

# Comparison between current and proposed terms of reference

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## CEO Employment Committee

CEO Employment Committee Adopted Terms of Reference	Proposed CEO Employment Committee terms of reference
<p><b>1. Name</b> The name of the Committee shall be the Shire of Serpentine Jarrahdale <b>CEO Employment Committee</b>.</p> <p><b>2. Head of Power</b> The Committee is established by Council under Section 5.8 of the <i>Local Government Act 1995</i>.</p> <p><b>3. Definitions</b> <b>Act</b> means the <i>Local Government Act 1995</i>. <b>Committee</b> means the Shire of Serpentine Jarrahdale CEO Employment Committee as stipulated in this document. <b>Council</b> means the Council of the Shire of Serpentine Jarrahdale. <b>Chief Executive Officer (CEO)</b> means the Chief Executive Officer of the Shire of Serpentine Jarrahdale. <b>Elected Member</b> means a Councillor of the Shire of Serpentine Jarrahdale Council. <b>Independent Facilitator</b> means the person appointed to assist with the recruitment and performance review process and who is acceptable to both parties, ie. CEO and the Committee. <b>KPIs</b> means Key Performance Indicators as agreed between the CEO and the Committee to deliver the key priorities of the Shire of Serpentine Jarrahdale's Strategic Community Plan and Corporate Business Plan. <b>Salaries and Allowances Determination</b> means the determination provided by the Salaries and Allowances Tribunal under Section 7A of the <i>Salaries and Allowances Act 1975</i> which requires the Tribunal at intervals of not more than 12 months, to "inquire into and determine, the amount of remuneration, or the minimum and maximum amounts of remuneration, to be paid or provided to chief executive officers of local governments".</p>	<p><b>CEO Employment Committee Terms of Reference*</b> * from 1 April 2020</p> <p><b>Introduction</b> The CEO Employment Committee's role is to assist Council in the recruitment and performance measurement of the CEO.</p> <p><b>Functions</b> In performing its role the Committee has the following functions:</p> <ul style="list-style-type: none"> <li>• In conjunction with an independent facilitator establish appropriate selection criteria, important qualities, knowledge and skills the CEO will need to possess, in order to attain the most suitable candidate for the position of CEO.</li> <li>• In conjunction with an independent facilitator establish clear terms and conditions for the CEOs employment contract.</li> <li>• Provide a recommendation to Council on the preferred candidate for the position of CEO.</li> <li>• In conjunction with an independent facilitator, undertake an annual assessment of the CEO's performance in accordance with the provisions of the CEO's contract of employment and key performance indicators.</li> <li>• In consultation with an independent facilitator and the CEO, develop and recommend to Council key performance indicators in order to achieve the key priorities of the Corporate Business Plan, and any other means that will be used to assess the CEO's future performance in order to meet the expectation of Council.</li> <li>• Review the CEO's employment contract and position description and make recommendations to Council as and when necessary.</li> </ul>

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<p><b>4. Role of the Committee</b></p> <p>4.1 The Committee is established to fulfil the following functions:</p> <p>4.1.1 In conjunction with an independent facilitator establish appropriate selection criteria, important qualities, knowledge and skills the CEO will need to possess, in order to attain the most suitable candidate for the position of CEO.</p> <p>4.1.2 In conjunction with an independent facilitator establish clear terms and conditions for the CEOs employment contract;</p> <p>4.1.3 Provide a recommendation to Council on the preferred candidate for the position of CEO.</p> <p>4.1.4 In conjunction with an independent facilitator, undertake an annual assessment of the CEO's performance in accordance with the provisions of the CEO's contract of employment and key performance indicators;</p> <p>4.1.5 In consultation with an independent facilitator and the CEO, develop and recommend to Council key performance indicators in order to achieve the key priorities of the Corporate Business Plan, and any other means that will be used to assess the CEO's future performance in order to meet the expectation of Council;</p> <p>4.1.6 Review the CEO's employment contract and position description and make recommendations to Council as and when necessary;</p> <p>4.1.7 Review the CEO's remuneration package annually and make recommendations to Council in relation to remuneration, in accordance with the CEO's contract of employment, having consideration to the CEO's performance, current level of remuneration, and the Salaries and Allowances Determination; and</p> <p>4.1.8 Provide guidance to Council in assessing the CEO's performance.</p> <p><b>5. Committee Structure</b></p> <p>5.1 The Committee shall consist of (5) five elected members;</p> <p>5.1(a) A deputy member shall be appointed;</p> <p>5.2 An independent facilitator of the Committee, who is not a member of the Committee, shall be appointed to the Committee by Council to assist with the performance review process; and</p>	<ul style="list-style-type: none"> <li>Review the CEO's remuneration package annually and make recommendations to Council in relation to remuneration, in accordance with the CEO's contract of employment, having consideration to the CEO's performance, current level of remuneration, and the Salaries and Allowances Determination; and</li> <li>Provide guidance to Council in assessing the CEO's performance.</li> </ul> <p><b>Authority</b></p> <p>The Committee is a formally appointed Committee of Council and is responsible to that body.</p> <p>The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility.</p> <p>The Committee does not have any delegated authority.</p> <p>The Committee recommendations must be adopted by Council before implementation.</p> <p><b>Membership</b></p> <p>The Committee shall consist of (5) five Councillors. The appointment of members shall be per section 5.10 of the <i>Local Government Act 1995</i>.</p> <p>A deputy member shall be appointed by Council.</p> <p>An independent facilitator of the Committee, who is not a member of the Committee, shall be appointed to the Committee by Council to assist with Committee. An independent facilitator shall be appointed following a procurement process.</p> <p>A quorum will be as per section 5.19 of the <i>Local Government Act 1995</i>.</p> <p>The tenure of membership shall be per section 5.11 of the <i>Local Government Act 1995</i>.</p> <p>The members of the Committee are to elect a Presiding Member from amongst themselves at the first meeting of the committee following an Ordinary Local Government Election.</p> <p>The Presiding Member will preside at all meetings. In the Presiding Member's absence, the provisions of section 5.14 of the <i>Local Government Act 1995</i> apply.</p> <p><b>Conduct and interests</b></p>

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<p>5.3 A quorum will be as per Section 5.19 of the <i>Local Government Act 1995</i>.</p> <p><b>6. Terms of Appointment</b> Appointment to the Committee shall be determined by the Council following ordinary local government elections, for a term to expire on the date of the subsequent ordinary local government elections. If a member of the Committee resigns prior to an ordinary local government election, the Council will appoint a replacement.</p> <p><b>7. Presiding Member</b> 7.1 The Committee is to determine the Presiding Member of the Committee at the first meeting of the Committee immediately following the establishment of the Committee or following each biennial local government election, whichever is applicable; 7.2 The Committee is to determine a Deputy Presiding Member of the Committee at the first meeting of the Committee immediately following the establishment of the Committee or following each biennial local government election, whichever is applicable; 7.3 If the Chairperson is absent from a meeting, the Deputy Presiding Member is to preside at that meeting. 7.4 The role of the Presiding Member includes: 7.4.1 overseeing and facilitating the conduct of meetings in accordance with the Act and the Shire's Standing Orders Local Law (2002 as amended); 7.4.2 ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner; and 7.4.3 where a matter has been debated significantly and no new information is being discussed, to call the meeting to order and ask for the debate to be finalised and the motion to be put.</p> <p><b>8. Meetings of the Committee</b></p>	<p>Per Division 6 of the <i>Local Government Act 1995</i> all committee members must adhere to the provisions of the <i>Local Government Act 1995</i> related to the disclosure of interests. The contract appointing the independent facilitator shall include strict conduct and interests provisions.</p> <p><b>Meetings</b> The Committee will meet at least once a year to facilitate an annual assessment of the CEO's performance. The Committee may invite Shire employees, appointed facilitator or others to attend meetings and provide pertinent information, where necessary. The Committee shall meet with the CEO on such dates and at such times as the Committee determines to receive and discuss an update on the progress of key performance indicators or other matters. Minutes of Committee meetings will be kept in accordance with section 5.22 of the <i>Local Government Act 1995</i> and the Shire's Standing Orders Local Law 2002 (as amended). The Committee may close the meeting to members of the public if the meeting deals with any of the matters listed in section 5.23(2). Voting will be in accordance with section 5.21 of the <i>Local Government Act 1995</i>. Public question time and public statement time is not available at the Committee.</p>

CEO Employment Committee Adopted Terms of Reference	Proposed CEO Employment Committee terms of reference
<p>8.1 The Committee will meet at least once a year to facilitate an annual assessment of the CEO's performance.</p> <p>8.2 An ordinary or a special meeting of the Committee is to be held:</p> <p>8.2.1 if called for by either the Chairperson or at least two Committee members in a notice to the CEO setting out the date and purpose of the proposed meeting; or</p> <p>8.2.2 if so decided by the Committee; or</p> <p>8.2.3 if called for by Council.</p> <p>8.3 The Committee may invite Shire employees, appointed facilitator or others to attend meetings and provide pertinent information, where necessary.</p> <p>8.4 The Committee shall meet with the CEO on such dates and at such times as the Committee determines to receive and discuss an update on the progress of key performance indicators or other matters.</p> <p>8.5. Minutes of Committee meetings will be kept in accordance with section 5.22 of the Local Government Act and the Shire's Standing Orders Local Law 2002 (as amended).</p> <p>8.6 The Committee may close the meeting to members of the public if the meeting deals with any of the matters listed in section 5.23(2):</p> <p><b>9. Powers of the Committee</b></p> <p>9.1 The Committee is a formally appointed committee of Council and is responsible to that body.</p> <p>9.2 The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility.</p> <p>9.3 The Committee does not have any delegated authority.</p> <p>9.4 The Committee recommendations must be adopted by Council before implementation.</p> <p><b>10. Voting</b></p> <p>Each member of the Committee at a meeting will have one vote.</p> <p>The Chairperson does not in the event of an equality of votes have a casting vote.</p>	

CEO Employment Committee Adopted Terms of Reference	Proposed CEO Employment Committee terms of reference						
<p>In the event of a tied vote the matter will be referred to the Council for deliberation.</p> <p><b>11. Review Process</b></p> <p>The review process comprises the following steps:</p> <p>11.1 Council appoints an independent facilitator to assist with the performance review process and who is acceptable to both parties, ie. the CEO and the Committee.</p> <p>11.2 Committee meets to confirm process with independent facilitator;</p> <p>11.3 CEO provides a written report and self-rating to the Committee against the Key Performance Indicators (KPIs);</p> <p>11.4 All elected members will participate in the performance review process;</p> <p>11.5 All elected members shall individually and independently rate and discuss the performance of the CEO against each of the Key Performance Indicators (KPIs)and provide such assessment directly and confidentially to the independent facilitator;</p> <p>11.6 The independent facilitator will consolidate all scores and comments from interviews to present a first draft of the assessment report to the Committee to discuss and agree overall ratings;</p> <p>11.7 The CEO meets with the Committee and independent facilitator for feedback and discussion;</p> <p>11.8 The Committee agrees on final ratings;</p> <p>11.9 The Committee and CEO agree to KPIs for the forthcoming year in review;</p> <p>11.10 The independent facilitator completes the final report, with final ratings and specific comments against each KPI;</p> <p>11.11 The CEO meets with the Committee and independent facilitator for discussion of remuneration package changes; and</p> <p>11.12 The final report, new KPIs and any remuneration packages recommendations are provided to Council for consideration in accordance with the CEO contract of employment.</p> <p><b>12. Timetable</b></p>							
<table><tr><th>ACTION</th><th>TIMING</th><th>RESPONSIBILITY</th></tr><tr><td></td><td></td><td></td></tr></table>	ACTION	TIMING	RESPONSIBILITY				
ACTION	TIMING	RESPONSIBILITY					

CEO Employment Committee Adopted Terms of Reference			Proposed CEO Employment Committee terms of reference
Appointment of CEO Employment Committee (CEOEC)	Post Local Government elections	Council	
Appoint independent external facilitator to assist with appraisal process	Following Local Government elections	Council	
Commencement of Appraisal Process: Briefing to Council	Date TBA	CEOEC / Facilitator	
CEO Self-Assessment	Date TBA	CEO	
Interviews	Date TBA	Facilitator – Elected Members and CEO	
Draft Councillor feedback report to CEOEC	Date TBA	Facilitator	
CEOEC Meeting: Review feedback report and finalise as Appraisal Report	Date TBA	CEOEC / Facilitator	
Appraisal report provided to CEO; briefing for CEO	Date TBA	Facilitator	
CEOEC Meeting: Appraisal; Review/update key focus areas/objectives	Date TBA	CEOEC / CEO / Facilitator	
Draft Council Report	Date TBA	Facilitator	
Report to Council; briefing	Date TBA	CEOEC / Facilitator	
Schedule ensuing year's process	Date TBA	Council / CEOEC	
<b>13. Dispute</b> 13.1 Where the CEO disagrees with the feedback he/she is entitled to request Council consider the rating.			
<b>14. Reporting Requirements</b> Recommendations arising from the Committee's deliberations shall be presented to the earliest available ordinary meeting of Council.			

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<p><b>15. Amendment to Terms of Reference</b> The Committee is to conduct a review of its terms of reference, providing Council with recommendations for any changes every two years.</p> <p><b>16. Termination of Committee</b> Termination of the Committee shall be:</p> <p>16.1 in accordance with the Act; or</p> <p>16.2 at the discretion of Council.</p> <p><b>Approval and Amendment History</b></p>				
<b>Reviewed/Modified</b>	<b>Reference</b>	<b>Date</b>	<b>Comment</b>	
Adopted	SCM014/0816	08/08/2016	Adopt Terms of Reference	
Reviewed	OCM156/11/17	27/11/2017	Adopted Terms of Reference	
Reviewed	OCM102/09/18	25/09/2018	Reviewed and Amended Terms of Reference - inserted 5.1(a) - amended 5.3	

## Audit, Risk and Governance Committee

Audit, Risk and Governance Committee Terms of Reference (Adopted)	Proposed Audit, Risk and Governance Committee Terms of Reference
<p><b>1. Name</b> The name of the Group is the <b>Audit, Risk and Governance Committee (ARG)</b>.</p> <p><b>2. District / Area of Control</b> Local Government boundaries of the Shire of Serpentine Jarrahdale and Peel Region as appropriate.</p> <p><b>3. Purpose of the Terms of Reference</b> The purpose of the terms of reference is to:</p> <p>3.1 facilitate the operation of the Audit, Risk and Governance Committee;</p> <p>3.2 support the Council in fulfilling its responsibilities in relation to:-</p> <p>a) risk management systems</p> <p>b) internal control structure</p> <p>c) financial reporting</p> <p>d) compliance with laws and regulations</p> <p>e) internal and external audit functions</p> <p><b>4. Introduction</b> The Audit, Risk and Governance (ARG) committee has been established in accordance with part 7 of the <i>Local Government Act 1995</i>.</p> <p>The Audit, Risk and Governance committee is an advisory committee formally appointed by the Council and is responsible to the Council. The ARG committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any financial responsibility. The ARG committee does not have any management functions and is therefore independent of management.</p> <p><b>5. Objectives</b></p>	<p>* from 1 April 2020</p> <p><b>Introduction</b> The Committee has been established as a Committee of Council under 5.8 of the <i>Local Government Act 1995</i>.</p> <p><b>Functions</b> The functions of the Committee are defined in Regulation 16 of the <i>Local Government (Audit Regulations) 1996</i>. These functions include to guide and assist the Local Government carrying out its financial management functions and its functions related to audits.</p> <p>The Committee will promote transparency and accountability in the Shire's financial reporting and promote effective and responsible management of risks to protect the Shire's assets.</p> <p>The Committee will report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.</p> <p>Some of the ways the Committee discharges its legislative responsibility are to oversee:</p> <ul style="list-style-type: none"> <li>• the integrity of external financial reporting, including accounting policies;</li> <li>• the scope of work, objectivity, performance and independence of the external auditor;</li> <li>• the establishment, effectiveness and maintenance of controls and systems to safeguard the Shire's financial and physical assets;</li> <li>• the framework and systems that are designed to ensure the Shire comply with relevant statutory and regulatory requirements;</li> </ul>

Audit, Risk and Governance Committee Terms of Reference (Adopted)	Proposed Audit, Risk and Governance Committee Terms of Reference
<p>The ARG committee's primary objective is to support the Shire of Serpentine Jarrahdale's Council in discharging its legislative responsibility associated with governing the Shire's affairs and overseeing the allocation of the Shire's finances and resources. The ARG committee will promote transparency and accountability in the Shire's financial reporting and promote effective and responsible management of risks to protect the Shire's assets.</p> <p>The ARG committee will report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.</p> <p>More specifically, the objectives of the ARG committee are to oversee:</p> <p>5.1 The integrity of external financial reporting, including accounting policies.</p> <p>5.2 The scope of work, objectivity, performance and independence of the external auditor.</p> <p>5.3 The establishment, effectiveness and maintenance of controls and systems to safeguard the Shire's financial and physical assets.</p> <p>5.4 The framework and systems that are designed to ensure the Shire comply with relevant statutory and regulatory requirements.</p> <p>5.5 The framework for recognising risks arising from the Shire's operations and strategies, and consider the adequacy of measures taken to manage those risks.</p> <p>5.6 The framework and systems which protect the Council against fraud and irregularities.</p> <p>The ARG committee must also add to the credibility of Council by promoting ethical standards through its work.</p> <p><b>6. Authority</b></p> <p>The ARG committee has the authority of Council to:</p> <p>6.1 Review the internal and external auditor's annual audit plans and the outcomes/results of all audits undertaken;</p> <p>6.2 Formally meet with the Shire's appointed external auditor as necessary;</p>	<ul style="list-style-type: none"> <li>the framework for recognising risks arising from the Shire's operations and strategies, and consider the adequacy of measures taken to manage those risks; and</li> <li>the framework and systems which protect the Council against fraud and irregularities</li> </ul> <p>The Committee also adds to the credibility of Council by promoting ethical standards through its work.</p> <p><b>Authority</b></p> <p>The Committee does not have delegated powers but has the authority of Council to:</p> <ul style="list-style-type: none"> <li>review the internal and external auditor's annual audit plans and the outcomes/results of all audits undertaken;</li> <li>formally meet with the Shire's appointed external auditor as necessary;</li> <li>ensure that any matters raised by external audit that require action are actioned; and</li> <li>advise Council on any or all of the above as deemed necessary.</li> </ul> <p><b>Membership</b></p> <p>The Committee will comprise of seven (7) members, six (6) Councillors and one (1) external member.</p> <p>The external members will be independent of the Shire of Serpentine Jarrahdale, and will not have provided paid services to the Shire either directly or indirectly in the past five years.</p> <p>An external independent member will be selected based on the following criteria:</p> <p>a) a demonstrated high level of expertise and knowledge in financial management, reporting, governance and audit; and</p> <p>b) relevant skills and experience in providing independent expert advice.</p> <p>The appointment of an external, independent member will be made following a public advertisement. Under section 7.1A of the <i>Local Government Act 1995</i>, the</p>

Audit, Risk and Governance Committee Terms of Reference (Adopted)	Proposed Audit, Risk and Governance Committee Terms of Reference
<p>6.3 Ensure that any matters raised by external audit that require action are actioned; and</p> <p>6.4 Advise Council on any or all of the above as deemed necessary.</p> <p><b>7. Composition</b></p> <p>7.1 The ARG committee will comprise of seven (7) members, five (5) Elected Members and two (2) external independent members.</p> <p>7.2 An external member will be a person independent of the Shire of Serpentine Jarrahdale, and will not have provided paid services to the Shire either directly or indirectly.</p> <p>7.3 External independent members will be selected based on the following criteria:</p> <p>a) a demonstrated high level of expertise and knowledge in financial management, reporting, governance and audit; and</p> <p>b) relevant skills and experience in providing independent expert advice.</p> <p>7.4 Appointments of external independent members will be made following a public advertisement. The Chief Executive Officer (CEO) will evaluate potential members and make a recommendation to Council.</p> <p>7.5 The Council will appoint all members of the ARG committee.</p> <p>7.6 Members shall be appointed for a period of up to two (2) years terminating on the day of the Local Government Ordinary Council Elections, unless Council resolves otherwise.</p> <p>7.7 The Presiding Member and Deputy Presiding Member will be appointed by the ARG committee, biennially by election by all committee members after the Local Government Ordinary Council Elections.</p> <p>7.8 The quorum for a meeting shall be a minimum of 4 committee members.</p> <p>7.9 ARG committee members are required to abide by the <i>Local Government Act 1995</i> and <i>Code of Conduct</i> in observing the requirements of declaring any proximity, financial or impartiality interests that relate to any matter to be considered at each meeting.</p> <p>7.10 Reimbursement of expenses approved by Council may be paid to an external person who is a member of the ARG committee.</p>	<p>CEO may not be a member of an audit committee and may not nominate a person to be member.</p> <p>The appointment of members shall be per section 5.10 of the <i>Local Government Act 1995</i>.</p> <p>The tenure of membership shall be per section 5.11 of the <i>Local Government Act 1995</i>.</p> <p>The quorum for a meeting shall be in accordance with section 5.19 of the <i>Local Government Act 1995</i> subject to section 5.15 of the Act which gives Council the power to reduce the number of offices required for a quorum at a committee meeting.</p> <p>Under section 5.100 of the <i>Local Government Act 1995</i> an external member may not be paid for their attendance at a Committee meeting.</p> <p>Reimbursement of expenses approved by Council may be paid to an external person who is a member of the Committee. The value of the reimbursement is to be set at the time of appointment.</p> <p><b>Conduct and interests</b></p> <p>All Committee Members must abide by the Committee Member Code of Conduct.</p> <p>Per Division 6 of the <i>Local Government Act 1995</i> all committee members must adhere to the provisions of the <i>Local Government Act 1995</i> related to the disclosure of interests.</p> <p>External members of the committee must adhere to the provisions of regulation 3 and regulations 6, 7, 8, 9, 10, and 11 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> as if they were a Councillor.</p> <p><b>Meetings</b></p> <p>The Committee will conduct meetings in accordance with the <i>Local Government Act 1995</i> and the Shire of Serpentine Jarrahdale standing orders.</p> <p>The Committee shall meet every three (3) months or more regularly as required at the discretion of the Presiding Member of the Committee, the Shire President or the CEO.</p>

Audit, Risk and Governance Committee Terms of Reference (Adopted)	Proposed Audit, Risk and Governance Committee Terms of Reference
<p><b>8. Meetings</b></p> <p>8.1 The ARG committee shall meet every three (3) months or more regularly as required at the discretion of the Presiding Member of the ARG committee, the Shire President or the CEO.</p> <p>8.2 All ARG committee members are expected to attend each meeting in person.</p> <p>8.3 Elected Members, who are not part of the ARG committee are invited to observe ARG committee meetings, however they are not entitled to participate in the meeting.</p> <p>8.4 The members of the ARG committee are to elect a Presiding Member from amongst themselves at the first meeting of the committee following an Ordinary Local Government Election.</p> <p>8.5 The Presiding Member will preside at all meetings.</p> <p>8.6 Each member of the Committee at a meeting will have one vote. The Presiding Member will have a casting vote and simple majority will prevail.</p> <p>8.7 A committee recommendation does not have effect unless it has been made by simple majority. A simple majority is the agreement of not less than half of the members present at the meeting.</p> <p>8.8 The CEO, or his delegate, the Director Corporate &amp; Community, is to attend all meetings to provide advice and guidance to the committee, however the CEO and employees are not members of the committee.</p> <p>8.9 The CEO will invite members of management, internal and external auditors or others to attend meetings as observers and to provide pertinent information, as necessary.</p> <p>8.10 The ARG committee meetings are generally open to the public unless the Presiding Member or CEO deem it necessary to proceed behind closed doors pursuant to section 5.23 of the <i>Local Government Act 1995</i>.</p> <p>8.11 Meeting agendas will be prepared and provided at least one week in advance to members, along with appropriate briefing materials.</p> <p>8.12 Minutes will be taken at each meeting and presented to the subsequent meeting for confirmation.</p>	<p>All Committee members are expected to attend each meeting in person. Councillors, who are not part of the Committee are invited to observe ARG Committee meetings, however they are not entitled to participate in the meeting.</p> <p>The members of the Committee are to elect a Presiding Member from amongst themselves at the first meeting of the committee following an Ordinary Local Government Election.</p> <p>The Presiding Member will preside at all meetings. In the Presiding Member's absence, the provisions of section 5.14 of the <i>Local Government Act 1995</i> apply. Voting will be in accordance with section 5.21 of the <i>Local Government Act 1995</i>. A Committee recommendation does not have effect unless it has been made by simple majority. A simple majority is the agreement of not less than half of the members present at the meeting.</p> <p>The CEO, or his delegate, the Director Corporate Services, is to attend all meetings to provide advice and guidance to the Committee, however the CEO and employees are not members of the committee.</p> <p>The CEO will invite members of management, internal and external auditors or others to attend meetings as observers and to provide pertinent information, as necessary.</p> <p>Meetings are generally open to the public unless the Presiding Member or CEO deem it necessary to proceed behind closed doors pursuant to section 5.23 of the <i>Local Government Act 1995</i>.</p> <p>Meeting agendas will be prepared and provided at least one week in advance to members, along with appropriate briefing materials.</p> <p>Minutes will be taken at each meeting and presented to the subsequent meeting for confirmation.</p> <p>Reports and recommendations of each committee meeting shall be presented to the next Ordinary Council Meeting.</p> <p>Public question time and public statement time is not available at the Committee.</p> <p><b>Responsibilities</b></p>

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<p>8.13 Reports and recommendations of each committee meeting shall be presented to the next ordinary council meeting.</p> <p><b>9. Responsibilities</b> The ARG committee will carry out the following responsibilities:</p> <p>9.1 Risk Management</p> <p>9.1.1 Review whether management has in place a current and comprehensive enterprise risk management framework and associated procedures for effective identification and management of the Shire's business and financial risks, including fraud.</p> <p>9.1.2 Assess whether a sound and effective approach has been followed in managing the Shire's major risks including those associated with individual projects, program implementation, and activities.</p> <p>9.1.3 Assess the impact of the Shire's enterprise risk management framework on its control environment and insurance arrangements.</p> <p>9.1.4 Review the process of developing and implementing the Shire's fraud control arrangements and satisfy itself the Shire has appropriate processes and systems in place to detect, capture and effectively respond to fraud-related information.</p> <p>9.2 Business Continuity</p> <p>9.2.1 Assess whether a sound and effective approach has been followed in establishing the Shire's business continuity planning arrangements, including whether business continuity and disaster recovery plans have been periodically updated and tested.</p> <p>9.3 Internal Control</p> <p>9.3.1 Review whether management's approach to maintaining an effective internal control framework is sound and effective.</p> <p>9.3.2 Review whether management has in place relevant policies and procedures and that they are periodically reviewed and updated.</p> <p>9.3.3 Assess whether the appropriate processes are in place to assess, at least once a year, whether key policies and procedures are complied with.</p>	<p>The Committee will carry out its responsibilities in accordance with the <i>Local Government Act 1995</i> and subsidiary legislation, specifically:</p> <p>Guide and assist the Shire in carrying out its functions:</p> <ul style="list-style-type: none"> <li>• under Part 6 – Financial Management, of the <i>Local Government Act 1995</i></li> <li>• in relation to audits conducted under Part 7 – Audit, of the <i>Local Government Act 1995</i></li> <li>• relating to other audits and other matters related to financial management.</li> </ul> <p>Review the CEO's report into the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal control and legislative compliance, given to it by the CEO under regulation 17 of the <i>Local Government (Audit) Regulations 1996</i> and:</p> <ol style="list-style-type: none"> <li>1. report to the Council the results of that review</li> <li>2. give the Council a copy of the CEO's report.</li> </ol> <p>Monitor and advise the CEO when the CEO is carrying out functions in relation to a review:</p> <ul style="list-style-type: none"> <li>• under regulation 17(1) of the <i>Local Government (Audit) Regulations 1996</i></li> <li>• of the appropriateness and effectiveness of the financial management systems and procedures of the Shire under regulation 5(2)(c) of the <i>Local Government (Financial Management) Regulations 1996</i>.</li> </ul> <p>Support the auditor of the Shire to conduct an audit and carry out the auditor's other duties under the <i>Local Government Act 1995</i> in respect of the Shire and to oversee the implementation of any actions in accordance with regulation 16(f) of the <i>Local Government (Audit) Regulations 1996</i>.</p> <p>Review and monitor the internal audit programme and the scope of internal audits.</p> <p>The Committee also has the following specific responsibilities to provide advice regarding:</p>

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<p>9.3.4 Review whether appropriate policies and supporting procedures are in place for the management and exercise of delegations.</p> <p>9.3.5 Consider how management identifies any required changes to the design or implementation of key internal controls.</p> <p>9.4 Financial Report</p> <p>9.4.1 Review significant accounting and reporting issues, including complex or unusual transactions and highly judgemental areas, and recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the financial report.</p> <p>9.4.2 Review with management and the external auditors the results of the audit, including any difficulties encountered.</p> <p>9.4.3 Review the annual financial report and performance report of the Shire of Serpentine Jarrahdale and consider whether it is complete, consistent with information known to ARG committee members, and reflects appropriate accounting principles.</p> <p>9.4.4 Review with management and the external auditors all matters required to be communicated to the ARG committee under the Australian Auditing Standards.</p> <p>9.4.5 Review the draft Annual Financial Statements and recommend the adoption of the Annual Financial Statements to Council, in accordance with the timeframes as prescribed.</p> <p>9.4.6 Review the midyear budget review and recommend the adoption of the budget review to Council.</p> <p>9.5 Compliance</p> <p>9.5.1 Review the systems and processes to monitor effectiveness of the system for monitoring compliance with legislation and regulations and the results of management's investigation and follow-up (including disciplinary action) of any instances of non-compliance.</p>	<p><i>Risk management</i></p> <ul style="list-style-type: none"> <li>Review whether management has in place a current and comprehensive enterprise risk management framework and associated procedures for effective identification and management of the Shire's business and financial risks, including fraud.</li> <li>Assess whether a sound and effective approach has been followed in managing the Shire's major risks including those associated with individual projects, program implementation, and activities.</li> <li>Assess the impact of the Shire's enterprise risk management framework on its control environment and insurance arrangements.</li> <li>Review the process of developing and implementing the Shire's fraud control arrangements and satisfy itself the Shire has appropriate processes and systems in place to detect, capture and effectively respond to fraud-related information.</li> </ul> <p><i>Business continuity</i></p> <p>Assess whether a sound and effective approach has been followed in establishing the Shire's business continuity planning arrangements, including whether business continuity and disaster recovery plans have been periodically updated and tested.</p> <p><i>Internal Control</i></p> <p>Review whether management's approach to maintaining an effective internal control framework is sound and effective.</p> <p>Review whether management has in place relevant policies and procedures and that they are periodically reviewed and updated.</p> <p>Assess whether the appropriate processes are in place to assess, at least once a year, whether key policies and procedures are complied with.</p> <p>Review whether appropriate policies and supporting procedures are in place for the management and exercise of delegations.</p> <p>Consider how management identifies any required changes to the design or implementation of key internal controls.</p>

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<p>9.5.2 Keep informed of the findings of any examinations by regulatory agencies and any auditor (internal or external) observations and monitor management's response to those findings.</p> <p>9.5.3 Obtain regular updates from management about compliance matters.</p> <p>9.5.4 Review the annual Compliance Audit Return and report to the Council the results of the review.</p> <p>9.6 Internal Audit</p> <p>9.6.1 Review with management the terms of reference, activities and resourcing of the internal audit function.</p> <p>9.6.2 Review and recommend the annual internal audit plan for approval by the Council and all major changes to the plan.</p> <p>9.6.3 Monitor processes and practices to ensure that the independence of the audit function is maintained.</p> <p>9.6.4 Annually review the performance of the internal audit including the level of satisfaction with internal audit function having consideration of the Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing.</p> <p>9.6.5 Review all audit reports and provide advice to the Council on significant issues identified in audit reports and action to be taken on issues raised, including identification and dissemination of good practice.</p> <p>9.6.6 Monitor management's implementation of internal audit recommendations.</p> <p>9.6.7 Regularly review a report given to it by the CEO under regulation 17 (3) of the <i>Local Government (Administration) Regulations 1996</i>.</p> <p>9.7 External Audit</p> <p>9.7.1 Develop and recommend to Council a process to be used to select and appoint a person to be an auditor.</p> <p>9.7.2 Recommend to Council the person or persons to be appointed as the external auditor.</p> <p>9.7.3 Develop and recommend to Council a written agreement for the appointment of the external auditor in accordance with <i>Local Government (Audit) Regulation 7</i>.</p> <p>9.7.4 Note the external auditor's proposed audit scope and approach for financial performance audits.</p>	<p><i>Financial Report</i></p> <p>Review significant accounting and reporting issues, including complex or unusual transactions and highly judgmental areas, and recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the financial report.</p> <p>Review with management and the external auditors the results of the audit, including any difficulties encountered.</p> <p>Review the annual financial report and performance report of the Shire of Serpentine Jarrahdale and consider whether it is complete, consistent with information known to ARG committee members, and reflects appropriate accounting principles.</p> <p>Review with management and the external auditors all matters required to be communicated to the ARG committee under the Australian Auditing Standards. Review the draft Annual Financial Statements and recommend the adoption of the Annual Financial Statements to Council, in accordance with the timeframes as prescribed.</p> <p>Review the mid-year budget review and recommend the adoption of the budget review to Council.</p> <p><i>Compliance</i></p> <p>Review the systems and processes to monitor effectiveness of the system for monitoring compliance with legislation and regulations and the results of management's investigation and follow-up (including disciplinary action) of any instances of non-compliance.</p> <p>Keep informed of the findings of any examinations by regulatory agencies and any auditor (internal or external) observations and monitor management's response to those findings.</p> <p>Obtain regular updates from management about compliance matters.</p> <p>Review the annual Compliance Audit Return and report to the Council the results of the review.</p> <p><i>Internal Audit</i></p>

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<p>9.7.5 Consider the findings and recommendations of relevant Management Letters undertaken by the external auditor and ensure the Shire implements relevant recommendations.</p> <p>9.7.6 Provide an opportunity for the ARG committee to meet with the external auditors to discuss any matters that the ARG committee or the external auditors believe should be discussed privately.</p> <p>9.7.7 Annually review the performance of external audit including the level of satisfaction with external audit function.</p> <p>9.7.8 Monitor management’s implementation of external audit recommendations.</p> <p>9.8 Reporting Responsibilities</p> <p>9.8.1 Report regularly to the Council about ARG committee activities, issues, and related recommendations through circulation of minutes.</p> <p>9.8.2 Monitor that open communication between the external auditor and the Shire’s management occurs.</p> <p>9.9 Other Responsibilities</p> <p>9.9.1 Perform other activities related to this terms of reference as requested by the Council.</p> <p>9.9.2 Annually review and assess the adequacy of the ARG committee terms of reference, request Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation or regulation.</p>	<p>Review with management the terms of reference, activities and resourcing of the internal audit function.</p> <p>Review and recommend the annual internal audit plan for approval by the Council and all major changes to the plan.</p> <p>Monitor processes and practices to ensure that the independence of the audit function is maintained.</p> <p>Annually review the performance of the internal audit including the level of satisfaction with internal audit function having consideration of the Institute of Internal Auditors’ International Standards for the Professional Practice of Internal Auditing.</p> <p>Review all audit reports and provide advice to the Council on significant issues identified in audit reports and action to be taken on issues raised, including identification and dissemination of good practice.</p> <p>Monitor management’s implementation of internal audit recommendations.</p> <p>Regularly review a report given to it by the CEO under regulation 17 (3) of the <i>Local Government (Administration) Regulations 1996</i>.</p>										
<p><b>Approval and Amendment History</b></p>	<p><i>External Audit</i></p>										
<table><tr><th>Reviewed/ Modified</th><th>Reference</th><th>Date</th><th>Comment</th><th>Reviewed By</th></tr><tr><td>Adopted</td><td>AC002/03/17</td><td>27/03/2017</td><td>Audit Committee renamed as Audit, Risk and Governance (ARG) Committee</td><td></td></tr></table>	Reviewed/ Modified	Reference	Date	Comment	Reviewed By	Adopted	AC002/03/17	27/03/2017	Audit Committee renamed as Audit, Risk and Governance (ARG) Committee		<p>Develop and recommend to Council a process to be used to select and appoint a person to be an auditor.</p> <p>Recommend to Council the person or persons to be appointed as the external auditor.</p> <p>Develop and recommend to Council a written agreement for the appointment of the external auditor in accordance with regulation 7 of the <i>Local Government (Audit) Regulations 1996</i>.</p> <p>Note the external auditor’s proposed audit scope and approach for financial performance audits.</p> <p>Consider the findings and recommendations of relevant Management Letters undertaken by the external auditor and ensure the Shire implements relevant recommendations.</p>
Reviewed/ Modified	Reference	Date	Comment	Reviewed By							
Adopted	AC002/03/17	27/03/2017	Audit Committee renamed as Audit, Risk and Governance (ARG) Committee								

Audit, Risk and Governance Committee Terms of Reference (Adopted)					Proposed Audit, Risk and Governance Committee Terms of Reference
Reviewed	OCM156/11/17	27/11/2017	Adopted Terms of Reference		<p>Provide an opportunity for the Committee to meet with the external auditors to discuss any matters that the Committee or the external auditors believe should be discussed privately.</p> <p>Annually review the performance of external audit including the level of satisfaction with external audit function.</p> <p>Monitor management's implementation of external audit recommendations.</p> <p><i>Reporting Responsibilities</i></p> <p>Report regularly to the Council about ARG committee activities, issues, and related recommendations through circulation of minutes.</p> <p>Monitor that open communication between the external auditor and the Shire's management occurs.</p> <p><i>Other Responsibilities.</i></p> <p>Perform other activities related to this terms of reference as requested by the Council.</p> <p>Annually review and assess the adequacy of the ARG committee terms of reference, request Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation or regulation.</p>
Reviewed					

## Access and Inclusion Advisory Group

Adopted Access and Inclusion Advisory Committee Terms of Reference	Proposed Access and Inclusion Advisory Group Terms of Reference
<p><b>Name</b> The name of the Committee is the <b>Access and Inclusion Advisory Committee (AIAC)</b>.</p> <p><b>2. District / Area of Control</b> Local Government boundaries of the Shire of Serpentine Jarrahdale.</p> <p><b>3. Vision / Purpose</b> To provide valuable expertise and advice that will contribute towards improvements in disability access and inclusion throughout the Shire of Serpentine Jarrahdale. <b>Disability Services Regulations 2004</b> <i>Schedule 3 – Desired outcomes of disability access and inclusion plans.</i></p> <ol style="list-style-type: none"> <li><i>People with disabilities have the same opportunities as other people to access the services of, and any events organised by, a public authority.</i></li> <li><i>People with disabilities have the same opportunities as other people to access the buildings and other facilities of a public authority.</i></li> <li><i>People with disabilities receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.</i></li> <li><i>People with disabilities receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.</i></li> <li><i>People with disabilities have the same opportunities as other people to make complaints to a public authority.</i></li> <li><i>People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority.</i></li> <li><i>People with disability have the same opportunities as other people to obtain and maintain employment with a public authority.</i></li> </ol> <p><b>4. Statute</b></p>	<p><b>Introduction</b> The purpose of the Access and Inclusion Advisory Group is to support the development, implementation, review and evaluation of the Shire's Disability Access and Inclusion Strategy to ensure Council delivers high quality outcomes for the Shire of Serpentine Jarrahdale community and advise Council on matters related to access and inclusion. The Advisory Group supports the Shire to form positive community partnerships and support the Shire to achieve its objectives as stated in the Strategic Community Plan. The Access and Inclusion Advisory Group is not a Committee of Council and does not have delegated authority of Council. The Advisory Group has no power to make decisions on behalf of Council.</p> <p><b>Functions</b> The Access and Inclusion Advisory Group will:</p> <ul style="list-style-type: none"> <li>Contribute to the development, implementation and review of projects associated with the Shire's Disability Access and Inclusion Strategy to achieve its objectives.</li> <li>Form partnerships with and support the engagement of a broad cross-section of the Shire of Serpentine Jarrahdale community, both residents and visitors about access and inclusion.</li> <li>Provide recommendations to the Council, as required, in relation to access and inclusion to overcome barriers in the Shire of Serpentine Jarrahdale based on stakeholder input.</li> </ul> <p><b>Membership</b> The Access and Inclusion Advisory Group consists of a total of seven members.</p>

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<p>The Committee operates according to the <i>Western Australia Disability Services Act 1993 (amended 2004)</i>. Public authorities are required to prepare and implement Access and Inclusions Plans.</p> <p><b>Local Government Act 1995</b>  <i>Subdivision 2 — Committees and their meetings</i>  <b>5.8 Establishment of committees</b>  <i>A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.</i>  <i>* Absolute majority required.</i></p> <p><b>Disability Services Act 1993 (amended 2004)</b>  <i>Part 5 — Disability access and inclusion plans by public authorities</i>  <b>27. Application of Part</b>  <i>(1) This Part applies to public authorities.</i>  <i>(2) Notwithstanding subsection (1), regulations may declare that this Part does not apply to a specified public authority.</i>  <b>28. Disability access and inclusion plans</b>  <i>(1) Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.</i>  <i>(2) A disability access and inclusion plan must meet any prescribed standards.</i>  <i>(3) A public authority must lodge its disability access and inclusion plan with the Commission —</i>  <i>(a) if the authority was established before the commencement of the Disability Services Amendment Act 2004, without delay;</i>  <i>(b) if the authority is established after the commencement of the Disability Services Amendment Act 2004, within 12 months after the day on which it is established.</i>  <i>(4) A public authority may amend its disability access and inclusion plan at any time.</i></p>	<ul style="list-style-type: none"> <li>Two (2) Councillors appointed by Council. Two deputy members will be appointed by Council who will act as appointed members in the absence of appointed members.</li> <li>Five (5) community members. Community members are to have direct interest or lived experience in access and inclusion.</li> </ul> <p>The tenure expires at each ordinary local government election.</p> <p>Expressions of interest will be sought from the public and nominations from Councillors appointed by Council and Shire Officers appointed by the Shire of Serpentine Jarrahdale. Members are selected by expression of interest and/or nomination based on their knowledge, expertise, community / lived experience and ability to attend meetings.</p> <p><b>Chairperson</b>  The Advisory Group is to elect a Chairperson and Deputy Chairperson for the term. Any member of the Advisory Group can nominate as Chair. Following a call of nominations, the positions are to be decided by secret ballot.</p> <p>Responsibilities will include:</p> <ul style="list-style-type: none"> <li>Guide meeting according to agenda.</li> <li>Keep meetings timely, effective and accountable.</li> <li>Ensure discussion items end with decision, action or definite outcome.</li> </ul> <p>The Chair of the Access and Inclusion Advisory Group is:  The Deputy Chair of the Access and Inclusion Advisory Group is:</p> <p><b>Shire Support Officer</b>  This role is to be fulfilled by a Shire Officer who can provide advice and undertake the role as the group's 'secretary'.</p> <p>Responsibilities will include:</p>

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<p>(5) <i>A public authority may review its disability access and inclusion plan at any time.</i></p> <p>(6) <i>After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).</i></p> <p>(7) <i>Not more than 5 years is to elapse —</i></p> <p>(a) <i>between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or</i></p> <p>(b) <i>between the lodgement of the report of one review of a plan and the lodgement of the report of another review of the plan.</i></p> <p>(8) <i>After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.</i></p> <p>(9) <i>If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.</i></p> <p>(10) <i>A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.</i></p> <p>29. <i>Report about disability access and inclusion plan</i></p> <p>(1) <i>A public authority that has a disability access and inclusion plan must, if required to report under Part 5 of the Financial Management Act 2006, include in such report, a report about the implementation of the plan.</i></p> <p>(2) <i>A local government or regional local government that has a disability access and inclusion plan must include in its annual report prepared under section 5.53 of the Local Government Act 1995 a report about the implementation of the plan.</i></p> <p>(3) <i>A public authority that —</i></p> <p>(a) <i>has prepared or amended a disability access and inclusion plan in a year ending 30 June; and</i></p> <p>(b) <i>is not required to report under subsection (1) or (2), must make a report about the implementation of the plan to the Commission within 2 months after the end of that year.</i></p>	<ul style="list-style-type: none"> <li>• Facilitates the link between Shire deliverables and the Advisory Group;</li> <li>• Prepare and disseminate minutes and agendas;</li> <li>• Schedule meetings and notify Advisory Group members; and</li> <li>• Extend invitation/s to attend meetings as requested by CEO, relevant Director and/or Chair.</li> </ul> <p>The Shire Support Officer of the Access and Inclusion Advisory Group is:</p> <p><b>Other attendees</b></p> <p>Meetings are open to the public but may be closed at any time by the Chair, including on the recommendation of the CEO or relevant Director.</p> <p>Invitations can be extended to internal Shire representatives, external organisations and service providers to guide and advise on specific topics as identified and agreed on by the Advisory Group.</p> <p>Councillors, who are not part of the Advisory Group are invited to observe Advisory Group meetings, however they are not entitled to participate in the meeting, without the approval of the Chair, and in the event of a vote, do not have a vote.</p> <p><b>Conduct</b></p> <p>Advisory Group members will be expected to conduct themselves in a manner that supports a positive culture and outcomes for the group including:</p> <ul style="list-style-type: none"> <li>• Provide apologies in advance if attendance is not possible</li> <li>• Seek to obtain and represent the views of the broader community and / or the specific organisation / group represented</li> <li>• Disseminate authorised information with the community in an unbiased manner</li> <li>• At all times act in good faith, with honesty, integrity and fairness</li> <li>• Respect the ideas and beliefs of all members and endeavour to create a positive working environment</li> </ul>

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<p>(4) <i>The regulations may prescribe information that must be included in a report under subsection (1), (2) or (3) about the implementation of a disability access and inclusion plan.</i></p> <p>29A. <i>Disability access and inclusion plans to be made available</i>  <i>A public authority that has a disability access and inclusion plan must ensure that the plan is made available to people with disabilities, and the public generally, by publication in the prescribed manner.</i></p> <p>29B. <i>Public authorities to ensure implementation of a disability access and inclusion plan</i>  <i>A public authority that has a disability access and inclusion plan must take all practicable measures to ensure that the plan is implemented by the public authority and its officers, employees, agents or contractors.</i></p> <p><b>Disability Services Regulations 2004</b>  <i>Standards for disability access and inclusion plans (s. 28)</i>  <i>For the purposes of section 28(5) of the Act, the standards that a disability access and inclusion plan must meet are those specified in Schedule 2.</i>  <i>Information in reports about disability access and inclusion plans (s. 29)</i>  <i>For the purposes of section 29(4) of the Act, a report about a disability access and inclusion plan must include information relating to —</i>  <i>(a) progress made by the relevant public authority and any agents and contractors of the relevant public authority in achieving the desired outcomes specified in Schedule 3; and</i>  <i>(b) the strategies implemented by the relevant public authority to inform its agents and contractors of its disability access and inclusion plan.</i>  <i>Publication of disability access and inclusion plans (s. 29A)</i>  <i>For the purposes of section 29A, a public authority must publish its disability access and inclusion plan in a document that is made available —</i>  <i>(a) on request, at the offices of the authority —</i>  <i>(i) in an electronic format;</i>  <i>(ii) in hard copy format in both standard and large print; and</i>  <i>(iii) in an audio format on cassette or compact disc;</i></p>	<ul style="list-style-type: none"> <li>• Notify the Shire of any potential conflict of interest that may arise with respect to participation in this group</li> <li>• Agree not to disseminate confidential information that is discussed at the meeting as advised by the Chair</li> <li>• Agree not to make any media comment on behalf of the Access and Inclusion Advisory Committee in relation to the work of the group unless approved by Council.</li> </ul> <p>All Advisory Group members must adhere to the provisions of the <i>Local Government Act 1995</i> related to the disclosure of interests as if the Advisory Group was a Committee of Council.</p> <p>External members of the Advisory Group must also adhere to the provisions of Regulation 3 and Regulations 6, 7, 8, 9, 10, and 11 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> as if they were a Councillor attending a Committee of Council.</p> <p>Failure to adhere to the provisions related to conduct and interest can result in Council removing a member from the Advisory Group.</p> <p>The CEO is responsible for determining appropriate actions related to dispute resolution.</p> <p>Council may by simple majority resolution remove a member of the Advisory Group if they breach confidentiality, fail to attend two or more consecutive meetings without notice or otherwise cause detriment.</p> <p><b>Meetings</b>  <b>Meeting Schedule</b>          Meetings will be held quarterly and as required. Urgent meetings may be called by the Presiding Member or Advisory Group by request to the CEO.</p> <p><b>Minutes of Meetings</b>          The Shire Support Officer is to ensure that accurate minutes are recorded at each meeting and all agreed actions noted in the Outcomes/Requirements column of the Minutes and include the Responsible Officers name and an “Action By” date.</p>

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<p>(b) on request, by email; and</p> <p>(c) on any website maintained by or on behalf of the authority, and notice of which is given in a newspaper circulating throughout the State or, in the case of a local government, the district of that local government under the Local Government Act 1995.</p> <p><b>Disability Services Regulations 2004</b></p> <p><i>Schedule 2 – Standards for disability access and inclusion plans</i></p> <ol style="list-style-type: none"> <li>1. A disability access and inclusion plan must provide a means of ensuring that people with disabilities have the same opportunities as other people to access the services of, and any events organised by, the relevant public authority.</li> <li>2. A disability access and inclusion plan must provide a means of ensuring that people with disabilities have the same opportunities as other people to access the buildings and other facilities of the relevant public authority.</li> <li>3. A disability access and inclusion plan must provide a means of ensuring that people with disabilities receive information from the relevant public authority in a format that will enable them to access the information as readily as other people are able to access it.</li> <li>4. A disability access and inclusion plan must provide a means of ensuring that people with disabilities receive the same level and quality of service from the staff of the relevant public authority as other people receive from that authority.</li> <li>5. A disability access and inclusion plan must provide a means of ensuring that people with disabilities have the same opportunities as other people to make complaints to the relevant public authority.</li> <li>6. A disability access and inclusion plan must provide a means of ensuring that people with disabilities have the same opportunities as other people to participate in any public consultation by the relevant public authority.</li> </ol> <p><b>Shire of Serpentine Jarrahdale Standing Orders Local Law 2002 (as amended)</b></p> <p><i>The Shire of Serpentine Jarrahdale Standing Orders Local Law 2002 (as amended) apply.</i></p> <p><b>5. Establishment</b></p>	<p>Recommendations requiring Council action arising from the Meeting Minutes shall be presented to Council at the earliest available Ordinary Council Meeting.</p> <p><b>Quorum</b></p> <p>An Advisory Group recommendation is not recorded and does not have effect unless it has been made by simple majority. A simple majority is the agreement of not less than half of the members present at the meeting.</p> <p><b>Order of Meetings</b></p> <p>Discussions at the Advisory Group meetings are to be directed through an Agenda. Any individual wishing a specific item to be included in the agenda should advise the minute taker at least two working days prior to the meeting date.</p> <p>The use of an Agenda is to provide an initial structure for the meeting but is not intended to limit discussion, engagement and idea generation.</p> <p><b>Decision Making</b></p> <p>The Advisory Group will endeavour to reach any decision by consensus. The will provide advice as recommendations and where possible by consensus. There may be occasions where decisions are to be decided by a vote. The Chairperson may exercise a casting vote should this be necessary. All members have voting rights, unless they are guests to the meeting such as additional Councillors to the membership of the group.</p> <p>An Advisory Group recommendation is not recorded and does not have effect unless it has been made by simple majority. A simple majority is the agreement of not less than half of the members present at the meeting.</p> <p><b>Cases not provided for in the Terms of Reference</b></p>

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<p>The Access and Inclusion Advisory Committee was established by Council Resolution, OCM154/11/17 Ordinary Council Meeting 27 November 2017.</p> <p><b>6. Objectives</b></p> <p>The purpose of the Committee is to provide advice to Council on the development, implementation, review and evaluation of the Access and Inclusion Plan to ensure Council meets its obligations under the <i>Disability Services Act 1993 (amended 2004)</i>. The Committee is to:</p> <ul style="list-style-type: none"> <li>Contribute to the collation and development of information to inform the council on disability access and inclusion issues in the Shire of Serpentine Jarrahdale.</li> <li>To assist the engagement of a broad cross-section of the Shire of Serpentine Jarrahdale Community, both residents and visitors, through consultative processes.</li> <li>Contribute to the development, implementation and review of the Access and Inclusion Plan and projects that contribute to achieving the objectives of the Access and Inclusion Plan.</li> <li>Make recommendations to the Council in relation to access and inclusion strategies to overcome barriers in the Shire of Serpentine Jarrahdale.</li> </ul> <p><b>7. Membership</b></p> <p>7.1 General</p> <p>Council will appoint 2 Council Delegates and 2 Deputies that are members of Council.</p> <p>7.2 Tenure of Membership</p> <p><b>Local Government Act 1995</b></p> <p><i>s5.11 Tenure of committee membership</i></p> <p>(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 —</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) the person resigns from membership of the committee;</li> <li>(c) the committee is disbanded; or</li> <li>(d) the next ordinary elections day,</li> </ul>	<p>These 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 or relevant Director is to determine the appropriate action to enable to the Advisory Group to perform its functions.</p> <p><b>Amendments to the Terms of Reference</b></p> <p>The Terms of Reference may be amended, varied or modified by resolution of Council.</p> <p><b>Reference Documents</b></p>

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<p><i>whichever happens first.</i></p> <p><i>(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 —</i></p> <p><i>(a) the term of the person's appointment as a committee member expires;</i></p> <p><i>(b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;</i></p> <p><i>(c) the committee is disbanded; or</i></p> <p><i>(d) the next ordinary elections day,</i></p> <p><i>whichever happens first.</i></p> <p><b>8. Delegated Authority</b></p> <p>The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. Unless provision has been made in the Budget for expenditure, Committees require an officer report to be presented to Council for endorsement of any proposed expenditure.</p> <p><b>9. Committee</b></p> <p>9.1 Chairperson</p> <p>Members to elect a Chairperson and Deputy Chairperson from the membership. The Chairperson is _____ and Deputy Chairperson is _____.</p> <p>9.2 Secretariat</p> <p>A Shire Officer will fulfil this administrative non-voting role.</p> <p>9.3 Standing Ex-Officio Members</p> <p>Director Community/Deputy CEO, Director Infrastructure Services, Manager Community Development, Coordinator Community Development or their delegate(s) will be standing ex-officio members. Other officers or community members may be invited to attend meetings as required and to be determined by the Chief Executive Officer.</p>	

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<p><b>10. Meetings</b></p> <p>10.1 Annual General Meeting No AGM.</p> <p>10.2 Committee Meetings The Chief Executive Officer will call meetings every six months and as required. Committee meetings will be advertised as per statutory requirements.</p> <p>10.3 Quorum <i>As per Section 5.19 of the Local Government Act 1995.</i> <i>s5.19 Quorum for meetings</i> <i>The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.</i></p> <p>10.4 Voting <b>Local Government Act 1995</b> <i>s5.21 - Voting</i></p> <p>(1) <i>Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.</i></p> <p>(2) <i>Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.</i></p> <p>(3) <i>If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.</i></p> <p>(4) <i>If a member of a council or a committee specifically requests that there be recorded —</i></p> <p>(a) <i>his or her vote; or</i></p> <p>(b) <i>the vote of all members present, on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.</i></p> <p>(5) <i>A person who fails to comply with subsection (2) or (3) commits an offence.</i></p> <p>10.5 Minutes The person presiding at a meeting is to ensure that the Minutes are kept of the meetings proceedings.</p>	

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<p>The minutes may be confirmed by a majority of members present at the meeting, by committee resolution at the following meeting. Once Minutes have been confirmed by members they are to be posted on the Shire's website.</p> <p>Recommendations arising from the Minutes shall be presented to Council at the next available Ordinary Meeting for endorsement and/or action or earliest available Council meeting if it is not possible to present the Minutes to the next Ordinary Council Meeting.</p> <p>10.6 Who Acts if No Presiding Member</p> <p><b>Local Government Act 1995</b></p> <p><i>s5.14 Who acts if no presiding member</i></p> <p><i>If, in relation to the presiding member of a committee —</i></p> <p><i>(a) the office of presiding member and the office of deputy presiding member are vacant; or</i></p> <p><i>(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.</i></p> <p>10.7 Members Interests to be Disclosed</p> <p>Members of the Access and Inclusion Advisory Committee are required to declare their financial interests and complete a Declaration form where relevant, using the principles detailed in the Local Government Act Section 5.65-5.70 with respect to disclosure of financial, impartiality or proximity interests ('CEO' in the LGA text means the 'Chairperson' in the committee sense).</p> <p><i>s5.65. Members' interests in matters to be discussed at meetings to be disclosed</i></p> <p><i>(1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —</i></p> <p><i>(a) in a written notice given to the CEO before the meeting; or</i></p> <p><i>(b) at the meeting immediately before the matter is discussed.</i></p> <p><i>Penalty: \$10 000 or imprisonment for 2 years.</i></p> <p><i>(2) It is a defence to a prosecution under this section if the member proves that he or she did not know —</i></p>	

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<p>(a) that he or she had an interest in the matter; or</p> <p>(b) that the matter in which he or she had an interest would be discussed at the meeting.</p> <p>(3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).</p> <p>s5.9. Types of committees</p> <p>(1) In this section — “other person” means a person who is not a council member or an employee.</p> <p>(2) A committee is to comprise —</p> <p>(f) other persons only.</p> <p>s5.66 Meeting to be informed of disclosures</p> <p>If a member has disclosed an interest in a written notice given to the CEO before a meeting then —</p> <p>(a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and</p> <p>(b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.</p> <p>s5.67. Disclosing members not to participate in meetings</p> <p>A member who makes a disclosure under section 5.65 must not —</p> <p>(a) preside at the part of the meeting relating to the matter; or</p> <p>(b) participate in, or be present during, any discussion or decision making procedure relating to the matter, unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.</p> <p>Penalty: \$10 000 or imprisonment for 2 years.</p> <p>s5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings</p> <p>(1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —</p> <p>(a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and</p>	

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<p><i>(b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —</i></p> <p><i>(i) the disclosing member also discloses the extent of the interest; and</i></p> <p><i>(ii) those members decide that the interest —</i></p> <p><i>(I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or</i></p> <p><i>(II) is common to a significant number of electors or ratepayers.</i></p> <p><i>(2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.</i></p> <p><i>(3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.</i></p> <p><i>s5.69. Minister may allow members disclosing interests to participate etc. in meetings</i></p> <p><i>(1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.</i></p> <p><i>(2) An application made under subsection (1) is to include —</i></p> <p><i>(a) details of the nature of the interest disclosed and the extent of the interest; and</i></p> <p><i>(b) any other information required by the Minister for the purposes of the application.</i></p> <p><i>(3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —</i></p> <p><i>(a) there would not otherwise be a sufficient number of members to deal with the matter; or</i></p>	

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<p><i>(b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.</i></p> <p><i>(4) A person must not contravene a condition imposed by the Minister under this section.</i></p> <p><i>Penalty: \$10 000 or imprisonment for 2 years.</i></p> <p><i>s5.69A Minister may exempt committee members from disclosure requirements</i></p> <p><i>(1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.</i></p> <p><i>(2) An application under subsection (1) is to include —</i></p> <p><i>(a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and</i></p> <p><i>(b) any other information required by the Minister for the purposes of the application.</i></p> <p><i>(3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.</i></p> <p><i>(4) A person must not contravene a condition imposed by the Minister under this section.</i></p> <p><i>Penalty: \$10 000 or imprisonment for 2 years.</i></p> <p><i>s5.70. Employees to disclose interests relating to advice or reports</i></p> <p><i>(1) In this section —</i></p> <p><i>employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.</i></p> <p><i>(2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.</i></p> <p><i>(3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.</i></p> <p><i>Penalty: \$10 000 or imprisonment for 2 years.</i></p>	

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<p><i>s5.71. Employees to disclose interests relating to delegated functions</i></p> <p><i>If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</i></p> <p><i>(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and</i></p> <p><i>(b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</i></p> <p><i>Penalty: \$10 000 or imprisonment for 2 years.</i></p>	

## Cemeteries Working Group

Cemeteries Working Group Current Terms of Reference	Proposed Cemeteries Working Group Terms of Reference
<p><b>Purpose:</b> To act as a conduit between the Shire and the community with regards to all matters pertaining to the use, management and development of the two Cemeteries (Serpentine and Jarrahdale) that are under the management of the Shire of Serpentine Jarrahdale.</p> <p><b>Scope:</b> The group is an advisory group only and is unable to make formal decisions. It will however enable recommendations, advice and information to be disseminated between the members of the committee and for consideration of Council officers and Councillors.</p> <p><b>Title of Group</b> The group was created as a committee of Council in March 2000 and was formally known as the Serpentine Jarrahdale Cemeteries Management Committee. A committee review was conducted and adopted on 27 November 2017, it was determined that the group shall now be known as the Serpentine Jarrahdale Cemeteries Working Group.</p> <p><b>The Role and Function of the Serpentine Jarrahdale Cemeteries Working Group</b> The role of the Serpentine Jarrahdale Cemeteries Working Group is to provide advice for the management and development of the cemeteries. This may include but is not limited to;</p> <ul style="list-style-type: none"> <li>• Input into future plans and developments within the cemeteries,</li> <li>• To provide comment and input into the development of Cemetery Management Plans,</li> <li>• Assist in the maintenance of cemeteries,</li> <li>• Providing advice on the cemeteries</li> </ul>	<p><b>Introduction</b> The purpose of the Cemeteries Advisory Group is to advise Council on management and potential issues within the two cemeteries that are managed by the Shire. The Advisory Group is not a Committee of Council and does not have delegated authority of Council.</p> <p><b>Functions</b> The Cemeteries Advisory Group will provide input and advice:</p> <ul style="list-style-type: none"> <li>• on concerns regarding management of the two cemeteries that are under the jurisdiction of the Shire;</li> <li>• future planning for Cemeteries; and</li> <li>• on matters related to protecting the heritage of cemeteries and related infrastructure.</li> </ul> <p><b>Membership</b> The Cemeteries Advisory Group consists of a total of nine members.</p> <ul style="list-style-type: none"> <li>• Two (2) Councillors appointed by Council. Two deputy members will be appointed by Council who will act as appointed members in the absence of appointed members.</li> <li>• Seven (7) Community members.</li> </ul> <p>The tenure expires at each ordinary Local Government election.</p> <p>Expressions of interest will be sought from the public and nominations from Councillors appointed by Council and Shire Officers appointed by The Shire of Serpentine Jarrahdale. Members are selected by expression of interest and/or</p>

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<p><b>Group Structure</b> The Serpentine Jarrahdale Cemeteries Working Group is made up of members from the various community groups that have an interest in the Cemeteries and Shire officers that manage and maintain aspects of the cemeteries. The group consists of the following:</p> <p><b>Chairperson and deputy</b> Natural Reserves Coordinator Engineering Support Officer</p> <p><b>At least one representative from the following groups:</b> Operations team Councillor Delegate Jarrahdale Heritage Society Serpentine Historical Society Serpentine Cemetery Volunteers General Community</p> <p><b>Resignations</b> Members can only resign from the group if they are replaced by a suitably qualified and experienced replacement from the team they represent.</p> <p><b>Frequency of Meetings</b> Meetings are held quarterly unless otherwise determined by the Chairperson.</p> <p><b>Quorum</b> No quorum is required but any recommendations should be recorded in the minutes of the meeting.</p>	<p>nomination based on their knowledge, expertise, community / lived experience and ability to attend meetings.</p> <p><b>Chairperson</b> The Advisory Group is to elect a Chairperson and Deputy Chairperson for the term. Any member of the Advisory Group can nominate as Chair. Following a call of nominations, the positions are to be decided by secret ballot.</p> <p>Responsibilities will include:</p> <ul style="list-style-type: none"> <li>• Guide meeting according to agenda.</li> <li>• Keep meetings timely, effective and accountable.</li> <li>• Ensure discussion items end with decision, action or definite outcome.</li> </ul> <p>The Chair of the Cemeteries Advisory Group is: The Deputy Chair of the Cemeteries Advisory Group is:</p> <p><b>Shire Support Officer</b> This role is to be fulfilled by a Shire Officer who can provide advice and undertake the role as the group's 'secretary'.</p> <p>Responsibilities will include:</p> <ul style="list-style-type: none"> <li>• Facilitates the link between Shire deliverables and the Advisory Group</li> <li>• Prepare and disseminate minutes and agendas.</li> <li>• Schedule meetings and notify Advisory Group members</li> <li>• Extend invitation/s to attend meetings as requested by CEO, Director and/or Chair</li> </ul> <p>The Shire Support Officer of the Cemeteries Advisory Group is:</p> <p><b>Other attendees</b> Meetings are open to the public but may be closed at any time by Chair, including on the recommendation of the CEO or relevant Director.</p>

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<p><b>Proxies</b> If a member is unable to attend a scheduled meeting, a proxy may be sought from the area of representation. The proxy needs to be able to make decisions as if the original person was in attendance.</p> <p><b>Order of Meetings</b> Discussions at the Serpentine Jarrahdale Cemeteries Working Group meetings are controlled through an agenda. Any individual wishing a specific item to be included in the agenda should advise the minute taker 3 days prior to the meeting date.</p> <p><b>Recording of Minutes</b> Accurate and concise minutes are recorded at each meeting and all agreed actions noted on the Action List and include the responsible person's name and an action by date. The minutes will be confirmed as a true and accurate record of that meeting if there are no discrepancies.</p> <p><b>Decision Making</b> The Serpentine Jarrahdale Cemeteries Working Group will provide advice as a collective group.</p>	<p>Invitations can be extended to internal Shire representatives, external organisations and service providers to guide and advise on specific topics as identified and agreed on by the Advisory Group.</p> <p>Councillors, who are not part of the Advisory Group are invited to observe Advisory Group meetings, however they are not entitled to participate in the meeting and in the event of a vote, do not have a vote.</p> <p><b>Conduct</b> Advisory Group Members will be expected to conduct themselves in a manner that supports a positive culture and outcomes for the group including:</p> <ul style="list-style-type: none"> <li>• Provide apologies in advance if attendance is not possible</li> <li>• Seek to obtain and represent the views of the broader community and / or the specific organisation / group represented</li> <li>• Disseminate authorised information with the community in an unbiased manner</li> <li>• At all times act in good faith, with honesty, integrity and fairness</li> <li>• Respect the ideas and beliefs of all members and endeavour to create a positive working environment</li> <li>• Notify the Shire of any potential conflict of interest that may arise with respect to participation in this group</li> <li>• Agree not to disseminate confidential information that is discussed at the meeting as advised by the Chair</li> <li>• Agree not to make any media comment on behalf of the Advisory Group in relation to the work of the group unless approved by Council.</li> </ul> <p>All Advisory Group members must adhere to the provisions of the <i>Local Government Act 1995</i> related to the disclosure of interests as if the Advisory Group was a Committee of Council.</p> <p>External members of the Advisory Group must also adhere to the provisions of Regulation 3 and Regulations 6, 7, 8, 9, 10, and 11 of the <i>Local Government (Rules</i></p>

Cemeteries Working Group Current Terms of Reference	Proposed Cemeteries Working Group Terms of Reference
	<p><i>of Conduct) Regulations 2007</i> as if they were a Councillor attending a Committee of Council.</p> <p>Failure to adhere to the provisions related to conduct and interest can result in Council removing a member from the Advisory Group.</p> <p>The CEO is responsible for determining appropriate actions related to dispute resolution.</p> <p>Council may by simple majority resolution remove a member of the Advisory Group if they breach confidentiality, fail to attend two or more consecutive meetings without notice or otherwise cause detriment.</p> <p><b>Meetings</b></p> <p><b>Meeting Schedule</b> Meetings will be held twice yearly and as required. Urgent meetings may be called by the Presiding Member or Advisory Group by request to the CEO.</p> <p><b>Minutes of Meetings</b> The Shire Support Officer is to ensure that accurate minutes are recorded at each meeting and all agreed actions noted in the Outcomes/Requirements column of the Minutes and include the Responsible Officers name and an “Action By” date.</p> <p>Recommendations requiring Council action arising from the Meeting Minutes shall be presented to Council at the earliest available Ordinary Council Meeting.</p> <p><b>Quorum</b> An Advisory Group recommendation is not recorded and does not have effect unless it has been made by simple majority. A simple majority is the agreement of not less than half of the members present at the meeting.</p> <p><b>Order of Meetings</b></p>

Cemeteries Working Group Current Terms of Reference	Proposed Cemeteries Working Group Terms of Reference
	<p>Discussions at the Advisory Group meetings are to be directed through an Agenda. Any individual wishing a specific item to be included in the agenda should advise the minute taker at least two working days prior to the meeting date.</p> <p>The use of an Agenda is to provide an initial structure for the meeting but is not intended to limit discussion, engagement and idea generation.</p> <p><b>Decision Making</b>  The Advisory Group will endeavour to reach any decision by consensus. The Advisory Group will provide advice as a collective and where possible via consensus. There may be occasions where decisions are to be decided by a vote. The Chairperson may exercise a casting vote should this be necessary. All members have voting rights, unless they are guests to the meeting such as additional Councillors to the membership of the group.</p> <p>An Advisory Group recommendation is not recorded and does not have effect unless it has been made by simple majority. A simple majority is the agreement of not less than half of the members present at the meeting.</p> <p><b>Cases not provided for in the Terms of Reference</b>  These 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 or relevant Director is to determine the appropriate action to enable to the Advisory Group to perform its functions.</p> <p><b>Amendments to the Terms of Reference</b>  The Terms of Reference may be amended, varied or modified by resolution of Council.</p>



## Local Emergency Management Committee

Local Emergency Management Committee Terms of Reference (Adopted)		Proposed Local Emergency Management Committee Terms of Reference
<b>Delegates</b>		<b>Local Emergency Management Committee Terms of Reference (LEMC)*</b>
<b>Chairperson / Local Recovery Coordinator</b>	- Shire President	* Subject to consideration by the Local Emergency Management Committee
<b>Deputy Chairperson</b>	- Officer in Charge – Mundijong Police	<b>Introduction</b> The Local Emergency Management Committee is established under s38 of the <i>Emergency Management Act 2005</i> to develop and maintain effective emergency management arrangements for the local area. The <i>Emergency Management Act 2005</i> specifies that the role of the Committee is to:
<b>Agency and Organisation Representatives</b>	<ul style="list-style-type: none"> <li>- 1 x Department of Fire and Emergency Services (DFES) – District Officer South East Region Fire</li> <li>- 1 x Department of Fire and Emergency Services (SES) – District Officer South East Region SES</li> <li>- 1 x Department of Communities (DC) – Senior District Emergency Services Officer</li> <li>- 1 x St Johns Ambulance</li> <li>- 1 x Department of Biodiversity, Conservation and Attractions</li> <li>- 1 x Karnet Prison Farm – Assistant Superintendent Security</li> <li>- 1 x Health Service – Emergency Management Coordinator</li> <li>- Metropolitan Health Service – Armadale Kalamunda Group</li> <li>- 1 x SJ Anglican Parish</li> <li>- 1 x Department of Agriculture</li> <li>- 1 x Telstra</li> <li>- 1 x Water Corporation</li> <li>- 1 x Main Roads</li> <li>- 1 x Public Transport Authority</li> <li>- 1 x Arc Infrastructure (formerly Brookfield Rail)</li> <li>- 1 x Chief Executive Officer/Representative</li> <li>- 1 x Council Representative</li> <li>- 1 x Volunteer Chief Bush Fire Control Officer</li> <li>- 1 x Serpentine Jarrahdale State Emergency Services</li> </ul>	<ul style="list-style-type: none"> <li>- District and assist the local government in ensuring that local emergency management arrangements are established for its district</li> <li>- liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and</li> <li>- carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by the regulations.</li> </ul> <p>The Committee is not a Committee of Council.</p> <p>Under section 38(4) of the <i>Emergency Management Act 2005</i> the constitution and procedures of Local Emergency Management Committees are set by State Emergency Management Committee (SEMC).</p> <p>The State Emergency Management Procedures produced by SEMC provides guidance in this regard. This terms of reference is consistent with section 38(4) of the <i>Emergency Management Act 2005</i>.</p> <p><b>Functions</b></p> <p>The Committee performs its functions by:</p> <ul style="list-style-type: none"> <li>- liaising with participating agencies in the development, review and testing of emergency management arrangements;</li> <li>- assisting with the preparation of emergency management operating procedures for application in the local area;</li> </ul>

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p>- 1 x Serpentine Aircraft Builders Club</p> <p><b>Non-Voting Delegates</b></p> <ul style="list-style-type: none"> <li>- 1 x Manager Rangers and Emergency Services</li> <li>- 1 x Manager Health</li> <li>- 1 x Senior Ranger</li> <li>- 1 x Emergency Services Technical Officer</li> <li>- 1 x Risk Health and Safety Advisor</li> <li>- 1 x District Emergency Management Advisor (OEM)</li> </ul> <p>Other Shire Officers may attend if required to provide support/input/advice</p> <p><b>Officer Responsible</b></p> <p><b>Meeting Schedule</b></p> <p><b>Meeting Location</b></p> <p><b>Quorum</b></p> <p><b>Delegated Authority</b></p> <p>- Chief Executive Officer/Representative</p> <p>- Quarterly or as required</p> <p>- Civic Chambers, Shire of Serpentine Jarrahdale</p> <p>- Five (5)</p> <p>- Nil</p> <p><b>1. Name</b></p> <p>The name of the Committee is the Shire of Serpentine Jarrahdale <b>Local Emergency Management Committee (LEMC)</b>.</p> <p><b>2. District / Area of Control</b></p> <p>The Shire of Serpentine Jarrahdale Local Emergency Management Committee operates within the boundaries of the local government of the Shire of Serpentine Jarrahdale.</p> <p><b>Emergency Management Act 2005</b></p>	<p>preparing an annual report on committee activities for submission to the District Emergency Management Committee</p> <p>participating in the emergency risk management process;</p> <p>carrying out other emergency management functions as directed by the District Emergency Management Committee.</p> <p><b>Membership</b></p> <p>The membership of the Committee comprises</p> <p>Chairperson</p> <p>Shire President</p> <p>Deputy Chairperson</p> <p>Officer in Charge – Mundijong Police</p> <p>Representatives from the following agencies and organisations:</p> <p>Department of Fire and Emergency Services (DFES) – District Officer South East Region Fire</p> <p>Department of Fire and Emergency Services (SES) – District Officer South East Region SES</p> <p>Department of Communities (DC) – Senior District Emergency Services Officer</p> <p>St Johns Ambulance</p> <p>Department of Biodiversity, Conservation and Attractions</p> <p>Karnet Prison Farm – Assistant Superintendent Security</p> <p>Health Service – Emergency Management Coordinator – East Metropolitan</p> <p>Health Service – Armadale Kalamunda Group</p> <p>SJ Anglican Parish</p> <p>Department of Agriculture</p> <p>Telstra</p> <p>Water Corporation</p> <p>Main Roads</p> <p>Public Transport Authority</p> <p>Arc Infrastructure (formerly Brookfield Rail)</p>

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p>Division 4 — Emergency management districts</p> <p>28. <i>Establishment of emergency management districts</i></p> <p>(2) <i>So far as is practicable emergency management districts are to be established by reference to the boundaries of local government districts.</i></p> <p>(3) <i>If an emergency management district is proposed to be established other than by reference to the boundaries of a local government district, the Minister is to notify each local government in whose district any part of the area proposed to be established is situated and allow a reasonable time for submissions on the proposal.</i></p> <p>(4) <i>In making an order under subsection (1) the Minister is to have regard to any submissions of the local governments.</i></p> <p><b>3. Vision / Purpose</b></p> <p>To assist the Shire of Serpentine Jarrahdale and the Local Emergency Coordinator (Officer in Charge of Police sub-district) to develop and maintain effective emergency management arrangements for the local area.</p> <p><b>4. Statute</b></p> <p><b><i>Emergency Management Act 2005</i></b></p> <p>36. <i>Functions of local government</i></p> <p><i>It is a function of a local government —</i></p> <p>(a) <i>subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district;</i></p>	<p>A Councillor (and Councillor as Deputy)  Volunteer Chief Bush Fire Control Officer  Serpentine Jarrahdale State Emergency Services  Serpentine Aircraft Builders Club  Deputy Chief Executive Officer/ Director Community Services - Local Recovery Coordinator</p> <p>Non-Voting Delegates  Director Development Services  Manager Emergency Services and Community Safety  Manager Community Development- Local Welfare Liaison Officer  Coordinator Community Safety  Coordinator Emergency Services  District Emergency Management Advisor (DFES)</p> <p>Other Shire Officers may attend if required to provide support/input/advice</p> <p><b>Chairperson</b>  The Shire President is the Chairperson of the Committee. The Deputy Chairperson is the Officer in Charge – Mundijong Police Station.</p> <p><b>Shire Support Officer</b>  This role is to be fulfilled by a Shire Officer who can provide advice and undertake the role as the group's 'secretary'.</p> <p>Responsibilities will include:</p> <ul style="list-style-type: none"> <li>• Facilitates the link between Shire deliverables and the Advisory Group</li> <li>• Prepare and disseminate minutes and agendas.</li> <li>• Schedule meetings and notify Advisory Group members</li> <li>• Extend invitation/s to attend meetings as requested by CEO, Director and/or Chair</li> </ul>

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p><i>(b) to manage recovery following an emergency affecting the community in its district; and</i></p> <p><i>(c) to perform other functions given to the local government under this Act.</i></p> <p>37. <i>Local emergency coordinators</i></p> <p><i>(1) The State Emergency Coordinator is to appoint a local emergency coordinator for each local government district.</i></p> <p><i>(2) Before appointing a local emergency coordinator for a local government district the State Emergency Coordinator is to consult the relevant local government.</i></p> <p><i>(3) In making an appointment the State Emergency Coordinator is to have regard to any submissions of the local government.</i></p> <p><i>(4) The local emergency coordinator for a local government district has the following functions —</i></p> <p><i>(a) to provide advice and support to the local emergency management committee for the district in the development and maintenance of emergency management arrangements for the district;</i></p> <p><i>(b) to assist hazard management agencies in the provision of a coordinated response during an emergency in the district;</i></p> <p><i>(c) to carry out other emergency management activities in accordance with the directions of the State Emergency Coordinator.</i></p> <p>38. <i>Local emergency management committees</i></p> <p><i>(1) A local government is to establish one or more local emergency management committees for the local government's district.</i></p>	<p>The Shire Support Officer of the Bush Fire Advisory Committee is the Emergency Services Coordinator.</p> <p><b>Other attendees</b> Meeting attendance is by invitation only unless deemed otherwise by the CEO or Director and/or Chair.</p> <p>Invitations can be extended to internal Shire representatives, external organisations and service providers to guide and advise on specific topics as identified and agreed on by the Committee.</p> <p>Councillors, who are not part of the Committee are invited to observe meetings, however they are not entitled to participate in the meeting and in the event of a vote, do not have a vote.</p> <p><b>Resignations and Termination</b> Council may by simple majority resolution remove a member of the Committee if they breach confidentiality, fail to attend two or more consecutive meetings without notice or otherwise cause detriment.</p> <p><b>Conduct</b> Committee members will be expected to conduct themselves in a manner that supports a positive culture and outcomes for the group including:</p> <ul style="list-style-type: none"> <li>• Provide apologies in advance if attendance is not possible</li> <li>• Seek to obtain and represent the views of the broader community and / or the specific organisation / group represented</li> <li>• Disseminate authorised information with the community in an unbiased manner</li> <li>• At all times act in good faith, with honesty, integrity and fairness</li> <li>• Respect the ideas and beliefs of all members and endeavour to create a positive working environment</li> </ul>

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p>(2) <i>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.</i></p> <p>(3) <i>A local emergency management committee consists of —</i></p> <p>(a) <i>a chairman and other members appointed by the relevant local government in accordance with subsection (4); and</i></p> <p>(b) <i>if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.</i></p> <p>(4) <i>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.</i></p> <p>39. <i>Functions of local emergency management committees</i></p> <p><i>The functions of a local emergency management committee are, in relation to its district or the area for which it is established —</i></p> <p>(a) <i>to advise and assist the local government in ensuring that local emergency management arrangements are established for its district;</i></p> <p>(b) <i>to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and</i></p> <p>(c) <i>to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.</i></p> <p>40. <i>Annual report of local emergency management committee</i></p>	<ul style="list-style-type: none"> <li>• Notify the Shire of any potential conflict of interest that may arise with respect to participation in this group</li> <li>• Agree not to disseminate confidential information that is discussed at the meeting as advised by the Chair</li> <li>• Agree not to make any media comment on behalf of the Advisory Group in relation to the work of the group unless approved by Council.</li> </ul> <p>All Committee members must adhere to the provisions of the <i>Local Government Act 1995</i> related to the disclosure of interests as if the Committee was a Committee of Council.</p> <p>External members of the Advisory Group must also adhere to the provisions of Regulation 3 and Regulations 6, 7, 8, 9, 10, and 11 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> as if they were a Councillor attending a Committee of Council.</p> <p>Failure to adhere to the provisions related to conduct and interest can result in Council removing a member from the Committee.</p> <p>The CEO is responsible for determining appropriate actions related to dispute resolution.</p> <p><b>Meetings</b></p> <p><b>Meeting Schedule</b></p> <p>Meetings will be held quarterly and as required. Urgent meetings may be called by the Presiding Member or Committee by request to the CEO.</p> <p><b>Minutes of Meetings</b></p> <p>The Shire Support Officer is to ensure that accurate minutes are recorded at each meeting and all agreed actions noted in the Outcomes/Requirements column of the Minutes and include the Responsible Officers name and an “Action By” date.</p> <p>Recommendations requiring Council action arising from the Meeting Minutes shall be presented to Council at the earliest available Ordinary Council Meeting.</p>

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p>(1) <i>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.</i></p> <p>(2) <i>The annual report is to be prepared within such reasonable time, and in the manner, as is directed in writing by the SEMC.</i></p> <p>Division 2 — Emergency management arrangements for local governments</p> <p>41. <i>Emergency management arrangements in local government district</i></p> <p>(1) <i>A local government is to ensure that arrangements (local emergency management arrangements) for emergency management in the local government's district are prepared.</i></p> <p>(2) <i>The local emergency management arrangements are to set out —</i></p> <p>(a) <i>the local government's policies for emergency management;</i></p> <p>(b) <i>the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;</i></p> <p>(c) <i>provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b);</i></p> <p>(d) <i>a description of emergencies that are likely to occur in the local government district;</i></p> <p>(e) <i>strategies and priorities for emergency management in the local government district;</i></p> <p>(f) <i>other matters about emergency management in the local government district prescribed by the regulations; and</i></p> <p>(g) <i>other matters about emergency management in the local government district the local government considers appropriate.</i></p>	<p><b>Quorum</b></p> <p>A Committee recommendation is not recorded and does not have effect unless it has been made by simple majority. A simple majority is the agreement of not less than half of the members present at the meeting.</p> <p><b>Order of Meetings</b></p> <p>Discussions at the Committee meetings are to be directed through an Agenda. Any individual wishing a specific item to be included in the agenda should advise the minute taker at least two working days prior to the meeting date.</p> <p><b>Decision Making</b></p> <p>The Committee will endeavour to reach any decision by consensus. The Committee will provide advice as a and where possible by consensus group. There may be occasions where decisions are to be decided by a vote. The Chairperson may exercise a casting vote should this be necessary. All members have voting rights, unless they are guests to the meeting such as additional Councillors to the membership of the group.</p> <p>A Committee recommendation is not recorded and does not have effect unless it has been made by simple majority. A simple majority is the agreement of not less than half of the members present at the meeting.</p> <p><b>Cases not provided for in the Terms of Reference</b></p> <p>These Terms of Reference are intended to provide a framework for the efficient and effective operations of the Committee. In cases not provided for in the Terms of Reference, the Presiding Member in consultation with the CEO or relevant Director is to determine the appropriate action to enable to the Committee to perform its functions.</p> <p><b>Amendments to the Terms of Reference</b></p>

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p>(3) <i>Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.</i></p> <p>(4) <i>Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator.</i></p> <p>(5) <i>A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as is practicable after they are prepared.</i></p> <p>42. <i>Reviewing and renewing local emergency management arrangements</i></p> <p>(1) <i>A local government is to ensure that its local emergency management arrangements are reviewed in accordance with the procedures established by the SEMC.</i></p> <p>(2) <i>Local emergency management arrangements may be amended or replaced whenever the local government considers it appropriate.</i></p> <p>43. <i>Local emergency management arrangements to be available for inspection</i></p> <p>(1) <i>A local government is to keep a copy of its local emergency management arrangements at the offices of the local government.</i></p> <p>(2) <i>The arrangements are to be available for inspection, free of charge, by members of the public during office hours.</i></p> <p>(3) <i>The arrangements may be made available in written or electronic form.</i></p> <p><b>State Emergency Management Procedure 7 – Local Emergency Management Committee.</b></p>	<p>The Terms of Reference may be amended, varied or modified by resolution of Council.</p>

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p><i>LEMC Membership</i></p> <p>7. Noting the requirements of the EM Act, the following provides guidance on the composition of LEMCs:</p> <ul style="list-style-type: none"> <li>a) the Chair should be an elected member of Council;</li> <li>b) the Local Emergency Coordinator should be appointed as Deputy Chair;</li> <li>c) an Executive Officer, who should be an officer of the relevant local government, should be appointed to coordinate the business of the committee and/or provide administrative support;</li> <li>d) the Local Recovery Coordinator, being the person nominated in the Local Recovery Plan, where a Local Recovery Plan has been completed as part of local emergency management arrangements (section 41(4) of the EM Act), should be appointed a member of the committee;</li> <li>e) consideration should be given to appointing local government officers engaged in key roles and functions affecting emergency management (for example, community services, engineering services, corporate services or planning);</li> <li>f) 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 for Child Protection and Family Support, Red Cross or Salvation Army), industry representatives (especially the owners or operators of hazardous facilities located within the local government district);</li> <li>g) 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</li> <li>h) 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.</li> </ul> <p><b>Shire of Serpentine Jarrahdale Standing Orders Local Law 2002 (As Amended)</b></p>	

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p>In accordance with Council's Standing Orders Local Law 2002 (As Amended), formal Committees of Council are to be compliant with the provisions of the Standing Orders Local Law as far as this does not conflict with any other written Law.</p> <p>While recognising that the Local Emergency Management Committee is a Committee formed pursuant to Section 38 of the <i>Emergency Management Act 2005</i>, the Chairman is to follow Standing Orders as far as is practicable to ensure proper meeting procedures are followed.</p> <p>The Committee is proposed to be administered by utilising the <i>Local Government Act 1995</i> as a guiding reference.</p> <p><b>5. Establishment</b></p> <p>Last reviewed November 2017.</p> <p><b>6. Objectives</b></p> <ul style="list-style-type: none"> <li>• Liaise with participating agencies in the development, review and testing of emergency management arrangements.</li> <li>• Assist with the preparation of emergency management operating procedures for application in the local area.</li> <li>• Prepare an annual report on Committee activities for submission to the District Emergency Management Committee.</li> <li>• Participate in the emergency risk management process.</li> <li>• Carry out other emergency management functions as directed by the District Emergency Management Committee.</li> </ul> <p><b>7. Membership</b></p> <p>7.1 General</p>	

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p>Membership to include agencies with specific emergency management responsibilities or expertise essential to the development of emergency management arrangements, as above.</p> <p>Observers and ex officio members cannot vote on any matter and shall not be permitted to speak on any matter unless invited to do so by the Chairperson. Observers are to sit back from the meeting table.</p> <p>7.2 Tenure of Membership</p> <p><i>Local Government Act 1995</i></p> <p>5.11. <i>Tenure of committee membership</i></p> <p>(1) <i>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 —</i></p> <p>(a) <i>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;</i></p> <p>(b) <i>the person resigns from membership of the committee;</i></p> <p>(c) <i>the committee is disbanded; or</i></p> <p>(d) <i>the next ordinary elections day, whichever happens first.</i></p> <p>(2) <i>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 —</i></p> <p>(a) <i>the term of the person's appointment as a committee member expires;</i></p> <p>(b) <i>the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;</i></p> <p>(c) <i>the committee is disbanded; or</i></p> <p>(d) <i>the next ordinary elections day, whichever happens first.</i></p>	

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p><b>8. Delegated Authority</b></p> <p>The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and cannot involve itself in management processes or procedures.</p> <p>The Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.</p> <p><b>9. Committee</b></p> <p>9.1 Chairperson &amp; Deputy Chairperson</p> <p>The Chairperson is the Shire President and the Deputy Chairperson is the Officer in Charge, Mundijong Police</p> <p>9.2 Non-Voting Representatives</p> <p>All Shire of Serpentine Jarrahdale Officers with the exception of the Chief Executive Officer/Representative.</p> <p><b>10. Meetings</b></p> <p>10.1 Annual General Meeting</p> <p>N/A</p>	

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p>10.2 Committee Meetings</p> <p>Held quarterly or as required (minimum 4 meetings per annum). The Chairperson may at any time convene a special meeting of the Committee.</p> <p>10.3 Quorum</p> <p>Five (5).</p> <p>10.4 Voting</p> <p><i>Local Government Act 1995</i></p> <p><i>S 5.21 - Voting</i></p> <p><i>(1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.</i></p> <p><i>(2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.</i></p> <p><i>(3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.</i></p> <p><i>(4) If a member of a council or a committee specifically requests that there be recorded —</i></p> <p><i>(a) his or her vote; or</i></p> <p><i>(b) the vote of all members present, on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.</i></p>	

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p>(5) <i>A person who fails to comply with subsection (2) or (3) commits an offence.</i></p> <p>[Section 5.21 amended by No. 49 of 2004 s. 43.]</p> <p>10.5 Minutes</p> <p>In accordance with the Local Government Act Section 5.22 and 5.25, and Local Government (Administration) Regulations 1996.</p> <p>The person presiding at a meeting is to ensure that the Minutes are kept of the meetings proceedings.</p> <p>Recommendations arising from the Minutes requiring a Council decision shall be presented to Council at the next Ordinary Council Meeting or earliest available Council meeting if it is not possible to present the Minutes to the next Ordinary Council Meeting.</p> <p>10.6 Who Acts if No Presiding Member</p> <p><i>Local Government Act 1995</i></p> <p>5.14 <i>Who acts if no presiding member</i></p> <p><i>If, in relation to the presiding member of a committee —</i></p> <p>(a) <i>the office of presiding member and the office of deputy presiding member are vacant; or</i></p> <p>(b) <i>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.</i></p>	

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p>10.7 Members Interests to be Disclosed</p> <p>Members of the Local Emergency Management Committee are required to declare their financial interests and complete a Declaration form where relevant, using the principles detailed in the Local Government Act Section 5.65-5.70 with respect to disclosure of financial, impartiality or proximity interests ('CEO' in the LGA text means the 'Chairperson' in the committee sense).</p> <p><i>5.65. Members' interests in matters to be discussed at meetings to be disclosed</i></p> <p><i>(1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —</i></p> <p><i>(a) in a written notice given to the CEO before the meeting; or</i>  <i>(b) at the meeting immediately before the matter is discussed.</i></p> <p><i>Penalty: \$10,000 or imprisonment for 2 years.</i></p> <p><i>(2) It is a defence to a prosecution under this section if the member proves that he or she did not know —</i></p> <p><i>(a) that he or she had an interest in the matter; or</i>  <i>(b) that the matter in which he or she had an interest would be discussed at the meeting.</i></p> <p><i>(3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).</i></p> <p><b>5.9. Types of committees</b></p> <p><i>(1) In this section — "other person" means a person who is not a council member or an employee.</i></p>	

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p>(2) A committee is to comprise —</p> <p style="padding-left: 150px;">(f) other persons only.</p> <p>5.66. Meeting to be informed of disclosures</p> <p>If a member has disclosed an interest in a written notice given to the CEO before a meeting then —</p> <p>(a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and</p> <p>(b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.</p> <p style="text-align: center;">[Section 5.66 amended by No.1 of 1998 s.16; No. 64 of 1998 s.33.]</p> <p>5.67. Disclosing members not to participate in meetings</p> <p>A member who makes a disclosure under section 5.65 must not —</p> <p>(a) preside at the part of the meeting relating to the matter; or</p> <p>(b) participate in, or be present during, any discussion or decision making procedure relating to the matter, unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.</p> <p>Penalty: \$10,000 or imprisonment for 2 years.</p> <p>5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings</p>	

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p>(1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —</p> <p>(a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and</p> <p>(b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —</p> <p>(i) the disclosing member also discloses the extent of the interest; and</p> <p>(ii) those members decide that the interest —</p> <p>(I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or</p> <p>(II) is common to a significant number of electors or ratepayers.</p> <p>(2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.</p> <p>(3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.</p> <p>5.69. Minister may allow members disclosing interests to participate etc. in meetings</p> <p>(1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.</p>	

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p>(2) <i>An application made under subsection (1) is to include —</i></p> <p>(a) <i>details of the nature of the interest disclosed and the extent of the interest;</i>  <i>and</i>  (b) <i>any other information required by the Minister for the purposes of the application.</i></p> <p>(3) <i>On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —</i></p> <p>(a) <i>there would not otherwise be a sufficient number of members to deal with the matter; or</i>  (b) <i>the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.</i></p> <p>(4) <i>A person must not contravene a condition imposed by the Minister under this section.</i></p> <p><i>Penalty: \$10,000 or imprisonment for 2 years.</i>  [Section 5.69 amended by No. 49 of 2004 s. 53.]</p> <p><i>5.69A. Minister may exempt committee members from disclosure requirements</i></p> <p>(1) <i>A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.</i></p> <p>(2) <i>An application under subsection (1) is to include —</i></p>	

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p>(a) <i>the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and</i></p> <p>(b) <i>any other information required by the Minister for the purposes of the application.</i></p> <p>(3) <i>On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.</i></p> <p>(4) <i>A person must not contravene a condition imposed by the Minister under this section.</i></p> <p><i>Penalty: \$10,000 or imprisonment for 2 years.</i>  <i>[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]</i></p> <p><b>5.70. Employees to disclose interests relating to advice or reports</b></p> <p>(1) <i>In this section —</i></p> <p><i>employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.</i></p> <p>(2) <i>An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.</i></p> <p>(3) <i>An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.</i></p> <p><i>Penalty: \$10,000 or imprisonment for 2 years.</i></p>	

Local Emergency Management Committee Terms of Reference (Adopted)	Proposed Local Emergency Management Committee Terms of Reference
<p>5.71. <i>Employees to disclose interests relating to delegated functions</i></p> <p><i>If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</i></p> <p><i>(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and</i></p> <p><i>(b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</i></p> <p><i>Penalty: \$10,000 or imprisonment for 2 years.</i></p>	

## Bush Fire Advisory Committee

Current Bush Fire Advisory Committee Terms of Reference	Proposed Bush Fire Advisory Committee Terms of Reference
<p><b>Delegates</b></p> <p><b>Delegated Voting Membership</b></p> <ul style="list-style-type: none"> <li>• 2 x Councillors</li> <li>• 1 x Chief Bush Fire Control Officer</li> <li>• 6 x Brigade Captains / or an office bearer of the Brigade as nominated by the Captain</li> </ul> <p><b>Ex Officio Members and Observers</b></p> <ul style="list-style-type: none"> <li>• 1 x Department of Fire and Emergency Services District Officer</li> <li>• 1 x Department of Parks and Wildlife</li> <li>• 3 x Deputy Bush Fire Control Officers</li> <li>• 1 x Manager ESG</li> </ul> <p><b>Shire Officers</b></p> <ul style="list-style-type: none"> <li>• 1 x Director Development Services</li> <li>• 1 x Manager Rangers and Emergency Services</li> <li>• 2 x Emergency Services Technical Officers</li> </ul>	<p>* Subject to consideration by the Bush Fire Advisory Committee</p> <p><b>Introduction</b></p> <p>Under section 67 of the <i>Bush Fires Act 1954</i>, a local government may appoint such persons as it thinks fit as a bush fire advisory committee. The Shire of Serpentine Jarrahdale Bush Fire Advisory Committee provides advice regarding:</p> <ul style="list-style-type: none"> <li>• matters related to previously controlled and extinguished bush fires;</li> <li>• planning layout of fire breaks in the district;</li> <li>• advice pertaining to prosecutions for breaches of the <i>Bush Fires Act 1954</i>;</li> <li>• advice pertaining to the formation of Brigades; and</li> <li>• coordination and cooperation between Brigades and Agents.</li> </ul> <p>The Bush Fire Advisory Committee is an Advisory Group and is not a Committee of Council established under section 5.8 of the <i>Local Government Act 1995</i>.</p> <p><b>Functions</b></p> <p>The Bush Fire Advisory Committee is responsible for the reporting to and making recommendations to Council on:</p> <ul style="list-style-type: none"> <li>• the financial affairs of the Brigade/s.</li> <li>• the general management of the affairs of the Brigade/s.</li> <li>• the planning, setting of standards and works programs for fire prevention within the Local Government area of responsibility.</li> <li>• activities of Bush Fire Brigade/s.</li> <li>• subject to any direction of the Advisory Committee as a whole:</li> </ul> <p>a) Ensuring that the equipment in the possession or control of the Brigade/s in the Local Government area is inspected on a regular basis.</p> <p>b) Making representation and recommendations to Local Government in relation to the fire fighting equipment that should be reviewed in accordance with the Risk to Resource documentation as submitted to DFES.</p>

Current Bush Fire Advisory Committee Terms of Reference	Proposed Bush Fire Advisory Committee Terms of Reference
<p><b>1. Name</b></p> <p>The name of the Committee is the Shire of Serpentine Jarrahdale <b>Bush Fire Advisory Committee (BFAC)</b>.</p> <p><b>2. District / Area of Control</b></p> <p>The district shall have the application as deemed in the <i>Local Government Act 1995</i>, <b>district</b> means an area of the State that is declared to be a district under section 2.1 of the <i>Local Government Act 1995</i>, this being the whole of the Shire of Serpentine Jarrahdale.</p> <p><b>3. Vision / Purpose</b></p> <p>To advise the Shire of Serpentine Jarrahdale in regards to:</p> <ol style="list-style-type: none"> <li>1. Matters relating to previously controlled and extinguishing of bush fires.</li> <li>2. The planning layout of Fire Breaks in the district.</li> <li>3. Prosecutions for breaches of the BFAC.</li> <li>4. Formation of Brigades.</li> <li>5. Co-ordination and Co-operations between Brigades and Agents.</li> </ol> <p><b>4. Statute</b></p> <p><b><i>Bush Fires Act 1954</i></b></p> <p><i>Section 67 – Advisory committees</i></p> <ol style="list-style-type: none"> <li>1. <i>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 prevention, controlling and extinguishing of bush fires, the planning of the layout of firebreaks in the district, prosecutions for breaches</i></li> </ol>	<ol style="list-style-type: none"> <li>c) Taking steps to ensure the appropriate distribution of fire equipment amongst brigade/s in the Local Government Area of Responsibility.</li> <li>d) Co-ordinating training within the Brigade/s in the Shire to ensure they work together efficiently.</li> <li>e) Overseeing the preparation and maintenance of an Incident Response Plan for the bushfire district and ensuring that a communication plan is developed and functions across the Local Government area.</li> <li>f) Selecting members of the Committee to represent the Local Government area on a regional basis.</li> <li>g) Carrying out other functions assigned to the Committee by the Council.</li> </ol> <p><b>Membership</b></p> <p>The Bush Fire Advisory Committee consists of a total of nine members.</p> <p>Two (2) Councillors One (1) Chief Bush Fire Control Officer Six (6) Brigade Captains</p> <p>Council shall appoint members to the Committee per section 67 of the <i>Bush Fires Act 1954</i>.</p> <p>The tenure of membership shall be per section 5.11 of the Local Government Act 1995 as if the group was a Committee of Council.</p> <p><b>Chairperson</b></p> <p>The Committee is to elect a Chairperson and Deputy Chairperson for the term. Any member of the Committee can nominate as Chair. Following a call of nominations, the positions are to be decided by secret ballot.</p> <p>Responsibilities will include:</p> <ul style="list-style-type: none"> <li>• Guide meeting according to agenda.</li> <li>• Keep meetings timely, effective and accountable.</li> <li>• Ensure discussion items end with decision, action or definite outcome.</li> </ul>

Current Bush Fire Advisory Committee Terms of Reference	Proposed Bush Fire Advisory Committee Terms of Reference
<p><i>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.</i></p> <p>2. <i>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.</i></p> <p>3. <i>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:-</i></p> <p style="padding-left: 40px;">a. <i>make rules for the guidance of the committee;</i></p> <p style="padding-left: 40px;">b. <i>accept the resignation in writing of, or remove, any member of the committee appoint a person to fill that vacancy.</i></p> <p style="padding-left: 40px;">c. <i>where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.</i></p> <p>4. <i>A committee appointed under this section:-</i></p> <p style="padding-left: 40px;">a. <i>may from time to time meet and adjourn as the committee thinks fit;</i></p> <p style="padding-left: 40px;">b. <i>shall not transact business at a meeting unless the quorum fixed by the Local Government is present;</i></p> <p style="padding-left: 40px;">c. <i>is answerable to the Local Government and shall, as and when required by the Local Government, report fully on its activities.</i></p> <p><b>Local Government Act 1995</b></p> <p><i>Section 5.12 – Presiding members and deputies, election of</i></p>	<p>The Chair of the Bush Fire Advisory Committee is: Cr Bill Denholm The Deputy Chair of the Bush Fire Advisory Committee is: Mr Chris Burgess</p> <p><b>Shire Support Officer</b> This role is to be fulfilled by a Shire Officer who can provide advice and undertake the role as the group's 'secretary'.</p> <p>Responsibilities will include:</p> <ul style="list-style-type: none"> <li>• Facilitates the link between Shire deliverables and the Advisory Group</li> <li>• Prepare and disseminate minutes and agendas.</li> <li>• Schedule meetings and notify Advisory Group members</li> <li>• Extend invitation/s to attend meetings as requested by CEO, Director and/or Chair</li> </ul> <p>The Shire Support Officer of the Bush Fire Advisory Committee is the: Emergency Services Coordinator.</p> <p><b>Other attendees</b> Meeting attendance is by invitation only unless deemed otherwise by the CEO or Director and/or Chair.</p> <p>Invitations can be extended to internal Shire representatives, external organisations and service providers to guide and advise on specific topics as identified and agreed on by the Committee.</p> <p>Councillors, who are not part of the Committee are invited to observe meetings, however they are not entitled to participate in the meeting and in the event of a vote, do not have a vote.</p> <p><b>Resignations and Termination</b></p>

Current Bush Fire Advisory Committee Terms of Reference	Proposed Bush Fire Advisory Committee Terms of Reference
<p>(1) <i>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 –</i></p> <p>(a) <i>To “office” were references to “office of presiding member”; and</i></p> <p>(b) <i>To “council” were references to “committee”; and</i></p> <p>(c) <i>To “councillors” were references to “committee members”.</i></p> <p>(2) <i>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 –</i></p> <p>(a) <i>To “office” were references to “office of deputy presiding member”; and</i></p> <p>(b) <i>To “council” were references to “committee”; and</i></p> <p>(c) <i>To “councillors” were references to “committee members”; and</i></p> <p>(d) <i>To “mayor or president” were references to “presiding member”.</i></p> <p><b><i>Shire of Serpentine Jarrahdale Standing Orders Local Law 2002 (As Amended)</i></b></p> <p>In accordance with Council’s Standing Orders Local Law 2002 (As Amended), formal Committees of Council are to be compliant with the provisions of the Standing Orders Local Law as far as this does not conflict with any other written Law.</p> <p>While recognising that the Bush Fire Advisory Committee is a Committee formed pursuant to section 67 of the Bushfire Act 1954, the Chairman is to follow Standing Orders as far as is practicable to ensure proper meeting procedures are followed.</p> <p><b>5. Establishment</b></p> <p>Last reviewed November 2017.</p>	<p>Council may by simple majority resolution remove a member of the Committee if they breach confidentiality, fail to attend two or more consecutive meetings without notice or otherwise cause detriment.</p> <p><b>Conduct</b></p> <p>Committee members will be expected to conduct themselves in a manner that supports a positive culture and outcomes for the group including:</p> <ul style="list-style-type: none"> <li>• Provide apologies in advance if attendance is not possible</li> <li>• Seek to obtain and represent the views of the broader community and / or the specific organisation / group represented</li> <li>• Disseminate authorised information with the community in an unbiased manner</li> <li>• At all times act in good faith, with honesty, integrity and fairness</li> <li>• Respect the ideas and beliefs of all members and endeavour to create a positive working environment</li> <li>• Notify the Shire of any potential conflict of interest that may arise with respect to participation in this group</li> <li>• Agree not to disseminate confidential information that is discussed at the meeting as advised by the Chair</li> <li>• Agree not to make any media comment on behalf of the Committee in relation to the work of the group unless approved by Council.</li> </ul> <p>All Committee members must adhere to the provisions of the <i>Local Government Act 1995</i> related to the disclosure of interests as if the Committee was a Committee of Council.</p> <p>External members of the Committee must also adhere to the provisions of Regulation 3 and Regulations 6, 7, 8, 9, 10, and 11 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> as if they were a Councillor attending a Committee of Council.</p> <p>Failure to adhere to the provisions related to conduct and interest can result in Council removing a member from the Committee.</p>

Current Bush Fire Advisory Committee Terms of Reference	Proposed Bush Fire Advisory Committee Terms of Reference
<p><b>6. Objectives</b></p> <p>The Bush Fire Advisory Committee will be responsible for the reporting to and making recommendations to Council on:</p> <ul style="list-style-type: none"> <li>• The financial affairs of the Brigade/s.</li> <li>• The general management of the affairs of the Brigade/s.</li> <li>• The planning, setting of standards and works programs for fire prevention within the Local Government area of responsibility.</li> <li>• Activities of Bush Fire Brigade/s.</li> <li>• Subject to any direction of the Advisory Committee as a whole: <ul style="list-style-type: none"> <li>a) Ensuring that the equipment in the possession or control of the Brigade/s in the Local Government area is inspected on a regular basis.</li> <li>b) Making representation and recommendations to Local Government in relation to the fire fighting equipment that should be reviewed in accordance with the Risk to Resource documentation as submitted to DFES.</li> <li>c) Taking steps to ensure the appropriate distribution of fire equipment amongst brigade/s in the Local Government Area of Responsibility.</li> <li>d) Co-ordinating training within the Brigade/s in the Shire to ensure they work together efficiently.</li> <li>e) Overseeing the preparation and maintenance of an Incident Response Plan for the bushfire district and ensuring that a communication plan is developed and functions across the Local Government area.</li> </ul> </li> </ul>	<p>The CEO is responsible for determining appropriate actions related to dispute resolution.</p> <p><b>Meetings</b></p> <p><b>Meeting Schedule</b> Meetings will be held quarterly and as required. Urgent meetings may be called by the Presiding Member or Committee by request to the CEO.</p> <p><b>Minutes of Meetings</b> The Shire Support Officer is to ensure that accurate minutes are recorded at each meeting and all agreed actions noted in the Outcomes/Requirements column of the Minutes and include the Responsible Officers name and an “Action By” date.</p> <p>Recommendations requiring Council action arising from the Meeting Minutes shall be presented to Council at the earliest available Ordinary Council Meeting.</p> <p><b>Quorum</b> A Committee recommendation is not recorded and does not have effect unless it has been made by simple majority. A simple majority is the agreement of not less than half of the members present at the meeting.</p> <p><b>Order of Meetings</b> Discussions at the Committee meetings are to be directed through an Agenda. Any individual wishing a specific item to be included in the agenda should advise the minute taker at least two working days prior to the meeting date.</p> <p><b>Decision Making</b> The Committee will endeavour to reach any decision by consensus. The Committee will provide advice as a and where possible by consensus group. There may be occasions where decisions are to be decided by a vote. The Chairperson may exercise a casting vote should this be necessary. All members</p>

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<p>f) Selecting members of the Committee to represent the Local Government area on a regional basis.</p> <p>g) Carrying out other functions assigned to the committee by the Council.</p> <p><b>7. Membership</b></p> <p>7.1 General</p> <p>Council will appoint two elected members to the Committee.</p> <p>Observers and ex officio members cannot vote on any matter and shall not be permitted to speak on any matter unless invited to do so by the Chairperson. Observers are to sit back from the meeting table.</p> <p>7.2 Tenure of Membership</p> <p><i>Local Government Act 1995</i></p> <p><i>5.11. Tenure of committee membership</i></p> <p><i>(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 —</i></p> <p><i>(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;</i></p> <p><i>(b) the person resigns from membership of the committee;</i></p> <p><i>(c) the committee is disbanded; or</i></p> <p><i>(d) the next ordinary elections day,</i></p> <p><i>whichever happens first.</i></p>	<p>have voting rights, unless they are guests to the meeting such as additional Councillors to the membership of the group.</p> <p>A Committee recommendation is not recorded and does not have effect unless it has been made by simple majority. A simple majority is the agreement of not less than half of the members present at the meeting.</p> <p><b>Cases not provided for in the Terms of Reference</b></p> <p>These Terms of Reference are intended to provide a framework for the efficient and effective operations of the Committee. In cases not provided for in the Terms of Reference, the Presiding Member in consultation with the CEO or relevant Director is to determine the appropriate action to enable to the Committee to perform its functions.</p> <p>.</p> <p><b>Amendments to the Terms of Reference</b></p> <p>The Terms of Reference may be amended, varied or modified by resolution of Council.</p>

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<p>(2) <i>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 —</i></p> <p>(a) <i>the term of the person's appointment as a committee member expires;</i></p> <p>(b) <i>the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;</i></p> <p>(c) <i>the committee is disbanded; or</i></p> <p>(d) <i>the next ordinary elections day,</i></p> <p><i>whichever happens first.</i></p> <p><b>8. Delegated Authority</b></p> <p>The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and cannot involve itself in management processes or procedures.</p> <p>The Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.</p> <p><b>9. Committee</b></p> <p>9.1 Chairperson</p> <p>At the first ordinary meeting of the Committee held after Council elections the positions of Chairperson and Deputy Chairperson shall be engaged by the following:</p> <ul style="list-style-type: none"> <li>• As direct by Council authority; or</li> <li>• Voting by the delegates</li> </ul>	

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<p>9.2 Secretariat</p> <p>Emergency Services Technical Officer will fulfil this administrative, non-voting role.</p> <p>9.3 Standing Ex-Officio Members</p> <p>The Committee may invite ex-officio members as necessary.</p> <p><b>10. Meetings</b></p> <p>10.1 Annual General Meeting</p> <p>Nil</p> <p>10.2 Committee Meetings</p> <p>The Committee shall meet biannually or as required (minimum 2 meetings per annum). In addition, four operational meetings to be held between the Brigades and the Chief Bush Fire Control Officer to consider progress on operational matters.</p> <p>Extra meetings of the Committee may be convened:</p> <ul style="list-style-type: none"> <li>a) By the Chairperson.</li> <li>b) By written notice to all Committee members, such notice being signed by at least four members of the Committee, giving not less than seven (7) days notice and stating purpose of the meeting.</li> <li>c) By the Council</li> </ul> <p>10.3 Quorum</p> <p>Quorum is five (5) persons.</p>	

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<p>10.4 Voting</p> <p><i>Local Government Act 1995</i></p> <p><i>S 5.21 - Voting</i></p> <p><i>(1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.</i></p> <p><i>(2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.</i></p> <p><i>(3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.</i></p> <p><i>(4) If a member of a council or a committee specifically requests that there be recorded —</i></p> <p><i>(a) his or her vote; or</i></p> <p><i>(b) the vote of all members present, on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.</i></p> <p><i>(5) A person who fails to comply with subsection (2) or (3) commits an offence.</i></p> <p><i>[Section 5.21 amended by No. 49 of 2004 s.43.]</i></p> <p>10.5 Reports to the Bush Fire Advisory Committee</p>	

Current Bush Fire Advisory Committee Terms of Reference	Proposed Bush Fire Advisory Committee Terms of Reference
<p>Each Fire Brigade Captain on the Committee shall submit a report of the Brigade's training activities, vehicle and equipment status, and general business, to each meeting of the Bush Fire Advisory Committee.</p> <p>The Officer responsible shall report on all matters relevant to the Committee.</p> <p>10.6 Sub-Committees</p> <p>The Local Government Bush Fire Advisory Committee may form sub-committees, to provide advice and recommendations on specific areas of the Committee's responsibilities. The Advisory Committee shall determine membership and terms of reference of such sub-committees.</p> <p>10.7 Minutes</p> <p>In accordance with the <i>Local Government Act</i> Section 5.22 and 5.25, and <i>Local Government (Administration) Regulations 1996</i>.</p> <p>The person presiding at a meeting is to ensure that the Minutes are kept of the meetings proceedings.</p> <p>Recommendations arising from the Minutes requiring a Council decision shall be presented to Council at the next Ordinary Council Meeting or earliest available Council meeting if it is not possible to present the Minutes to the next Ordinary Council Meeting.</p> <p>10.8 Who Acts if No Presiding Member</p> <p>In the event that the Deputy Chairperson is unavailable, then in accordance with the <i>Local Government Act 1995</i> Section 5.14.</p>	

Current Bush Fire Advisory Committee Terms of Reference	Proposed Bush Fire Advisory Committee Terms of Reference
<p>5.14. <i>Who acts if no presiding member</i></p> <p><i>If, in relation to the presiding member of a committee —</i></p> <p>(a) <i>the office of presiding member and the office of deputy presiding member are vacant; or</i></p> <p>(b) <i>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,</i></p> <p><i>then the committee members present at the meeting are to choose one of themselves to preside at the meeting.</i></p> <p>10.9 Members Interests to be Disclosed</p> <p>Members of the Bush Fire Advisory Committee are required to declare their financial interests and complete a Declaration form where relevant, using the principles detailed in the <i>Local Government Act</i> Section 5.65-5.70 with respect to disclosure of financial, impartiality or proximity interests ('CEO' in the LGA text means the 'Chairperson' in the committee sense).</p> <p>5.65. <i>Members' interests in matters to be discussed at meetings to be disclosed</i></p> <p>(1) <i>A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —</i></p> <p>(a) <i>in a written notice given to the CEO before the meeting; or</i></p> <p>(b) <i>at the meeting immediately before the matter is discussed.</i></p> <p><i>Penalty: \$10,000 or imprisonment for 2 years.</i></p> <p>(2) <i>It is a defence to a prosecution under this section if the member proves that he or she did not know —</i></p> <p>(a) <i>that he or she had an interest in the matter; or</i></p>	

Current Bush Fire Advisory Committee Terms of Reference	Proposed Bush Fire Advisory Committee Terms of Reference
<p>(b) <i>that the matter in which he or she had an interest would be discussed at the meeting.</i></p> <p>(3) <i>This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).</i></p> <p><b>5.9. Types of committees</b></p> <p>(1) <i>In this section — “other person” means a person who is not a council member or an employee.</i></p> <p>(2) <i>A committee is to comprise —</i>  (f) <i>other persons only.</i></p> <p><b>5.66. Meeting to be informed of disclosures</b></p> <p><i>If a member has disclosed an interest in a written notice given to the CEO before a meeting then —</i></p> <p>(a) <i>before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and</i>  (b) <i>at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.</i></p> <p><i>[Section 5.66 amended by No.1 of 1998 s.16; No. 64 of 1998 s.33.]</i></p> <p><b>5.67. Disclosing members not to participate in meetings</b></p> <p><i>A member who makes a disclosure under section 5.65 must not —</i>  (a) <i>preside at the part of the meeting relating to the matter; or</i></p>	

Current Bush Fire Advisory Committee Terms of Reference	Proposed Bush Fire Advisory Committee Terms of Reference
<p><i>(b) participate in, or be present during, any discussion or decision making procedure relating to the matter, unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.</i></p> <p><i>Penalty: \$10,000 or imprisonment for 2 years.</i></p> <p><i>5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings</i></p> <p><i>(1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —</i></p> <p><i>(a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and</i></p> <p><i>(b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —</i></p> <p><i>(i) the disclosing member also discloses the extent of the interest; and</i></p> <p><i>(ii) those members decide that the interest —</i></p> <p><i>(I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or</i></p> <p><i>(II) is common to a significant number of electors or ratepayers.</i></p> <p><i>(2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.</i></p> <p><i>(3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.</i></p>	

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<p>5.69. Minister may allow members disclosing interests to participate etc. in meetings</p> <p>(1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.</p> <p>(2) An application made under subsection (1) is to include —</p> <p>(a) details of the nature of the interest disclosed and the extent of the interest; and</p> <p>(b) any other information required by the Minister for the purposes of the application.</p> <p>(3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —</p> <p>(a) there would not otherwise be a sufficient number of members to deal with the matter; or</p> <p>(b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.</p> <p>(4) A person must not contravene a condition imposed by the Minister under this section.</p> <p>Penalty: \$10,000 or imprisonment for 2 years.</p> <p>[Section 5.69 amended by No. 49 of 2004 s. 53.]</p> <p>5.69A. Minister may exempt committee members from disclosure requirements</p>	

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<p>(1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.</p> <p>(2) An application under subsection (1) is to include —</p> <p>(a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and</p> <p>(b) any other information required by the Minister for the purposes of the application.</p> <p>(3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.</p> <p>(4) A person must not contravene a condition imposed by the Minister under this section.</p> <p>Penalty: \$10,000 or imprisonment for 2 years.</p> <p>[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]</p> <p>5.70. Employees to disclose interests relating to advice or reports</p> <p>(1) In this section —</p> <p>employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.</p> <p>(2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.</p>	

Current Bush Fire Advisory Committee Terms of Reference	Proposed Bush Fire Advisory Committee Terms of Reference
<p><i>(3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.</i></p> <p><i>Penalty: \$10,000 or imprisonment for 2 years.</i></p> <p><i>5.71. Employees to disclose interests relating to delegated functions</i></p> <p><i>If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —</i></p> <p><i>(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and</i></p> <p><i>(b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.</i></p> <p><i>Penalty: \$10,000 or imprisonment for 2 years.</i></p>	

## Community Grants Assessment Panel

Current Community Grants Assessment Panel Terms of Reference	Proposed Community Grants Assessment Panel Terms of Reference
<p>No formal terms of reference have been previously adopted.</p>	<p><b>Introduction</b></p> <p>The Purpose of the Community Grants Assessment Panel is to assist in the evaluation of Shire Major Grants.</p> <p>The Community Grants Assessment Panel is not a Committee of Council and does not have delegated authority of Council. The panel has no power to make decisions on behalf of Council but may make recommendations to the Council and Shire. Per the Shire's financial delegations and policy, recommendations for grant allocations under the program do not require Council endorsement but are considered by the Chief Executive Officer.</p> <p><b>Functions</b></p> <p>The Panel will make recommendations to the Shire on the prioritisation and allocation of community grants.</p> <p><b>Membership</b></p> <p>The panel consists of a total of three (3) Councillors</p> <p>The tenure expires at each ordinary Local Government election.</p> <p><b>Shire Support Officer</b></p> <p>This role is to be fulfilled by a Shire Officer who can provide advice and undertake the role as the group's 'secretary'.</p> <p>Responsibilities will include:</p> <ul style="list-style-type: none"> <li>• Facilitates the link between Shire deliverables and the Assessment Panel</li> <li>• Prepare and disseminate minutes and agendas</li> <li>• Schedule meetings and notify Assessment Panel members</li> <li>• Extend invitation/s to attend meetings as requested by CEO, Director and/or Chair</li> </ul>

	<p>The Shire Support Officer for the Community Grants Assessment Panel is:</p> <p><b>Other attendees</b> Meeting attendance is by invitation only unless deemed otherwise by the CEO or Director and/or Chair.</p> <p>Invitations can be extended to internal Shire representatives, external organisations and service providers to guide and advise on specific topics as identified and agreed on by the Panel.</p> <p>Councillors, who are not part of the Panel are invited to observe meetings, however they are not entitled to participate in the meeting and in the event of a vote, do not have a vote.</p> <p><b>Conduct</b> Members will be expected to conduct themselves in a manner that supports a positive culture and outcomes for the group including:</p> <ul style="list-style-type: none"> <li>• Provide apologies in advance if attendance is not possible</li> <li>• Seek to obtain and represent the views of the broader community and / or the specific organisation / group represented</li> <li>• Disseminate authorised information with the community in an unbiased manner</li> <li>• At all times act in good faith, with honesty, integrity and fairness</li> <li>• Respect the ideas and beliefs of all members and endeavour to create a positive working environment</li> <li>• Notify the Shire of any potential conflict of interest that may arise with respect to participation in this group</li> <li>• Agree not to disseminate confidential information that is discussed at the meeting as advised by the Chair</li> <li>• Agree not to make any media comment on behalf of the Panel in relation to the work of the group unless approved by Council.</li> </ul>
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	<p>All Panel members must adhere to the provisions of the <i>Local Government Act 1995</i> related to the disclosure of interests as if the Panel was a Committee of Council.</p> <p>External members of the Panel must also adhere to the provisions of Regulation 3 and Regulations 6, 7, 8, 9, 10, and 11 of the <i>Local Government (Rules of Conduct) Regulations 2007</i> as if they were a Councillor attending a Committee of Council.</p> <p>Failure to adhere to the provisions related to conduct and interest can result in Council removing a member from the Panel.</p> <p>The CEO is responsible for determining appropriate actions related to dispute resolution.</p> <p>Council may by simple majority resolution remove a member of the Panel if they breach confidentiality, fail to attend two or more consecutive meetings without notice or otherwise cause detriment.</p> <p><b>Meetings</b></p> <p><b>Meeting Schedule</b></p> <p>Meetings will be held quarterly and as required. Urgent meetings may be called by the Presiding Member or Advisory Group by request to the CEO.</p> <p><b>Minutes of Meetings</b></p> <p>The Shire Support Officer is to ensure that accurate minutes are recorded at each meeting and all agreed actions noted in the Outcomes/Requirements column of the Minutes and include the Responsible Officers name and an “Action By” date.</p> <p>Recommendations requiring Council action arising from the Meeting Minutes shall be presented to Council at the earliest available Ordinary Council Meeting.</p> <p><b>Quorum</b></p> <p>A Panel recommendation is not recorded and does not have effect unless all members are present.</p>
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	<p><b>Order of Meetings</b> Discussions at the Panel meetings are to be directed through an Agenda. Any individual wishing a specific item to be included in the agenda should advise the minute taker at least two working days prior to the meeting date.</p> <p><b>Decision Making</b> The Panel will endeavour to reach any decision by consensus. There may be occasions where decisions are to be decided by a vote. All members have voting rights, unless they are guests to the meeting such as additional Councillors to the membership of the group.</p> <p>A Panel recommendation is not recorded and does not have effect unless it has been made by simple majority. A simple majority is the agreement of not less than half of the members present at the meeting.</p> <p><b>Cases not provided for in the Terms of Reference</b> These Terms of Reference are intended to provide a framework for the efficient and effective operations of the Panel. In cases not provided for in the Terms of Reference, the Presiding Member in consultation with the CEO or relevant Director is to determine the appropriate action to enable to the Panel to perform its functions.</p> <p><b>Amendments to the Terms of Reference</b> The Terms of Reference may be amended, varied or modified by resolution of Council.</p> <p><b>Reference Documents</b></p> <ul style="list-style-type: none"> <li>•</li> </ul>
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