

PURPOSE

The purpose of this Policy is to establish the Shire of Manjimup position on:

1. The Terms of Reference, function, purpose and operation of Committees established under legislation.
2. The function, purpose and operation of Advisory and Reference Groups not formally constituted under legislation and thus not bound by the legislative framework of relevant Acts.
3. Council representation on external committees.

RELEVANT LEGISLATION

The relevant legislation to be read in conjunction with this Policy is as follows:

<i>Local Government Act 1995</i>	Section 5.8 of the Act gives the local government the authority to establish committees. Section 5.12 (1) of the Act requires that the local government appoint a member of a committee to be the Presiding Member. Section 5.12 (2) of the Act enables a local government to appoint a member of a committee to be the Deputy Presiding Member. Section 7.1A of the Act requires that the Council establish an audit committee, and the Local Government (Audit) Regulations 1996 prescribe the functions of the audit committee. The decisions referred to above are required to be made by Absolute Majority.
<i>Local Government (Administration) Regulations 1996</i>	Regulation 14C provides for the circumstances where remote attendance at a committee meeting by electronic means is allowed or may be authorised by the President or Council.
<i>Emergency Management Act 2005</i>	Section 38 of the Act requires that a local government establish a Local Emergency Management committee and prescribes the functions of the committee.
<i>Bush Fires Act 1954</i>	Section 67 of the Act enables the establishment of a Bush Fire Advisory Committee and specifies the functions of the committee, and, where a Bush Fire Advisory Committee is established, requires that a Council member be appointed to the committee.
Shire of Manjimup Standing Orders Local Law	Prescribes the rules and guidelines that apply to all meetings of the Council and its committees.

POLICY MEASURES

1. COMMITTEES ESTABLISHED UNDER LEGISLATION

The Shire has four (4) committees that are established under legislation as detailed below:

- Established under Section 5.8 of the *Local Government Act 1995* (LG Act):
 - Audit and Risk Management Committee (to be renamed Audit, Risk and Improvement Committee under proposed changes to legislation).
 - Chief Executive Officer (CEO) Review Advisory Committee.
 - Bush Fire Advisory Committee.
- Established under Section 38 of the *Emergency Management Act 2005* (EM Act):
 - Local Emergency Management Committee (LEMC).

The following provisions apply generally to all committees established under legislation, with specific provisions relating to individual Acts detailed in Sections 1.1 and 1.2.

Terms of Reference

The Terms of Reference of each committee is shown in Appendix 1 of this Policy.

The Terms of Reference of the Local Emergency Management Committee is determined by the State Emergency Management Committee in accordance with s.38.4 of the Emergency Management Act.

Powers of Committees

Committees do not have any decision-making authority and therefore may only make recommendations to Council for consideration. Committees are to report to Council and provide appropriate advice and recommendations on matters relevant to their functions.

Committees do not have executive powers or authority to implement actions in areas over which the Chief Executive Officer has legislative responsibility and do not have any delegated responsibility.

Committees do not have any management functions and cannot be involved in management or administrative processes or procedures.

Executive Officer

The CEO will nominate a member of staff as the Executive Officer for each of the committees. The role of the Executive Officer is to:

- Act as the senior Shire staff member attending the meeting.
- Provide support to the committee members.
- Prepare the committee agenda.
- Attend the committee meeting to provide advice on reports, recommendations, statutory requirements and meeting procedures.

- Ensure that accurate minutes are kept.
- Ensure the effective administration of the committee, including the preparation of Council reports, maintenance of accurate contact records, and other necessary administrative functions.

Attendance at Meetings

Committee meetings are not open to the public. Guests may attend a meeting for discussion of a specific item by invitation / approval of the Presiding Member.

Current Council members may attend any committee of which they are not a member in an observing capacity.

With the exception of the CEO Review Advisory Committee, Shire staff members may attend any committee, as below:

1. The CEO, in all cases.
2. Other staff members, with the approval of the Executive Officer or the CEO.

The CEO shall ordinarily attend the CEO Review Advisory Committee; however, the CEO may leave the meeting from time to time where a consultant appointed for the purpose of assisting with the CEO review is in attendance. The CEO (or their nominated staff member) must, however, be present during any vote by the CEO Review Advisory Committee.

Livestreaming and Recording of the Meeting

Committee meetings will not be livestreamed, however to ensure the proceedings are accurately recorded, meetings may be electronically recorded in accordance with clause 6.16 of the Shire's Standing Orders Local Law.

Reporting to Council

All committee minutes shall be reported to the next practicable Ordinary Council meeting. The minutes shall be attached to the agenda for receipt, and each committee recommendation that requires a Council decision shall be reported to Council in the agenda report. This shall include Officer comment on each committee recommendation. Alternatively, a matter raised in the meeting that requires a decision of Council may be dealt with in a separate agenda item.

Conduct of Members

All requirements of the relevant Act and regulations relating to conduct, and the Shire of Manjimup Code of Conduct, apply to committee members.

1.1 COMMITTEES ESTABLISHED UNDER THE LOCAL GOVERNMENT ACT 1995

This section outlines provisions applicable to committees formally established under Section 5.8 of the *Local Government Act 1995* (LG Act).

Membership

Members of committees established under the LG Act are appointed by Council in accordance with s.5.10 of the Act. Members are appointed for a term in accordance with s.5.11 of the Act.

When the office of a committee member becomes vacant, a new member will be appointed by Council:

1. As soon as is practicable in cases when the vacancy arises more than 6 months before the next ordinary election day, or
2. Following the next ordinary election in all other cases.

Membership of each committee, including proxy membership, is shown in the committee Terms of Reference in Appendix 1 of this Policy. It is the duty of a committee member to advise their proxy member where they are unable to attend a meeting.

Presiding Member and Deputy Presiding Member

Council will appoint the Presiding Member in accordance with s.5.12(1) of the LG Act. The role of the Presiding Member is to:

- Preside at meetings of the committee, ensuring debate and meeting procedures comply with the Standing Orders Local Law.
- Check and sign off on meeting minutes.
- Liaise with Shire support staff.

Council will appoint the Deputy Presiding Member of each committee in accordance s.5.12(2) of the LG Act. The role of the Deputy Presiding Member is to perform the functions of the Presiding Member when the office of Presiding Member is vacant, or the Presiding Member is unavailable, unable or unwilling to perform the functions of Presiding Member.

In the absence of both the Presiding Member and Deputy Presiding Member at a committee meeting, s.5.14 of the LG Act applies.

Agenda Content and Order of Business

The order of business of committee meetings shall be as follows:

1. Declaration of Opening
2. Announcements by the Presiding member
3. Attendance and apologies
4. Declarations of interest
5. Confirmation of previous minutes
6. Motions of which previous notice has been given
7. Officers' reports
8. Late reports
9. Motions for consideration at the following meeting
10. New business of an urgent nature introduced by decision of the meeting
11. Closure

Meeting agendas shall be prepared by Shire staff with a report and recommendation on each item. Where a committee member wishes for an item to be discussed at the meeting they are entitled to present a notice of motion to the CEO in accordance with clause 5.3 of the Shire's Standing Orders Local Law.

Meeting Procedures

All meeting procedures for the Committees shall be in accordance with the Shire of Manjimup Standing Orders Local Law.

Quorum and Voting

A quorum for the committees shall be in accordance with s.5.19 of the LG Act. Section 5.15 permits the Council to reduce the number of offices required for a quorum at a committee meeting if there would not otherwise be a quorum for the meeting, however no such reduction has been granted.

Voting shall be in accordance with 5.21 of the LG Act, however members of committees that do not exercise delegation are not required to vote in accordance with s5.21(2). In these cases, the committee member should indicate their abstention to the presiding member at the meeting.

Disclosure of Financial Interests and Gifts by Committee Members

All matters relating to disclosure of financial interests and gifts shall be in accordance with Division 6 of the LG Act and Part 6 of the *Local Government (Administration) Regulations 1996*.

Electronic Attendance at Meetings

Regulations 14C, 14CA, and 14D of the *Local Government (Administration) Regulations 1996* prescribe the circumstances where electronic attendance is allowed and the process for approval by the President or Council.

Additional Meetings

Additional committee meetings over and above those prescribed in this Policy may be called in accordance with clause 3.4 of the Shire's Standing Orders Local Law, or by the CEO.

Minutes

Committee minutes shall be prepared in accordance with s.5.22 of the LG Act and regulation 11 of the *Local Government (Administration) Regulations 1996*. Minutes must record the votes of committee members in accordance with s.5.21(4) of the LG Act.

Committee minutes shall be agreed by the Presiding Member prior to inclusion on the Ordinary Council meeting agenda and shall be confirmed at the next meeting of the committee as prescribed by clause 14.4 of the Shire's Standing Orders Local Law.

Committee minutes do not need to be confirmed by the Council. Committee minutes will be published on the Shire website.

1.2 COMMITTEES ESTABLISHED UNDER THE *EMERGENCY MANAGEMENT ACT 2005*

This section outlines provisions applicable to the Local Emergency Management Committee, which is formally established under Section 38 of the *Emergency Management Act 2005* (EM Act).

Membership

Members of the Local Emergency Management Committee (LEMC) are appointed in accordance with s.38.3 and s.38.4 of the EM Act. Representation on this committee is agency based, not by direct appointment.

Membership of this committee, including proxy members, is shown in the committee Terms of Reference in Appendix 1 of this Policy.

Presiding Member and Deputy Presiding Member

The Shire President is the Presiding Member of the committee. The role of the Presiding Member is:

- The meeting is conducted in an orderly manner.
- All members are able to participate in debate in the meeting.
- Recommendations of the committee are clear and unambiguous (as much as is possible).
- Voting on recommendations is conducted in a transparent and accurate manner.

The Deputy Shire President is the Deputy Presiding Member of the committee. The role of the Deputy Presiding Member is to perform the functions of the Presiding Member when the office of Presiding Member is vacant, or the Presiding Member is unavailable, unable or unwilling to perform the functions of Presiding Member.

In the absence of both the Presiding Member and Deputy Presiding Member at a committee meeting, the committee members present at the meeting are to choose one of themselves to preside at the meeting.

Agenda Content and Order of Business

The order of business at LEMC meetings shall be as follows:

1. Opening and Welcome
2. Attendance and Apologies
3. Declarations of Interest
4. Guest Presentations
5. Confirmation of Meeting Minutes
6. Review of Action List and Business Arising

7. Correspondence
8. Review of LEMC Membership and Contact List Updates
9. Local Emergency Management (Standing Items)
 - 9.1 Post Incident Reports
 - 9.2 Post Exercise Reports
 - 9.3 Exercise
 - 9.4 Review Local Emergency Management Arrangements
 - 9.5 Risk management update
 - 9.6 Review LEMC business plan
 - 9.7 Review funding opportunities
10. Agenda Items
11. Agency/Member Reports
12. General Business
13. Next Meeting
14. Meeting Closure

Meeting Procedures

Debate at LEMC meetings may be conducted in an informal manner, under the direction of the Presiding Member. A vote cannot be taken without a motion being moved and seconded by a committee member.

Quorum and Voting

A quorum at the meeting will be at least 50% of the voting membership (whether vacant or not).

Disclosure of Financial Interests and Gifts by Committee Members

Committee members shall declare any conflicts of interest, including financial interests or receipt of gifts, that may influence or be seen to influence their ability to act impartially on matters before the committee.

Electronic Attendance at Meetings

Electronic attendance of meetings of LEMC is by approval of the Executive Officer.

Additional Meetings

Additional committee meetings over and above those prescribed in this Policy may be called by the Presiding Member.

Minutes

Minutes shall be prepared for each committee meeting and must accurately record the proceedings, including the outcome of any votes taken. Minutes will be confirmed at the following meeting of the committee.

Committee minutes do not need to be confirmed by the Council. Committee minutes will be published on the Shire website.

2. ADVISORY AND REFERENCE GROUPS

The general purpose of Advisory and Reference Groups is to provide for a less formal and more flexible type of meeting, capable of providing advice to Council (in the case of the Advisory Groups) or the CEO (in the case of the Reference Groups) without being bound by the legislative requirements of the Act.

The following provisions apply generally to both Advisory and Reference Groups, with specific provisions relating to each individual type of group detailed in Sections 2.1 and 2.2.

Executive Officer

The CEO shall appoint a Shire officer to be the Executive Officer of each Reference and Advisory Group. The Executive Officer is not a member of the group but is the senior Shire staff member attending and providing support to the group.

The Executive Officer's role is to:

- Prepare the meeting agenda.
- Attend the meeting to provide advice on reports, recommendations, statutory requirements and procedures.
- Ensure that appropriate notes are kept.

Meeting Agenda

Agendas for reference and advisory group meetings shall follow the following format:

1. Attendance
2. Apologies
3. Acknowledgement of Country
4. Declarations of financial interest by members
5. Business arising from previous meeting
6. Items for discussion
7. General business (within the scope of the purpose of the meeting)

Meeting Notes

The Executive Officer shall ensure that appropriate notes of the meeting are prepared to form a record. The notes do not need to be received by Council or confirmed at the next group meeting.

The notes shall be finalised by the Executive Officer after consultation (where practicable) with the Chairperson of the Reference or Advisory Group.

The notes shall comprise:

- Start time of the meeting
- Attendance and apologies
- Declarations of interest by members

- Any recommendations to the CEO arising from the agenda items for discussion or general business
- Closure time of the meeting

Chairperson

Each Reference and Advisory Group shall have a Chairperson and Deputy Chairperson.

- In the case of Advisory Groups, these positions will be appointed by Council when it decides the members of the group.
- In the case of Reference Groups, the Chairperson and Deputy Chairperson will be decided by the group at its first meeting following an ordinary council election or vacancy.

The responsibilities of the Chairperson are to ensure that:

- The meeting is conducted in an orderly manner.
- All members are able to participate in debate in the meeting.
- Recommendations of the committee are clear and unambiguous (as much as is possible).
- Voting on recommendations is conducted in a transparent and accurate manner.

Conduct of the Meeting

Debate at Advisory and Reference Groups may be conducted in an informal manner, under the direction of the Chairperson. A vote cannot be taken without a motion being moved and seconded by a member of the Reference or Advisory Group.

A Quorum shall be a minimum of 50% of the members of the Reference or Advisory Group.

Remote Attendance via Electronic Means

Remote attendance at Reference and Advisory Group meetings is permissible at the discretion of the Executive Officer.

Conduct of Members

The requirements of the Shire of Manjimup Code of Conduct apply to Reference and Advisory Group members. As Advisory and Reference Groups are not constituted committees of Council the Shire of Manjimup Standing Orders Local Law does not apply. In relation to conflicts of interest, any declaration of interest is voluntary by the member.

Public Attendance

Reference and Advisory Group meetings are not open to the public. Guests may attend a meeting for discussion of a specific item by invitation / approval of the Chairperson.

Current Council members may attend any Reference or Advisory Group meeting as an observer.

2.1 ADVISORY GROUPS

There are four (4) Advisory Groups, namely:

- Northcliffe District Community Advisory Group
- Pemberton District Community Advisory Group
- Walpole District Community Advisory Group
- Manjimup District Community Advisory Group

Specific Purpose of Advisory Groups

The purpose of the Advisory Groups is to provide a forum for community participation and in and advice on major strategic issues relevant to the districts of the Shire, and the whole Shire itself.

This includes community representation to the Shire on:

- Strategic, as opposed to operational, issues relevant to the district.
- The development of the Strategic Community Plan, and the town plans.
- Specific issues relevant to the district such as major projects, and plans or strategies for the place, major development or rezoning proposals, draft policies of Council that are relevant to the town.

Precise boundaries for the area covered by each District Community Advisory Group has purposefully not been specified, so that advice can reflect a more general interpretation of the district area.

Membership

District Community Advisory Groups shall comprise between five (5) and nine (9) community members. Members shall be appointed by Council after each Ordinary Election, and appointments shall be made until the next Ordinary Election.

Council will undertake a public expression of interest process for members of the Community District Advisory Groups. Prospective members will be asked to provide a short statement outlining their suitability for the role, their connection and engagement with the local area through community, business and/or local organisations, their skills and knowledge, and their relevant experience.

The Council will select membership based on the following criteria:

- The Advisory Groups should represent a broad range of community interests within the relevant district.
- Members should demonstrate:
 1. Strong connections and relationships with community, business or organisations within the district area, and
 2. An ability to represent and consider a diversity of community views.

In the event that fewer than five expressions of interest are received, a report will be presented to Council to determine how to proceed.

Council has purposefully not mandated that members from local organisations or interest groups be members of the committee, or that members must reside within the area represented by the Advisory Group, however District Community Advisory Group members must be residents or owners / occupiers of property within the Shire of Manjimup.

Current Council Members or employees of the Shire of Manjimup may not be members of the District Community Advisory Groups.

Proxy members will not be appointed.

Meetings

District Community Advisory Group meetings will be held at least two (2) times per year, at a venue within the town within the district.

The CEO may call additional meetings where there is a time sensitive matter that may warrant consideration by the group

Reporting to Council

Meeting notes from District Community Advisory Groups will be presented to the next practicable Ordinary Council Meeting. The notes will be included as an attachment to the agenda item for Council's receipt.

Any recommendations from the Advisory Group on specific issues will be reported to Council when that matter is substantively considered. The recommendations of the Advisory Group will be included in the Officer Report at that time under the 'Public Consultation' section of the report.

2.2 REFERENCE GROUPS

There are six (6) reference groups, namely:

- Airfield Reference Group
- Northcliffe Forest Park Reference Group
- Access and Inclusion Reference Group
- Reconciliation Action Plan Reference Group
- Manjimup Heritage Park Reference Group
- Rea Park and Collier Street Redevelopment Reference Group

Additional Reference Groups may be established by the CEO or by Council at any time. The CEO may disband any Reference Group, other than those established either under this Policy or by a resolution of the Council.

Specific Purpose of Reference Groups

The purpose of the Reference Groups is to provide advice to the CEO on issues relevant to the Terms of Reference of the group.

Terms of Reference

The Terms of Reference for Reference Groups will be determined by the CEO.

Membership

Reference Groups will aim to have a minimum of five (5) and a maximum of seven (7) members. Membership is determined by the CEO.

Meetings

Reference Group meetings will be held at least two (2) times per year. Additional meetings can be held with the approval of the Executive Officer.

Reporting of Reference Group Meetings

Reference Groups meeting notes will be reported to the relevant Director, who will determine if any specific recommendations from the group will be reported to Council.

3. EXTERNAL COMMITTEES

At the next Ordinary Meeting after an election, Council members are to be appointed to external committees by Council Resolution.

Representation on external committees will remain until the next ordinary local government election unless the Council member ceases to be a member of Council for any reason (in which case, an alternative appointment will require a Council resolution).

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APPENDIX 1 – TERMS OF REFERENCE OF COMMITTEES

AUDIT, RISK AND IMPROVEMENT COMMITTEE	
Functions	The functions of the Audit, Risk and Improvement Committee are: • As prescribed in Regulation 16 of the <i>Local Government (Audit) Regulations 1996</i>. • Providing a recommendation to the Council on the appointment of its Auditor under s.7.3 of the <i>Local Government Act 1995</i>. • To review the compliance audit return and to report to Council the results of that review in accordance with Regulation 14(3A) of the <i>Local Government (Audit) Regulations 1996</i>. • To consider the review of certain systems and procedures by the CEO in accordance with Regulation 17(3) of the <i>Local Government (Audit) Regulations 1996</i>.
Meeting frequency	Minimum of four (4) times per financial year.
Membership	The membership of the Audit, Risk and Improvement Committee comprises: • Independent Presiding Member • Independent Deputy to the Presiding Member (proxy) • Maximum of five (5), and minimum of three (3), Council members
Proxy Members	The Independent Deputy to the Presiding Member is the proxy to the Independent Presiding Member. Two (2) members of Council shall be appointed to be the first and second proxy members of the committee, and they may attend and participate in the committee where a member is absent.
Remuneration – Independent Member	The Independent Presiding Member will receive an Attendance Fee up to 100% of the range per the Salaries and Allowances Tribunal determination plus any claims for travel. The Independent Deputy to the Presiding Member will receive the same remuneration only if acting as proxy for the Independent Presiding Member.

CEO RECRUITMENT AND REVIEW COMMITTEE	
Functions	• Appointment of an independent facilitator to assist the committee to undertake the CEO performance review. • When necessary, the development of a recruitment process and recommendation to Council on the appointment of a new Chief Executive Officer. • Development and review of Key Performance Indicators to be achieved by the CEO. • Annual review of the CEO's performance in accordance with the CEO's Key Performance Indicators. • Regular informal reviews of the CEO's performance in accordance with the CEO's Key Performance Indicators. • Review of the CEO's remuneration package as required.
Meeting frequency	Annually
Membership	The membership of the CEO Recruitment and Review committee comprises: • Shire President (ex-officio member) • Maximum of five (5), and minimum of three (3), Council members
Proxy Members	Two (2) members of Council shall be appointed to be the first and second proxy members of the committee, and they may attend and participate in the committee where a member is absent.

BUSH FIRE ADVISORY COMMITTEE	
Functions	To represent Volunteer Bush Fire Brigades and to make recommendations to Council on the following: • Annual bushfire budget and relevant financial matters. • General management of the Bushfire organisation. • Planning, setting standards and works program for fire prevention within the Shire. • Formation, rationalisation or winding up of any Bushfire Brigades within the Shire. • Standards of equipment that should be provided and maintained under Brigade control. • Distribution of firefighting equipment and funding between Brigades. • Coordination of training to ensure Brigades can work together efficiently. • Implementation of Council's Fire Protection Strategy. • Any other matter relating to bushfire control.
Meeting frequency	Three (3) meetings per year
Membership	The voting membership comprises: • One (1) Council member (required under s.67(2) of the <i>Bush Fires Act 1954</i>) • Community Emergency Services Manager (Shire of Manjimup staff member – abstain from voting on matters providing advice to the Shire) • Chief Bushfire Control Officer • 10 Brigade Representatives - 1 Walpole Zone - 1 Coastal Zone - 1 Pemberton North Zone - 1 Pemberton West Zone - 1 Manjimup North West Zone - 1 Manjimup East Zone - 1 Manjimup West Zone - 1 Manjimup South West Zone - 1 Manjimup South East Zone - 1 Manjimup Central East Zone
	The non-voting membership comprises representatives from the following: • Department of Biodiversity, Conservation and Attractions • Department of Fire and Emergency Services • Bush Fire Brigade Training Coordinator
Proxy Members	One (1) member of Council shall be appointed to be a proxy member, and they may attend, participate and vote in the committee where the Council member is absent. Proxy members shall be appointed for the representatives of each of the ten zones. The Deputy Chief Bush Fire Control Officer will be a member of the committee when acting in the role of Chief Bush Fire Control Officer.

LOCAL EMERGENCY MANAGEMENT COMMITTEE	
Functions	As prescribed by s.39 of the <i>Emergency Management Act 2005</i>, the functions of the Local Emergency Management Committee are to: 1. Advise and assist the Council in ensuring that local emergency arrangements are established; and 2. Liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and 3. Carry out other emergency management activities as directed by the SEMC or prescribed by regulations. 4. Prepare, and submit to the District Emergency Management Committee, an annual report on the committees activities as prescribed by s.40 of the <i>Emergency Management Act 2005</i>.
Meeting frequency	Three (3) meetings per year.
Membership	The voting membership comprises: • Shire President (abstain on matters providing advice to Council) • Community Emergency Services Manager (Shire of Manjimup staff member – abstain on matters providing advice to Council) • Chief Bush Fire Control Officer • Department of Primary Industries & Regional Development • Department of Communities • Department of Fire and Emergency Services • Department of Biodiversity, Conservation & Attractions • Police Service Manjimup • Police Service Pemberton • Police Service Walpole • Warren Health Services • Pemberton Northcliffe Health Services • St John Ambulance Manjimup (Community Paramedic) The non-voting membership comprises representatives from the following: • District / State Emergency Management Committee • Shire of Manjimup Recovery Coordinator • St John Ambulance Walpole (Chair) • St John Ambulance Walpole (Community Paramedic) • Water Corporation • Western Power
Proxy Members	• In the case of agency representatives, that agency may select the proxy member who may attend and participate in the committee where the member is absent. • The Deputy Chief Bush Fire Control is the proxy for the Chief Bush Fire Control Officer. • The Deputy Shire President is the proxy for the Shire President.