



Review of Committees and Related Groups – 2019

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1) Introduction

Committees and Advisory Groups are an important means of exchanging information, sharing ideas, informing Council, engaging with the community and supporting local democracy.

Within the Shire Committees and Advisory Groups take several forms:

- Committees of Council established by Council under section 5.8 of the *Local Government Act 1995* (the Act);
- working groups with Councillor delegates;
- state or regional bodies with Councillor delegates; and
- community associations with Councillor delegates.

In August 2019, a desktop review commenced of the Shire's Committees of Council, Advisory Groups, and participation by Councillors in community committees and working groups.

The initial scope of the review focused on the terms of reference of committees and related groups, including membership and appointment of members, voting practices, standing orders, meeting frequency, and management of conflicts of interest.

As the review progressed, the opportunity to reconsider the Shire's overall approach to committees and Advisory Groups was identified. This expanded scope has questioned:

- what framework and structure of Committees and related groups will best achieve our shared objectives?
- what is the best use of limited resources?
- what are the strengths and limitations of formal Committees of Council?
- when should Council delegate members participate in external groups?

The evolving scope and intent of the review was discussed with Councillors during presentations in September and October 2019. With the review underway, Council in October 2019 resolved to make appointments to only essential Committees of Council (Audit, Risk and Governance and CEO Employment Committee) and other limited groups including the Local Emergency Management Committee (LEMC) and Bush Fire Advisory Committee (BFAC).

This has enabled the review to consider and make recommendations on the following matters:

- the structure of Committees of Council;
- the structure of Advisory Groups;
- a policy to guide the appointment of Council delegates to external groups and associations;
- guidance for Council on whether it should appoint delegates to external groups and ways to ensure that all associations and external groups have the opportunity to seek Council representation through a Council appointed delegate; and
- amendments to terms of reference of Council's Committees and related groups.

Each of the areas of recommendation are detailed in a separate chapter.

Overall, review recommends that Council:

- 1) dissolve several Committees of Council
- 2) create several Advisory Groups in the place of Committees of Council
- 3) adopt a policy pertaining to Council delegates and representatives on external organisations, including community groups
- 4) reconfigure the external groups that have Councillor delegates;
- 5) make amendments to standardise and strengthen terms of reference for various committees and related groups.

These recommendations are catalogued in a new *Committees and Related Groups Handbook 2019 – 2021*.

If implemented, the recommendations represent a timely overhaul of the Shire's approach which will:

- improve communication and engagement with the community;
- better align the structure with priority areas and strategic objectives;
- provide opportunities for greater input and ideas generation;
- reduce bureaucracy and red-tape;
- maintain transparency in Council decision-making; and
- strengthen governance and compliance with legislation.

2) The structure of Committees of Council

Committees of Council, established under the section 5.8 of the Act, are a formal and structured type of Committee whose operation is bound in large part by the Act.

The Act confers significant responsibilities to these specific type of Committees with rules set in the Act and *Local Government (Administration) Regulations 1996* that specify the appointment and tenure of members, quorums, the responsibilities of members in respect to declarations of interest, minutes, and how business can be transacted¹.

Formal Committees of Council must also be conducted in the manner set out in the Shire's *Standing Orders Local Law 2002*.

This level of formality provides considerable transparency and accountability in decision making but does not lend itself to agile or participative community engagement or effective exchange of ideas.

Committees of Council are intended by the Act to operate as an extension of Council.

Committees of Council are generally used by local governments where Council does not have the time or resources to dedicate to an important area or where specialist expertise or extended debate and deliberation is required. Many local governments delegate powers to their Committees of Council. This delegation of powers confers responsibilities to the Council that justify the high standard of legal procedure and formality.

At the same time, this high standard of legal procedure and formality can limit the effectiveness of Committees of Council when they are used for roles other than delegated decision-making.

The Shire has not delegated powers to any Committees of Council. This means that all Committee resolutions must be approved by Council to take effect. This enables Council to consider the Committee's recommendation but at the expense of time and resources. While there are clear benefits to Council receiving recommendations, there is no reason why these could not come from an Advisory Group or other source that operates within a more appropriate framework for generating ideas or promoting discussion.

As shown below the Shire has a comparatively large number of Committees of Council compared to many Western Australian local governments.

Local Government	Committees of Council (excluding the mandatory Audit Committee)
Serpentine Jarrahdale	<ul style="list-style-type: none"> • CEO Employment • Access and Inclusion

¹ While the Act states that Committees of Council can only be established by an Absolute Majority decision of Council, it is silent on the disbanding of Committees. A Bulletin from the Department of Local Government in August 2014 advised that disbanding a Committee also required an Absolute Majority decision of Council.

Local Government	Committees of Council (excluding the mandatory Audit Committee)
	<ul style="list-style-type: none"> • Arts, Culture and Heritage • Economic Development
Rockingham	<ul style="list-style-type: none"> • Planning and Engineering Services Committee • Corporate and Community Development Committee
Stirling	<ul style="list-style-type: none"> • CEO Performance Review • Community and Resources • Planning and Development
Joondalup	<ul style="list-style-type: none"> • CEO Performance Review • Major Projects and Finance • Policy
South Perth	<ul style="list-style-type: none"> • Property Committee • CEO Evaluation
Mandurah	<ul style="list-style-type: none"> • Executive Committee (relates to CEO appointment)
Kwinana	<ul style="list-style-type: none"> • Executive Appraisal
Cockburn	<ul style="list-style-type: none"> • Delegated Authorities, Policies & Position Statements Committee
Armadale	<ul style="list-style-type: none"> • City Strategy • Development Services • Technical Services • Community Services
Murray	<ul style="list-style-type: none"> • Bush Fires Advisory Committee • Rural Landholders Advisory Committee
Wandering	<ul style="list-style-type: none"> • No Committees

Committees of Council have hidden administrative costs. Each Committee of Council must have agenda reports and minutes which over the course of a year can represent hundreds of hours of Officers' time. The production of agenda reports is required by legislation but can be a barrier rather than a conduit for free-flowing dialogue and discussion. There are also opportunity costs in respect to Councillor and Officer time preparing and participating in Committees.

The formality of the Committees of Council model has consequences that constrain the realisation of benefits including:

- the agenda setting and publication process limits discussion of matters outside the narrow agenda prepared by Officers;
- meeting dates and times must be published well in advance which makes meeting scheduling inflexible for participants and potential participants; and
- the format of meetings in accordance with standing orders limits the types of discussion, presentation and debate required for ideas generation.

It is recommended that the Economic Development Advisory Committee, Access and Inclusion Advisory Committee, Arts, Culture and Heritage Advisory Committee are dissolved.

Alternatives to Committees

As the Shire does not delegate powers to Committees, the primary purpose of its current Committee structure is to inform Council decision making by providing a forum for community members and Council to consider important topics.

This is an important purpose and worthy intention but can be better achieved using alternatives to formal Committees of Council.

Shifting from Committees of Council to 'advisory or working groups'² would enable:

- greater participation by the community to inform and advise Council and the Shire staff; and
- freedom to embrace innovative and contemporary idea generation and decision-making practices.

With appropriate terms of reference and practices, an Advisory Group structure can replicate the good governance provided by formal Committees of Council. Advisory or working meetings can be open or closed to the public, agendas and minutes prepared and made available, and conducted in accordance with rules to ensure business is transacted and decisions and recommendations made soundly. Importantly, this structure would enable greater flexibility to Council to align the practical and governance aspects of the meetings with their intent and purpose of each group.

3) The Advisory Group Structure

In the period between the 2017 and 2019 local government elections, Councillors were appointed to the following 'Advisory Groups':

- Community Grants Assessment Panel;
- Serpentine Jarrahdale Cemeteries Advisory Group; and
- Serpentine Jarrahdale Trails Association Inc.

In addition to these three groups, Council also appoints members to the LEMC and BFAC. These groups are established by legislation but share many of the characteristics of Advisory Groups. Only the LEMC is mandated by law³.

Determining a future structure

Advisory groups are intended to fulfil various functions by providing opportunities:

- for Council to hear from subject matter experts outside of the administration;
- provide opportunities for engagement with the community;
- discuss matters in-depth;
- build partnerships with community, industry and government; and
- tackle challenges in a collaborative manner.

Overall, Advisory Groups support Council's role governing the local government's affairs and being responsible for the performance of the local government's functions. This means that Advisory Groups should principally take advice on matters of strategy and direction.

² The term Advisory Group is used through-out the document to describe a committee established that is not a formal committee of Council. Whether these groups are labelled advisory or working groups is ultimately a stylistic decision. Advisory group has been selected for this paper because their role is advise Council and working group denotes a group established for a specific project or purpose.

³ Section 38 of the *Emergency Management Act 2005*.

The Shire's Advisory Group structure should be determined based on an intersection of the needs of the community and of the Shire. As a starting point determining what these needs are can be guided by several sources including:

- the Strategic Community Plan;
- the Community Perception Survey; and
- other strategic documents.

First, the Strategic Community Plan identifies four objectives:

- a connected, thriving, active and safe community;
- a protected and enhanced natural, rural and built environment;
- an innovative, commercially diverse and prosperous economy; and
- a resilient organisation demonstrating unified leadership and governance.

Second, the Community Perception Survey results identified the following priorities:

- safety and improvement of roads (40%);
- value for money from Council Rates (27%);
- footpaths, trails and cycleways (15%); and
- playgrounds, parks and reserves (13%).

Third, Council has endorsed various strategies including:

- a community infrastructure and public open space strategy;
- tourism strategy;
- ageing well strategy 2019-2023;
- economic development strategy;
- health and wellbeing strategy;
- equine strategy; and a
- public art strategy and public art masterplan 2019-2023.

These areas provide pointers where there may be benefits to establishing Advisory Groups. There may be other factors and considerations in determining that Advisory Groups are required, including where there is a community expectation or perception that an Advisory Group is required.

Community Grants Assessment Panel

The Community Grants Assessment Panel was established through a resolution at the Ordinary Council Meeting on 26 June 2017. The purpose of the panel is to consider applications received through the Shire's Major Grants funding program.

It is recommended that the group be retained albeit with a modified terms of reference aligned with other Council Advisory Groups.

Serpentine Jarrahdale Cemeteries Working Group

The Serpentine Jarrahdale Cemeteries Working Group terms of reference provides for seven community members and a Councillor delegate (and deputy delegate)⁴. This working group provides a connection to volunteers and aligns to the SJ 2050 goal of 'ensuring the preservation of local arts, culture and history, sharing stories and knowledge for generations to come'. In the absence of compelling reasons to dissolve the group it is recommended that the group be retained.

⁴ OC18/16696

Serpentine Jarrahdale Trails Association Inc.

The Serpentine Jarrahdale Trails Association is unique among Council's Advisory Groups as it is an incorporated association registered with the Department of Commerce. In addition to Councillor membership, the Shire dedicates staff resources to coordinating meetings.

The group was established in 2013 to foster and drive the development and management of trails within the Shire. One of the groups roles has been to seek funding for trails within the Shire.

Given the purpose is primarily advocacy for a specific recreational activity, including advocacy for Shire funding and the composition of the group is predominately community associations a case can be made that the Trails Association should continue as an external community organisation distinct from the Shire.

Creating a separation between the Association and the Shire would remove the potential perception that trails as a recreational activity is favoured over other recreational pursuits that do not have a dedicated, Shire-supported advocacy group. It would also limit any potential or real conflicts of interest for Shire staff.

It is recommended that options for the future group be considered at a subsequent meeting of Council following further engagement.

Local Emergency Management Committee

This Advisory Group is required under Section 38 of the *Emergency Management Act 2005* and should be retained.

Bush Fire Advisory Committee

With more than 97 percent of the Shire declared a bush fire prone, the Bush Fire Advisory Committee established under the *Bush Fires Act 1954* should be retained.

New Advisory Groups?

This review presents an opportunity to consider whether new Advisory Groups could contribute to Shire decision-making and achievement of priority areas.

Access and Inclusion Advisory Group

In the event that Council dissolves the Access and Inclusion Advisory Committee, Council may wish to consider establishing an Access and Inclusion Advisory Group (AIAG). The AIAG would perform most of the same functions of the formal Committee, including providing input to the Shire's Access and Inclusion Plan.

With the greater flexibility afforded by its status as an Advisory Group, the AIAG could expand its work to hold forums, workshops and interactive sessions to promote awareness and better plan an inclusive community.

While the current focus on the Access and Inclusion Advisory Committee has been on disability access, an AIAG could advise Council on broader matters to strengthen inclusivity for the Shire's diverse community, including cohorts such Culturally and Linguistically Diverse Communities, Aboriginal communities, Youth, and Seniors. This approach would provide a means to advise on delivery of the Shire's Ageing Well Strategy and Health and Wellbeing Strategy in a holistic manner.

An AIAG would assist the Shire meet its objective of a connected, thriving, active and safe community and assist in the identification of priorities to deliver strategies including the community infrastructure and public open space strategy; ageing well strategy 2019-2023; and health and wellbeing strategy.

Additional Advisory Groups?

Prior to establishing further Advisory Groups, Council may wish to consider whether the purpose of the group could be achieved by revising the scope and objectives of any of the groups above. When compared to other local governments, the structure proposed in this review provides similar coverage of key areas.

Local Government	Advisory Groups
Mandurah	<ul style="list-style-type: none"> • Mandurah Roadwise Advisory Group • Access and Inclusion Advisory Group • Mandurah Bush Fires Advisory Group • Mandurah Community Museum Advisory Group • Mandurah Environmental Advisory Group
Gosnells	<ul style="list-style-type: none"> • History and Heritage Advisory Group • Skate Park Advisory Group
Canning	<ul style="list-style-type: none"> • Sustainability and Environment Advisory Group • Community Advisory Group • Business Advisory Group
Joondalup	<ul style="list-style-type: none"> • Strategic Community Reference Group • Edgewater Quarry Community Reference Group • Joondalup Design Reference Panel
Wanneroo	<ul style="list-style-type: none"> • Arts Advisory Committee • Community Safety Working Group • Heritage Services Advisory Group • Quinns Beach Long Term Coastal Protection Community Advisory Group • Reconciliation Action Plan Working Group • Roadwise Working Group • Wanneroo Business & Tourism Development Working Group • Disability Access and Inclusion Reference Group • Yanchep Lagoon Community Working Group • Multicultural Advisory Group

Rating Equity Advisory Group

In the immediate term, the review notes that there may be benefits in establishing a Rating Equity Advisory Group. Local government rates comprise more than 65 per cent of the Shire's operating revenue. Ensuring everyone in the community makes a fair and equitable contribution to funding infrastructure and services is a key feature of local government rating methodologies.

This group will assist Council in improving the Shire's rating methodology to greater equity, sustainability and affordability of rates in line with community expectations for levels of service.

The group will also inform the preparation of a Shire Rating Strategy. The preparation of a Rating Strategy has been identified as a potential requirement of a new Local Government Act and will provide

a framework for future Council budget decisions in line with the Shire's Strategic Community Plan and Corporate Business Plan.

4) A policy to guide the appointment of Council delegates to external groups and associations

Council representation on community groups is a key means of engaging with the community and civic participation. Council appoints members to groups to ensure coverage and align to the unique interests and expertise of Councillors.

When performing the role of a delegate, Councillors have a responsibility to represent Council but not speak on behalf of Council. Likewise, the expectations of community groups may be misaligned in that they may believe that Councillors on their groups have the authority to speak on behalf of and make decisions for Council.

To navigate this challenging area, a draft policy on Council delegates and representation on external organisations, including community groups has been prepared. The draft policy is modelled on the policy adopted by the Shire of York.

The draft policy describes principles that underpin the Shire's approach and provisions related to the appointment of delegates, their roles and responsibilities and guidance for delegates and Council regarding communication. The last of these elements is important in ensuring that all of Council can benefit from the insight that achievable from participation in external groups.

To further mitigate risk, the draft policy states that Council should not appoint a delegate prior to providing the Shire with the Terms of Reference or Constitution of the group.

In proposing this requirement, it is acknowledged that community groups in the Shire have varying levels of formality and organisation. In some cases, groups are well-established with a constitution and comprehensive terms of references, in other cases, community groups are less formal. Community groups should be fit for purpose and this can involve varying levels of formality. However, the absence of a terms of reference or constitution can result in a lack of clarity and expectations of roles for Councillors as delegates.

It is recommended that Council adopt the draft policy pertaining to Council delegates and representation on external organisations, including community groups.

5) Appointing delegates to external groups

In preparing the draft policy, the review notes that Councillor participation on community groups does not need per se to occur through the formal appointment of a delegate. Councillors across Western Australia participate actively in the community through membership of associations, sporting clubs, non-government organisations, political parties and community groups without being appointed as a delegate.

These memberships are part and parcel with being a community leader and active member of the community. Councillors in this position must appreciate that the Act does not account for acting in their private capacity and that interests need to be managed and declared where appropriate.

The draft policy reinforces that appointing a Council delegate to an external group confers responsibilities on the delegate and denotes the special role that a Council delegate plays on an external group. Just because Council has previously appointed formal delegates does not mean that it has to into the future.

While there are benefits associated with appointing a Councillor as a delegate to a community group, there are also risks. These risks include the potential for the perceptions that the appointment confers

a status to that group in competition to another. There are also reputational risks associated with not appointing a delegate as this can be misinterpreted as a reduction in status. To avoid this reputation risk, the easy option is for Council continue appoint a delegate even if there is not compelling strategic reason. This approach has its own risks.

In considering future appointments for delegates to external groups, Council may wish to consider whether the appointment of delegates to community associations where it has previously appointed a delegate is the preferred approach or if Council wishes to amend its approach by either seeking to expand or contract the number of community groups where a delegate has been appointed.

According to the draft policy, Council should not appoint a delegate to any group until it has the opportunity to consider the group's terms of reference or constitution. The review recommends that Council consider appointments to these groups in 2020 in a holistic manner and once the terms of reference or constitution of each group has been considered

This is in part because the groups that have previously requested the appointment of a Council delegate represent a portion of the community associations and groups that may, if prompted, express future interest in having a Council delegate. The Shire of Serpentine Jarrahdale Community Directory published available on the Shire's website details many community groups spanning neighbourhood groups, residents associations, sporting and recreation clubs, community services associations, youth and parenting groups and environmental groups.

In considering the application of the draft policy, Council may wish to direct the Chief Executive Officer to issue an expression of interest to promote the opportunity for community associations to seek a Council delegate. If an expression interest is issued, the promotional material should describe the framework for appointing delegates set out in the policy.

State and regional bodies

The appointment to state and regional bodies is a particular form of delegation. This occurs when in order to advocate on behalf the Shire, Council appoints a delegate to represent the Shire's interest on a body that typically features representatives from State and Local Government or other stakeholders.

A common feature of these groups is that their remit is broader than the Shire and can often include representation from other local governments. Some of the groups where Council has nominated delegates include:

- Western Australian Local Government Association
- Metropolitan Regional Roads Sub Group
- Peel Harvey Catchment Council
- Peel Regional Leadership Forum
- Peel Trails Group
- Peel Harvey Biosecurity Group
- South East Regional Energy Group
- Serpentine Jarrahdale Land Conservation District Committee

In each case, Council is a participant rather than the creator of these groups and much like community groups, the capacity to amend or alter the terms of reference of such groups is limited.

6) Amendments to terms of reference of Council's committees and related groups

In respect to terms of reference, the review has identified opportunities to improve the Shire's approach from a governance and operational perspective. Terminology used in current terms of reference varies considerably. Some of the terms of reference, for example, replicate legislative text, while others

simply refer to the relevant section. This inconsistency in presentation and style can make interpretation more difficult and can be remedied by standardising terms used across the Shire's terms of reference.

The review has identified elements within the terms of reference of Committees of Council which could be better aligned with legislation. Some examples are shown in the table below:

Committee	What the Terms of Reference say	What the legislation says
CEO Employment Committee	The Chairperson does not have casting vote	S5.21(3) If votes are tied the presiding member is to cast a second vote
EDAC	Quorum is 50%, including one Councillor	S5.19 Quorum is 50% of the number of offices (regardless of status of office)
EDAC	Voting shall be by consensus	S5.21 of the Act does not permit decisions by 'consensus'
EDAC	Meeting minutes may be confirmed by members via email	S5.22 of the Act states that minutes are to be submitted to the next committee meeting for confirmation
EDAC	Only elected member terms expire at election	S5.11 of the Act provides that membership for all members expires at election
Arts, Culture and Heritage	Committee does not have delegated powers unless provision has been made in the budget	The absence of delegated powers precludes budget expenditure

Many of the issues identified with terms of reference could be resolved by replacing the formal Committee of Council with an Advisory Group. In doing so, opportunities exist to standardise the terms of reference to address matters such as:

- the appointment of members;
- voting practices;
- standing orders;
- meeting frequency; and
- management of conflicts of interest.

In addition, where practicable, all members of committees and Advisory Groups should have equivalent obligations in respect to the declaration of interests (financial, proximity and impartially) and conduct.

In addition to these general recommendations, the review makes the following observations regarding the terms of reference for specific committees and related groups.

Audit Risk and Governance Committee

Section 7.1A of the Act requires a local government to establish an audit committee. An audit committee is the only Committee of Council that a Council is required to establish under section 5.8 of the Act.

The functions of the Committee are defined in Regulation 16 of the *Local Government (Audit Regulations) 1995*. These functions include to guide and assist the local government carrying out its financial management functions and its functions related to audits.

In 2018 amendments to the *Local Government (Audit Regulations) 1996* and *Local Government (Financial Management) 1996* refined the role of Audit Committees. The review has identified opportunities to revise the language used in the terms of reference to reflect these requirements.

The review recommends that the Committee membership comprise one rather than two external members. This is in keeping with the practice in other local governments including the Cities of Rockingham; Wanneroo; Stirling; Melville; Swan and Joondalup.

Since the establishment of the Audit, Risk and Governance Committee, the Shire has employed an internal auditor. This position functions outside the Corporate Governance Division and provides the independence, quality assurance and technical expertise that is intended from the external member of the Audit Committee. The Shire's accounts are now also audited by the Office of the Auditor General which provides a significant additional level of scrutiny and oversight.

Section 5.100 of the Act prohibits a local government paying a fee to a committee member who is not an employee or a Councillor for attending any committee meeting, many local governments 'reimburse costs'. A sample of eight cities in Western Australia had an average expenditure of over \$1,000 in meeting fees per annum, per member.

To ensure greater consistency across committees and strengthen governance, the review recommends incorporating amendments to the terms of reference contained in the revised handbook that standardise terminology and approaches related to the appointment of members, tenure and meeting procedures.

The review has identified limitations to the existing terms of reference in respect to managing interests and conduct of external members. Specifically, the *Local Government (Rules of Conduct) Regulations 2007* does not apply to external committee members.

The review recommends that the terms of reference and Committees Code of Conduct are revised to specify that the provisions of the *Local Government Rules of Conduct Regulations 2007* related to the use of information, securing personal advantage or disadvantage, misuse of local government resources, prohibition against involvement in administration, relations with local government employees, and disclosures of impartiality interests apply to external members of committee as they do to Councillors.

CEO Employment Committee

Amendments to the Act introduced in June 2019 will introduce requirements for local governments to adopt a CEO recruitment policy. The draft CEO standards which will inform the associated regulations will require local governments form a panel, including an independent person. This will require local governments to revise their arrangements within three months of the regulations commencing.

While it is not possible to fully anticipate the changes from the new regulations, there are elements within the current terms of reference that appear likely to require amendment. These amendments can be made prior to the commencement of the new regulations:

- the current terms of reference prevents the Chair of the meeting to resolve a tie by casting a determining vote. Given the unique and important subject matter that the Committee deals with, a case can be made for retaining this clause, however, this is an unusual restriction for a Committee that does not have delegated powers. In the absence of delegated powers, all decisions of the Committee are brought before Council. As the draft guidelines highlight that decisions regarding performance are to be made by an absolute majority, this requirement is likely to continue; and
- the text related to the external person appointed to assist Council has been strengthened to reinforce the importance of confidentiality and impartiality. This is consistent with the draft guidelines.

Bush Fire Advisory Committee

Section 67 of the *Bush Fires Act 1954* states that a local government may appoint persons to a Bush Fire Advisory Committee. While Council appoints members, the Committee is not currently a Committee of Council under section 5.8 of the Act.

Section 67 states the purpose of the Advisory Committee is to provide:

- advice pertaining to matters related to previously controlled and extinguished bush fires
- planning layout of fire breaks in the district
- advice pertaining to prosecutions for breaches of the *Bush Fires Act 1954*
- advice pertaining to the formation of Brigades and
- coordination and cooperation between Brigades and Agents.

The review notes that the current terms of reference draws from the Act as if it was a Committee of Council. It is proposed that the terms of reference be revised to align it with other Advisory Groups.

Due to the unique composition of BFAC and its legislative role it is recommended that the proposed terms of reference is presented to the BFAC prior to consideration by Council.

Local Emergency Management Committee

The Local Emergency Management Committee is established under section 38 of the *Emergency Management Act 2005*. The Committee is not a Committee of Council.

The *Emergency Management Act 2005* specifies that the role of the Committee is to:

- advise and assist the local government in ensuring that local emergency management arrangements are established for its district
- liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by the regulations.

The review notes that like the Bush Fire Advisory Committee, the current terms of reference for the Local Emergency Management Committee draws from the Act as if it was a Committee of Council.

Section 38(4) of the *Emergency Management Act 2005* states that the constitution and procedures of a Local Emergency Management Committee as well as its terms for appointing members are determined by the State Emergency Management Committee (SEMC).

The State Emergency Management Procedures produced by SEMC provides guidance in this regard. The review recommends that the draft terms of reference as modified in the draft Handbook be adopted to ensure that the Shire's Committee is consistent with section 38(4) of the *Emergency Management Act 2005*.

An amended terms of reference for LEMC is proposed to achieve consistency with other Advisory Groups and strengthen governance. However, given the unique composition and legislative role, it is recommended that this proposed terms of reference is considered by LEMC prior to consideration by Council.

Advisory Groups – Standardised Terms of Reference

The review notes that the current terms of reference of Council Advisory Groups vary in form and content. A standard set of terms of reference for Council Advisory Groups would strengthen the consistency of governance arrangements and the provisions for matters such as voting procedures, quorum, membership and tenure, and recording decisions and discussions.

The review has proposed a terms of reference for each of the Advisory Groups in the new Handbook. The proposed 'base' terms of reference incorporates aspects of the procedures and rules for Committees of Council but reflects the less formal and more deliberative and consultative approach of required for Advisory Groups.

Some of the features of the consistent terms of reference include:

- members shall be appointed by Council following an expression of interest but the CEO may make recommendations to Council;
- a quorum will be required as if the group was a Committee of Council to ensure the validity of recommendations made;
- tenure of membership will be as if the group was a Committee of Council;
- all members must adhere to the provisions of the Act related to disclosure of interests as if the Advisory Group was a Committee of Council;
- all external members of an Advisory Group must adhere to the behavioural provisions of the *Rules of Conduct Regulations 2007*;
- failure to adhere to the provisions can result in Council removing a member from the Advisory Group;
- the presiding member shall be determined by Advisory Group members at the first meeting of the group;
- recommendations and decisions by Advisory Group will be determined by vote;
- meetings are to be conducted in a matter necessary to address agenda items and perform the Group's functions. This may include hearing presentations and receiving reports from Shire staff or other people as deemed necessary by the Presiding Member;
- minutes will be taken at each meeting and presented to the subsequent meeting for confirmation. Minutes are not a transcript of meeting but will record decisions in a manner consistent with the principles of the Act as if the Advisory Group was a Committee of Council;
- where practicable, an Officer report containing recommendations from the Advisory Group shall be presented to the next Ordinary Council Meeting. When this is not practicable, an Officer report will be provided at the next available Ordinary Council Meeting;
- terms of reference may be amended, varied or modified by resolution of Council;
- terms of reference are intended to provide a framework for the efficient and effective operations of the Advisory Group. In cases not provided for in the terms of reference, the Presiding Member in consultation with the CEO is determine the appropriate action to enable to Groups to perform their functions.