



# AGENDA FOR THE SPECIAL COUNCIL MEETING

20 OCTOBER 2021



**Ordinary Council Meeting Notice Paper**

**20 October 2021**

A Special Meeting of Council is called for Wednesday, 20 October 2021, in the Council Chambers, Victoria Street, Mingenew, commencing at 5.30 pm. Members of the public are most welcome to attend.

Nils Hay  
Chief Executive Officer  
15 October 2021

**DISCLAIMER**

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Mingenew expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

## PROCEDURE FOR PUBLIC QUESTION TIME, DEPUTATIONS, PRESENTATIONS AND PETITIONS AT COUNCIL MEETINGS

Council thanks you for your participation in Council Meetings and trusts that your input will be beneficial to all parties. Council has a high regard for community input where possible, in its decision making processes.

<p><b>Petitions</b> A formal process where members of the community present a written request to the Council.</p>	<p><b>Deputations</b> A formal process where members of the community request permission to address Council or Committee on an issue.</p>	<p><b>Presentations</b> An occasion where awards/gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government</p>
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### PROCEDURE FOR DEPUTATIONS

The Council allows for members of the public to make a deputation to Council on an issue related to Local Government business. Any person or group wishing to be received as a deputation by the Council shall send to the CEO an application:

- I. Setting out the agenda item to which the deputation relates;
- II. Whether the deputation is supporting or opposing the officer's or Committee's recommendation; and
- III. Include sufficient detail to enable a general understanding of the purpose of the deputation.

Notice of deputations need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact the Shire via telephone on 99281192 or email [governance@mingenew.wa.gov.au](mailto:governance@mingenew.wa.gov.au) to arrange your deputation.

Where a deputation has been agreed to, during the meeting the Presiding Member will call upon the relevant person(s) to come forward and address Council.

A Deputation invited to attend a Council meeting:

- I. is not to exceed five (5) persons, only two (2) of whom may address the Council, although others may respond to specific questions from Members;
- II. is not to address the Council for a period exceeding ten (10) minutes without the agreement of the Council; and
- III. additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

### PROCEDURE FOR PRESENTATION

Notice of presentations being accepted by Council on behalf of the community, or agencies presenting a proposal, need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact the Shire via telephone on 99281102 or email [governance@mingenew.wa.gov.au](mailto:governance@mingenew.wa.gov.au) to arrange your presentation.

Where the Council is making a presentation to a worthy recipient, the recipient will be advised in advance and asked to attend the Council meeting to receive the award.

All presentations will be received / awarded by the Shire President or an appropriate Councillor.

### PROCEDURE FOR PETITIONS

Please note the following protocol for submissions of petitions. Petitions must:

- be addressed to the Shire President.
- be made by electors of the district.
- state the request on each page of the petition.
- contain the names, addresses and signatures of the elector(s) making the request, and the date each elector signed.
- contain a summary of the reasons for the request.
- state the name and address of the person whom arranged the petition for correspondence to be delivered to, as correspondence is not sent to all the signatures on the petition.

Where a petition does not relate to or conform to the above it may be treated as an 'informal' petition and the Chief Executive Officer may at his discretion forward the petition to Council accompanied by an officer report.

### **PROCEDURE FOR PUBLIC QUESTION TIME**

The Council extends a warm welcome to you in attending any meeting of the Council. Council is committed to involving the public in its decision-making processes whenever possible, and the ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective.

Council (as required by the Local Government Act 1995) sets aside a period of 'Public Question Time' to enable a member of the public to put up to two (2) questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Shire President may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

Having regard for the requirements and principles of Council, the following procedures will be applied in accordance with the Shire of Mingenew Standing Orders Local Law 2017:

1. Public Questions Time will be limited to fifteen (15) minutes.
2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following "Responses to Previous Public Questions Taken on Notice".
3. Each member of the public asking a question will be limited to two (2) minutes to ask their question(s).
4. Questions will be limited to two (2) per person.
5. Please state your name and address, and then ask your question.
6. Questions should be submitted to the Chief Executive Officer in writing by 5pm on the day before the meeting and be signed by the author. This allows for an informed response to be given at the meeting.
7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the "question will be taken on notice" and a response will be forwarded to the member of the public following the necessary research being undertaken.
9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.

- **During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.**
- **Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.**
- **Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.**

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**AGENDA FOR THE SPECIAL MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS ON  
20 OCTOBER 2021 COMMENCING AT 5.30PM**

- 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
- 2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**
- 3.0 ELECTION OF SHIRE PRESIDENT**

Nominations are to be lodged in writing to the CEO, indicating consent of the nominee, prior to, or submitted at the meeting prior to the Election being held. A nomination form will be issued with this Agenda.
- 4.0 ELECTION OF THE DEPUTY SHIRE PRESIDENT**

Nominations are to be lodged in writing, indicating consent of the nominee, prior to, or submitted at the meeting prior to the Election being held. A nomination form will be issued with this Agenda.
- 5.0 COUNCILLOR SEATING ALLOCATION**

The Councillor seating allocation will be in accordance with Clause 7.2 of the Shire of Mingenew Standing Orders Local Law 2017 which states "*When present in the meeting room, a member will occupy the seating position allocated to him or her for each specific Council or Committee meeting.*" In order to determine the seating arrangements for Council meetings, seating positions will be allotted by random draw, conducted by the CEO. The Shire President and Deputy President seating positions will be fixed.
- 6.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME**
- 7.0 APPLICATIONS FOR LEAVE OF ABSENCE**
- 8.0 DECLARATIONS OF INTEREST**

## 9.0 CHIEF EXECUTIVE OFFICER

### 9.1 APPOINTMENT OF COMMITTEE DELEGATES

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** GV.CMT.5  
**Disclosure of Interest:** Nil  
**Date:** 15 October 2021  
**Author:** Erin Greaves, Governance & Community Manager  
**Authorising Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Absolute Majority / Simple Majority

#### Summary

Council is asked to nominate and appoint members to Council's Committees and the various organisations that have Council representation.

#### Key Points

- The Shire President and Chief Executive Officer reserve the right to attend any meeting
- The Shire of Mingenew Executive Management Committee is the only Committee of Council with delegated authority.
- The Audit & Risk Committee has statutory functions under the Local Government Act 1995
- The list of Committees and groups within the recommendation are based on previous appointments made by Council. It is up to Council to consider if the same level of Council representation is relevant and whether a reduction or increase to appointments are necessary
- One new Working Group is proposed for considering future expansion plans of the Mingenew CBH facility (not a formal Committee of Council)
- Appointments will be distributed among the current Councillors (6) and Council may reconsider the appointments following the outcome of the upcoming extraordinary election

#### OFFICER RECOMMENDATION – ITEM 9.1

That Council:

1. By Absolute Majority, appoints the following members to the Shire of Mingenew's Committees of Council:

#### SHIRE OF MINGENEW AUDIT & RISK COMMITTEE

Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_,  
Cr \_\_\_\_\_ and an Independent Member (to be appointed following the recently instigated recruitment process for filling the vacancy).

#### SHIRE OF MINGENEW BEHAVIOUR COMPLAINTS COMMITTEE

Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_, and  
Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_, as proxy delegates.

#### SHIRE OF MINGENEW BUSH FIRE ADVISORY COMMITTEE

Cr \_\_\_\_\_, and Cr \_\_\_\_\_ as proxy delegate.

SHIRE OF MINGENEW EXECUTIVE MANAGEMENT COMMITTEE

Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_, and  
Cr \_\_\_\_\_ as proxy delegate.

SHIRE OF MINGENEW LOCAL EMERGENCY MANAGEMENT COMMITTEE / LOCAL RECOVERY COORDINATION GROUP

Cr \_\_\_\_\_, the Chief Executive Officer (or his/her nominee), and Cr \_\_\_\_\_ as proxy delegate.

2. Delegates the following members to represent Council on community-run committees:

MINGENEW COMMUNITY RESOURCE CENTRE MANAGEMENT COMMITTEE

Cr \_\_\_\_\_ and the Community Development Officer, and  
Cr \_\_\_\_\_ as proxy delegate.

MINGENEW SILVER CHAIN BRANCH COMMITTEE

Cr \_\_\_\_\_ and the Community Development Officer, and  
Cr \_\_\_\_\_ as proxy delegate.

MINGENEW TOURIST AND PROMOTIONS COMMITTEE

Cr \_\_\_\_\_ and the Community Development Officer, and  
Cr \_\_\_\_\_ as proxy delegate.

3. Delegates the following members to represent the Shire of Mingenew on external committees and groups:

JOINT DEVELOPMENT ASSESSMENT PANEL

Cr \_\_\_\_\_ and Cr \_\_\_\_\_, and  
Cr \_\_\_\_\_ and Cr \_\_\_\_\_ as proxy delegates.

MID-WEST REGIONAL ROAD GROUP

Cr \_\_\_\_\_ and Cr \_\_\_\_\_, and  
Cr \_\_\_\_\_ as proxy delegate.

NORTHERN COUNTRY ZONE OF WALGA

Cr \_\_\_\_\_ and Cr \_\_\_\_\_, and  
Cr \_\_\_\_\_ as proxy delegate.

WILDFLOWER COUNTRY INC.

Cr \_\_\_\_\_ and the Community Development Officer, and the Chief Executive Officer as proxy delegate.

4. a) Establishes a CBH Expansion Project Working Group for the purpose of reviewing information and liaising with CBH on expansion plans of the Mingenew's CBH facility including the future layout, associated road / traffic matters and, design and development processes that impact the Mingenew community; and  
b) Appoints the following members to the Working Group:

SHIRE OF MINGENEW CBH EXPANSION PROJECT WORKING GROUP

Cr \_\_\_\_\_, Cr \_\_\_\_\_, the Chief Executive Officer and Cr \_\_\_\_\_ as proxy delegate.



### **Attachments**

- 9.1.1 Audit & Risk Committee Terms of Reference
- 9.1.2 Bushfire Advisory Committee Terms of Reference
- 9.1.3 Local Emergency Management Committee Terms of Reference
- 9.1.4 Behaviour Complaints Committee Terms of Reference
- 9.1.5 Local Recovery Coordination Group Terms of Reference
- 9.1.6 Terms of Reference for Elected Member Representation on External Committees / Groups

### **Background**

At the Ordinary Council meeting on 13 October 2021, Council resolved to hold a Special Council Meeting for the purpose of considering Elected Member representation appointments. It is necessary to make these appointments following each local government election.

Following the 2021 ordinary local government election process, one position on Council remains vacant. An Extraordinary Election is to be held to fill the position and any appointments for the new Councillor can be considered after the Election. In the meantime, it is recommended that Council fill the Council representative positions to ensure Council can effectively be represented and there are no unnecessary delays to holding a meeting if required between now and the Extraordinary Election outcome.

### **Comment**

A summary of the purpose of each Committee and any additional information that may be pertinent is provided below:

#### **Audit & Risk Committee (ARC)**

The primary objective of the Audit and Risk Committee “the 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 statutory and fiscal 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 transparency in the Local Government’s reporting and will liaise with the CEO to ensure the effective and efficient management of the local government’s systems and processes.

The Terms of Reference require that the Committee will consist of at least four members, including an independent member although it has been Council’s past practice to have four Elected Members on the Committee plus an independent member.

#### **Behaviour Complaints Committee (BCC)**

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 Mingenew’s Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

The Terms of Reference for this Committee require at least three Council Members to be appointed and at least 3 proxy members. This ensures flexibility in Council Member attendance should the Committee be required to meet, as it will depend on who the complaint refers.

#### **Executive Management Committee (EMC)**

The Executive Management Committee is purposed with coordinating and undertaking the CEO Performance Review each year. This Committee has delegated powers in accordance with s5.16 and s5.38 of the *Local Government Act* and R18D of the *Local Government (Administration) Regulations 1996* to “Review the

*performance of the Chief Executive Officer at least once in relation to every year of employment.*". This authority is conditional on the following:

1. Authority is subject to the Local Government Act 1995 and its associated Regulations.
2. The review and report are to be presented to Council for acceptance [of the review], with or without modification, or to reject the review.

Council have authorised the Committee, in consultation with the CEO, to:

- Set the date of the Performance Review; and
- Determine if an external facilitator is to be engaged to assist with future performance reviews and be involved in the selection of that third party.

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

The LEMC has been established in accordance with s38(1) of the *Emergency Management Act 2005* for the purpose of making the Shire of Mingenew a safe community by managing the risk of emergencies through the delivery and implementation of emergency prevention, preparedness, response and recovery strategies.

The Terms of Reference set out the specific objectives of the Committee and other management details.

Voting membership consists of one Councillor representative endorsed by Council.

The LEMC was suspended in 2021 in lieu of holding Local Recovery Coordination Group meetings for the purposes of recovery following Cyclone Seroja. Council may wish to make the delegates for each committee the same.

### **Local Recovery Coordination Group (LRCG)**

The Shire of Mingenew Local Recovery Coordination Group (LRCG) has been established following the significant and widespread impacts caused by Severe Tropical Cyclone Seroja (STC Seroja) on 11 April 2021.

The LRCG is an advisory body for recovery and, in conjunction with the Local Recovery Coordinator, the LRCG will assist to develop and coordinate local level recovery activities. Its purpose is to assist in the management of the impact of STC Seroja on the 11th of April 2021. The LRCG is focused on supporting community recovery from the impact of STC Seroja in the Shire of Shire of Mingenew from the perspective of built, natural, social and economic environments.

### **CBH Expansion Project Working Group**

This is a new group, included to enable Council to review and keep informed of any plans and information relevant to the future expansion of the Mingenew CBH facility to ensure that community impacts and priorities are considered and communicated.

This is not a formal Council Committee.

### **Mingenew Community Resource Centre Management Committee (CRCMC)**

The Mingenew Community Resource Centre (CRC) Management Committee oversees the management of the Mingenew CRC and is not a Committee of Council.

Council have previously provided formal representation on this Committee to coordinate any projects and initiatives that require Council support or involvement.

Council representatives do not have voting power but can report back to the local government on any matters of interest or matters that are likely to require Council consideration. Council representatives may also update the Committee members on any matters that may impact them or require feedback on.

### **Mingenew Silver Chain Branch Committee (MSCBC)**

The Mingeneew Silver Chain Branch Committee supports the local Silver Chain through in-kind and financial assistance to improve and renew equipment and services of the local branch.

Council have provided formal representation on this Committee to coordinate any projects and initiatives that require Council support or involvement.

Council representatives do not have voting power but can report back to the local government on any matters of interest or matters that are likely to require Council consideration. Council representatives may also update the Committee members on any matters that may impact them or require feedback on.

### **Mingenew Tourist and Promotions Committee**

The Mingeneew Tourist and Promotions (T&P) Committee are a *"not-for-profit organisation comprised of community-minded volunteers who take pride in the appearance of our town and work to ensure that it is an appealing place to live, work and visit."* The T&P have not had Committee numbers to hold regular meetings this year but Council representative is sought on the presumption that the Committee may resume in the near future.

This Committee has previously outlined a desire to work with the Shire to meet its strategic objectives and achieve its aim: *"to put our Shire on the map by giving visitors a memorable experience while here and showcasing Mingeneew as an appealing place to live. First impressions are the most lasting impressions, so the town's appearance has to be a top priority. We aim to promote our natural and manmade environment to attract visitors all year round not just during the wildflower season"*. The Committee have requested that a Councillor representative be appointed to the Committee to facilitate discussion at a Council level on projects and ideas.

Council representatives do not have voting power but can report back to the local government on any matters of interest or matters that are likely to require Council consideration. Council representatives may also update the Committee members on any matters that may impact them or require feedback on.

### **Joint Development Assessment Panel (JDAP)**

A Joint Development Assessment Panel (JDAP) is made up of specialist and local government members and are established to determine development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme. The DAP regulations state that DAP applications cannot be determined by local government or the Western Australian Planning Commission (WAPC).

There are 8 JDAPs in Western Australia with the Shire of Mingeneew being members of the Mid-west/Wheatbelt region. Local members are members of a local government council who are nominated by that local government to sit on a DAP. Local governments are required to nominate two councillors as local members, and two deputy local members to be called on if an issue of quorum arises. The Minister will appoint the local government representatives in accordance with the local government's nomination.

Should the local government fail to nominate four representatives, the Minister has the power to appoint two alternative community representatives to ensure local representation is always present on a panel. The regulations require that these alternate representatives are residents of the local area and have relevant knowledge or experience that, in the opinion of the Minister, will enable them to represent the interests of their local community.

An information booklet has been provided as an attachment should Councillors and members of the community wish to learn more about Development Assessment panels and their role.

### **Mid-West Regional Road Group**

There are 10 Regional Road Groups (RRG) in WA, established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRGs make recommendations to SAC in relation to the Annual Local Government Roads Program for their Region and any other relevant issues.

The RRGs are comprised of elected representatives from each Local Government within the road group. Most groups are supported by a technical committee comprised of Local Government staff. Administrative support is provided by Main Roads WA. RRGs are important in providing Local Government with a voice in how the State Government's contribution to local roads is spent. Regional Road Group members serve a vital and valuable role in ensuring that road funding decisions maximise community benefits and preserve and improve the road system across Western Australia. The RRG is also responsible for reviewing the Restricted Access Vehicle (RAV) network.

Most decisions of this Committee are made by consensus and only one Council representative has voting rights. Council representatives are expected to keep Council informed of the business and decisions made by the Regional Road Group.

### **Northern Country Zone of WALGA**

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. 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.

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.

WALGA have requested that they be notified of Elected Member delegates and deputy delegates to the Zone no later than Friday 5 November 2021. This will enable the Zone to elect WALGA State Council representatives. The Northern Country Zone (NCZ) will appoint its office bearers (President, Deputy President and State Council representative and Deputy) at the next NCZ meeting on 22 November 2021.

Please [click here](#) to view WALGA's Elected Member Prospectus. This document will assist in providing further information on becoming a Zone Delegate or State Councillor.

### **Wildflower Country Inc.**

Western Australia's Wildflower Country is the collective group of nine local government areas located just north of Perth in Western Australia; Carnamah, Coorow, Dalwallinu, Greater Geraldton – including Mullewa, Moora, Morawa, Mingenew, Perenjori and Three Springs.

The purpose of Wildflower Country Incorporated is to promote this beautiful region as a unique and captivating tourism destination, for the collective mutual benefit of the entire Wildflower Country region. Wildflower Country assists with collaborative destination marketing, and in producing memorable and positive visitor experiences, as well as assisting to develop the tourism industry within the area.

Each local government is entitled to one voting representative.

### **Statutory Environment**

Local Government Act 1995

Local Government (Administration) Regulations 1996

Emergency Management Act 2005

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Community Strategic Plan:

Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

Strategy 1.3.2 Provide services and processes to enhance public safety



## TERMS OF REFERENCE

### Audit and Risk Committee

1.0.1

<b>Title:</b>	<b>1.0.1 – AUDIT AND RISK COMMITTEE TERMS OF REFERENCE</b>
<b>Adopted:</b>	19 December 2018
<b>Last Reviewed:</b>	17 February 2021
<b>Associated Legislation:</b>	Sections 7.1A, of the Local Government Act A1995. Regulations 16 of the Local Government (Audit) Regulations 1996
<b>Associated Documents:</b>	Shire of Mingenew Standing Orders Local Law 2017 1.2.2 Risk Management Policy v1 Risk Management Framework & Procedures v1 Shire of Mingenew Risk Profile 1.2.8 Code of Conduct
<b>Review Responsibility:</b>	Audit & Risk Committee
<b>Delegation:</b>	-

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## OBJECTIVES

The primary objective of the Audit and Risk Committee “the 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 statutory and fiscal 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 transparency in the Local Government’s reporting and will liaise with the CEO to ensure the effective and efficient management of the local government’s systems and processes.

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, any internal auditor/s, the CEO and the Council.

## POWERS OF THE AUDIT AND RISK COMMITTEE

The Audit and Risk 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 at least four members including one external member, with a recommended four elected members and one external person. All Council-appointed members shall have full voting rights.
- 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.

#### **QUORUM**

A quorum shall consist of at least 50% of the number of offices of Committee members, unless a reduction is approved by the local government under s5.15 of the *Local Government Act 1995*.

#### **INDEPENDENT MEMBERS**

Appointments of external independent persons will be made following a public advertisement/expressions of interest process or as otherwise determined by Council and be for a maximum term of three years. An independent member is eligible to reapply and be appointed for an additional term but is subject to the requirements of the recruitment / expressions of interest process each term expiry.

The following selection criteria is desirable to assist in appointing an Independent Member to the Committee:

- Financial literacy and, ideally with qualifications or extensive experience in business management and/or accounting;
- Knowledge of local government operations and the environment within which councils operate;
- Strong communication skills;
- High level of personal and professional integrity and ethics; and
- Demonstrated knowledge of risk management principles and practices.

The evaluation of potential members will be administered by the CEO and appointments will be approved by Council.

Council may terminate the appointment of any member prior to the expiry of his/her term, if:

- The Chairperson considers that the member is not making a positive contribution to the Committee; or
- The member is found to be in breach of the Shire of Mingenew Code of Conduct or a serious contravention of the Local Government Act 1995; or
- A member's conduct, action or comments brings the Shire of Mingenew into disrepute.

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



By approval of the CEO and within budgetary constraints, reimbursement of reasonable out of pocket expenses, such as travel costs, will be paid to each external person who is a member of the Committee upon application within the relevant financial year.

### **CHAIRPERSON**

The position of Chairperson shall be appointed by a majority vote of the Committee following a call for nominations for the position at the next meeting following an Ordinary Local Government Election and after which Committee delegates have been formally appointed by Council or following the resignation of the Chairperson. A Chairperson may be reappointed.

### **MEETINGS**

The Committee shall meet as circumstances require in order to meet its internal and external auditing requirements (commonly 3-4 times per year) .

Additional meetings shall be convened at the discretion of the Chairperson or by request from a majority of voting members, in consultation with the CEO to ensure the timely preparation of meeting notices, agendas and any other information required for the meeting.

### **REPORTING**

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

### **DUTIES AND RESPONSIBILITIES**

The duties and responsibilities of the Committee will be -

- a. Provide guidance and assistance to Council as to carrying out the functions of the local government in relation to audits;
- b. Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;
- c. Liaise with the CEO to ensure that the local government does everything in its power to –
  - o assist the auditor to conduct the audit and carry out his or her other duties under the *Local Government Act 1995*; and
  - o ensure that audits are conducted successfully and expeditiously;
- d. Examine the reports of the auditor after receiving a report from the CEO on the matters to –
  - o determine if any matters raised require action to be taken by the local government; and
  - o ensure that appropriate action is taken in respect of those matters;
- e. 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;
- f. Review the scope of the audit plan and program and its effectiveness;
- g. Review the appropriateness of special internal audit assignments undertaken by an external auditor at the request of Council or Chief Executive Officer;
- h. Review allocation of risk and audit resources in conjunction with the Shire's Risk Profile;
- i. Review the level of resources allocated to internal audit and the scope of its authority;
- j. Review risk management policies, procedures and guidelines;





- k. Review reports of internal audits, external audits and control assurance reviews, monitor the implementation of recommendations made by the audit and review the extent to which Council and management reacts to matters raised;
- l. Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs;
- m. Review the local government's annual financial report prior to Council receiving the final report for adoption, focusing on –
  - o accounting policies and practices;
  - o changes to accounting policies and practices;
  - o the process used in making significant accounting estimates;
  - o significant adjustments to the financial report (if any) arising from the audit process;
  - o compliance with accounting standards and other reporting requirements; and
  - o significant variances from prior years;
- n. 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;
- o. 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;
- p. 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;
- q. Review the annual Compliance Audit Return and report to Council the results of that review, and
- r. Consider the CEO's 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 Council the results of those reviews.

## INTERNAL AUDIT

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 & Risk Committee, with input from the Chief Executive Officer and senior staff, 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 to report independently 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 & Risk 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. review relevant internal systems and processes, providing recommendations for efficiency or productivity gains;
- c. a risk assessment with the intention of minimising exposure to all forms of risk on the local government;
- d. examination of financial and operating information that includes detailed testing of transactions, balances and procedures;
- e. a review of the efficiency and effectiveness of operations and services including non-financial controls of a local government;
- f. a review of compliance with management policies and directives and any other internal requirements;
- g. review of the annual Compliance Audit Return;
- h. assist in the CEO's triennial reviews of the appropriateness and effectiveness of the local government's systems and procedures regarding risk management, internal control and legislative compliance; and
- i. specific tasks requested by management.

For local government, an internal auditor should report functionally to the Audit & Risk 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 & Risk 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 the Audit & Risk 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 internal auditor or his or her professional company should only undertake internal audit functions that complement the internal 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.



## TERMS OF REFERENCE

### Bush Fire Advisory Committee

2.0.1

<b>Title:</b>	<b>2.0.1 – BUSH FIRE ADVISORY COMMITTEE TERMS OF REFERENCE</b>
<b>Adopted:</b>	-
<b>Last Reviewed:</b>	17 February 2021
<b>Associated Legislation:</b>	Bush Fires Act 1954
<b>Associated Documents:</b>	Nil.
<b>Review Responsibility:</b>	Bush Fire Advisory Committee
<b>Delegation:</b>	Nil.

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## OBJECTIVES

To advise the local government regarding all matters relating to the delivery of fire prevention, preparedness, response and recovery, in accordance with requirements of the *Bush Fires Act 1954 (BFA)*.

## FUNCTIONS

The function of the Bush Fire Advisory Committee (BFAC) is to advise the local government regarding:

- a) all matters relating to the preventing, controlling and extinguishing of bush fires
- b) the planning of the layout of firebreaks in the district
- c) prosecutions for breaches of the *Bush Fires Act 1954*
- d) the formation of bush fire brigades and the grouping thereof under group brigade officers
- e) the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities
- f) any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified above.

## POWERS OF THE BUSH FIRE ADVISORY COMMITTEE

The BFAC is established under s.67 of the *Bush Fires Act 1954* as an advisory committee to Council. The Committee does not have delegated authority to exercise the powers or discharge the duties of the local government but may provide appropriate advice and recommendations to Council or the CEO in order for the local government to effectively perform its legislative functions and duties.

## MEMBERSHIP

The BFAC voting members will include:

- Council-appointed Councillor representative/s (or proxy)
- Chief Bush Fire Control Officer (Deputy CBFCO as proxy)
- Shire Chief Executive Officer (or proxy)
- Agency-appointed Department of Fire & Emergency Services (DFES) representative (or proxy)
- Bush Fire Risk Management Officer (BFRMO)
- Brigade Members

The Shire's Governance Officer (or proxy delegated by the Shire CEO) will provide administrative support to the Committee and is a non-voting member.



Other persons, or representatives of organisations may be invited to participate in meetings, whose role, responsibilities or charter include bush fire management and control and/or are likely to be impacted by emergency management arrangements.

The local government may accept the resignation or remove a member of the Committee or appoint a person to fill a vacancy in accordance with the BFA.

### **QUORUM**

A quorum shall be five (5) voting members.

### **CHAIRPERSON**

The Committee shall appoint a Chairperson and Deputy Chairperson. The election of the Chairperson and Deputy Chairperson shall be held every two years, at the first meeting of the Committee, post Council elections.

### **MEETINGS**

The Committee may meet from time to time as the Committee sees fit but, shall meet as a minimum once annually, prior to the harvest period (approximately October).

The March meeting shall be an Annual General Meeting for which local public notice is to be provided. At this meeting the Committee shall make recommendations to Council for the appointment of the Bush Fire Control Officer, Deputy Bush Fire Control Officer, Brigade Captains and any other positions the Committee sees fit, in accordance with the BFA. Appointments are to be endorsed by Council or referred to the Committee for reconsideration.

### **REPORTING**

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

### **DUTIES AND RESPONSIBILITIES**

The duties and responsibilities of the Committee will be to -

- a) Make recommendations to Council on resourcing needs of the Brigades including financial support, equipment needs, training and any other requirements;
- b) Advise on the layout of firebreaks and annual firebreak requirements;
- c) Make recommendations to Council regarding the setting and/or varying of prohibited and restricted burning periods in accordance with s.17 and s.18 of the BFA.
- d) Review bush fire incident reports and establish improved practices for the control of bush fires and related activities
- e) Advise and assist the Shire in ensuring that local risk management and response plans pertaining to bush fires are established and maintained (including testing);
- f) Advise Council regarding all matters relating to prosecutions for breaches of the *Bush Fires Act 1954*;
- g) Support the Shire to ensure appropriate and timely training programs are developed and delivered to volunteer bush fire brigade members, including on-going scenario-based training;
- h) Advise the Shire of Mingenew on operational and administrative matters relating to bush fire prevention, preparedness, response and recovery, as per relevant legislation and policies;



- i) Advise and assist the Shire in the development of bush fire community engagement and education programs;
- j) Facilitate and foster open communication and cooperation with other fire and emergency agencies, neighbouring local governments and other stakeholders;
- k) Review these Terms of Reference biannually.



## TERMS OF REFERENCE

### Local Emergency Management Committee

3.0.1

<b>Title:</b>	<b>3.0.1 – LOCAL EMERGENCY MANAGEMENT COMMITTEE TERMS OF REFERENCE</b>
<b>Adopted:</b>	-
<b>Last Reviewed:</b>	17 February 2021
<b>Associated Legislation:</b>	Emergency Management Act 2005
<b>Associated Documents:</b>	Shire of Mingenew Standing Orders Local Law 2017 Code of Conduct
<b>Review Responsibility:</b>	Local Emergency Management Committee
<b>Delegation:</b>	Nil.

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## OBJECTIVES

To oversee, plan and test the local emergency management arrangements for the local community in consultation with relevant agencies and organisations and provide timely advice and recommendations to the local government, pursuant to the *Emergency Management Act 2005* (EMA).

## FUNCTIONS

The functions of the Local Emergency Management Committee (LEMC) are:

- to advise and assist the local government in ensuring that local emergency management arrangements are established for its district (including recovery planning);
- To exercise the Shire of Mingenew Local Emergency Management Arrangements, and to test their effectiveness in practical applications;
- to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements;
- to carry out other emergency management activities as directed by the State Emergency Management Committee (SEMC) or prescribed by legislation.
- to advise and assist the local government on how to manage recovery following an emergency affecting the community in the district; and
- to advise and assist the local government on other functions relevant to Emergency Management,

## POWERS OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE

The Mingenew LEMC is established under s.38 of the *Emergency Management Act 2005* to carry out emergency management activities as directed by the SEMC.

The Committee does not have delegated authority to exercise the powers or discharge the duties of the local government but may provide appropriate advice and recommendations to Council or the CEO in order for the local government to effectively perform its legislative functions and duties.

## MEMBERSHIP

Membership of the Committee is determined by SEMC.



The Mingenew LEMC voting members will include:

- Council-appointed Councillor representative/s (or proxy)
- Shire Chief Executive Officer (as the Local Recovery Coordinator)
- Mingenew Police Officer in Charge (OIC) (Local Emergency Coordinator for the purposes of s.37(1) EMA and State EM Policy 2.5.5)
- Chief Bush Fire Control Officer (Deputy CBFCO as proxy)
- Department of Fire & Emergency Services (DFES) Area Officer Midwest (or proxy)
- Representatives from the following agencies:
  - Department of Health
  - Department of Communities
  - Department of Biodiversity, Conservation and Attractions (Parks and Wildlife)
  - Main Roads WA
  - Silver Chain / Other
  - St John Ambulance WA
  - WALGA Roadwise
  - Mingenew Primary School

Individual Committee members and one representative from each agency is entitled to vote.

The Shire's Governance Officer will be the Executive Officer for the purposes of this Committee; providing governance and administration support but does not have a voting role.

Other persons, or representatives of organisations may be invited to participate in meetings, whose role, responsibilities or charter include emergency management and/or are likely to be impacted by emergency management arrangements.

#### **QUORUM**

A quorum shall be five (5) voting members.

#### **CHAIRPERSON**

In accordance with SEMC Procedures, the Elected Member, appointed by Council to this Committee shall serve as Chairperson. The Local Emergency Coordinator shall serve as Deputy Chair of the Local Emergency Management Committee.

#### **MEETINGS**

The Committee may meet from time to time as the Committee sees fit but, shall meet as a minimum quarterly as required by SEMC (approximately March, June, August and October).

#### **REPORTING**

Minutes of the LEMC will be provided to Council at the next Ordinary meeting after which a meeting has been held. The LEMC may make recommendations to Council in order for the local government to meet its statutory obligations with regard to emergency management.

#### **DUTIES AND RESPONSIBILITIES**

The duties and responsibilities of the Committee will be -

- a) To establish and review Local Emergency Management Arrangements in accordance with s.41 of the *Emergency Management Act 2005*, that are to set out:





- i. the local government's policies for emergency management;
  - ii. the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;
  - iii. provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (ii);
  - iv. a description of emergencies that are likely to occur in the local government district;
  - v. strategies and priorities for emergency management in the local government district;
  - vi. other matters about emergency management in the local government district prescribed by the regulations;
  - vii. other matters about emergency management in the local government district the local government considers appropriate.
- b) Prepare and submit an Annual Report to the DEMC after the end of each financial year [s.40 *Emergency Management Act 2005*] – see SEM Policy 2.6
  - c) Coordinate and conduct tests of the LEMA and relevant exercises to ensure the local government's plans and strategies are effective and efficient, involving all relevant stakeholders where possible;
  - d) Review any post-incident reports and post exercise reports generated since the last meeting;
  - e) Make recommendations on the implementation of emergency risk management strategies;
  - f) Provide feedback on State Emergency Management Policies and the adequacy of State government support to achieve efficient, effective and consistent emergency management responses at the local level;
  - g) Report to the DEMC and/or SEMC on any others matters in relation to emergency management as required.

The Local Emergency Coordinator, in accordance with s.37(4) of the EMA, is to:

- provide advice and support to the LEMC for the district in the development and maintenance of EM arrangements for the district;
- assist in the provision of a coordinated response during an emergency in the district and undertake various other response activities outlined in SEMC Policy; and
- carry out other EM activities in accordance with the directions of the SEMC.

The Executive Officer is to:

- coordinate the development and submission of committee documents in accordance with legislative and policy requirements including an Annual Report, Business Plan and maintenance of LEMAs;
- provide advice to the Chair and LEMC as required;
- facilitate communication between the LEMC and Executive Officer of the relevant DEMC
- coordinate communication and engagement activities between LEMC, Council, neighbouring local governments and other stakeholders as required.

#### *Abbreviations*

CEO – Chief Executive Officer (of the Shire of Mingenew)  
DEMC – District Emergency Management Committee  
EMA – *Emergency Management Act 2005*  
LEMA – Local Emergency Management Arrangements  
LEMC – Local Emergency Management Committee  
SEMC – State Emergency Management Committee  
WALGA – Western Australian Local Government Association



## TERMS OF REFERENCE

### Behaviour Complaints Committee

4.0.1

<b>Title:</b>	<b>5.0.1 – BEHAVIOUR COMPLAINTS COMMITTEE</b>
<b>Adopted:</b>	<b>19 May 2021</b>
<b>Last Reviewed:</b>	-
<b>Associated Legislation:</b>	Local Government Act 1995 Model Code of Conduct Regulations
<b>Associated Documents:</b>	Shire of Mingenew Code of Conduct
<b>Review Responsibility:</b>	Council
<b>Delegation:</b>	Nil.

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### PURPOSE

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

### OBJECTIVES

- To promote the interests and welfare of the Shire of Mingenew and broader community
- To promote and advocate for initiatives and ideas that align with community strategic objectives
- To exchange information that may be pertinent to future planning and decision making

### ROLES AND RELATIONSHIPS

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 Mingenew'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 [min of 3 members - s.5.8] Council Members, appointed by Council in accordance with s.5.10 of the Act.

In addition, at least 3 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 Mingenew 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).

SHIRE OF MINGENEW  
LOCAL RECOVERY COORDINATION GROUP  
SEVERE TROPICAL CYCLONE SEROJA  
TERMS OF REFERENCE

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### **Preamble**

The Shire of Mingenew Local Recovery Coordination Group (LRCG) has been established following the significant and widespread impacts caused by Severe Tropical Cyclone Seroja (STC Seroja) on 11 April 2021.

The LRCG is an advisory body for recovery and, in conjunction with the Local Recovery Coordinator, the LRCG will assist to develop and coordinate local level recovery activities.

### **Purpose**

The Shire of Mingenew Local Recovery Coordination Group (LRCG) is established to assist in the management of the impact of STC Seroja on the 11<sup>th</sup> of April 2021. The LRCG is focused on supporting community recovery from the impact of STC Seroja in the Shire of Shire of Mingenew from the perspective of built, natural, social and economic environments.

### **Functions**

The Shire of Mingenew LRCG will:

- Collect, analyse and communicate the key issues for recovery within the Shire of Shire of Mingenew.
- Create a two-way dialogue that seeks feedback and input from the community about the most pressing issues to be addressed.
- Develop and coordinate the implementation of the Local Recovery Plan (with an agreed transition/exit strategy) that aligns with local assessments and plans. This is achieved through the LRCG and working groups reporting to the LRCG where required.
- Ensure that relevant stakeholders, especially the communities affected, are involved in the development and implementation of recovery objectives and strategies and are kept informed of progress made.
- Identify, pre-empt and communicate local recovery issues and trends with the Shire of Shire of Mingenew and the District Recovery Coordination Group.
- Ensure that recovery activities are in line with Western Australian State EM Policy.
- Schedule and participate in a LRCG debrief process.

### **Chair**

The Chair of the LRCG is the appointed Local Recovery Coordinator, the Shire Chief Executive Officer, or the Shire President or a delegate.

## **Membership**

Refer to the LRCG Aide Memoire found within the State Emergency Management Local Recovery Guideline. This guideline can be found on the State Emergency Management Committee website – [Local Recovery Guideline](#).

## **Secretariat**

To aid in the establishment of the LRCG, secretariat support will be provided by a Community Recovery Officer engaged by State Recovery, or by other agreed arrangement.

## **Frequency of meetings**

The Shire of Mingenew LRCG will meet fortnightly (initially) either face to face or via video/teleconference as determined by members. The ongoing frequency and location of meetings will be determined as required, by member's agreement.

## **Subcommittees**

The Shire of Mingenew LRCG may establish subcommittees as required under the following environments:

- Built
- Natural
- Social
- Economic

## **Reporting and Powers**

The Shire of Mingenew LRCG will report through the Local Recovery Coordinator. Recommendations made by the LRCG which require approval by Council shall be presented to the next Ordinary Meeting of Council or Special Meeting of Council, as appropriate.

Minutes of the Shire of Mingenew LRCG meetings and working group meetings will be provided to Council and the District Recovery Coordination Group by the Local Recovery Coordinator and secretariat.

The LRCG will be supported by the District and State Recovery to undertake the recovery coordination function as required.

## **Powers and Delegated Authority**

As the Shire of Mingenew LRCG is formed under the *Emergency Management Act 2005* it does not hold any powers or delegated authority on behalf of local government under the *Local Government Act 1995*.



## TERMS OF REFERENCE

### Elected Member Representation on External committees / groups

4.0.1

<b>Title:</b>	<b>4.0.1 – ELECTED MEMBER REPRESENTATION ON EXTERNAL COMMITTEES / GROUPS</b>
<b>Adopted:</b>	-
<b>Last Reviewed:</b>	-
<b>Associated Legislation:</b>	Local Government Act 1995 Model Code of Conduct Regulations
<b>Associated Documents:</b>	Shire of Mingenew Code of Conduct
<b>Review Responsibility:</b>	Council
<b>Delegation:</b>	Nil.

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### PURPOSE

To be the conduit between Council and the external committee / group to ensure timely information is exchanged to assist Council in performing its functions to:

- Determine and review policies
- Plan for the future
- Manage assets
- Govern finances

The representation is not intended to replace any business relationship and communication obligations between the Committee/group and the Shire's administration. All operational matters should be referred through the CEO or appropriate officer.

### OBJECTIVES

- To promote the interests and welfare of the Shire of Mingenew and broader community
- To promote and advocate for initiatives and ideas that align with community strategic objectives
- To exchange information that may be pertinent to future planning and decision making

### ROLES AND RELATIONSHIPS

The role of Council members on non-Council committees / groups is to:

- Attend and participate in all meetings;
- Work cooperatively with other members in achieving the purpose of the committee / group;
- Share relevant information regarding Council's business/strategic planning, events decisions, opportunities and risks (as presented through Council) with the Committee / group;
- Share relevant information regarding the Committee's / group's business strategies and direction, resourcing capacity (financial and human), events / initiatives, risks and other management reports that may affect Council business;
- Contribute ideas and suggestions relating to relevant items for discussion; and
- Use existing networks to remain informed regarding the views and interests of the community;
- Forward any relevant operational / administrative matters to the Shire CEO as soon as practicable.

It is also important that members represent the views of Council and not pursue personal agendas or objectives unless aligned with those of Council.



Council Members are not permitted to hold an Executive role on any Committee (non-Council) and do not have a right to vote on decisions made at meetings unless Council has an express voting responsibility for the decision-making purposes of that Committee.

Each representative role might be slightly different for each community group or committee, based on their structure, needs and operation. Council members should refer to the relevant group / committee and / or Terms of Reference for further direction.

### **CODE OF CONDUCT**

Council Members will adhere to the adopted Shire of Mingenew Code of Conduct when representing Council on a non-Council Committee.

The Code of Conduct recognises that as part of their representative role, Council Members are invited to represent the Council on external organisations, and outlines the importance of Council Members:

- Clearly understanding the basis of their appointment; and
- Provide regular reports on the activities of the organisation.

Where a Council Member has a conflict of interest in any matter before the committee / group, it must be disclosed at both the Committee meeting and when presenting information to Council. This excludes any impartiality interest resulting from the Member's representative role for that Committee/group.

### **ACCESS TO INFORMATION / CONFIDENTIALITY**

As outlined in the Code of Conduct, Council Members are to ensure that information provided to them in their official capacity will be used properly and to assist in the process of making reasonable and informed decisions on matters before Council.

### **REPORTING TO COUNCIL ON COMMITTEE MATTERS AND VICE VERSA**

Council representatives will report any applicable matters to the next Concept Forum that follows the Committee/group meeting (excluding confidential matters prescribed by the Committee, if applicable).

### **TERM OF OFFICE**

Council representations on non-Council Committees/groups will be determined every second year following an Ordinary Council election or as required.

A Council member may resign their position as Council representative by giving written notice to the Shire President, Mingenew CEO and the Committee Chair or President.

**10.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**11.0 CONFIDENTIAL ITEMS**

Nil.

**12.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday 17 November 2021 commencing at 4.30pm.

**13.0 CLOSURE**

The meeting was closed at \_\_\_\_pm.

These minutes were confirmed at an Ordinary Council meeting on 17 November 2021.

Signed \_\_\_\_\_  
Presiding Officer

Date: \_\_\_\_\_