auditor's activities should typically include the following:

- (a) review of the internal control structure, monitoring the operations of the information system and internal controls and providing recommendations for improvements;
- (b) a risk assessment with the intention of minimising exposure to all forms of risk on the local government;
- (c) examination of financial and operating information that includes detailed testing of transactions, balances and procedures;

- (d) a review of the efficiency and effectiveness of operations and services including non-financial controls of a local government;
- (e) a review of compliance with management policies and directives and any other internal requirements;
- (f) review of the annual Compliance Audit Return;
- (g) assist in the CEO's biennial reviews of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance; and
- (h) specific tasks requested by management.

For local government, the internal auditor should report functionally to the audit committee and administratively to the CEO. It should be remembered that pursuant to section 5.41 of the Act, the CEO is responsible for the day-to-day management of council activities including the direction of staff and implicitly the internal audit function. The CEO may choose to delegate this responsibility provided always that the delegation does not directly or indirectly interfere with the ability of the Internal Auditor to conduct an internal audit function free from interference.

A clear and properly defined reporting relationship ensures that the internal auditor is empowered to perform their role working with management. The direct reporting line to the audit committee also acts as an adequate safeguard in the event of a serious breakdown in internal controls or internal control culture at senior levels in the organisation.

While it is recognised that smaller councils may not be able to justify a

full-time internal auditor, a small size of operation does not justify forgoing internal audit altogether. If audit committee or management is of the view that the employment of an independent internal auditor either full-time or part-time is not warranted, it may request the council to have the internal audit function undertaken as necessary by an external contractor, or expand the role of its external auditor.

The external auditor or his or her professional company should only undertake internal audit functions that complement the external audit and do not cloud the objectivity and independence of the external audit. An external auditor must not audit information prepared by them or their accounting practice, as this is considered incompatible with the standard of independence.

Local governments that do not establish an internal audit process but require a review of the financial management systems and procedures, may decide to use the services of the external auditor for that purpose. Such reviews are to be undertaken every four years in accordance with regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*.

The review of financial management systems and procedures provides the external auditor with greater assurance of systems and procedures used to prepare the annual financial statements, and whether they provide information free of material misstatement.

Appendix 2

Model Minimum Standard Audit Specification

Important: The following Model Minimum Standard Audit Specification may be used as the basis for the calling of tenders or seeking of quotes for the appointment of an auditor. Local governments need to consider the Model to ensure that only those clauses applicable to its requirements are used. This applies, in particular, to the "Critical matters to be audited".

Introduction

This document is provided for the assistance of auditors who wish to apply for the role of auditor with the City/Town/Shire.

Auditors are required to address all of the matters outlined in the specification.

Auditors who submit an application may be asked to provide further information and/or make a presentation to the audit committee.

Objectives of the Audit

To provide an independent audit opinion of the accounts and annual financial reports of the local government for each financial year covered by the term of the audit appointment.

Term of Audit Appointment

For the financial years commencing 1 July through to 30 June..... (not more than 5 years)

Scope of the Audit

The auditor is to –

Carry out such work as is necessary to form an opinion as to whether –

- (a) the accounts are properly kept; and
- (b) the annual financial report –
 - (i) is prepared in accordance with the financial records; and
 - (ii) represents fairly the results of the operations of the local government and the financial position of the local government at 30 June in accordance with the Australian Accounting Standards, the *Local Government Act 1995* (as amended) (the Act), the *Local Government (Financial Management) Regulations 1996* (as amended) and other mandatory professional reporting requirements.

Give an opinion in his or her audit report on –

- (a) the financial position of the local government; and
- (b) the results of the operation of the local government.

Include in his or her audit report –

- (a) any material matters that indicate significant adverse trends in the financial position or the financial management practices of the local government;
- (b) any matters indicating non-compliance with financial management or control requirements of the Act, Regulations and any other written law;
- (c) details of whether information and explanations were obtained by the auditor;

- (d) a report on the conduct of the audit; and
- (e) the opinion of the auditor as to whether or not the specific financial ratios reported are supported by verifiable information and reasonable assumptions.

Audit Methodology and Approach

Other requirements of the Auditor –

- (a) The auditor is required to comply with the requirements of section 7.9 of the *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996*;
- (b) An audit is to be carried out in accordance with accounting standards adopted from time to time by the Australian Government Auditing and Assurance Standards Board (AuASB);
- (c) The auditor is to provide the local government with a general outline of his/her methodology;
- (d) The auditor is to provide the local government with a plan for the audit including –
 - timing of interim audit visits;
 - final audit visit (within 30 days of being advised that the accounts and annual financial report are available for audit);
 - timing of the legislative requirement to meet with the local government and whether that meeting will be in person or by some other means;
 - the method to be used to communicate with, and provide advice and information to, the local government; and
- (e) The auditor is required to produce an audit report as required by section 7.9 of the *Local Government Act 1995* and, if considered appropriate by the auditor, a management report.

Critical Matters to be Audited

The auditor is to include in his or her application the extent to which the critical matters outlined below will be audited so as to form an opinion on the manner in which they have been maintained.

- (i) Revenue
 - Rates revenue
 - Government grants
 - User pays revenue
 - Profit on sale of non-current assets
 - Other income
- (ii) Expenditure
 - Salary and wage costs
 - Depreciation
 - Materials and contract expenditure
 - Loss on sale of non-current assets
 - Insurances
 - Bad debts
 - Other expenditure
- (iii) Current Assets
 - Bank and short term investments
 - Receivables and prepayments
 - Inventory
- (iv) Non-Current Assets
 - Property, plant, furniture and equipment
 - Infrastructure and depreciation
 - Other receivables
- (v) Liabilities (Current and non-current)
 - Creditors and accruals
 - Loan borrowings including new loans raised
 - Provision for annual and long service leave entitlements
- (vi) Reserve Funds
- (vii) Contingent Liabilities
- (viii) Capital Commitments
- (ix) Accounting Policies and Notes to the Financial Statements
- (x) Cash Flow Statement
- (xi) The financial ratios required by the *Local Government (Financial Management) Regulations 1996*

Hours, Fees and Expenditure

The auditor is to provide –

- estimate of the time to be spent on the audit;
- fees for completing the audit in accordance with this specification;
- nominated auditor(s) and registered company audit number(s); and
- experience of the nominated auditors in completing local government audits.

The auditor is to provide a fee for any additional audit requested by Council.

Terms

Conditions to be noted by auditors –

- the auditor shall not sub contract to a third party;
- the auditor shall not, and has no right to, assign the audit contract to third parties;
- the auditor shall not be engaged by the local government to undertake any financial consultancy with the local government that requires the preparation of financial information that will be the subject of the annual audit; and
- the auditor shall confirm that he or she has, and will maintain during the duration of the audit term, professional indemnity insurance covering the legal liability arising out of any neglect, default, error, or omission.

Termination of Appointment

The appointment as auditor is terminated if –

- (a) the auditor ceases to be a registered company auditor;
- (b) the auditor ceases to be an approved auditor under Section 7.5 of the *Local Government Act 1995*;
- (c) the auditor is a disqualified person under Section 7.4(2) of the *Local Government Act 1995*;
- (d) the auditor resigns by notice in writing to Council; or
- (e) Council serves notice in writing to the auditor terminating the appointment.

Appendix 3

Issues that should be considered for inclusion in the CEO's Review of Risk Management, Internal Control and Legislative Compliance

Please note: Section 7 of the Department's Western Australian Local Government Accounting Manual provides a comprehensive internal control framework related to internal control and risk management.

Risk Management

Internal control and risk management systems and programs are a key expression of a local government's attitude to effective controls. Good audit committee practices in monitoring internal control and risk management programs typically include:

- Reviewing whether the local government has an effective risk management system and that material operating risks to the local government are appropriately considered;
- Reviewing whether the local government has a current and effective business continuity plan (including disaster recovery) which is tested from time to time;
- Assessing the internal processes for determining and managing material operating risks in accordance with the local government's identified tolerance for risk, particularly in the following areas;
 - potential non-compliance with legislation, regulations and standards and local government's policies;
 - important accounting judgements or estimates that prove to be wrong;
 - litigation and claims;
 - misconduct, fraud and theft;
 - significant business risks, recognising responsibility for general or specific risk areas, for example, environmental risk, occupational health and safety, and how they are managed by the local government;
- Obtaining regular risk reports, which identify key risks, the status and the effectiveness of the risk management systems, to ensure that identified risks are monitored and new risks are identified, mitigated and reported;
- Assessing the adequacy of local government processes to manage insurable risks and ensure the adequacy of insurance cover, and if applicable, the level of self-insurance;
- Reviewing the effectiveness of the local government's internal control system with management and the internal and external auditors;
- Assessing whether management has controls in place for unusual types of transactions and/or any potential transactions that might carry more than an acceptable degree of risk;
- Assessing the local government's procurement framework with a focus on the probity and transparency of policies and procedures/processes and whether these are being applied;
- Should the need arise, meeting periodically with key management, internal and external auditors, and compliance staff, to understand and discuss any changes in the local government's control environment;
- Ascertaining whether fraud and misconduct risks have been identified, analysed, evaluated, have an appropriate treatment plan which has been implemented, communicated,

monitored and there is regular reporting and ongoing management of fraud and misconduct risks.

Internal Control

Internal control is a key component of a sound governance framework, in addition to leadership, long-term planning, compliance, resource allocation, accountability and transparency. Strategies to maintain sound internal controls are based on risk analysis of the internal operations of a local government.

An effective and transparent internal control environment is built on the following key areas:

- integrity and ethics;
- policies and delegated authority;
- levels of responsibilities and authorities;
- audit practices;
- information system access and security;
- management operating style; and
- human resource management and practices.

Internal control systems involve policies and procedures that safeguard assets, ensure accurate and reliable financial reporting, promote compliance with legislation and achieve effective and efficient operations and may vary depending on the size and nature of the local government.

Aspects of an effective control framework will include:

- delegation of authority;
- documented policies and procedures;
- trained and qualified employees;
- system controls;
- effective policy and process review;
- regular internal audits;
- documentation of risk identification and assessment; and

- regular liaison with auditor and legal advisors.

The following are examples of controls that are typically reviewed:

- separation of roles and functions, processing and authorisation;
- control of approval of documents, letters and financial records;
- comparison of internal data with other or external sources of information;
- limit of direct physical access to assets and records;
- control of computer applications and information system standards;
- limit access to make changes in data files and systems;
- regular maintenance and review of financial control accounts and trial balances;
- comparison and analysis of financial results with budgeted amounts;
- the arithmetical accuracy and content of records;
- report, review and approval of financial payments and reconciliations; and
- comparison of the result of physical cash and inventory counts with accounting records.

Legislative Compliance

The compliance programs of a local government are a strong indication of attitude towards meeting legislative requirements. Audit committee practices in regard to monitoring compliance programs typically include:

- Monitoring compliance with legislation and regulations;
- Reviewing the annual Compliance Audit Return and reporting to Council the results of that review;
- Staying informed about how management is monitoring the

effectiveness of its compliance and making recommendations for change as necessary;

- Reviewing whether the local government has procedures for it to receive, retain and treat complaints, including confidential and anonymous employee complaints;
- Obtaining assurance that adverse trends are identified and review management's plans to deal with these;
- Reviewing management disclosures in financial reports of the effect of significant compliance issues;
- Reviewing whether the internal and/or external auditors have regard to compliance and ethics risks in the development of their audit plan and in the conduct of audit projects, and report compliance and ethics issues to the audit committee;
- Considering the internal auditor's role in assessing compliance and ethics risks in their plan;
- Monitoring the local government's compliance frameworks dealing with relevant external legislation and regulatory requirements; and
- Complying with legislative and regulatory requirements imposed on audit committee members, including not misusing their position to gain an advantage for themselves or another or to cause detriment to the local government and disclosing conflicts of interest.

These guidelines are also available on the Department's website at www.dlgc.wa.gov.au



About the Guideline series

This document and others in the series are intended as a guide to good practice and should not be taken as a compliance requirement. The content is based on Department officer knowledge, understanding, observation of, and appropriate consultation on contemporary good practice in local government. Guidelines may also involve the Department's views on the intent and interpretation of relevant legislation.

All guidelines are subject to review, amendment and re-publishing as required. Therefore, comments on any aspect of the guideline are welcome. Advice of methods of improvement in the area of the guideline topic that can be reported to other local governments will be especially beneficial.

For more information about this and other guidelines, contact the Local Government Regulation and Support Branch at:

Department of Local Government and Communities

Gordon Stephenson House, 140 William Street, Perth WA 6000

GPO Box R1250, Perth WA 6844

Telephone: (08) 6551 8700 Fax: (08) 6552 1555

Freecall (Country only): 1800 620 511

Email: info@dlgc.wa.gov.au Website: www.dlgc.wa.gov.au

Translating and Interpreting Service (TIS) – Tel: 13 14 50

Council and Committee Meeting Schedule

YEAR	COUNCIL BODY			COMMUNITY ENGAGEMENT		REGIONAL COOPERATION		ESSENTIAL COMMITTEES			ADVISORY GROUPS	
2020	AGENDA BRIEFING	Ordinary Council	Quarterly Strategic Council Forum	Farmers Market	Community Meetings	AROC CEO Meetings	AROC President's Meetings	Audit Committee	Bush Fire Advisory Committee	Local Emergency Management Committee	Environment Advisory Group	Museum Advisory Group
	4.00pm Council Chambers	4.00pm Council Chambers	4.00pm Council Chambers	Various Times Stirling Park	Various Times Alternate Venues	9.30am Admin Room	9.30am Council Chambers	2.00pm Council Chambers	6.00pm Council Chambers	5.00pm Council Chambers	5.00pm Council Chambers	4.00pm Council Chambers
JAN	21/01/2020	28/01/2020		no market								
FEB	18/02/2020	25/02/2020	11/02/2020	15/02/2020		3/02/2020	17/02/2020		4/02/2020	7/02/2020		27/02/2020
MAR	17/03/2020	24/03/2020		15/03/2020	18/03/2020			5/03/2020			3/03/2020	
APR	21/04/2020	28/04/2020		19/04/2020								23/04/2020
MAY	19/05/2020	26/05/2020	12/05/2020	17/05/2020	2/05/2020	6/04/2020	20/04/2020		5/05/2020	8/05/2020		
JUNE	16/06/2020	23/06/2020		21/06/2020	10/06/2020			4/06/2020			2/06/2020	
JULY	21/07/2020	28/07/2020		19/07/2020	18/07/2020		15/06/2020					
AUG	18/08/2020	25/08/2020	11/08/2020	16/08/2020					4/08/2020	7/08/2020		
SEPT	15/09/2020	22/09/2020		20/09/2020	2/09/2020	7/09/2020	21/09/2020	3/09/2020			1/09/2020	24/09/2020
OCT	20/10/2020	27/10/2020		18/10/2020								
NOV	17/11/2020	24/11/2020	10/11/2020	15/11/2020	28/11/2020	2/11/2020	16/11/2020		3/11/2020	6/11/2020		26/11/2020
DEC	8/12/2020	15/12/2020		20/12/2020				3/12/2020			1/12/2020	
Frequency	3rd Tues EVERY month (Except Dec - held on 2nd Tues)	4th Tues EVERY month (Except Dec - held on 3rd Tues)	Quarterly on the 2nd Tuesday of FEB, MAY, AUG & NOV	Booked for Sat (5pm) in Feb. 9am-1pm March to December	Booked for Wed (6.00pm) or a Sat (10.00am) one after the other	1st Monday every 2 months (except for June/July/Aug)	1st Monday every 2 months (except for July&Aug)	TENTATIVE MTGS 1st Thurs of MAR, JUN, SEPT & DEC	1st Tues of FEB, MAY, AUG & NOV	2nd Wed of FEB, MAY, AUG & NOV	1st Tues of MAR, JUN, SEPT & DEC	4th Thursday of Feb, Apr, Sept and Nov
Acronym	BRIEFING	COUNCIL	STRATEGIC	FRS-MKT	CMTY	AROC CEO	AROC PRES	AUDIT	BFAC	LEMC	EAG	MAG

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❑ **External Representation: How and when representation is determined**

The nominations for the following delegates is considered after every Ordinary Election, and where Councillors retire, resign, or notify the CEO that they wish to no longer represent Council on an External Organisation, the matter will be taken to Council for a decision at the next available Ordinary Council Meeting. Currently the list is as follows:

Organisation Name	Delegates	Deputy Delegates (where applicable)	AGM	Schedule of meetings
Avon Midland Country Zone of the WA Local Government Association *information from WALGA will be supplied.	Shire President, with a deputy appointed by Council.	Councillor Greenway	In November each year	4 meetings per year. Commencement time 9.30am.
Avon Tourism Incorporated (In limbo at present – in process of deciding their future).	Councillor Greenway CEO or his delegate	CEO Nominated delegate	December AGM's. 9.30am to midday Northam Council Chambers	Bi-Monthly on the 2 nd Tuesday 9.30am Various locations
Butterly Cottages Association Inc	Current Delegates – Cr Chitty	Cr Rayner (Feb 2018 appointment)	Schedule may change with AGM being held Monday 30 Oct 2017 1.00pm Butterly House	Fourth Monday of every month 1.00pm Butterly House

Organisation Name	Delegates	Deputy Delegates (where applicable)	AGM	Schedule of meetings
Office of Emergency Management - Wheatbelt District Emergency Management Committee (DEMC)	Current Representative from the Avon – the CEO, Shire of Toodyay		<u>Note:</u> Local Governments are not represented individually on the DEMC. Currently the WALGA Zone they belong to nominates a LG rep to attend on their behalf. The DEMC are considering including the ROCs, i.e. the Avon ROC, however this hasn't as yet occurred.	
Rural Water Council (RWC)	Current Delegates – Shire President and CEO	Councillor Dow CEO Delegated Officer		3 meetings per year. Meetings are 10:00 am (9:30 am registration and morning tea); concluding with lunch at around 12:30 pm.
Toodyay Chamber of Commerce & Industry Inc (Committee Members meeting) The Shire of Toodyay is a member of the chamber and may nominate a delegate to be considered for election to the committee. It is the Chamber's constitution – not ours.	Councillor Greenway Deb Andrijich		Schedule may change with AGM next month Nov 22 nd 2017	Third Monday of every month 7.00pm Freemasons Hotel

Organisation Name	Delegates	Deputy Delegates (where applicable)	AGM	Schedule of meetings
Toodyay Community Resource Centre	Cr Dow (Feb 2018 appointment)		This Committee held their AGM already on 29 th September 2017	Toodyay CRC meet once a month, and sometimes throw in another meeting in between. 5.30pm Resource Centre boardroom.
Safer Toodyay – formerly Toodyay Community Safety and Crime Prevention Association Inc	MCD to nominate a staff member to attend it rather than a Council Member, given that it is more operational than strategic advice the committee requires.		<u>Advice received:</u> Confirmed at each meeting and held four times a year.	Third Tuesday in February, May, August and November 10.00am Bendigo Bank Board Room.
Toodyay Road Community Reference Group (Main Roads)	Shire President and Manager Works and Services			As required. Venue is the Council Chambers at the Shire of Toodyay Administration Centre. Commencement 5.00pm.

Organisation Name	Delegates	Deputy Delegates (where applicable)	AGM	Schedule of meetings
<p>Toodyay Road Liaison Committee</p> <p>This group came into being from the Gidgegannup Progress Association. It has a good level of representation from Main Roads Wheatbelt, Main Roads Metro, BGC, and Police. They have been mainly concentrating on the Gidgegannup part of Toodyay Road. Broader stuff comes up but at this stage, once the Gidgegannup section of Toodyay Road is sorted, whether this group will seek to continue.</p>	Cr Greenway / Cr Welburn share this one	Councillor Chitty	<p><u>Advice received:</u></p> <p>Meetings are worked out on the need for a meeting rather than a set framework.</p>	<p>Every six months. Dates are not fixed until Main Roads have something to report.</p> <p>Notification is 2 to 3 weeks beforehand.</p> <p>Meetings held in Agricultural Hall in Gidgegannup or the Recreation Club on the Third Thursday of the month at 6.00pm. (approx. 1.5 hours)</p>
<p>Toodyay Tidy Towns Committee</p> <p>Meetings very random. Met when mural project happening. Good people doing good things, but completely informal. They began the Adopt-the-Spot</p>	<p>CEO or nominated delegate</p> <p>Cr Greenway</p>			<p>First Monday each month</p> <p>5.00pm</p> <p>Lesser Hall</p>

Organisation Name	Delegates	Deputy Delegates (where applicable)	AGM	Schedule of meetings
campaign but the Bendigo Bank now runs that.				
Wheatbelt Regional Road Group North (Avon Sub group) Avon Sub-group can attend the meetings but will not necessarily be voted on the Committee.	Manager Works and Services not a representative but he does attend with the Council Representative Councillor Twine	Councillor Bell		Scheduled as required The venue is Northam Administration Office.

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Toodyay Community Resource Centre
111 Stirling Tce
Toodyay, WA 6566

9 September 2019

Mr Brian Rayner
President, Shire of Toodyay
15 Fiennes Street.
Toodyay 6566 WA

Dear Mr Rayner

Re: Committee Membership of Toodyay Community Resource Centre

I write on behalf of the Toodyay Community Resource Centre to express our appreciation for the support of Council over many years and in many ways. Thank you!

In this instance we thank Cr. Judy Dow for her excellent contribution to the TCRC Management Committee as Toodyay Council's representative.

As you may be aware Councillor Dow has expressed her desire to relinquish that role in the near future, leaving an opening for another Councillor to represent Council on our Management Committee.

We would be pleased if you would nominate one of your Councillors to fill the vacancy left by Cr. Dow, and we look forward to hearing from you in regard to that appointment.

Yours sincerely

John White (Acting Secretary / Vice Chair)

For and behalf of the TCRC Management Committee



Department of
**Primary Industries and
Regional Development**

111 Stirling Tce (PO Box 862) Toodyay, WA, 6566
P: (08) 9574 5357 F: (08) 9574 5300
E: toodyay@crc.net.au

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10 October 2019

Our Ref: 02-002-05-0001 NS:CO

Attention: Chief Executive Officer

Election of Zone Delegates and State Councillors

The Local Government elections, to be held on Saturday 19 October 2019, will affect Council appointments to external committees including the WALGA Zone.

As a consequence, Councils are requested to elect / appoint Elected Member delegates and deputy delegates to the Zone and notify WALGA by no later than Friday 8 November 2019.

WALGA's Zones, as the first item of business at the November meeting, will elect State Councillors, Deputy State Councillors, Zone Chair and Zone Deputy Chair.

A Chronological overview of the process is detailed below:

- Local Government elections occur on 19 October 2019.
- Member Councils to elect / appoint their Zone Delegates and to advise WALGA as soon as possible but preferably by 9am, Friday 8 November 2019.
- For the purpose of electing their representatives and deputy representatives to the WALGA State Council, Zones are required to hold these elections at their November 2019 meeting.
- Zones to advise WALGA, in writing, of their elected State Council representative and deputy representative immediately following the 2019 November Zone meeting.
- State Councillor Induction Session – morning of 4 December 2019.
- New State Council will take office at the Ordinary Meeting of State Council on 4 December 2019.
- The position of President and Deputy President of WALGA, will be elected at the March 2020 State Council Meeting.

Further information regarding the nomination and election process to State Council will be provided before the November Zone meeting.

Please find attached WALGA's Elected Member Prospectus. This document will assist in providing further information on becoming a Zone Delegate or State Councillor. If you can please distribute to your Elected Members for their information that would be much appreciated.

For further information and to provide details of your Zone Delegates by Friday 8 November 2019, please contact Chantelle O'Brien on (08) 9213 2013 or cobrien@walga.asn.au.

Yours sincerely



Nick Sloan
Chief Executive Officer

Elected Member Prospectus

Becoming a Zone Delegate or State Councillor

About WALGA

WALGA is the Western Australian Local Government Association, formed in 2001 with the merging of the WA Municipal Association, Local Government Association of WA, Country Urban Councils Association, and Country Shire Councils Association.

WALGA is not a government department or agency; WALGA exists to advocate and negotiate on behalf of the WA Local Government sector in the best interests of its Member Councils.

What Does WALGA Do

WALGA aims to provide value to Member Local Governments by:

- Enhancing the capacity of Local Governments to deliver services;
- Building a positive profile for Local Government;
- Providing effective advocacy and leadership on behalf of the sector; and,
- Ensuring representation in the interests of Local Government in WA.

How Does WALGA Work

WALGA employs approximately 100 staff across the areas of:

- Policy portfolios including asset management, community, emergency management, environment, infrastructure, planning, roads and waste;
- Services and advice including governance, industrial relations, procurement, recruitment, supplier panels, tender management, and training for officers and Elected Members; and,
- Operational functions including events, finance, human resources, information technology, marketing and media management.

How is WALGA Funded

A number of components contribute to the WALGA operational budget. As with most member-based organisations, WALGA has an annual Membership fee paid by all Member Councils. To ensure fairness, the annual Membership fee is indexed to the size and capacity of each Local Government. It contributes less than 10 per cent of WALGA total turnover.

WALGA secures additional funding through: charges to State and Federal departments and agencies for the administration of grants; fee-for-services selected for use by Member Local Governments; and returns from supplier contracts as part of group buying arrangements that guarantee lowest market rates for Members.

Role of Zones

State Councillors are elected to State Council from one of 17 Zones, which are groupings of Local Governments convened together on the basis of population, commonalities of interest and geographical alignment.

The relationship between State Council and Zones within the Western Australian Local Government Association is a critical one in the political representation of Local Government at the State and Federal levels.

Zones have an integral role in shaping the political and strategic direction of WALGA. Not only are Zones responsible for bringing relevant local and regional issues to the State decision making table, they are a key player in developing policy and legislative initiatives for Local Government.

WALGA's Constitution outlines that the functions of Zones are to:

- Elect one or more State Councillors;
- Consider the State Council agenda;
- Provide direction and feedback to their State Councillor; and,
- Any other function deemed appropriate by the Zone.

Additional activities undertaken by Zones include:

- Developing and advocating on positions on regional issues affecting Local Government;
- Progressing regional Local Government initiatives;
- Identifying relevant issues for action by WALGA;
- Networking and information sharing; and,
- Contributing to policy development through policy forums and other channels.

Zones provide input into State Council's advocacy agenda in two critical ways: by passing resolutions on items contained in the State Council agenda, and by generating new agenda items for consideration by State Council.

Zone Motions

To generate new agenda items for consideration by State Council, a Zone may pass a resolution requesting that WALGA take action. For example, a Zone motion may request WALGA to investigate an issue, undertake advocacy, or develop policy.

It is best practice that Zone motions are submitted with the backing of a resolution of Council; however, as Zones are self-governing and autonomous, individual Zone delegates may submit motions for the Zone to consider.

It is recommended that the Zone be advised whether a motion to be considered has been endorsed by Council, or has been submitted by an individual Zone delegate.

Role of Zone Delegates

Zone delegates are elected or appointed to represent their Council on the Zone and make decisions on their Council's behalf at the regional level.

In fulfilling their role as Council's delegate, the Zone delegate should give regard to their Council's positions on policy issues.

There is also an expectation that Zone delegates will report back to their Council about decisions made by the Zone.

Role of State Council

WALGA is governed by a President and a 24 member State Council, elected from the Local Government sector.

Each State Councillor represents a WALGA Zone. There are 12 metropolitan zones and 12 regional zones. All 139 WA Local Governments are invited to be Members of WALGA and a zone.

Elected Members are able to nominate to represent their Local Government on their zone and in turn, through the zone election process, to represent the zone on State Council.

State Council's primary role is to govern the successful operation of WALGA and broadly includes:

- i. Strategy formulation and policy making;
- ii. Development, evaluation and succession of the Chief Executive Officer;
- iii. Monitoring financial management and performance, including the annual budget;
- iv. Monitoring and controlling compliance and organisational performance;
- v. Ensuring effective identification, assessment and management of risk;
- vi. Promoting ethical and responsible decision making;

- vii. Ensuring effective communication and liaison with members and stakeholders; and;
- viii. Ensuring an effective governance framework and culture.

Role of State Councillor

State Councillors have ultimate responsibility for the overall successful operations of WALGA.

The principal roles of State Councillors relate to:

- Policy positions and issues;
- The strategic direction of WALGA;
- Financial operations and solvency; and,
- All matters as prescribed by law.

State Councillors, as directors of a board, are required to act consistently in the “best interests of the organisation as a whole”. This effectively means that the duties of a State Councillor are owed to all Member Local Governments.

State Councillors are also expected to be ‘champions’ for WALGA and for the Local Government sector.

Commitment of the Role of State Councillor

State Councillors are expected to attend State Council meetings, of which there are six per year. As State Councillors are elected to State Council by their Zone, State Councillors would also be expected to attend and play a prominent role in Zone meetings, including reporting back to their Zone about WALGA’s activities and advocacy.

State Councillors are also expected to attend WALGA events and functions and play an active role in representing the Local Government sector, and contributing to policy debates and other forums.

State Council operates a number of internal and external committees and policy forums. There is an expectation that State Councillors play a leading role in serving on State Council’s committees on behalf of WALGA and the Local Government sector.

State Councillors are paid a sitting fee of \$3,500 per annum and expenses incurred to attend State Council meetings are reimbursable.

Opportunities for State Councillors

State Councillors, as board members of WALGA, are key leaders in the Local Government sector in Western Australia. Not only do State Councillors represent their community on their Council, they also have the opportunity to represent their region (Zone) and the Local Government sector at the state level.

All State Councillors will be appointed to a Policy Team or the Finance and Services Committee. Policy Teams provide State Councillors with hands-on exposure to development of policy positions and submissions to Government on behalf of the Local Government sector in WA. The Chair of the relevant Policy Team will also have the opportunity to attend meetings with Government Ministers to advocate on behalf of Local Government.

There is also the potential for State Councillors, as Local Government leaders in WA, to play a role in supporting and mentoring other Elected Members, either informally or through WALGA's Member Advisor Program.

Become Involved

We hope that involvement in your Association – by representing your Council on the Zone, or representing your Zone on State Council – will be an enriching and rewarding experience.

Consider nominating for a position on the Zone or State Council and you play a role in shaping policy and advocacy on behalf of Local Government in Western Australia!

Contacts

For more information contact:

Chantelle O'Brien, Governance Support Officer – (Zones)
(08) 9213 2013 cobrien@walga.asn.au

Margaret Degebrodt, Executive Officer Governance – (State Council)
(08) 9213 2036 mdegebrodt@walga.asn.au

Tim Lane, Manager Strategy and Association Governance
(08) 9213 2029 tlane@walga.asn.au

Tony Brown, Executive Manager, Governance and Organisational Services
(08) 9213 2051 tbrown@walga.asn.au