



## ATTACHMENT BOOKLET FOR SPECIAL COUNCIL MEETING

15 November 2023 at 5:00pm

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## 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:

- all matters relating to the preventing, controlling and extinguishing of bush fires
- the planning of the layout of firebreaks in the district
- prosecutions for breaches of the *Bush Fires Act 1954*
- 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
- 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:

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



## 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.