

Council

**APPOINTMENT OF MEMBERS TO COMMITTEES  
OF COUNCIL / ADVISORY COMMITTEES / NON-  
COUNCIL COMMITTEES**

**Committee Terms of Reference 2023**

**Meeting Date: 31 October 2023**

**Number of Pages: 15**

## **AUDIT AND RISK COMMITTEE TERMS OF REFERENCE**

### **Establishment**

In accordance with section 7.1A of the *Local Government Act 1995* (the Act) the Council has established an Audit and Risk Committee (the Committee).

The Audit and Risk Committee will operate in accordance with all relevant provisions of the Act and the *Local Government (Audit) Regulations 1996* and the *Local Government (Administration) Regulations 1996*.

### **Objectives of the Audit Committee**

The primary objective of the Audit and Risk Committee is to accept responsibility for the annual external audit and liaise with the Shire's auditor so that Council can be satisfied with the performance of the Shire of Plantagenet (the Shire) in managing its financial affairs.

Reports from the Committee will assist Council in discharging its legislative responsibilities of controlling the Shire's affairs, determining the Shire's policies and overseeing the allocation of its finances and resources. The Committee will ensure openness in the Shire's financial reporting and will liaise with the CEO to ensure the effective and efficient management of the Shire's financial accounting systems 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;
- compliance with laws and regulations as well as use of best practice guidelines relative to auditing;
- 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

### **Functions of the Committee**

In accordance with *Local Government (Audit) Regulations 1996*, the committee is to:

- a. Guide and assist the Shire 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. Guide and assist the Shire in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act.
- c. 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 Council.

- d. Consider the CEO's periodic reviews of the appropriateness and effectiveness of the Shire's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the committee, and report to Council the results of those reviews.
- e. Oversee the implementation of any action that the Shire:
  - 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).
- f. Perform any other function conferred on the committee by the regulations or another written law.

Additionally, the committee is to:

- a. Review the Shire's draft annual financial report, focusing on:
  - i. accounting policies and practices;
  - ii. changes to accounting policies and practices;
  - iii. the process used in making significant accounting estimates;
  - iv. significant adjustments to the financial report (if any) arising from the audit process;
  - v. compliance with accounting standards and other reporting requirements; and
  - vi. significant variances from prior years.
- b. 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.
- c. 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.
- d. Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference.

## **Compliance**

The committee's functions in regards to compliance is to:

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

## **Risk Management**

The committee's functions in regards to risk management is to:

- a. Ensure the Shire's risk management framework addresses Council's exposure to both strategic and operational risks.
- b. Monitor the effectiveness of the risk management framework through regular reviews and reporting.

## **Membership**

Members and deputy members of the Committee are to be appointed in accordance with sections 5.10 and 5.11A of the Act.

The Committee will consist of five members:

- four Councillors; and
- one external independent person.

All members will have full voting rights. In addition, two Councillors will be elected as deputies to meet any absence of a member, to ensure a sufficient quorum is met to convene a meeting.

The members of the Committee are to elect a presiding member from amongst themselves in accordance with section 5.12 of the Act.

External persons will have senior business or financial management/reporting knowledge and experience and be conversant with the financial and other reporting requirements. The evaluation and selection of potential members will be reviewed and endorsed by the CEO and the Committee presiding member. This will take into consideration the candidate's work experience and their likely ability to apply appropriate analytical, strategic financial and management skills, and a recommendation for appointment put to Council.

The nature of independence about an external independent person is a person with no operating responsibilities with the Shire. Associations refer to paid services directly to the Shire. Providing unpaid services to sporting clubs, regional committees and participation on other Council committees will not disqualify a community member from consideration.

The exclusion does not include ratepayers. The objective of the concept is to have the committee approach its tasks objectively, to maintain its independence and to be seen to be independent.

Appointments of external persons shall be for a maximum term of two years endorsed by Council following a public advertisement and the allocation of sufficient funds to provide meeting expenses. Members will be eligible for reappointment.

The terms of the appointment should be arranged to align with the beginning of the Council year to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives.

The Shire will reimburse the independent member for expenses which are to be determined by Council prior to advertising the vacancy.

In accordance with section 5.11 of the Act, tenure of membership of the committee continues until:

- a) the person no longer holds the office by virtue of which the person became a member; or
- b) the person resigns from membership of the committee, or
- c) the committee is disbanded, or
- d) the next ordinary elections day.

The CEO or their nominee is to attend all meetings to provide advice and guidance to the Committee. Other officers will also attend where necessary. The CEO and officers are not members of the Committee.

### **Quorum**

As prescribed in section 5.19 of the Act, the quorum shall be at least 50% of the number of offices of the Committee, which equates to three (3) members being present to constitute a quorum.

### **Powers of the Audit Committee**

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

### **Meeting Frequency**

The Audit and Risk Committee will meet 4 times per year and additional meetings can be called at any time by the Presiding Member.

As a guide, the Audit & Risk Committee meetings will at a minimum contain:

1st Quarter (January – March)

- Compliance Audit Return
- Reg 17 Update

2nd Quarter (April – June)

- Interim Audit Report
- Reg 17 Update

3rd Quarter (July – September)

- Reg 17 Update

4th Quarter (September – December)

- Audit Report & Management Letter
- Annual Financial Report
- Annual Report

**Agendas and Minutes**

The agenda for the Committee will be distributed to all members and deputy members of the Committee prior to the meeting.

Minutes of the meeting will be made available to all Councillors and the independent member within five working days.

**Reporting**

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

Reports and recommendations of each Committee meeting requiring a resolution of Council shall be presented to the next ordinary meeting of the Council or the first ordinary meeting of council practicable.

## **Behaviour Complaints Committee Terms of Reference**

### **Policy Objective**

To establish Terms of Reference for the Behaviour Complaints Committee of the Shire of Plantagenet.

### **Policy Scope**

This Policy applies exclusively to the Shire of Plantagenet's Behaviour Complaints Committee.

### **Committee Function**

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the *Local Government Act 1995* (the Act) for the purpose of dealing with Behaviour Complaints made under Division 3 of the Shire of Plantagenet's Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

The extent of authority provided to the Behaviour Complaints Committee is specified in the relevant Delegated Authority, and includes:

- Dismissing a behaviour complaint in accordance with clause 13 of the Code of Conduct and providing reasons for any such dismissal.
- Making a Finding as to whether an alleged complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur [*clause 12(3) of the Code of Conduct*].
- Determining reasons for such a Finding.
- Where a Finding is made that a breach has occurred, determining:
  - To take no further action; or
  - Prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

The extent of authority of the Behaviour Complaints Committee is limited by Condition of the Delegated Authority.

### **Membership**

The Complaints Committee is a Committee of Council Members only in accordance with s.5.9(2)(a) of the Act.

Membership of the Behaviour Complaints Committee will comprise of 3 Council Members, appointed by Council in accordance with s.5.10 of the Act.

In addition, at least 2 Council Members will be appointed as Deputy Committee Members in accordance with s.5.11A of the Act.

The Delegated Authority Condition prescribes that if an appointed Committee Member is identified in the Complaint as either the Complainant or the Respondent, they are to

recuse themselves from the Committee's Function by providing an apology. They are to be replaced for the duration of the handling of the subject Complaint by a Deputy Committee Member, selected by the Presiding Member of the Committee.

### **Meeting Schedule**

Meetings are to be scheduled as required by the CEO or Behaviour Complaints Officer in consultation with the Committee Presiding Member.

### **Delegated Authority**

The Behaviour Complaints Committee will act under Delegated Authority in accordance with s.5.16 of the Act. The delegation is recorded in the Shire of Plantagenet Register of Delegations.

It is a Condition of Delegated Authority that the Behaviour Complaints Committee will be unable to exercise delegated authority if the Complainant or Respondent attend as a Complaints Committee Member.

### **Committee Governance**

Complaints Behaviour Committee meetings are required to:

- be called and convened by the CEO, as required, in consultation with the Committee's Presiding Member;
- include public question time [*Admin.r.5*]
- make the Committee Notice Papers and Agenda publicly available [*s.5.94(p)*, *s.5.96A(f)*], with the exception of agenda content that relates to that part of the meeting which will be closed to members of the public under s.5.23(2) [*Admin.r.14*]; and
- make Committee minutes publicly available [*s.5.94(n)*, *s.5.96A(h)*], with the exception of Minutes content that relates to that part of the meeting which was closed to the public or was determined as confidential under s.5.23(2).



## **BUSHFIRE ADVISORY COMMITTEE TERMS OF REFERENCE**

### **Objectives of the Committee**

The Bushfire Advisory Committee is to make recommendations to assist Council in its decision-making regarding recommendations and policy on matters relating to bush fire prevention, preparedness, control and extinguishment as provided for by the Bushfires Act 1954.

### **Role of the Committee**

The Committee will –

- Provide advice Council on all matters relating to the operations of the Bush Fires Act 1954.
- Provide advice Council on the best and most efficient means of maximising fire control resources in the district.

### **Membership**

The committee will consist of the following members appointed by Council:

- Two (2) elected members of the Shire of Plantagenet and one (1) deputy member.
- Chief Bush Fire Control Officer
- Deputy Chief Bush Fire Control Officer No. 1 West
- Deputy Chief Bush Fire Control Officer No. 2 East
- Chief Fire Weather Officer
- Deputy Chief Fire Weather Officer
- Base Radio Operator
- Deputy Base Operators (x4)

The Shire of Plantagenet shall provide secretarial and administrative support to the committee.

### **Meetings**

The committee shall meet at least annually.

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.

## **LOCAL EMERGENCY MANAGEMENT COMMITTEE TERMS OF REFERENCE**

### **Objectives of the Committee**

The Local Emergency Management Committee is to develop and maintain effective emergency management arrangements for the Shire of Plantagenet.

### **Role of the Committee**

The Committee will –

- Provide advice and assistance Shire to ensure that local emergency management arrangements are established for their districts.
- Liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements.
- Assist with the preparation and approval of the Local Emergency Management Arrangements and submit such plans to the District Emergency Management Committee (DEMC) for approval.
- Review at least annually the Local Emergency Management Arrangements.
- Assist in the preparation of emergency management operating procedures for application in the Shire of Planatagenet.
- Ensure appropriate testing and exercising of the local emergency management arrangements.
- Prepare an annual report of the activities of the Committee for submission to DEMC.
- Provide assistance to the Local Emergency Coordinators and Lead Combat Authorities during emergency management operations.
- Carry out such other emergency management functions as directed by DEMC.

### **Membership**

The committee will consist of the following members:

- Chair – Elected Member appointed by the Shire of Plantagenet or their Deputy
- Executive Manager Works and Services
- Community Emergency Services Manager
- Environmental Coordinator
- Ranger
- Officer in Charge, WA Police, Mount Barker
- District Emergency Management Officer, Department for Child Protection and Family Support, Great Southern Region
- Fire Coordinator, Department of Biodiversity, Conservation and Attractions, Walpole District
- Director of Nursing/Health Services Manager, Plantagenet District Hospital

- Site Manager Albany, Department of Primary Industries and Regional Development
- Emergency Services Team Convener, Red Cross Mount Barker Branch
- Chief Bush Fire Control Officer Shire of Plantagenet
- Captain, Volunteer Fire and Rescue Service, Mount Barker
- Unit Manager, State Emergency Service, Mount Barker
- Manager, St John's Ambulance, Mount Barker
- District Emergency Management Advisor, Office of Emergency Management, Department of Fire and Emergency Services Albany

### **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.

## **Saleyards Advisory Committee**

### **Objective/Purpose**

The Mount Barker Regional Saleyards is a Shire owned commercial facility where cattle are sold by auction. The Shire of Plantagenet owns the buildings, yards and infrastructure and is licensed by the State to operate a saleyard on the site. The Shire employs a saleyards manager, and other staff, to ensure the saleyards can operate weekly as a commercial saleyard. Stock sold at the saleyards are sold by stock agents who pay the Shire a fee for use of the saleyards infrastructure.

The objective of the Saleyards Advisory Committee is to provide guidance on the ongoing operation of the saleyards and future planning.

The duties of the committee shall be to:

1. Make recommendations to the Council regarding the strategic direction of the Saleyards.
2. Make recommendations to the Council regarding the Environmental Action Plan for the Saleyards.
3. Bring to the attention of the Chief Executive Officer, industry matters regarding the cattle industry that may not be readily available to persons external to that industry.
4. Make recommendations to the Council regarding development works on the site.

### **Membership**

Committee membership will comprise of:

- 4x Elected Members (1 to be nominated as Chair)
- 1x Deputy Elected Member
- 1x Industry Representative

### **Presiding person and deputy**

The Chair will be the Elected Member nominated by Council. The Committee members may appoint a deputy chair should the chair not be able to perform the function.

### **Meetings – how, where, when, frequency etc**

The Committee will meet quarterly or as required.

Additional meetings shall be convened at the discretion of the Chair.

### **Quorum**

50% of Committee members.

**Record/minutes**

Meeting minutes/records of the Committee shall be kept and distributed to the membership. A copy of the minutes/records will be distributed to all within 10 days of the meeting being held.

**Information dissemination – agenda, notice of meeting, minutes**

Notice of meetings and meeting agendas will be provided with a minimum of 72 hours' notice. Any financial report will be distributed as part of the agenda.

**Term and termination**

Appointment of Elected Members is by Council following a Council Election. Elected Members once appointed as members of the committee remain members until the following Council Election.

Council may, through a Council resolution, terminate the Committee.

**Administrative support**

The Shire of Plantagenet shall provide administrative support to the Committee.

## **ROADWISE ADVISORY COMMITTEE**

### **Objectives of the committee**

To advise Council on matters relating to:

- Road Safety Objectives
- State Road Safety Strategy
- Local Road Safety Action Plan
- Community Road Safety Committee
- Community Road Safety Grants Program

### **Role of the committee**

The committee will contribute to a coordinated approach to reduce the amount of road deaths and road related serious injuries in the Shire of Plantagenet.

The functions of the Committee are:

1. To provide a structured forum for stakeholders to consider and discuss road safety issues.
2. To discuss and make recommendation regarding the identification and appropriate counter measures to negative attitudinal, behavioural and environment factors lined to enforcement, engineering, education, encouragement and evaluation of road safety initiatives.

### **Membership**

The committee will consist of the following members:

- Two (2) Elected Members of the Shire of Plantagenet (1 to be nominated as Chair)
- One (1) Deputy Elected Member of the Shire of Plantagenet
- OIC Mount Barker Police or his/her delegate
- Road Safety Advisor (Great Southern)
- Shire of Plantagenet Executive Manager Works & Services or his/her delegate
- Main Roads WA – Great Southern Representative
- One (1) representative of Mount Barker Community College
- One (1) representative of Mount Barker Community College Parents & Citizens Association
- Up to three (3) Community Members selected by the committee

The Shire of Plantagenet will provide administrative support to the committee.

**Meetings**

The committee shall meet every second month or as required.

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 as required.