



Shire of Dardanup

APPENDICES

SPECIAL COUNCIL MEETING

To Be Held

Wednesday, 23 October 2019
Commencing at 5.00pm

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive – EATON

This document is available in alternative formats such as:
~ Large Print
~ Electronic Format [disk or emailed]
Upon request.

Instruction: If there is more than one risk event per category. Eg. Two for Health. You must copy and paste a row into the table.

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Endorsement of Elected Members, Staff, Community Members and Department Representatives to the Shires Council Committees

RISK THEME PROFILE: Note: Multiple risk themes can be selected. Please add more if there are not enough fields.

6 - Engagement Practices Choose an item.

(Choose an item.) Choose an item.

RISK ASSESSMENT CONTEXT: Operational

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Insignificant (1)	Rare (1)	Low (1 - 4)	Not required.	Insignificant (1)	Rare (1)	Low (1 - 4)
FINANCIAL IMPACT	No risk event identified for this category.	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required.	Insignificant (1)	Rare (1)	Low (1 - 4)
SERVICE INTERRUPTION	No risk event identified for this category.	Insignificant (1)	Rare (1)	Low (1 - 4)	Not required.	Insignificant (1)	Rare (1)	Low (1 - 4)
LEGAL AND COMPLIANCE	Failure to adhere to the relevant requirements of the various Acts could result in prosecution.	Moderate (3)	Possible (3)	Low (1 - 4)	Not required.	Insignificant (1)	Rare (1)	Low (1 - 4)
REPUTATIONAL	Prosecution for noncompliance could affect the Shires Reputation	Moderate (3)	Possible (3)	Low (1 - 4)	Not required.	Insignificant (1)	Rare (1)	Low (1 - 4)
ENVIRONMENT	No risk event identified for this category.	Insignificant (1)	Rare (1)	Low (1 - 4)	Not required.	Insignificant (1)	Rare (1)	Low (1 - 4)




AUDIT & RISK COMMITTEE

**INSTRUMENT OF APPOINTMENT
&
TERMS OF REFERENCE**

2019

By Resolution of Council
Ordinary Council Meeting 23/10/19
Resolution Number [???-19]



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1 INTRODUCTION

The Council of the Shire of Dardanup (the "Council") establishes this committee under the powers given in Section 7.1A of the Local Government Act 1995, the committee to be known as the Audit and Risk Committee, (the "Committee").

The Council appoints to the Committee those persons to be members of the committee by resolution of Council. Membership of the Committee shall, unless otherwise specified, be for a term ceasing on the day prior to local government elections being held. Council may appoint members for a further term at the next available meeting following the elections.

The Committee shall act for and on behalf of Council in accordance with provisions of the Local Government Act 1995, local laws and the policies of the Shire of Dardanup and this instrument.

2 NAME

The name of the Committee is the "Audit and Risk" Committee.

3 OBJECTIVES – GENERIC

The following objectives are generic to all Council committees:

- 3.1 To consider, advise and assist the local government in performing specified functions or fulfilling required responsibilities within its district;
- 3.2 Where appropriate, to liaise with relevant agencies and other persons in the development, review and testing of Council policy and strategic objectives;
- 3.3 To carry out research and other activities as directed by the Council or prescribed by the regulations; and
- 3.4 To fulfil the objectives and/or undertake the specific tasks as a Committee of Council specified in Section 4 – Functions of the Committee and Section 5 Committee Objectives - Specific.
- 3.5 To ensure that all members dealings are carried out in accordance with the Shire of Dardanup Code of Conduct.

(Details of tasks to be endorsed by Council by resolution when the committee is established or as amended from time to time).

4 FUNCTIONS OF THE AUDIT AND RISK COMMITTEE

The detailed functions of the Committee are set out in the Local Government (Audit) Regulations 1996, Regulation 14, 16 and 17 as follows:

14. Compliance audits by local governments

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) *After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —*
 - (a) *presented to the council at a meeting of the council; and*
 - (b) *adopted by the council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*

16. Functions of audit committee

An audit committee has the following functions —

- (a) *to guide and assist the local government in carrying out —*
 - (i) *its functions under Part 6 of the Act; and*
 - (ii) *its functions relating to other audits and other matters related to financial management;*
- (b) *to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;*
- (c) *to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —*
 - (i) *report to the council the results of that review; and*
 - (ii) *give a copy of the CEO's report to the council;*
- (d) *to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —*
 - (i) *regulation 17(1); and*
 - (ii) *the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (e) *to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*
- (f) *to oversee the implementation of any action that the local government —*
 - (i) *is required to take by section 7.12A(3); and*
 - (ii) *has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and*
 - (iii) *has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and*
 - (iv) *has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (g) *to perform any other function conferred on the audit committee by these regulations or another written law.*

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

17. CEO to review certain systems and procedures

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
 - (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

5 COMMITTEE OBJECTIVES - SPECIFIC

The Audit and Risk Committee shall have the following objectives:

- 5.1 To meet with the auditor, once in each year and provide a report to Council on the matters discussed and outcome of those discussions;
- 5.2 Provide an effective means of communication between the external and internal auditors;
- 5.3 Examine the reports of the auditor to –
 - i.) determine if any matters raised require action to be taken by the local government; and
 - ii.) ensure that appropriate action is taken in respect of those matters;
- 5.4 Review annually the internal audit plan, including any reports produced as part of special assignments undertaken by internal audit.
- 5.5 To consider the Financial Management Systems Review required every three years under Regulation 5 of the *Local Government (Financial Management) Regulations 1996*, and report to Council the results of that review;
- 5.6 Consider and recommend adoption of the Annual Financial Report to Council.
- 5.7 To consider the Shire of Dardanup Risk Management Governance Framework and progress on the relevant action plans biannually.

Any variation to these objectives is not to be considered by the committee unless approved by Council.

6 MEMBERSHIP

- 6.1 The Council resolves to nominate no more than five elected members as members for the Committee for a period of two years or until the next

Ordinary Council election, the five elected members shall be members of the committee.

- 6.2 Membership as prescribed by the Local Government Act 1995 Section 7.1A is outlined below:

7.1A. Audit committee

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

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

- 6.3 In addition to the above with regards to the specific membership of the Audit and Risk Committee the following sections in Local Government Act 1995, in relation to representation are also relevant:

5.10. Committee members, appointment of

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

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

5.11 Committee membership, tenure of

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

- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
 - (a) *the term of the person's appointment as a committee member expires; or*
 - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
whichever happens first.

7 PRESIDING MEMBER

- 7.1 The CEO or delegated nominee will preside until the position of Presiding member is filled in accordance with Schedule 2.3 clause 3 of the *Local Government Act 1995*.

- 7.2 The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business in accordance with the following provisions of the *Local Government Act 1995*:

5.12 Presiding members and deputies, election of

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

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

- 7.3 The Presiding Member shall ensure that business is conducted in accordance with the Shire of Dardanup Standing Orders and that minutes of the proceedings are kept in accordance with Section 5.22 of the *Local Government Act 1995*.

5.22. Minutes of council and committee meetings

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

7.4 The Deputy presiding member has the following functions as per section 5.12 of the Local Government Act 1995:

5.13. Deputy presiding members, functions of

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member is vacant; or*
- (b) *the presiding member is not available or is unable or unwilling to perform the functions of presiding member,*
then the deputy presiding member, if any, may perform the functions of presiding member.

7.5 A presiding member is to be chosen from the committee members present at the meeting if the presiding member or deputy presiding member are unavailable or unwilling to perform the functions of the presiding member in accordance with Section 5.14 the Local Government Act 1995:

5.14. Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member and the office of deputy presiding member are vacant; or*
- (b) *the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,*
then the committee members present at the meeting are to choose one of themselves to preside at the meeting.

8 MEETINGS

- 8.1 As there are no power or duty delegated to the committee the meetings are not open to the public.
- 8.2 The Committee shall meet on a quarterly basis, with a minimum of **4 meetings** per year, dates to be resolved by the Committee.
- 8.3 Notice of meetings including an agenda shall be given to members at least **5 days** prior to each meeting.

- 8.4 The Presiding member shall ensure that detailed minutes of all meetings are kept and shall, not later than **5 days** after each meeting, provide the members and Council with a copy of such minutes.
- 8.5 The minutes of the meeting are to be included in the next available Ordinary meeting of Council agenda for consideration of recommendations or to be received by the Council.
- 8.6 All members of the Committee shall have one vote. If the vote of the members present are equally divided, the person presiding is to cast a second vote.
- 8.7 Shire of Dardanup Local Law Standing Orders apply to all Shire of Dardanup committees.

9 QUORUM

- 9.1 Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the Committee does not have effect unless it has been made by a simple majority.

(Note – Council may, at the request of the Committee, agree to set the quorum at a lesser number. However in such circumstances any recommendation on expenditure of monies or on forming policy positions that is being made to Council or the CEO, the committee must have at least 50% of the members present to make a valid recommendation/s.)

10 DELEGATED POWERS

- 10.1 The Committee has no specific powers under the Local Government Act and is to advise and make recommendations to Council only.
- 10.2 The Council reserves the right to delegate powers to the committee if circumstances require delegation. The Delegation shall be recorded in the Council minutes prior to the delegation being exercised.

11 TERMINATION OF COMMITTEE

Termination of the Committee shall be:

- 10.1 In accordance with the Local Government Act 1995; or
- 10.2 At the direction of Council; or
- 10.3 On the specified date.

12 AMENDMENT TO THE INSTRUMENT OF APPOINTMENT AND DELEGATION

- 12.1 This document may be altered at any time by the Council on the recommendation of the Committee, or by direct resolution of Council.

13 COMMITTEE DECISIONS

- 13.1 Committee decisions shall not be binding on Council in any circumstance.
- 13.2 The decisions of the Audit and Risk Committee is to be by simple majority in accordance with Section 7.1C of the *Local Government Act 1995*:

7.1C. Decisions of audit committees

Despite section 5.20, a decision of an audit committee is to be made by a simple majority.

14 HISTORY OF COUNCIL RESOLUTION ESTABLISHING THE COMMITTEE

- 14.1 The Audit and Risk Committee was established by Resolution of the Shire of Dardanup Council on 23 October 2019.

15 OFFICER(S) RESPONSIBLE FOR MANAGEMENT OF THE COMMITTEE

- 15.1 The Chief Executive Officer shall appoint an officer relative to the Committee's Terms of Reference to manage the committee. In normal circumstances this is the Deputy Chief Executive Officer / Director Corporate & Governance.
- 15.2 The appointed officer shall provide the secretarial and administrative support through his/her Directorate.



BUSHFIRE ADVISORY COMMITTEE

**INSTRUMENT OF APPOINTMENT
&
TERMS OF REFERENCE**

2019

By Resolution of Council
Ordinary Council Meeting -23/10/2019
Resolution Number [???-19]



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1 INTRODUCTION

The Council of the Shire of Dardanup (the "Council") establishes this committee under the powers given in Section 7.1A of the Local Government Act 1995, the committee to be known as the Bushfire Advisory Committee, (the "Committee").

The Council appoints to the Committee those persons to be members of the committee by resolution of Council. Membership of the Committee shall, unless otherwise specified, be for a term ceasing on the day prior to local government elections being held. Council may appoint members for a further term at the next available meeting following the elections.

The Committee shall act for and on behalf of Council in accordance with provisions of the *Bush Fires Act 1954*, *Local Government Act 1995*, local laws and the policies of the Shire of Dardanup and this instrument.

2 NAME

The name of the Committee is the "Bushfire Advisory" Committee.

3 OBJECTIVES – GENERIC

The following objectives are generic to all Council committees:

- 3.1 To consider, advise and assist the local government in performing specified functions or fulfilling required responsibilities within its district;
- 3.2 Where appropriate, to liaise with relevant agencies and other persons in the development, review and testing of Council policy and strategic objectives;
- 3.3 To carry out research and other activities as directed by the Council or prescribed by the regulations; and
- 3.4 To fulfil the objectives and/or undertake the specific tasks as a Committee of Council specified in Section 4 – Functions of the Committee and Section 5 Committee Objectives - Specific.
- 3.5 To ensure that all members dealings are carried out in accordance with the Shire of Dardanup Code of Conduct.

(Details of tasks to be endorsed by Council by resolution when the committee is established or as amended from time to time).

4 FUNCTIONS OF THE BUSHFIRE ADVISORY COMMITTEE

The detailed functions of the Committee are set out in Bushfire Act 19954, Section 67 as follows:

67. *Advisory committees*

- (1) *A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.*

5 COMMITTEE OBJECTIVES - SPECIFIC

The Bushfire Advisory Committee shall have the following objectives:

- 5.1 To advise Council on all matters relevant to the Bush Fires Act 1954 (As amended) in relation to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control.
- 5.2 Provide endorsement of Bushfire Control Officers and implement the election of Chief Bush Fire Control and Deputy Chief Bush Fire Control Officers.
- 5.3 Review and endorsement of the Shire of Dardanup Fire Prevention Order in accordance with Section 33(1) of the Bush Fire Act 1954
- 5.4 Review and endorsement of Firebreak Exemptions/Variations in accordance with the Shire of Dardanup Fire Prevention Order

Any variation to these objectives is not to be considered by the committee unless approved by Council.

6 MEMBERSHIP

- 6.1 The President of the Shire of Dardanup indicates an intention to be a member of the committee under section 5.10 (4) of the *Local Government Act 1995*, then he/she will be a member of the committee.
- 6.2 In accordance with Section 67(2) of the Bush Fire Act 1954 an Elected Member of Council will be appointed

- 6.2 The CEO and employees are not members of the committee. The CEO and/or his/her nominee is to attend all meetings to provide advice and guidance to the commit
- 6.3 In accordance with Section 67(2) of the Bush Fire Act 1954 an Elected Member of Council will be appointed to the Committee.
- (2) *A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.*
- 6.3 The Council resolves to nominate no more than three elected members as members for the Committee for a period of two years or until the next Ordinary Council election, the three elected members shall be members of the committee.
- 6.4 The Council requires representatives from state or federal government agencies to be on the Committee then the organisations shall nominate their representatives and they shall be endorsed by Council as members of the committee.
- 6.5 The Council requires representation of Bush Fire Brigades on the Committee then the brigades are to nominate their representatives for the Committee and Council shall endorse the members so nominated for the Committee.
- 6.4 Membership as prescribed by the Local Government Act 1995 Section 5.10 is outlined below:

5.10. Committee members, appointment of

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

5.11 Committee membership, tenure of

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

7 PRESIDING MEMBER

- 7.1 The CEO or delegated nominee will preside until the position of Presiding member is filled in accordance with Schedule 2.3 clause 3 of the *Local Government Act 1995*.
- 7.2 The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business in accordance with the following provisions of the *Local Government Act 1995*.

5.12 Presiding members and deputies, election of

- (1) *The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —*
 - (a) *to "office" were references to "office of presiding member"; and*
 - (b) *to "council" were references to "committee"; and*
 - (c) *to "councillors" were references to "committee members".*
 - (2) *The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —*
 - (a) *to "office" were references to "office of deputy presiding member"; and*
 - (b) *to "council" were references to "committee"; and*
 - (c) *to "councillors" were references to "committee members"; and*
 - (d) *to "mayor or president" were references to "presiding member".*
- 7.3 The Presiding Member shall ensure that business is conducted in accordance with the Shire of Dardanup Standing Orders and that minutes of the proceedings are kept in accordance with Section 5.22 of the *Local Government Act 1995*.

5.22. Minutes of council and committee meetings

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

7.4 The Deputy presiding member has the following functions as per section 5.12 of the Local Government Act 1995:

5.13. Deputy presiding members, functions of

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member is vacant; or*
 - (b) *the presiding member is not available or is unable or unwilling to perform the functions of presiding member,*
- then the deputy presiding member, if any, may perform the functions of presiding member.*

7.5 A presiding member is to be chosen from the committee members present at the meeting if the presiding member or deputy presiding member are unavailable or unwilling to perform the functions of the presiding member in accordance with Section 5.14 the Local Government Act 1995:

5.14. Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member and the office of deputy presiding member are vacant; or*
 - (b) *the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,*
- then the committee members present at the meeting are to choose one of themselves to preside at the meeting.*

8 MEETINGS

8.1 The Committee shall meet as business relevant to the committee dictates or as resolved by the Committee

8.2 Notice of meetings including an agenda shall be given to members at least **5 days** prior to each meeting.

8.1 The Presiding member shall ensure that detailed minutes of all meetings are kept and shall, not later than **5 days** after each meeting, provide the members and Council with a copy of such minutes.

8.2 The minutes of the meeting are to be included in the next available Ordinary meeting of Council agenda for consideration of recommendations or to be received by the Council.

- 8.3 All members of the Committee shall have one vote. If the vote of the members present are equally divided, the person presiding is to cast a second vote.
- 8.4 Shire of Dardanup Local Law Standing Orders apply to all Shire of Dardanup committees.

9 QUORUM

- 9.1 The Quorum for the meeting shall be fixed as in accordance with the Bushfire Act 1954, Section 67 (3). The Quorum for this meeting will be 9.

- (3) *In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —*
- (a) *make rules for the guidance of the committee; and*
 - (b) *accept the resignation in writing of, or remove, any member of the committee; and*
 - (c) *where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.*
- (4) *A committee appointed under this section —*
- (a) *may from time to time meet and adjourn as the committee thinks fit;*
 - (b) *shall not transact business at a meeting unless the quorum fixed by the local government is present;*
 - (c) *is answerable to the local government and shall, as and when required by the local government, report fully on its activities.*

(Note – Council may, at the request of the Committee, agree to set the quorum at a lesser number. However in such circumstances any recommendation on expenditure of monies or on forming policy positions that is being made to Council or the CEO, the committee must have at least 50% of the members present to make a valid recommendation/s.)

10 DELEGATED POWERS

- 10.1 The Committee has the power to endorse Firebreak Exemptions/Variations in accordance with the Shire of Dardanup Fire Prevention Order.
- 10.2 Specific Powers

The Committee has no specific powers under the Local Government Act and is to advise and make recommendations to Council only.

The Council reserves the right to delegate powers to the committee if circumstances require delegation. The Delegation shall be recorded in the Council minutes prior to the delegation being exercised.

11 TERMINATION OF COMMITTEE

Termination of the Committee shall be:

- 10.1 In accordance with the Local Government Act 1995; or
- 10.2 At the direction of Council; or
- 10.3 On the specified date.

12 AMENDMENT TO THE INSTRUMENT OF APPOINTMENT AND DELEGATION

- 12.1 This document may be altered at any time by the Council on the recommendation of the Committee, or by direct resolution of Council.

13 COMMITTEE DECISIONS

- 13.1 Committee decisions shall not be binding on Council in any circumstance.

14 HISTORY OF COUNCIL RESOLUTION ESTABLISHING THE COMMITTEE

- 14.1 The Bushfire Advisory Committee was established by Resolution of the Shire of Dardanup Council on 23 October 2019.
- 14.2 Terms of Reference adopted by resolution [98/12] at the Shire of Dardanup Ordinary Meeting of Council held 12 April 2012.

15 OFFICER(S) RESPONSIBLE FOR MANAGEMENT OF THE COMMITTEE

- 15.1 The Chief Executive Officer shall appoint an officer relative to the Committee's Terms of Reference to manage the committee. In normal circumstances this is the Director Sustainable Development.
- 15.2 The appointed officer shall provide the secretarial and administrative support through his/her Directorate.



**GRANTS, AWARDS AND
SCHOLARSHIP COMMITTEE**

**INSTRUMENT OF APPOINTMENT
&
TERMS OF REFERENCE**

2019

By Resolution of Council
Ordinary Council Meeting – 23/10/2019
Resolution Number [??-19]



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1 INTRODUCTION

The Council of the Shire of Dardanup (the "Council") establishes this committee under the powers given in Section 5.8 of the Local Government Act 1995, the committee to be known as the Grants, Awards and Scholarship Committee, (the "Committee").

The Council appoints to the Committee those persons to be members of the committee by resolution of Council. Membership of the Committee shall, unless otherwise specified, be for a term ceasing on the day prior to local government elections being held. Council may appoint members for a further term at the next available meeting following the elections.

The Committee shall act for and on behalf of Council in accordance with provisions of the Local Government Act 1995, local laws and the policies of the Shire of Dardanup and this instrument.

2 NAME

The name of the Committee is the "Grants, Awards and Scholarship" Committee.

3 OBJECTIVES – GENERIC

The following objectives are generic to all Council committees:

- 3.1 To consider, advise and assist the local government in performing specified functions or fulfilling required responsibilities within its district;
- 3.2 Where appropriate, to liaise with relevant agencies and other persons in the development, review and testing of Council policy and strategic objectives;
- 3.3 To carry out research and other activities as directed by the Council or prescribed by the regulations; and
- 3.4 To fulfil the objectives and/or undertake the specific tasks as a Committee of Council specified in Section 4 – Functions of the Committee and Section 5 Committee Objectives - Specific.
- 3.5 To ensure that all members dealings are carried out in accordance with the Shire of Dardanup Code of Conduct.

(Details of tasks to be endorsed by Council by resolution when the committee is established or as amended from time to time).

4 FUNCTIONS OF THE GRANTS, AWARDS AND SCHOLARSHIP COMMITTEE

The detailed functions of the Committee are to ensure consistent decision making in relation to Council Policy, CP044, CP079 and to provide recommendations for specific applications for grants, awards and scholarships under the policy

5 COMMITTEE OBJECTIVES - SPECIFIC

The Grants, Awards and Scholarship Committee shall have the following objectives:

- 5.1 To consider and advise Council on the Minor and Community Grants scheme, Scholarship programs and Awards Ceremonies, such as:
- Leeuwin Scholarship Program; and
 - Australia Day Award Ceremony
- 5.2 To consider and advise Council on the development of relevant policies to guide Council in decision making in relation to Grants, Awards and Scholarships.

Any variation to these objectives is not to be considered by the committee unless approved by Council.

6 MEMBERSHIP

- 6.1 The Council resolves to nominate no more than nine elected members as members for the Committee for a period of two years or until the next Ordinary Council election, the nine elected members shall be members of the committee.
- 6.2 The following sections in *Local Government Act 1995*, in relation to representation are relevant:

5.10. Committee members, appointment of

- (1) *A committee is to have as its members —*
- (a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
 - (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*
- * Absolute majority required.*
- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under*

section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.

- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

5.11 Committee membership, tenure of

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

6.3 The CEO and employees are not members of the committee. The CEO and/or his/her nominee is to attend all meetings to provide advice and guidance to the committee.

6.4 The Chief Executive Officer nominates the Community Services Officer to attend all meetings to provide advice and guidance to the committee.

7 PRESIDING MEMBER

7.1 The CEO or delegated nominee will preside until the position of Presiding member is filled in accordance with Schedule 2.3 clause 3 of the *Local Government Act 1995*.

7.2 The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business in accordance with the following provisions of the *Local Government Act 1995*:

5.12 Presiding members and deputies, election of

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

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

7.3 The Presiding Member shall ensure that business is conducted in accordance with the Shire of Dardanup Standing Orders and that minutes of the proceedings are kept in accordance with Section 5.22 of the Local Government Act 1995.

5.22. Minutes of council and committee meetings

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

7.4 The Deputy presiding member has the following functions as per section 5.12 of the Local Government Act 1995:

5.13. Deputy presiding members, functions of

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member is vacant; or*
 - (b) *the presiding member is not available or is unable or unwilling to perform the functions of presiding member,*
- then the deputy presiding member, if any, may perform the functions of presiding member.*

7.5 A presiding member is to be chosen from the committee members present at the meeting if the presiding member or deputy presiding member are unavailable or unwilling to perform the functions of the presiding member in accordance with Section 5.14 the Local Government Act 1995:

5.14. Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member and the office of deputy presiding member are vacant; or*
 - (b) *the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,*
- then the committee members present at the meeting are to choose one of themselves to preside at the meeting.*

8 MEETINGS

- 8.1 As there are no power or duty delegated to the committee the meetings are not open to the public.
- 8.2 The Committee shall generally meet as business relevant to the committee dictates or as resolved by the Committee.
- 8.2 Notice of meetings including an agenda shall be given to members at least **5 days** prior to each meeting.
- 8.3 The Presiding member shall ensure that detailed minutes of all meetings are kept and shall, not later than **5 days** after each meeting, provide the members and Council with a copy of such minutes.
- 8.4 The minutes of the meeting are to be included in the next available Ordinary meeting of Council agenda for consideration of recommendations or to be received by the Council.
- 8.5 All members of the Committee shall have one vote. If the vote of the members present are equally divided, the person presiding is to cast a second vote.
- 8.6 Shire of Dardanup Local Law Standing Orders apply to all Shire of Dardanup committees.

9 QUORUM

- 9.1 Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the Committee does not have effect unless it has been made by a simple majority.

(Note – Council may, at the request of the Committee, agree to set the quorum at a lesser number. However in such circumstances any recommendation on expenditure of monies or on forming policy positions that is being made to Council or the CEO, the committee must have at least 50% of the members present to make a valid recommendation/s.)

10 DELEGATED POWERS

- 10.1 The Committee has no specific powers under the Local Government Act and is to advise and make recommendations to Council only.
- 10.2 The Council reserves the right to delegate powers to the committee if circumstances require delegation. The Delegation shall be recorded in the Council minutes prior to the delegation being exercised.

11 TERMINATION OF COMMITTEE

Termination of the Committee shall be:

- 10.1 In accordance with the Local Government Act 1995; or
- 10.2 At the direction of Council; or
- 10.3 On the specified date.

12 AMENDMENT TO THE INSTRUMENT OF APPOINTMENT AND DELEGATION

- 12.1 This document may be altered at any time by the Council on the recommendation of the Committee, or by direct resolution of Council.

13 COMMITTEE DECISIONS

- 13.1 Committee decisions shall not be binding on Council in any circumstance.

14 HISTORY OF COUNCIL RESOLUTION ESTABLISHING THE COMMITTEE

- 14.1 The Grants, Awards and Scholarship Committee was established by Resolution of the Shire of Dardanup Council on 23 October 2019.

15 OFFICER(S) RESPONSIBLE FOR MANAGEMENT OF THE COMMITTEE

- 15.1 The Chief Executive Officer shall appoint an officer relative to the Committee's Terms of Reference to manage the committee. In normal circumstances this is the Director Sustainable Development.
- 15.2 The appointed officer shall provide the secretarial and administrative support through his/her Directorate.



INTEGRATED PLANNING COMMITTEE

**INSTRUMENT OF APPOINTMENT
&
TERMS OF REFERENCE**

2019

By Resolution of Council
Ordinary Council Meeting – 23/10/2019
Resolution Number [??-19]



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1 INTRODUCTION

The Council of the Shire of Dardanup (the "Council") establishes this committee under the powers given in Section 5.8 of the Local Government Act 1995, the committee to be known as the Integrated Planning Committee, (the "Committee").

The Council appoints to the Committee those persons to be members of the committee by resolution of Council. Membership of the Committee shall, unless otherwise specified, be for a term ceasing on the day prior to local government elections being held. Council may appoint members for a further term at the next available meeting following the elections.

The Committee shall act for and on behalf of Council in accordance with provisions of the Local Government Act 1995, local laws and the policies of the Shire of Dardanup and this instrument.

2 NAME

The name of the Committee is the "Integrated Planning" Committee.

3 OBJECTIVES – GENERIC

The following objectives are generic to all Council committees:

- 3.1 To consider, advise and assist the local government in performing specified functions or fulfilling required responsibilities within its district;
- 3.2 Where appropriate, to liaise with relevant agencies and other persons in the development, review and testing of Council policy and strategic objectives;
- 3.3 To carry out research and other activities as directed by the Council or prescribed by the regulations; and
- 3.4 To fulfil the objectives and/or undertake the specific tasks as a Committee of Council specified in Section 4 – Functions of the Committee and Section 5 Committee Objectives - Specific.
- 3.5 To ensure that all members dealings are carried out in accordance with the Shire of Dardanup Code of Conduct.

(Details of tasks to be endorsed by Council by resolution when the committee is established or as amended from time to time).

4 FUNCTIONS OF THE INTEGRATED PLANNING COMMITTEE

The functions of the Integrated Planning Committee are set out in accordance with the Local Government Act 1995,

5.56. Planning for the future

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Local Government (Administration) Regulations 1996

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

[Regulation 19C inserted: Gazette 26 Aug 2011 p. 3483-4.]

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

5 COMMITTEE OBJECTIVES - SPECIFIC

The Integrated Planning Committee shall have the following objectives:

- 5.1 To consider and advise Council on the development of policy relevant to the strategic direction of the Shire;
- 5.2 To consider and advise Council on the Integrated Planning and Reporting Framework strategies and plans, including the:
 - Strategic Community Plan (10 year)
 - Corporate Business Plan (4 year)
 - Informing Strategies
 - Long Term Financial Plan (10 year)
 - o Rating Structure
 - o Fees and Charges
 - o Alternative Revenue Sources
 - o Pursuit of Grants

- Workforce
- Reserves
- Debt Funding
- Asset Disposal
- Investment Policy
- Asset Management Plans (10 year)
 - Buildings Asset Management Plan
 - Engineering Services Plant & Vehicle Asset Management Plan
 - Compliance & Executive Vehicles Asset Management Plan
 - Information Technology Asset Management Plan
 - Recreation Centre Equipment Asset Management Plan
 - Small Plant & Equipment – Works Asset Management Plan
 - Roads Asset Management Plan
 - Pathways Asset Management Plan
 - Parks & Reserves Asset Management Plan
 - Storm Water Projects Asset Management Plan
 - Workforce Plan
- Other Informing Strategies
 - Disability Access and Inclusion Plan
 - Community Safety & Crime Prevention Plan
 - Local Emergency Management Plan
 - Business Continuity Plan
 - Regional & State Town Planning Schemes and Land Use Strategies
 - South West Regional Blueprint - SWDC

5.3 To consider and advise Council on the financial elements which together comprise the annual budget;

5.4 To consider and advise Council on the mid-year budget review;

Any variation to these objectives is not to be considered by the committee unless approved by Council.

6 MEMBERSHIP

- 6.1 The Council resolves to nominate no more than nine elected members as members for the Committee for a period of two years or until the next Ordinary Council election, the nine elected members shall be members of the committee.
- 6.2 The following sections in Local Government Act 1995, in relation to representation are relevant:

5.10. Committee members, appointment of

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

5.11 Committee membership, tenure of

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

- (d) *the next ordinary elections day,
whichever happens first.*

6.3 A member retains membership of the committee until; the person no longer holds office by virtue of which the person became a member, the person resigns, the committee is disbanded, the local government removes the person from office; or the next election date.

7 PRESIDING MEMBER

7.1 The CEO or delegated nominee will preside until the position of Presiding member is filled in accordance with Schedule 2.3 clause 3 of the *Local Government Act 1995*.

7.2 The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business in accordance with the following provisions of the *Local Government Act 1995*:

5.12 *Presiding members and deputies, election of*

- (1) *The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —*
- (a) *to “office” were references to “office of presiding member”; and*
 - (b) *to “council” were references to “committee”; and*
 - (c) *to “councillors” were references to “committee members”.*
- (2) *The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —*
- (a) *to “office” were references to “office of deputy presiding member”; and*
 - (b) *to “council” were references to “committee”; and*
 - (c) *to “councillors” were references to “committee members”; and*
 - (d) *to “mayor or president” were references to “presiding member”.*

7.3 The Presiding Member shall ensure that business is conducted in accordance with the Shire of Dardanup Standing Orders and that minutes of the proceedings are kept in accordance with Section 5.22 of the *Local Government Act 1995*.

5.22. *Minutes of council and committee meetings*

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

7.4 The Deputy presiding member has the following functions as per section 5.12 of the *Local Government Act 1995*:

5.13. Deputy presiding members, functions of

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member is vacant; or*
 - (b) *the presiding member is not available or is unable or unwilling to perform the functions of presiding member,*
- then the deputy presiding member, if any, may perform the functions of presiding member.*

7.5 A presiding member is to be chosen from the committee members present at the meeting if the presiding member or deputy presiding member are unavailable or unwilling to perform the functions of the presiding member in accordance with Section 5.14 the *Local Government Act 1995*:

5.14. Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member and the office of deputy presiding member are vacant; or*
 - (b) *the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,*
- then the committee members present at the meeting are to choose one of themselves to preside at the meeting.*

8 MEETINGS

- 8.1 As there are no power or duty delegated to the committee the meetings are not open to the public.
- 8.2 The Committee shall meet on a quarterly basis, with a minimum of **4 meetings** per year, dates to be resolved by the Committee.
- 8.3 Notice of meetings including an agenda shall be given to members at least **5 days** prior to each meeting.
- 8.4 The Presiding member shall ensure that detailed minutes of all meetings are kept and shall, not later than **5 days** after each meeting, provide the members and Council with a copy of such minutes.
- 8.5 The minutes of the meeting are to be included in the next available Ordinary meeting of Council agenda for consideration of recommendations or to be received by the Council.
- 8.6 All members of the Committee shall have one vote. If the vote of the members present are equally divided, the person presiding is to cast a second vote.
- 8.7 Shire of Dardanup Local Law Standing Orders apply to all Shire of Dardanup committees.

9 QUORUM

- 9.1 Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the Committee does not have effect unless it has been made by a simple majority.

(Note – Council may, at the request of the Committee, agree to set the quorum at a lesser number. However in such circumstances any recommendation on expenditure of monies or on forming policy positions that is being made to Council or the CEO, the committee must have at least 50% of the members present to make a valid recommendation/s.)

10 DELEGATED POWERS

- 10.1 The Committee has no specific powers under the Local Government Act and is to advise and make recommendations to Council only.
- 10.2 The Council reserves the right to delegate powers to the committee if circumstances require delegation. The Delegation shall be recorded in the Council minutes prior to the delegation being exercised.

11 TERMINATION OF COMMITTEE

Termination of the Committee shall be:

- 10.1 In accordance with the Local Government Act 1995; or
- 10.2 At the direction of Council; or
- 10.3 On the specified date.

12 AMENDMENT TO THE INSTRUMENT OF APPOINTMENT AND DELEGATION

- 12.1 This document may be altered at any time by the Council on the recommendation of the Committee, or by direct resolution of Council.

13 COMMITTEE DECISIONS

- 13.1 Committee decisions shall not be binding on Council in any circumstance.

14 HISTORY OF COUNCIL RESOLUTION ESTABLISHING THE COMMITTEE

- 14.1 The Integrated Planning Committee was established by Resolution of the Shire of Dardanup Council on 23 October 2019.

15 OFFICER(S) RESPONSIBLE FOR MANAGEMENT OF THE COMMITTEE

- 15.1 The Chief Executive Officer shall appoint an officer relative to the Committee's Terms of Reference to manage the committee. In normal circumstances this is the Deputy Chief Executive Officer / Director Corporate & Governance.
- 15.2 The appointed officer shall provide the secretarial and administrative support through his/her Directorate.



**LOCAL EMERGENCY MANAGEMENT
COMMITTEE**

**INSTRUMENT OF APPOINTMENT
&
TERMS OF REFERENCE**

2019

By Resolution of Council
Ordinary Council Meeting - 23/10/2019
Resolution Number [???-19]



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1 INTRODUCTION

The Council of the Shire of Dardanup (the "Council") establishes this committee under the powers given in Section 38 of the Emergency Management Act 2005, the committee to be known as the Local Emergency Management Committee, (the "Committee").

The Council appoints to the Committee those persons to be members of the committee by resolution of Council. Membership of the Committee shall, unless otherwise specified, be for a term ceasing on the day prior to local government elections being held. Council may appoint members for a further term at the next available meeting following the elections.

The Committee shall act for and on behalf of Council in accordance with provisions of the Emergency Management Act 2005, local laws and the policies of the Shire of Dardanup and this instrument.

2 NAME

The name of the Committee is the "Local Emergency Management" Committee.

3 OBJECTIVES – GENERIC

The following objectives are generic to all Council committees:

- 3.1 To consider, advise and assist the local government in performing specified functions or fulfilling required responsibilities within its district;
- 3.2 Where appropriate, to liaise with relevant agencies and other persons in the development, review and testing of Council policy and strategic objectives;
- 3.3 To carry out research and other activities as directed by the Council or prescribed by the regulations; and
- 3.4 To fulfil the objectives and/or undertake the specific tasks as a Committee of Council specified in Section 4 – Functions of the Committee and Section 5 Committee Objectives - Specific.
- 3.5 To ensure that all members dealings are carried out in accordance with the Shire of Dardanup Code of Conduct.

(Details of tasks to be endorsed by Council by resolution when the committee is established or as amended from time to time).

4 FUNCTIONS OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE

The functions of the Local Emergency Management Committee are set out in accordance with the Emergency Management Act 2005

38. Local emergency management committees

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

39. Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established—

- (a) *to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and*
- (b) *to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- (c) *to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

40. Annual report of local emergency management committee

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

5 COMMITTEE OBJECTIVES - SPECIFIC

The Local Emergency Management Committee shall have the following objectives:

- 5.1 To advise and assist the local government in ensuring that local emergency management arrangements are established for its district;
- 5.2 To liaise with emergency management agencies and other persons in the development, review and testing of local emergency management arrangements;

- 5.3 To carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by the regulations.
- 5.4 At the end of each financial year each local emergency management committee is to prepare and submit to the district emergency management committee for the district an annual report on activities undertaken by it during the financial year.
- 5.5 The annual report is to be prepared within such reasonable time, and in the manner, as is directed in writing by the SEMC.

Any variation to these objectives is not to be considered by the committee unless approved by Council.

6 MEMBERSHIP

- 6.1 The Council resolves to nominate no more than three elected members as members for the Committee for a period of two years or until the next Ordinary Council election, the three elected members shall be members of the committee.
- 6.2 The following procedures for membership to the Committee from the State EM Preparedness Procedures are provided below:

LEMC Membership

- *the Chair should be an elected member of council;*
- *the Local Emergency Coordinator should be appointed as Deputy Chair;*
- *an Executive Officer, who should be an officer of the relevant local government, and should be appointed to coordinate the business of the committee and/or provide administrative support;*
- *the Local Recovery Coordinator, being the person nominated in the Local Recovery Plan (s. 41(4) of the EM Act), should be appointed a member of the committee;*
- *consideration should be given to appointing local government officers engaged in key roles and functions affecting EM (for example, community services, engineering services, corporate services or planning);*
- *membership should include representatives from Emergency Management Agencies (EMAs) in the local government district (for example, the Department of Fire and Emergency Services); welfare support agencies or non-government organisations (for example, the Department of Communities, the Red Cross or Salvation Army), industry representatives (especially the owners or operators of hazardous facilities located within the local government district);*
- *consideration should be given to appointment of persons able to represent or advise on the interests of Culturally and Linguistically Diverse (CaLD) community members or community members with special needs; and*
- *LEMCs should, where possible include representatives of local Aboriginal community organisations to provide advice and guidance to the LEMC and to promote appropriate engagement with the local Aboriginal communities.*

Where the local government identifies the need for representation from a sector for which there is no local representative, an appropriate alternative representative may be identified from existing community members. For example, specific arrangements may be made in which

a local general practitioner attends the LEMC meetings as a representative of the medical services in the district, if the Director of Nursing from the nearest hospital cannot attend. The term of appointment of LEMC members shall be as determined by the local government in consultation with the parent organisation of the members. During the drafting process, the District Emergency Management Advisor responsible for the region may be consulted to provide advice on all facets of the process (i.e. structure, process and legislation).

- 6.3 The Council requires representatives from state or federal government agencies to be on the Committee then the organisations shall nominate their representatives and they shall be endorsed by Council as members of the committee.
- 6.4 A member retains membership of the committee until; the person no longer holds office by virtue of which the person became a member, the person resigns, the committee is disbanded, the local government removes the person from office; or the next election date.

7 PRESIDING MEMBER

- 7.1 In accordance with the State EM Preparedness Procedures, the Committee shall appoint an Elected Member, that being the Shire President as Chair and the Local Emergency Coordinator (OIC - Local Police) will be appointed as Deputy Chair.
- 7.2 The Presiding Member shall ensure that business is conducted in accordance with the Shire of Dardanup Standing Orders and that minutes of the proceedings are kept in accordance with Section 5.22 of the Local Government Act 1995.

5.22. Minutes of council and committee meetings

- (1) *The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.*
 - (2) *The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.*
 - (3) *The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.*
- (b) *the presiding member is not available or is unable or unwilling to perform the functions of presiding member,
then the deputy presiding member, if any, may perform the functions of presiding member.*

8 MEETINGS

- 8.1 As there are no power or duty delegated to the committee the meetings are not open to the public.
- 8.2 The Committee shall meet on a quarterly basis, with a minimum of **4 meetings** per year, dates to be resolved by the Committee.
- 8.3 Notice of meetings including an agenda shall be given to members at least **5 days** prior to each meeting.
- 8.4 The Presiding member shall ensure that detailed minutes of all meetings are kept and shall, not later than **5 days** after each meeting, provide the members and Council with a copy of such minutes.
- 8.5 The minutes of the meeting are to be included in the next available Ordinary meeting of Council agenda for consideration of recommendations or to be received by the Council.
- 8.6 All members of the Committee shall have one vote. If the vote of the members present are equally divided, the person presiding is to cast a second vote.
- 8.7 Shire of Dardanup Local Law Standing Orders apply to all Shire of Dardanup committees.

9 QUORUM

- 9.1 Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the Committee does not have effect unless it has been made by a simple majority.

(Note – Council may, at the request of the Committee, agree to set the quorum at a lesser number. However in such circumstances any recommendation on expenditure of monies or on forming policy positions that is being made to Council or the CEO, the committee must have at least 50% of the members present to make a valid recommendation/s.)

10 DELEGATED POWERS

- 10.1 The Committee has no specific powers under the Local Government Act and is to advise and make recommendations to Council only.
- 10.2 The Council reserves the right to delegate powers to the committee if circumstances require delegation. The Delegation shall be recorded in the Council minutes prior to the delegation being exercised.

11 TERMINATION OF COMMITTEE

Termination of the Committee shall be:

- 10.1 In accordance with the Local Government Act 1995; or
- 10.2 At the direction of Council; or
- 10.3 On the specified date.

12 AMENDMENT TO THE INSTRUMENT OF APPOINTMENT AND DELEGATION

- 12.1 This document may be altered at any time by the Council on the recommendation of the Committee, or by direct resolution of Council.

13 COMMITTEE DECISIONS

- 13.1 Committee decisions shall not be binding on Council in any circumstance.

14 HISTORY OF COUNCIL RESOLUTION ESTABLISHING THE COMMITTEE

The Local Emergency Management Committee and terms of reference was established by resolution [98/12] of the Shire of Dardanup Council on 12 April 2012.

The amended Terms of Reference are adopted by Council at its meeting of the 23 October 2019.

15 OFFICER(S) RESPONSIBLE FOR MANAGEMENT OF THE COMMITTEE

- 15.1 The Chief Executive Officer shall appoint an officer relative to the Committee's Terms of Reference to manage the committee. In normal circumstances this is the Director of Sustainable Development
- 15.2 The appointed officer shall provide the secretarial and administrative support through his/her Directorate.




OCCUPATIONAL SAFETY AND HEALTH COMMITTEE

**INSTRUMENT OF APPOINTMENT
&
TERMS OF REFERENCE**

2019

By Resolution of Council
Ordinary Council Meeting -23/10/2019
Resolution Number [???-19]



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1 INTRODUCTION

The Council of the Shire of Dardanup (the "Council") establishes this committee under Section 38 and 39 of the Occupational Safety and Health Act 1984

38. When employer must establish safety and health committee

- (1) *An employer must, in accordance with the prescribed requirements, establish a safety and health committee for a workplace within the allowed period after —*
- (a) *the coming into operation of a regulation requiring the employer to do so; or*
 - (b) *service on the employer of a notice by the Commissioner requiring the employer to do so; or*
 - (c) *being requested under section 39(1) to do so,*
- unless, in the case mentioned in paragraph (c), the Commissioner has decided under section 39A that a safety and health committee is not required to be established for the workplace concerned.*

39B. Employer may establish safety and health committee

- An employer may, on the employer's own initiative and in accordance with the prescribed requirements, establish a safety and health committee for a workplace if —*
- (a) *a regulation referred to in section 38(1)(a) has not come into operation; or*
 - (b) *a notice referred to in section 38(1)(b) has not been served on the employer; or*
 - (c) *a request has not been made under section 39(1),*
- in respect of the workplace.*

The Council appoints to the Committee those persons to be members of the committee by resolution of Council. Membership of the Committee shall, unless otherwise specified, be for a term ceasing on the day prior to local government elections being held. Council may appoint members for a further term at the next available meeting following the elections.

The Committee shall act for and on behalf of Council in accordance with provisions of the Local Government Act 1995, local laws and the policies of the Shire of Dardanup and this instrument.

2 NAME

The name of the Committee is the "Occupational Safety and Health" Committee.

3 OBJECTIVES – GENERIC

The following objectives are generic to all Council committees:

- 3.1 To consider, advise and assist the local government in performing specified functions or fulfilling required responsibilities within its district;
- 3.2 Where appropriate, to liaise with relevant agencies and other persons in the development, review and testing of Council policy and strategic objectives;

- 3.3 To carry out research and other activities as directed by the Council or prescribed by the regulations; and
- 3.4 To fulfil the objectives and/or undertake the specific tasks as a Committee of Council specified in Section 4 – Functions of the Committee and Section 5 Committee Objectives - Specific.
- 3.5 To ensure that all members dealings are carried out in accordance with the Shire of Dardanup Code of Conduct.

(Details of tasks to be endorsed by Council by resolution when the committee is established or as amended from time to time).

4 FUNCTIONS OF THE OCCUPATIONAL SAFETY AND HEALTH COMMITTEE

The functions of the Occupational Safety and Health Committee are set out in accordance with Section 40 of the Occupational Safety and Health Act 1984;

40. Functions of safety and health committees

(1) *In this section —*

workplace, where an agreement under section 39E applies to the establishment of a safety and health committee, means any workplace in relation to which the committee may exercise functions.

(2) *The functions of a safety and health committee are —*

- (a) *to facilitate consultation and cooperation between an employer and the employees of the employer in initiating, developing, and implementing measures designed to ensure the safety and health of employees at the workplace; and*
- (b) *to keep itself informed as to standards relating to safety and health generally recommended or prevailing in workplaces of a comparable nature and to review, and make recommendations to the employer on, rules and procedures at the workplace relating to the safety and health of the employees; and*
- (c) *to recommend to the employer and employees the establishment, maintenance, and monitoring of programmes, measures and procedures at the workplace relating to the safety and health of the employees; and*
- (d) *to keep in a readily accessible place and form such information as is provided under this Act by the employer regarding the hazards to persons that arise or may arise at the workplace; and*
- (e) *to consider, and make such recommendations to the employer as the committee sees fit in respect of, any changes or intended changes to or at the workplace that may reasonably be expected to affect the safety or health of employees at the workplace; and*
- (f) *to consider such matters as are referred to the committee by a safety and health representative; and*
- (g) *to perform such other functions as may be prescribed in the regulations or given to the committee, with its consent, by the employer.*

5 COMMITTEE OBJECTIVES - SPECIFIC

The Occupational Safety and Health Committee shall have the following objectives:

- 5.1 To advise and assist the local government in ensuring that the safety and health of Local Government employees is adhered to within the workplace.
- 5.2 To advise the Local Government on current standards and practices relating to health and safety.
- 5.3 To ensure the establishing and monitoring of programmes to ensure the health and safety of the Local Government employees.
- 5.4 To report to the Local Government on recommendations for any changes or intended changes at the workplace to ensure the health and safety of Local Government employees.

Any variation to these objectives is not to be considered by the committee unless approved by Council.

6 MEMBERSHIP

- 6.1 The following sections in Local Government Act 1995, in relation to representation are relevant:

5.10. Committee members, appointment of

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

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

5.11 Committee membership, tenure of

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

- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
 - (a) *the term of the person's appointment as a committee member expires; or*
 - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,**whichever happens first.*

Together with the following sections in the Occupational Safety and Health Act 1994, Section 39C:

39C. Safety and health committee, agreement as to members etc.

- (1) *In this section —*
workplace, *where an agreement under section 39E applies, includes 2 or more workplaces.*
- (2) *Subject to subsection (3), the composition, and the manner in which persons become members, of a safety and health committee for a workplace are to be determined by agreement in writing between —*
 - (a) *the employer; and*
 - (b) *any safety and health representative for the workplace; and*
 - (c) *the employees appointed under section 37 in respect of the workplace.*
- (3) *At least one half of the members of a safety and health committee for a workplace must be persons each of whom is —*
 - (a) *a safety and health representative for the workplace; or*
 - (b) *an employee who works at the workplace and holds office as a member representing other employees.*

6.3 The Council resolves to appoint officers to the Committee then the Chief Executive Officer is to nominate the officers; the officers nominated shall be members of the committee.

6.4 A member retains membership of the committee until; the person no longer holds office by virtue of which the person became a member, the person resigns, the committee is disbanded, the local government removes the person from office; or the next election date.

7 PRESIDING MEMBER

- 7.1 The CEO or delegated nominee will preside until the position of Presiding member is filled in accordance with Schedule 2.3 clause 3 of the *Local Government Act 1995*.
- 7.2 The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business in accordance with the following provisions of the *Local Government Act 1995*:

5.12 Presiding members and deputies, election of

- (1) *The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —*
- (a) *to “office” were references to “office of presiding member”; and*
 - (b) *to “council” were references to “committee”; and*
 - (c) *to “councillors” were references to “committee members”.*
- (2) *The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —*
- (a) *to “office” were references to “office of deputy presiding member”; and*
 - (b) *to “council” were references to “committee”; and*
 - (c) *to “councillors” were references to “committee members”; and*
 - (d) *to “mayor or president” were references to “presiding member”.*
- 7.3 The Presiding Member shall ensure that business is conducted in accordance with the Shire of Dardanup Standing Orders and that minutes of the proceedings are kept in accordance with Section 5.22 of the *Local Government Act 1995*.

5.22. Minutes of council and committee meetings

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

7.4 The Deputy presiding member has the following functions as per section 5.12 of the *Local Government Act 1995*:

5.13. Deputy presiding members, functions of

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member is vacant; or*
 - (b) *the presiding member is not available or is unable or unwilling to perform the functions of presiding member,*
- then the deputy presiding member, if any, may perform the functions of presiding member.*

7.5 A presiding member is to be chosen from the committee members present at the meeting if the presiding member or deputy presiding member are unavailable or unwilling to perform the functions of the presiding member in accordance with Section 5.14 the *Local Government Act 1995*:

5.14. Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member and the office of deputy presiding member are vacant; or*
 - (b) *the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,*
- then the committee members present at the meeting are to choose one of themselves to preside at the meeting.*

8 MEETINGS

8.1 As there are no power or duty delegated to the committee the meetings are not open to the public.

8.2 The Committee shall generally meet as business relevant to the committee dictates or as resolved by the Committee.

8.3 Notice of meetings including an agenda shall be given to members at least **5 days** prior to each meeting.

8.4 The Presiding member shall ensure that detailed minutes of all meetings are kept and shall, not later than **5 days** after each meeting, provide the members and Council with a copy of such minutes.

8.5 The minutes of the meeting are to be included in the next available Ordinary meeting of Council agenda for consideration of recommendations or to be received by the Council.

8.6 All members of the Committee shall have one vote. If the vote of the members present are equally divided, the person presiding is to cast a second vote.

8.7 Shire of Dardanup Local Law Standing Orders apply to all Shire of Dardanup committees.

9 QUORUM

- 9.1 Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the Committee does not have effect unless it has been made by a simple majority.

(Note – Council may, at the request of the Committee, agree to set the quorum at a lesser number. However in such circumstances any recommendation on expenditure of monies or on forming policy positions that is being made to Council or the CEO, the committee must have at least 50% of the members present to make a valid recommendation/s.)

10 DELEGATED POWERS

- 10.1 The Committee has no specific powers under the Local Government Act and is to advise and make recommendations to Council only.
- 10.2 The Council reserves the right to delegate powers to the committee if circumstances require delegation. The Delegation shall be recorded in the Council minutes prior to the delegation being exercised.

11 TERMINATION OF COMMITTEE

Termination of the Committee shall be:

- 10.1 In accordance with the Local Government Act 1995; or
- 10.2 At the direction of Council; or
- 10.3 On the specified date.

12 AMENDMENT TO THE INSTRUMENT OF APPOINTMENT AND DELEGATION

- 12.1 This document may be altered at any time by the Council on the recommendation of the Committee, or by direct resolution of Council.

13 COMMITTEE DECISIONS

- 13.1 Committee decisions shall not be binding on Council in any circumstance.

14 HISTORY OF COUNCIL RESOLUTION ESTABLISHING THE COMMITTEE

The Council committee was established by Resolution of the Shire of Dardanup Council.

- 14.1 Terms of Reference were reviewed and adopted by resolution [281-16.] at the Shire of Dardanup Ordinary Meeting of Council held 2 November 2016.
- 14.2 The amended Occupational Safety and Health Committee Terms of Reference was amended by Resolution of the Shire of Dardanup Council on 23 October 2019.

15 OFFICER(S) RESPONSIBLE FOR MANAGEMENT OF THE COMMITTEE

- 15.1 The Chief Executive Officer shall appoint an officer relative to the Committee's Terms of Reference to manage the committee. In normal circumstances this is the Deputy Chief Executive Officer / Director Corporate & Governance.
- 15.2 The appointed officer shall provide the secretarial and administrative support through his/her Directorate.



**SHIRE OF HARVEY &
SHIRE OF DARDANUP
JOINT TOWN PLANNING SCHEME NO. 1
COMMITTEE**

**INSTRUMENT OF APPOINTMENT
&
TERMS OF REFERENCE**

2019

By Resolution of Council
Ordinary Council Meeting – 23/10/2019
Resolution Number [??-19]



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1 INTRODUCTION

The Council of the Shire of Dardanup (the "Council") establishes this committee under the powers given in Section 5.8 of the Local Government Act 1995, the committee to be known as the Shire of Harvey and Shire of Dardanup Joint Town planning Scheme No.1 Committee, (the "Committee").

The Council appoints to the Committee those persons to be members of the committee by resolution of Council. Membership of the Committee shall, unless otherwise specified, be for a term ceasing on the day prior to local government elections being held. Council may appoint members for a further term at the next available meeting following the elections.

The Committee shall act for and on behalf of Council in accordance with provisions of the Local Government Act 1995, local laws and the policies of the Shire of Dardanup and this instrument.

2 NAME

The name of the Committee is the "Shire of Harvey & Shire of Dardanup Joint Town Planning Scheme No. 1 Committee" Committee.

3 OBJECTIVES – GENERIC

The following objectives are generic to all Council committees:

- 3.1 To consider, advise and assist the local government in performing specified functions or fulfilling required responsibilities within its district;
- 3.2 Where appropriate, to liaise with relevant agencies and other persons in the development, review and testing of Council policy and strategic objectives;
- 3.3 To carry out research and other activities as directed by the Council or prescribed by the regulations; and
- 3.4 To fulfil the objectives and/or undertake the specific tasks as a Committee of Council specified in Section 4 – Functions of the Committee and Section 5 Committee Objectives - Specific.
- 3.5 To ensure that all members dealings are carried out in accordance with the Shire of Dardanup Code of Conduct.

(Details of tasks to be endorsed by Council by resolution when the committee is established or as amended from time to time).

4 FUNCTIONS OF THE SHIRE OF HARVEY & SHIRE OF DARDANUP JOINT TOWN PLANNING SCHEME NO.1 COMMITTEE

The functions of the Shire of Harvey & Shire of Dardanup Joint Town Planning Scheme No.1 are set out in accordance with the Planning and Development Act 2005.

70. Scheme may be made for land outside scheme or be concurrent with another scheme

- (1) Nothing in this Act prevents —
 - (a) a local planning scheme from being made with respect to land comprised in another local planning scheme; or
 - (b) subject to subsection (2), 2 or more local planning schemes from having force and effect concurrently with respect to any land.
- (2) The zoning of land in an area to which a local planning scheme applies is not to be provided for in more than one local planning scheme applicable to that area.

71. Scheme not to apply to redevelopment area

A local planning scheme must not be made or amended under this Act —

- (a) *except as provided in the Metropolitan Redevelopment Authority Act 2011 sections 57 and 58 and without limiting section 51 of that Act, to make any provision in respect of any land to which an approved redevelopment scheme that is in operation under that Act applies; or*
- (b) *without limiting the Hope Valley-Wattleup Redevelopment Act 2000 section 23, to make any provision in respect of land in the redevelopment area as defined in that Act.*

[Section 71 inserted: No. 45 of 2011 s. 141(5).]

72. Local government may prepare or adopt scheme

- (1) Subject to section 71, a local government may —
 - (a) prepare a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district; or
 - (b) adopt, with or without modifications, a local planning scheme proposed by all or any of the owners of any land with respect to which the local government might itself have prepared a scheme.
- (2) A local government and another local government may —
 - (a) jointly prepare a local planning scheme with respect to land that is partly in the district of the first-mentioned local government and partly in the district of the other local government; or
 - (b) jointly adopt, with or without modifications, a local planning scheme proposed by all or any of the owners of any land with respect to which the local governments might themselves have prepared a scheme.
- (3) Where a local planning scheme is prepared or adopted under subsection (2) a reference in this Act to the local government or responsible authority that is preparing or has prepared the scheme is to be read as a reference to the local governments that join in the preparation or adoption of the scheme.

5 COMMITTEE OBJECTIVES - SPECIFIC

The Shire of Harvey & Shire of Dardanup Joint Town Planning Scheme No.1 Committee shall have the following objectives:

- 5.1 To consider and advise Council on the Shire of Harvey & Shire of Dardanup Joint Town Planning Scheme No.1.

6 MEMBERSHIP

- 6.1 The Council resolves to nominate three elected members and one deputy member as members for the Committee for a period of two years or until the next Ordinary Council election, the elected members shall be members of the committee.

- 6.2 The following sections in Local Government Act 1995, in relation to representation are relevant:

5.10. Committee members, appointment of

- (1) A committee is to have as its members —

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

* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.

- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

5.11 Committee membership, tenure of

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
(b) the person resigns from membership of the committee; or
(c) the committee is disbanded; or

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

7 PRESIDING MEMBER

- 7.1 The CEO or delegated nominee will preside until the position of Presiding member is filled in accordance with Schedule 2.3 clause 3. of the *Local Government Act 1995*.
- 7.2 The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business in accordance with the following provisions of the *Local Government Act 1995*:

5.12 *Presiding members and deputies, election of*

- (1) *The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —*
 - (a) *to "office" were references to "office of presiding member"; and*
 - (b) *to "council" were references to "committee"; and*
 - (c) *to "councillors" were references to "committee members".*
 - (2) *The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —*
 - (a) *to "office" were references to "office of deputy presiding member"; and*
 - (b) *to "council" were references to "committee"; and*
 - (c) *to "councillors" were references to "committee members"; and*
 - (d) *to "mayor or president" were references to "presiding member".*
- 7.3 The Presiding Member shall ensure that business is conducted in accordance with the Shire of Dardanup Standing Orders and that minutes of the proceedings are kept in accordance with Section 5.22 of the *Local Government Act 1995*.

5.22. Minutes of council and committee meetings

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

7.4 The Deputy presiding member has the following functions as per section 5.12 of the Local Government Act 1995:

5.13. Deputy presiding members, functions of

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member is vacant; or*
 - (b) *the presiding member is not available or is unable or unwilling to perform the functions of presiding member,*
- then the deputy presiding member, if any, may perform the functions of presiding member.*

7.5 A presiding member is to be chosen from the committee members present at the meeting if the presiding member or deputy presiding member are unavailable or unwilling to perform the functions of the presiding member in accordance with Section 5.14 the Local Government Act 1995:

5.14. Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member and the office of deputy presiding member are vacant; or*
 - (b) *the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,*
- then the committee members present at the meeting are to choose one of themselves to preside at the meeting.*

8 MEETINGS

- 8.1 As there are no power or duty delegated to the committee the meetings are not open to the public.
- 8.2 The Committee shall generally meet as business relevant to the committee dictates or as resolved by the Committee.
- 8.3 Notice of meetings including an agenda shall be given to members at least **5 days** prior to each meeting.
- 8.4 The Presiding member shall ensure that detailed minutes of all meetings are kept and shall, not later than **5 days** after each meeting, provide the members and Council with a copy of such minutes.

- 8.5 The minutes of the meeting are to be included in the next available Ordinary meeting of Council agenda for consideration of recommendations or to be received by the Council.
- 8.6 All members of the Committee shall have one vote. If the vote of the members present are equally divided, the person presiding is to cast a second vote.
- 8.7 Shire of Dardanup Local Law Standing Orders apply to all Shire of Dardanup committees.

9 QUORUM

- 9.1 Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the Committee does not have effect unless it has been made by a simple majority.

(Note – Council may, at the request of the Committee, agree to set the quorum at a lesser number. However in such circumstances any recommendation on expenditure of monies or on forming policy positions that is being made to Council or the CEO, the committee must have at least 50% of the members present to make a valid recommendation/s.)

10 DELEGATED POWERS

- 10.1 The Committee has no specific powers under the Local Government Act and is to advise and make recommendations to Council only.
- 10.2 The Council reserves the right to delegate powers to the committee if circumstances require delegation. The Delegation shall be recorded in the Council minutes prior to the delegation being exercised.

11 TERMINATION OF COMMITTEE

Termination of the Committee shall be:

- 10.1 In accordance with the Local Government Act 1995; or
- 10.2 At the direction of Council; or
- 10.3 On the specified date.

12 AMENDMENT TO THE INSTRUMENT OF APPOINTMENT AND DELEGATION

- 12.1 This document may be altered at any time by the Council on the recommendation of the Committee, or by direct resolution of Council.

13 COMMITTEE DECISIONS

- 13.1 Committee decisions shall not be binding on Council in any circumstance.

14 HISTORY OF COUNCIL RESOLUTION ESTABLISHING THE COMMITTEE

- 14.1 The 2019 Shire of Harvey & Shire of Dardanup Joint Town Planning Scheme No. 1 Committee was established by Resolution of the Shire of Dardanup Council on 23 October 2019.

15 OFFICER(S) RESPONSIBLE FOR MANAGEMENT OF THE COMMITTEE

- 15.1 The Chief Executive Officer shall appoint an officer relative to the Committee's Terms of Reference to manage the committee. In normal circumstances this is the Director Sustainable Development.
- 15.2 The appointed officer shall provide the secretarial and administrative support through his/her Directorate.