



MINUTES

Special Council Meeting

24 October 2023

CONFIRMATION OF MINUTES

These Minutes have been CONFIRMED as the official record for the Shire of Gingin's Special Council Meeting held on 24 October 2023.

Councillor C W Fewster
SHIRE PRESIDENT

DISCLAIMER

Members of the public are advised that Council agendas, recommendations, minutes and resolutions are subject to confirmation by Council and therefore, prior to relying on them, one should refer to the subsequent meeting of Council with respect to their accuracy.

No responsibility whatsoever is implied or accepted by the Shire of Gingin for any act, omission or statement or intimation occurring during Council meetings or during formal/informal conversations with staff.

The Shire of Gingin disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

ACKNOWLEDGEMENT OF COUNTRY



The Shire of Gingin would like to acknowledge the Yued people who are the traditional custodians of this land. The Shire would like to pay respect to the Elders past, present and emerging of the Yued Nation and extend this respect to all Aboriginal people. The Shire also recognises the living culture of the Yued people and the unique contribution they have made to the Gingin region.

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**MINUTES
SPECIAL COUNCIL MEETING
24 OCTOBER 2023**



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ORDER OF BUSINESS

1 DECLARATION OF OPENING

The Chief Executive Officer declared the meeting open at 3:01 pm and welcomed all in attendance.

2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors - C W Fewster (President), L Balcombe (Deputy President), F Johnson, R Kestel, F J Peczka, E Sorensen, L Stewart, J Weeks and N Woods.

Staff – A Cook (Chief Executive Officer), L Crichton (Executive Manager Corporate and Community Services), R Kelly (Executive Manager Regulatory and Development Services), V Crispe (Executive Manager Operations and Assets), M Taylor (Communications and Marketing Officer), L Burt (Coordinator Governance) and K Johnston (Governance Support Officer/Minute Officer).

Gallery – There were 24 members of the public present in the Gallery.

2.2 APOLOGIES

Councillor F Johnson

2.3 LEAVE OF ABSENCE

Nil

3 ELECTION OF PRESIDENT AND DEPUTY PRESIDENT

3.1 ELECTION OF PRESIDENT

Schedule 2.3, Division 1 of the *Local Government Act 1995* requires that an election be conducted for the position of President as the first item of business at the first meeting of Council following an ordinary local government election.

The CEO is to preside at the meeting until the office of President is filled and is to act as Returning Officer for the electoral process.

The election must be conducted by the CEO in accordance with Schedules 2.3 and 4.1 of the Act.

In essence, the election will be conducted as follows:

1. Nomination forms have been previously provided to all Councillors to assist with the election process and, where possible, should be lodged with the CEO prior to the commencement of the meeting. The CEO will, however, announce the closing time for the submission of nominations at the commencement of the meeting and will continue to receive nomination forms up until that time.
2. If a Councillor is nominated by another Councillor, then the CEO is not to accept the nomination unless the nominee has confirmed to the CEO, either verbally or in writing, that they are willing to be nominated for the office.
3. If more than one nomination is received, then Councillors will be required to vote on the matter by secret ballot as if they were electors voting at an election. Positions on the ballot paper will be drawn at the meeting and ballot papers will be compiled and distributed at that time.
4. Once all votes have been cast, the ballot box will be opened, all votes counted and the successful candidate determined as if those votes were votes cast at an election.
5. If there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count then the meeting will be adjourned for a period of five minutes.
6. At this point, any nomination previously submitted may be withdrawn and new nominations will be received by the CEO up to a specified time.
7. If, at the recommencement of the meeting there is still more than one nomination for the position then Councillors will be required to vote again by secret ballot.
8. Once all votes have been cast for a second time, the ballot box will be opened, all votes counted and the successful candidate determined as if those votes were votes cast in an election.
9. The result will be declared by the CEO. The successful candidate will be called upon to make their Declaration of Office and will then assume the Chair as Presiding Member for the remainder of the meeting.

The Chief Executive Officer advised that he had received two nominations for the position of President, being for Councillor Fewster and Councillor Peczka. He then called for any further nominations.

No further nominations being received, the Chief Executive Officer advised that an election would be conducted for the position of President of the Shire of Gingin in accordance with Schedule 2.3 of the Local Government Act 1995.

Ballot papers were prepared in accordance with Schedule 10 of the Local Government (Elections) Regulations 1997 and issued to all Councillors. Once all votes had been cast, a count of ballot papers was conducted, with the following result being declared:

1. *Councillor Fewster – 5 votes*
2. *Councillor Peczka – 3 votes*

The Chief Executive Officer accordingly declared Councillor Fewster elected to the Office of President of the Shire of Gingin for a term of two years, expiring at the October 2025 local government elections.

Councillor Fewster having been elected to the position of President of the Shire of Gingin, made his Declaration of Office before Mrs Margaret Greenwell JP and assumed the Chair at 3:15 pm.

3.2 ELECTION OF DEPUTY PRESIDENT

Schedule 2.3, Division 2 of the *Local Government Act 1995* requires that an election be conducted for the position of Deputy President as the next item of business after the election of the President at the first meeting of Council following an ordinary local government election.

The election must be conducted in accordance with the procedure prescribed by the President and in accordance with the following, with the Chief Executive Officer acting as Returning Officer:

1. Nomination forms have been previously provided to all Councillors to assist with the election process and, where possible, should be lodged with the CEO prior to the commencement of the meeting. The CEO will, however, announce the closing time for the submission of nominations at the commencement of the meeting and will continue to receive nomination forms up until that time.
2. If a Councillor is nominated by another Councillor, then the CEO is not to accept the nomination unless the nominee has confirmed to the CEO, either verbally or in writing, that they are willing to be nominated for the office.
3. If more than one nomination is received, then Councillors will be required to vote on the matter by secret ballot as if they were electors voting at an election. Positions on the ballot paper will be drawn at the meeting and ballot papers will be compiled and distributed at that time.
4. Once all votes have been cast, the ballot box will be opened, all votes counted and the successful candidate determined as if those votes were votes cast at an election.

5. If there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count then the meeting will be adjourned for a period of five minutes.
6. At this point, any nomination previously submitted may be withdrawn and new nominations will be received by the Chief Executive Officer up to a specified time.
7. If, at the recommencement of the meeting, there is still more than one nomination for the position then Councillors will be required to vote again by secret ballot.
8. Once all votes have been cast for a second time, the ballot box will be opened, all votes counted and the successful candidate determined as if those votes were votes cast in an election.
9. The result will be declared by the CEO. The successful candidate will be called upon to make their Declaration of Office and will then assume the seat reserved for the Deputy President.

The Chief Executive Officer advised that he had received two nominations for the position of Deputy President, being for Councillor Balcombe and Councillor Peczka. He then called for any further nominations.

No further nominations being received, the Chief Executive Officer advised that an election would be conducted for the position of Deputy President of the Shire of Gingin in accordance with Schedule 2.3 of the Local Government Act 1995.

Ballot papers were prepared in accordance with Schedule 10 of the Local Government (Elections) Regulations 1997 and issued to all Councillors. Once all votes had been cast, a count of ballot papers was conducted, with the following result being declared:

1. Councillor Balcombe – 5 votes
2. Councillor Peczka – 3 votes

The Chief Executive Officer accordingly declared Councillor Balcombe elected to the Office of Deputy President of the Shire of Gingin for a term of two years, expiring at the October 2025 local government elections.

Councillor Balcombe having been elected to the position of Deputy President of the Shire of Gingin, made her Declaration of Office before Mrs Margaret Greenwell JP.

4 ALLOCATION OF COUNCILLOR SEATING

Clause 7.1 of the Shire of Gingin Meeting Procedures Local Law 2014 states as follows:

- (1) *Seating arrangements for members at council meetings are to be determined -*
 - a. *at the first council meeting after each ordinary election day -*
 - i. *by member consensus; or*
 - ii. *in the absence of member consensus, by the CEO allotting, by random draw, a position at the Council table to each member; and*
 - b. *at any time, by a council resolution.*
- (2) *During a council meeting, a member must sit only in the seat allocated to him or her under subclause (1).*

Once seating positions have been determined, Councillors will continue to occupy the same position at all meetings of Council until such time as there is a call by a majority of Councillors for a re-allotment of positions, or until the next local government election.

The Shire President sought a consensus from Councillors with respect to proposed seating arrangements.

Consensus was reached and Councillors took their positions within the Council Chambers.

5 DISCLOSURES OF INTEREST

Nil

6 PUBLIC QUESTION TIME

6.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Nil

6.2 PUBLIC QUESTIONS

6.2.1 Katie Enright - Guilderton Election of President and Deputy President

Q1. How will Council show the people that there will be change with the new Councillors elected considering that you did not listen to the votes taken place?

Response by Shire President

The votes taken place for the Local Government Election are irrelevant to the election of President and Deputy President. It's up to individual Councillors to answer that question.

**6.2.2 Ian Griffiths - Gingin
Ward Boundaries and Councillor Representation**

Q1. With respect to the councillor residing locations, the change from the 2021 council election and the 2023 Council election is as follows:

Gingin upper coastal councillors residing in that area, was 3 in 2001 and is now 2 for 2023,

Lower coastal had no change, remaining at 2

Gingin area had no change, remaining at 4

Gingin rural area had no representation in 2023 and now has 1, and they reside in the northeast corner of the shire.

Are those stats right with respect to where people reside?

Response by Shire President

Yes, however as Councillors we swear to be Councillors for the whole district, we don't do ward, zone or locality accounting.

7 PETITIONS

Nil

8 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

9 ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

10 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

11 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

12 REPORTS - OFFICE OF THE CEO

12.1 APPOINTMENT OF MEMBERS - AUDIT COMMITTEE

| | |
|-------------------|--|
| File | GOV/33 |
| Author | Lee-Anne Burt - Coordinator Governance |
| Reporting Officer | Aaron Cook - Chief Executive Officer |
| Refer | Nil |
| Appendices | 1. Audit Committee Terms of Reference [12.1.1 - 3 pages] |

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider the appointment of members to the Audit Committee.

BACKGROUND

Section 7.1A of the *Local Government Act 1995* (the Act), requires that all local governments must establish an Audit Committee. The members of the Audit Committee are to be appointed by the local government, and at least 3 of the members, and the majority of the members, are to be Council members.

Although the Audit Committee is established under s.7.1A, it is still required to comply with all of the requirements imposed on a committee established under s.5.8. This means that a person's membership of the committee only continues until the person no longer holds office, or resigns from the committee, or the committee is disbanded, or the next ordinary elections day (whichever happens first).

Council is therefore required to appoint members to the Audit Committee, by Absolute Majority decision, after each election. There is no prohibition against previous members being re-appointed.

COMMENT

At its meetings on 18 July 2023 and 15 August 2023 Council reviewed the Terms of Reference for the Audit Committee. A copy of the current Terms of Reference, which sets out the Aims and Functions, Membership and Operating Procedures relevant to the Committee, is attached as **an appendix** to this report.

As part of its review of the Committee's Terms of Reference, Council resolved to reduce the Committee membership from 9 Councillors to 4 Councillors, effective as from 21 October 2023.

This reduction in membership was a recommendation arising from the review undertaken by Civic Legal of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with the requirements of Reg. 17 of the *Local Government (Audit) Regulations 1996*.

Under s.5.10 of the Act:

- each Councillor is entitled to be a member of at least 1 committee;
- if at a meeting where the Council is to make an appointment to a committee that has or could have a council member as a member and the President informs the Council of their wish to be a member, then the Council is to appoint the President to be a member of the Committee; and
- if at a meeting where the Council is to make an appointment to a committee that has or could have an employee as a member and the CEO informs the Council of their wish to be a member or to have a representative as a member, then the Council is to appoint the CEO or the CEO's representative to be a member of the committee.

Notwithstanding the above, the CEO cannot be a member of the Audit Committee. The CEO cannot nominate a person to be a member of the Committee, and a person cannot represent the CEO as a member of the Audit Committee. Similarly, no other employee of the local government can be a member of the Committee.

Council is requested to appoint 4 Councillors as members and 2 Councillors as deputy members of the Audit Committee.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 5 – Administration

Division 2 – Council meetings, committees and their meetings and electors' meetings

Subdivision 2 – Committees and their meetings

Part 7 – Audit

Division 1A – Audit Committee

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

| | |
|----------------------------|--|
| Aspiration | 4. Excellence & Accountability - Deliver Quality Leadership and Business Expertise |
| Strategic Objective | 4.2 Effective Governance - Apply systems of compliance which assists Council to make informed decisions within a transparent, accountable and principled environment |

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe **SECONDED:** Councillor Woods

That Council appoint the following Councillors as members and deputy members of the Audit Committee:

1. **Members:**
 - a. Cr Stewart
 - b. Cr Peczka
 - c. Cr Johnson
 - d. Cr Fewster
2. **Deputy Members:**
 - a. Cr Balcombe
 - b. Cr Weeks

**CARRIED BY ABSOLUTE MAJORITY
8 / 0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Kestel, Councillor Sorensen, Councillor Stewart, Councillor Weeks, Councillor Woods and Councillor Peczka*

AGAINST: *Nil*



TERMS OF REFERENCE

AUDIT COMMITTEE

August 2023

| | |
|-------------------|---|
| Name: | Audit Committee |
| Role/Purpose: | To support Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, internal and external audit functions and ethical accountability. |
| Aims & Functions: | <ol style="list-style-type: none"> 1. To guide and assist the local government in carrying out – <ol style="list-style-type: none"> a. its functions under Part 6 (Financial Management) of the Act; and b. its functions relating to other audits and other matters related to financial management. 2. To guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 (Audit) of the Act. 3. To review a report in relation to risk management and/or internal control and/or legislative compliance given to it by the CEO under <i>Local Government (Audit) Regulations 1996</i> regulation 17(3) (the CEO's Report) and to: <ol style="list-style-type: none"> a. report to the Council the results of that review; and b. give a copy of the CEO's report to the Council. 4. To monitor and advise the CEO when the CEO is carrying out functions in relation to a review under: <ol style="list-style-type: none"> a. the <i>Local Government (Audit) Regulations 1996</i> regulation 17(1) (a report in relation to risk management and/or internal control and/or legislative compliance); and b. the <i>Local Government (Financial Management) Regulations 1996</i> regulation 5(2)(c) (a report in relation to the appropriateness and effectiveness of the financial management systems and procedures of the local government). 5. To review the annual Compliance Audit Return and report the results of the review to Council in accordance with Regulation 14(3A) of the <i>Local Government (Audit) Regulations 1996</i>. 6. To perform any other function conferred on it by the <i>Local Government (Audit) Regulations 1996</i> or another written law. |
| Membership: | <ol style="list-style-type: none"> 1. The Committee shall consist of the following representation: <ul style="list-style-type: none"> • Four Councillor Representatives |

| | |
|------------------------------|--|
| | <ol style="list-style-type: none"> 2. The CEO and employees are not members of the Committee (s7.1.A(3) and (4) <i>Local Government Act 1995</i>). 3. The CEO and Executive Manager Corporate and Community Services will attend all meetings to provide technical advice and guidance to the Committee. 4. Membership shall be for a period of up to two years terminating on the day of the next ordinary Council elections, with retiring members eligible to re-nominate. 5. Committee membership shall be appointed or removed by the Council. 6. Members must comply with the Shire's Code of Conduct for Council Members, Committee Members and Candidates. 7. The Committee has authority to second individuals from outside of the Committee, on a voluntary basis, for their expert advice. |
| <p>Operating procedures:</p> | <ol style="list-style-type: none"> 1. Presiding Member: <ol style="list-style-type: none"> a) The members of the Committee are to elect a Presiding Member from amongst themselves at the first meeting of the Committee and at each subsequent first meeting following an ordinary local government election. b) The Presiding Member will preside at all meetings. c) The members of the Committee will elect a Deputy Presiding Member from amongst themselves at the first meeting of the Committee and at each subsequent first meeting following an ordinary local government election. d) In the absence of the Presiding Member, the Deputy Presiding Member will assume the chair, and in his/her absence, a person is to be elected by the Committee members present to assume the Chair. e) The Presiding Member is responsible for the proper conduct of the Committee. 2. Meetings: <ol style="list-style-type: none"> a) The Committee shall meet as required, but must hold a minimum of two meetings in any one calendar year. b) Meetings can be scheduled by the Chief Executive Officer, by a written request of the Presiding Member to the Chief Executive Officer, or by a decision of the Council or the Committee. c) A Notice of Meeting, including an agenda, will be circulated to the Committee members (including deputy members) at least 72 hours prior to each meeting where possible. d) The Presiding Member shall ensure that detailed minutes of all meetings are kept and shall provide the Committee members (including deputy members) with a copy of such minutes within seven working days of the Committee meeting. |

| | |
|-------------------------|--|
| | <p>3. Quorum:</p> <p>The quorum for a meeting shall be at least 50% of the number of endorsed members.</p> <p>4. Reporting:</p> <p>a) The Minutes of every Committee meeting will be circulated for the information of all Councillors within seven working days of the Committee meeting.</p> <p>b) Any Committee resolution requiring action on the part of the Council or requiring a Council commitment will be listed as a separate report on the Agenda for the next ordinary Council meeting.</p> |
| Appointing legislation: | The Committee is established under section 7.1A of the <i>Local Government Act 1995</i> . |
| Delegated Authority: | The Committee has no delegated power and has no authority to implement its recommendations without approval of Council. |

| Version | Decision Reference | Synopsis |
|---------|--------------------------|---|
| 1. | 06/09/2005 – Item 10.2.1 | Committee established and Terms of Reference adopted. |
| 2. | 22/10/2013 – Item 10.2 | Terms of Reference reviewed. |
| 3. | 18/08/2015 – Item 11.1.6 | Terms of Reference reviewed. |
| 4. | 19/09/2017 – Item 11.1.3 | Terms of Reference reviewed. Aims & Functions cl. 16 added. Operating procedures cl. 2c deleted. Membership cl. 1 amended to include one external person. |
| 5. | 17/04/2018 – Item 11.1.1 | Membership cl. 1 amended to delete external member. Committee name changed from Audit Committee to Audit and Governance Committee. |
| 6. | 22/01/2019 – Item 11.1.1 | TOR amended to align with amendments to the <i>Local Government (Audit) Regulations 1996</i> . Committee membership amended to include Shire President and a minimum of 4 other councillors. Additional function included with respect to coordination of CEO performance review process. |
| 7. | 15/10/2019 – Item 11.1.1 | Membership cl. 1 amended to include all Crs. Membership cl. 4 deleted. Operating Procedures cl. 1a) and 1b) amended. New Operating Procedures cl. 1c) inserted. Operating Procedures cl. 2b) amended. |
| 8. | 17/08/2021 – Item 11.1 | Amend Aims & Functions cl. 3 and cl. 4a). Delete Aims & Functions cl. 5 and 6. Amend Membership cl. 6. Amend Operating Procedures cl. 2d) and 4a). |
| 9. | 18/07/2023 – Item 11.1 | Audit & Governance Committee renamed as Audit Committee. Committee membership amended from all Councillors to 4 Councillors (inc. Shire President), effective from 21 October 2023. |
| 10. | 15/08/2023 – Item 11.1 | Membership amended to remove Shire President as a mandatory committee member and Chairperson. |

12.2 APPOINTMENT OF MEMBERS - COUNCIL COMMITTEES, ADVISORY GROUPS AND WORKING GROUPS

| | |
|-------------------|---|
| File | GOV/33 |
| Author | Lee-Anne Burt - Coordinator Governance |
| Reporting Officer | Aaron Cook - Chief Executive Officer |
| Refer | Nil |
| Appendices | <ol style="list-style-type: none"> 1. Bushfire Advisory Committee Terms of Reference [12.2.1 - 3 pages] 2. Local Emergency Management Committee Terms of Reference [12.2.2 - 3 pages] 3. Aged Housing & Care Service Provision Advisory Group Terms of Reference [12.2.3 - 3 pages] 4. Coastal Erosion Advisory Group Terms of Reference [12.2.4 - 3 pages] 5. Guilderton Caravan Park & Foreshore Development Advisory Group Terms of Reference [12.2.5 - 3 pages] 6. Medical Facilities Advisory Group Terms of Reference [12.2.6 - 3 pages] 7. Plant Advisory Group Terms of Reference [12.2.7 - 3 pages] 8. Waste Management Advisory Group Terms of Reference [12.2.8 - 3 pages] 9. Guilderton Foreshore Development Working Group Terms of Reference [12.2.9 - 3 pages] 10. Upper Coastal Sporting Facilities Working Group- Terms of Reference [12.2.10 - 3 pages] |

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider the appointment of members to various Council committees, advisory groups and working groups.

BACKGROUND

Following a review of committees and working groups undertaken at the Ordinary Council Meeting on 18 July 2023, Council currently has the following bodies in place outside of its Audit Committee (which is dealt with in a separate report to this meeting):

- Bush Fire Advisory Committee;
- Local Emergency Management Committee;

- Aged Housing and Care Service Provision Advisory Group;
- Coastal Erosion Advisory Group;
- Guilderton Caravan Park and Foreshore Development Advisory Group;
- Medical Facilities Advisory Group;
- Plant Advisory Group;
- Reconciliation Action Plan Advisory Group;
- Waste Management Advisory Group;
- Guilderton Foreshore Development Working Group; and
- Upper Coastal Sporting Facilities Working Group.

Following is a brief clarification of the various nomenclature terms used.

- Committee – The term “Committee” is applied to the Bush Fire Advisory Committee and the Local Emergency Management Committee because this is the term used in the relevant legislation pertaining to these bodies. However, they are not “committees” for the purposes of the *Local Government Act 1995* because they are formed under the *Bush Fires Act 1954* and the *Emergency Management Act 2005* respectively.
- Advisory Groups and Working Groups – Advisory Groups have an ongoing role in providing advice to Council on various matters. Working Groups are formed for a very specific purpose and are disbanded once that purpose is achieved.

The Department of Local Government, Sport and Cultural Industries has confirmed that a body formed by a local government is not considered to be a “committee” for the purposes of s.5.8 of the *Local Government Act 1995* unless it is given delegated authority to *...exercise the powers and discharge the duties of the local government that can be delegated to committees.*

This definition does not apply to a local government’s Audit Committee, irrespective of whether it is granted any delegated decision-making powers or not, as it is established under a different section of the Act (s.7.1A).

Historically and currently, the Council of the Shire of Gingin has not granted any delegated decision-making powers to any of its committees, advisory groups or working groups. Any decision made by any of these groups must take the form of a recommendation to Council.

Notwithstanding the above, in the interests of good governance most local governments will apply at least some of the requirements pertaining to committees under Part 5 of the *Local Government Act 1995* to any other advisory bodies that may be established by Council. In the case of the Shire of Gingin, this means that, at a minimum:

- All Councillor appointments are for a term expiring at the next local government election, after which new appointments must be made; and

- All bodies are required to operate in accordance with a Terms of Reference (with the exception of the Reconciliation Action Plan (RAP) Working Group) and to produce agendas and minutes for all meetings.

COMMENT

Information in relation to each of the listed bodies is provided below:

Bush Fire Advisory Committee (BFAC)

Section 67 of the *Bush Fires Act 1954* provides a local government with the power to:

...appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control...

The functions of the BFAC are:

1. To make recommendations to Council with respect to the appointment of Fire Control Officers;
2. To determine training requirements and strategies; and
3. To consider and make recommendation to Council with respect to all bush fire mitigation issues.

If a local government establishes a BFAC under s.67 then it must also appoint a member of the Council as its representative on the Committee. It is Council's practice to appoint the Shire President as its representative on the BFAC to ensure continuity of representation on this Committee and the Shire's Local Emergency Management Committee given that the *Emergency Management Act 2005* recommends that a Local Emergency Management Committee should be chaired either by the Mayor/President or the CEO of the local government. This practice is reflected in the Committee's Terms of Reference.

If Council wishes to appoint a Councillor other than the Shire President as its representative on the BFAC, then it will be necessary to also resolve to amend the Terms of Reference.

Prior to the 2023 elections, Councillor members and deputy members of the Advisory Committee were as follows:

| Member | | Deputy Member | |
|--------|------------------------------|---------------|-----------|
| 1. | Cr Fewster (Shire President) | 1. | Cr Peczka |

A copy of the current BFAC Terms of Reference is included in the **appendices** to this report.

Local Emergency Management Committee (LEMC)

Section 38 of the *Emergency Management Act 2005* requires every local government to establish at least one LEMC within its district.

The functions of the LEMC are:

1. To advise and assist Council in establishing local emergency management arrangements for the district;
2. To liaise with public authorities and other persons in the development, review and testing of the local emergency management arrangements; and
3. To carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by regulations.

The Western Australia Local Emergency Management Committee (LEMC) Administration Guide recommends that the LEMC should be chaired by the Shire President or Chief Executive Officer and this requirement is reflected in the Terms of Reference.

Prior to the 2023 elections, Councillor members and deputy members of the Management Committee were as follows:

| Member | | Deputy Member | |
|--------|------------------------------|---------------|-----------|
| 1. | Cr Fewster (Shire President) | 1. | Cr Peczka |

A copy of the current LEMC Terms of Reference is included in the **appendices** to this report.

Aged Housing and Care Service Provision Advisory Group

This group was established by Council in June 2022 for the purpose of identifying options for progressing aged housing and care service provision within the Shire of Gingin.

The aims and functions of the Advisory Group are to:

1. Assess the current situation relating to aged housing and care services across the Shire, review all existing information and reports, obtain additional information and guidance from experts in the field as required.

2. Identify opportunities for action to be taken by the Shire (including by way of support, advocacy, promotion and education) with respect to improving aged housing and care service provision within the Shire of Gingin.

Prior to the 2023 elections, Councillor members and deputy members of the Advisory Group were as follows:

| Member | | Deputy Member | |
|--------|---------------------|---------------|---------------------|
| 1. | Councillor Johnson | 1. | Councillor Kestel |
| 2. | Councillor Vis | 2. | Councillor Sorensen |
| 3. | Councillor Balcombe | 3. | Councillor Rule |

A copy of the current Advisory Group Terms of Reference is included in the **appendices** to this report.

Coastal Erosion Advisory Group

The Coastal Erosion Advisory Group was established by resolution of Council at its Special Meeting on 22 October 2019 to assist in addressing coastal erosion issues within the Shire of Gingin.

The functions of the Group are:

1. To consider all existing information and reports to Council and additional information and guidance from experts in the field to identify a preferred course or courses of action;
2. To make recommendations to Council with respect to the preferred course or courses of action with respect to managing coastal erosion and inundation along the Shire of Gingin coastline; and
3. To request Council Officers, as required, to facilitate discussions on behalf of the Committee with communities and experts in the field to identify potential options.

Prior to the 2023 elections, Councillor members and deputy members of the Advisory Group were as follows:

| Member | | Deputy Member | |
|--------|---------------------|---------------|---------------------|
| 1. | Councillor Sorensen | 1. | Councillor Kestel |
| 2. | Councillor Vis | 2. | Councillor Balcombe |
| 3. | Councillor Johnson | 3. | Councillor Fewster |
| 4. | Councillor Peczka | 4. | Councillor Rule |

A copy of the current Advisory Group Terms of Reference is included in the **appendices** to this report.

Guilderton Caravan Park and Foreshore Development Advisory Group

The current role of this Group is to assist Council in progressing improvements to, and further development of, the Guilderton Caravan Park and Guilderton Foreshore Precinct in an integrated and consistent manner.

The Group's functions are to:

1. Provide a forum for the discussion of issues and the formulation of suggestions and recommendations with respect to the Guilderton Caravan Park and the Guilderton Foreshore Precinct, recognising the synergies between both facilities; and
2. Receive and consider input from the Guilderton Foreshore Development Working Group (addressed separately below) in relation to the improvement and future development of the Guilderton Foreshore Precinct and make recommendations to Council as required.

Prior to the 2023 elections, Councillor members and deputy members of the Advisory Group were as follows:

| Member | | Deputy Member | |
|--------|---------------------|---------------|--------------------|
| 1. | Councillor Johnson | 1. | Councillor Rule |
| 2. | Councillor Kestel | 2. | Councillor Fewster |
| 3. | Councillor Balcombe | 3. | Councillor Vis |
| 4. | Councillor Sorensen | 4. | Councillor Peczka |

A copy of the current Advisory Group Terms of Reference is included in the **appendices** to this report.

Medical Facilities Advisory Group

This Group evolved out of the former Gingin Medical Centre Committee. It was renamed in July 2023 in recognition of the fact that the Shire has a minor role to play with respect to providing a subsidy to the operator of the Lancelin Medical Centre towards the employment of an additional GP.

The Group's purpose is to oversee, at a strategic level, the continued operation of a viable medical centre for the Gingin community, and to advise Council with respect to other matters related to the provision of medical services within the Shire of Gingin. Its functions are:

1. To liaise with the CEO with respect to overseeing the lease arrangements for the Gingin Medical Centre and to advise Council with respect to matters requiring Council's formal consideration.

2. To liaise with the CEO and advise Council with respect to the payment of a subsidy to Jupiter Health and Medical Services towards the employment of an additional GP at the Lancelin Medical Centre.
3. To consider and advise Council with respect to other matters relating to medical facilities within the Shire of Gingin, as required.

Prior to the 2023 elections, Councillor members and deputy members of the Advisory Group were as follows:

| Member | | Deputy Member | |
|--------|---------------------|---------------|---------------------|
| 1. | Councillor Rule | 1. | Councillor Vis |
| 2. | Councillor Fewster | 2. | Councillor Sorensen |
| 3. | Councillor Balcombe | 3. | Councillor Johnson |
| 4. | Councillor Kestel | 4. | Councillor Peczka |

A copy of the current Advisory Group Terms of Reference is included in the **appendices** to this report.

Plant Advisory Group

The Plant Advisory Group was originally established as the Plant Committee by resolution of Council at its Special Meeting on 22 October 2013 to provide input and advice to Council with respect to the Shire of Gingin's plant replacement program.

The function of the Group is to oversee the preparation of, and make recommendations to Council with respect to, the Shire's plant replacement program.

Prior to the 2023 elections, Councillor members and deputy members of the Advisory Group were as follows:

| Member | | Deputy Member | |
|--------|---------------------|---------------|---------------------|
| 1. | Councillor Vis | 1. | Councillor Peczka |
| 2. | Councillor Rule | 2. | Councillor Balcombe |
| 3. | Councillor Fewster | 3. | Councillor Johnson |
| 4. | Councillor Sorensen | | |
| 5. | Councillor Kestel | | |

A copy of the current Advisory Group Terms of Reference is included in the **appendices** to this report.

Reconciliation Action Plan Advisory Group

The Shire of Gingin Reconciliation Action Plan ('RAP' hereafter) was commissioned following a request from the South West Aboriginal Land and Sea Council in May 2012 for a RAP to be undertaken between the Shire of Gingin and the Yued Nyoongar Traditional Owners.

Council has endorsed the RAP and has agreed to progress the actions/outcomes contained within the Plan subject to funds being made available in future adopted budgets.

This Advisory Group was originally formed to progress the development and implementation of the RAP. Although the RAP is now finalised and in place, there is a requirement for the Shire to report annually to the Advisory Group, and for the RAP to be subject to review every two years.

The Advisory Group membership currently consists of one Councillor, representatives of the Yued Nyoongar people, the Shire's Chief Executive Officer (CEO) and Coordinator Community Development and Services and an external facilitator.

No Terms of Reference have been prepared for the Reconciliation Action Plan Advisory Group.

Prior to the 2023 elections, Council's representative on the Advisory Group was:

| Member | |
|--------|--------------------|
| 1. | Councillor Johnson |

Waste Management Advisory Group

The Waste Management Advisory Group was established by resolution of Council at its Ordinary Meeting on 19 November 2019 to have oversight and provide expert advice on waste management and recommendations to Council. This included the ongoing development of the Waste Management Operational Plan and the Refuse Collection and Recycling Contracts.

The functions of the Waste Management Advisory Group are:

1. To advise Council on the strategic direction of waste management within the Shire of Gingin;
2. To advise Council on legislative requirements that impact on environmental, planning and engineering issues of waste management operations and facilities; and
3. To advise on consultation with relevant government and private stakeholders, service providers, and the community as appropriate.

Prior to the 2023 elections, Councillor members and deputy members of the Advisory Group were as follows:

| Member | | Deputy Member | |
|--------|--------------------|---------------|---------------------|
| 1. | Councillor Johnson | 1. | Councillor Balcombe |
| 2. | Councillor Vis | 2. | Councillor Kestel |
| 3. | Councillor Rule | 3. | Councillor Fewster |

A copy of the current Advisory Group Terms of Reference is included in the **appendices** to this report.

Guilderton Foreshore Development Working Group

The Guilderton Foreshore Development Working Group was formed in July 2022 to assist the Guilderton Caravan Park and Foreshore Development Advisory Group to fulfil its role. The functions of the Working Group are to:

1. Contribute, when requested by the Advisory Group, to identifying options for the Foreshore Precinct redevelopment; and
2. To provide input from a community perspective on redevelopment proposals.

The Working Group includes community representation.

The Terms of Reference for the Working Group (included in the **appendices** to this report) stipulate that the Councillors appointed as members of the Guilderton Caravan Park and Foreshore Development Advisory Group will also be the Council representatives on this Working Group.

Upper Coastal Sporting Facilities Working Group

The Upper Coastal Sporting Facilities Working Group was re-established by Council in September 2022 for the purpose of reviewing the Upper Coastal Sporting Facilities Master Plan 2021, including the priorities, timing and funding opportunities.

The functions of the Working Group are to:

1. Review and prioritise the development of sporting facilities within the upper coastal region, including those detailed within the Upper Coastal Sporting Facilities Master Plan.
2. Review the progress, if any, of implementing agreed priorities of the Upper Coastal Sporting Facilities Master Plan 2021 as amended.
3. Ensure that the Upper Coastal Sporting Facilities Master Plan 2021 core priorities of long term sustainability are adhered to in accordance with the strategic direction of Council.

The Working Group membership includes community representation.

Prior to the 2023 elections, Councillor members and deputy members of the Working Group were as follows:

| Members | | Deputy Members | |
|---------|-------------------|----------------|-----|
| 1. | Councillor Kestel | | Nil |
| 2. | Councillor Peczka | | |
| 3. | Councillor Vis | | |

Under s.5.10 of the *Local Government Act 1995*:

- each Councillor is entitled to be a member of at least 1 committee;
- if at a meeting where the Council is to make an appointment to a committee that has or could have a council member as a member and the President informs the Council of their wish to be a member, then the Council is to appoint the President to be a member of the Committee; and
- if at a meeting where the Council is to make an appointment to a committee that has or could have an employee as a member and the CEO informs the Council of their wish to be a member or to have a representative as a member, then the Council is to appoint the CEO or the CEO's representative to be a member of the committee.

Notwithstanding the above, the CEO cannot be a member of the Audit Committee. The CEO cannot nominate a person to be a member of the Committee, and a person cannot represent the CEO as a member of the Audit Committee. Similarly, no other employee of the local government can be a member of the Committee.

Council is requested to appoint the number of Councillor members specified in each Terms of Reference, plus 1 or 2 Councillor deputy members for each body (depending on the number of members required).

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 5 – Administration

Division 2 – Council meetings, committees and their meetings and electors' meetings

Subdivision 2 – Committees and their meetings

Bush Fires Act 1954

Part V - Miscellaneous

Section 67 – Advisory committees

Shire of Gingin Bush Fire Brigades Local Law 2004

Division 4 – Bush Fire Advisory Committee

Emergency Management Act 2005
Part 3 – Local arrangements
Division 1 – Local emergency authorities
Section 38 – Local emergency management committees

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

| | |
|----------------------------|--|
| Aspiration | 4. Excellence & Accountability - Deliver Quality Leadership and Business Expertise |
| Strategic Objective | 4.2 Effective Governance - Apply systems of compliance which assists Council to make informed decisions within a transparent, accountable and principled environment |

VOTING REQUIREMENTS - SIMPLE MAJORITY

Note: With regard to the Aged Housing and Care Service Provision Advisory Group and the Coastal Erosion Advisory Group, more nominations than available positions were received. Therefore, appointments to these bodies were dealt with separately with successful candidates being selected by a show of hands.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe **SECONDED:** Councillor Peczka

That Council make the following appointments to its various committees, advisory groups and working groups:

- 1. Bush Fire Advisory Committee**
Member: Shire President
Deputy Member: Cr Peczka
- 2. Local Emergency Management Committee**
Member: Shire President
Deputy Member: Cr Woods

3. Guilderton Caravan Park and Foreshore Development Advisory Group

Members:

- a. Cr Sorensen
- b. Cr Kestel
- c. Cr Balcombe
- d. Cr Weeks

Deputy Members:

- a. Cr Fewster
- b. Cr Peczka

4. Medical Facilities Advisory Group

Members:

- a. Cr Balcombe
- b. Cr Woods
- c. Cr Kestel
- d. Cr Fewster

Deputy Members:

- a. Cr Stewart
- b. Cr Peczka

5. Plant Advisory Group

Members:

- a. Cr Fewster
- b. Cr Kestel
- c. Cr Sorensen
- d. Cr Weeks
- e. Cr Peczka

Deputy Members:

- a. Cr Balcombe
- b. Cr Woods

6. Reconciliation Action Plan (RAP) Advisory Group

Member: Cr Balcombe

Deputy Member: Cr Weeks

7. Waste Management Advisory Group

Members:

- a. Cr Sorensen
- b. Cr Peczka
- c. Cr Fewster

Deputy Members:

- a. Cr Stewart
- b. Cr Balcombe

8. Guilderton Foreshore Development Working Group

Members and deputy members as appointed to the Guilderton Caravan Park and Foreshore Development Advisory Group.

9. Upper Coastal Sporting Facilities Working Group

Members: a. Cr Weeks
 b. Cr Peczka
 c. Cr Kestel

Deputy Members: a. Cr Fewster
 b. Cr Balcombe

**CARRIED UNANIMOUSLY
8 / 0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Kestel, Councillor Sorensen, Councillor Stewart, Councillor Weeks, Councillor Woods and Councillor Peczka*

AGAINST: *Nil*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe **SECONDED:** Councillor Peczka

That Council make the following appointments to the Aged Housing and Care Service Provision Advisory Group:

Members: a. Cr Balcombe
 b. Cr Sorensen
 c. Cr Stewart

Deputy Members: a. Cr Peczka
 b. Cr Weeks
 c. Cr Johnson

**CARRIED UNANIMOUSLY
8 / 0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Kestel, Councillor Sorensen, Councillor Stewart, Councillor Weeks, Councillor Woods and Councillor Peczka*

AGAINST: *Nil*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Stewart **SECONDED:** Councillor Peczka

That Council make the following appointments to the Coastal Erosion Advisory Group:

Members:

- a. Cr Peczka
- b. Cr Kestel
- c. Cr Johnson
- d. Cr Weeks

Deputy Members:

- a. Cr Sorensen
- b. Cr Stewart

**CARRIED UNANIMOUSLY
8 / 0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Kestel, Councillor Sorensen, Councillor Stewart, Councillor Weeks, Councillor Woods and Councillor Peczka*

AGAINST: *Nil*



**TERMS OF
REFERENCE**

BUSH FIRE ADVISORY COMMITTEE

August 2021

| | |
|-------------------|---|
| Name: | Bush Fire Advisory Committee |
| Role/Purpose: | To advise Council with regard to matters relating to bush fire control within the Shire of Gingin. |
| Aims & Functions: | <ol style="list-style-type: none"> 1. To make recommendations to Council with respect to the appointment of Fire Control Officers; 2. To determine training requirements and strategies; and 3. To consider and make recommendation to Council with respect to all bush fire mitigation issues. |
| Membership: | <ol style="list-style-type: none"> 1. The Committee shall consist of the following representation: <ul style="list-style-type: none"> <u>Voting</u> <ul style="list-style-type: none"> • Shire President or Council's nominated deputy representative; • Community Emergency Services Manager/Chief Bush Fire Control Officer; • Deputy Chief Bush Fire Control Officers; and • Volunteer Bush Fire Brigade Captains <u>Non-Voting</u> <ul style="list-style-type: none"> • One representative - Department of Fire and Emergency Services; • One representative – Department of Parks and Wildlife; • One representative – Department of Agriculture and Food; • One representative – Gingin Volunteer Fire and Rescue Service; and • One representative – Lancelin Volunteer Fire and Rescue Service. 2. In the event that a Brigade Captain is unable to attend a meeting, then the Brigade shall be represented by its 1st Lieutenant. 3. Voting members cannot hold two positions on the Committee. <ol style="list-style-type: none"> a. If a Council representative also holds the position of Deputy Chief Bush Fire Control Officer or Brigade Captain then they must attend meetings in their capacity as a representative of the Shire of Gingin. b. If a Brigade Captain is appointed to another voting position on the Committee, then the Brigade's 1st Lieutenant shall represent the Brigade. |

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| | <ol style="list-style-type: none"> 4. Membership shall be for a period of up to two years terminating on the day of the next ordinary Council elections, with retiring members eligible to re-nominate. 5. Committee membership shall be appointed or removed by the Council. 6. Members must comply with the Shire's Code of Conduct for Council Members, Committee Members and Candidates. 7. The Committee has authority to second individuals from outside of the Committee, on a voluntary basis, for their expert advice. |
| <p>Operating procedures:</p> | <ol style="list-style-type: none"> 1. Presiding Member: <ol style="list-style-type: none"> a) The Shire President or Council's nominated deputy representative shall fill the position of Presiding Member at all meetings. b) In the absence of both the Shire President and Council's nominated deputy representative, the Community Emergency Services Manager/Chief Bush Fire Control Officer will assume the Chair for the duration of that meeting. c) The Presiding Member is responsible for the proper conduct of the Committee. 2. Meetings: <ol style="list-style-type: none"> a) The Committee shall meet as required, but must hold a minimum of four meetings in any one calendar year (March, June, September and December). b) Meetings can be scheduled by a written request of the Presiding Member to the Chief Executive Officer, or by a decision of the Council or the Committee. c) A Notice of Meeting, including an agenda, will be circulated to the Committee members (including deputy members) at least 72 hours prior to each meeting where possible. d) The Presiding Member shall ensure that detailed minutes of all meetings are kept and shall provide the Committee members (including deputy members) with a copy of such minutes within seven working days of the Committee meeting. e) All Committee meetings will be conducted in accordance with the Shire of Gingin Meeting Procedures Local Law 2014. 3. Quorum: <p>The quorum for a meeting shall be at least 50% of the number of endorsed members.</p> 4. Reporting: <ol style="list-style-type: none"> a) The Minutes of every Committee meeting will be circulated for the information of all Councillors within seven working days of the Committee meeting. |

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| | b) Any Committee resolution requiring action on the part of the Council or requiring a Council commitment will be listed as a separate report on the Agenda for the next ordinary Council meeting. |
| Appointing legislation: | The Committee is established under section 67 of the <i>Bush Fires Act 1954</i> . |
| Delegated Authority: | The Committee has no delegated power and has no authority to implement its recommendations without approval of Council. |

| Version | Decision Reference | Synopsis |
|----------------|---------------------------|--|
| 1. | 22/10/2013 - Item 10.3 | Committee structure reviewed and Terms of Reference adopted. |
| 2. | 17/12/2013 – Item 11.1.1 | Amended to include volunteer bush fire brigade representatives as voting members. |
| 3. | 18/08/2015 – Item 11.1.6 | Terms of Reference reviewed. Reference to Standing Orders Local Law deleted from Operating Procedure 2b and replaced with Meeting Procedures Local Law 2014. Reference to provision of Committee Minutes via Information Bulletin deleted from Operating Procedure 4a. |
| 4. | 19/01/2016 – Item 11.1.3 | Operating Procedures Clause 1b amended to specify that Community Emergency Services Manager/Chief Bush Fire Control Officer to assume the Chair in the absence of the Presiding Member. |
| 5. | 19/09/2017 – Item 11.1.3 | Terms of Reference reviewed. Operating Procedures cl. 2c deleted. |
| 6. | 15/10/2019 – Item 11.1.1 | Operating Procedures cl. 2b) amended. |
| 7. | 21/07/2020 – Item 11.1.1 | Membership cl. 1 amended by deleting CEO or representative as a non-voting member. Membership cl. 7 added. |
| 8. | 17/08/2021 – Item 11.1 | Membership cl. 1, 2 and 6 amended. Membership cl. 7 deleted. Operating Procedures cl. 1a), 1b) 2d) and 4a) amended |



TERMS OF REFERENCE

LOCAL EMERGENCY MANAGEMENT COMMITTEE

March 2023

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|-------------------|---|
| Name: | Local Emergency Management Committee |
| Role/Purpose: | To advise and assist Council in the development, review and testing of the Shire of Gingin Local Emergency Management Arrangements. |
| Aims & Functions: | <ol style="list-style-type: none"> 1. To advise and assist Council in establishing local emergency management arrangements for the district; 2. To liaise with public authorities and other persons in the development, review and testing of the local emergency management arrangements; and 3. To carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by regulations. |
| Membership: | <ol style="list-style-type: none"> 1. The Committee shall consist of the following representation: <ul style="list-style-type: none"> <u>Voting Members</u> Shire of Gingin Shire President (Chairperson) WA Police OIC Gingin (Local Emergency Coordinator) OIC Lancelin (Local Emergency Coordinator) Department of Fire and Emergency Services Department of Communities Red Cross St John Ambulance Chittering/Gingin Sub-Centre St John Ambulance Lancelin and Coastal Districts Sub-Centre <u>Non-Voting Members</u> Shire of Gingin Principal Environmental Health Officer Community Emergency Services Manager/Chief Bush Fire Control Officer (Executive Officer) Local Recovery Administrator Local Recovery Coordinator WA Police Inspector Wheatbelt District Department of Biodiversity, Conservation and Attractions Western Power Main Roads WA Image Resources |

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| | <p>Royal Australian Air Force Base Pearce Lancelin Volunteer Marine Rescue Group Inc Department of Education Gingin District High School Lancelin Primary School Silver Chain Tronox State Emergency Management Committee Department of Water and Environmental Regulation Department of Agriculture and Food Department of Health – WA Country Health Service Golden Egg Farms</p> <p>2. A nominated deputy member may attend in place of the endorsed representative member.</p> <p>3. The Shire’s Chief Executive Officer will act as deputy member for the Shire President.</p> <p>4. Membership shall be for a period of up to two years terminating on the day of the next ordinary Council elections, with retiring members eligible to re-nominate.</p> <p>5. Committee membership shall be appointed or removed by the Council.</p> <p>6. Members must comply with the Shire’s Code of Conduct for Council Members, Committee Members and Candidates.</p> <p>7. The Committee has authority to second individuals from outside of the Committee, on a voluntary basis, for their expert advice.</p> |
| <p>Operating procedures:</p> | <p>1. Presiding Member:</p> <p>a) The Shire President shall fill the position of Presiding Member at all meetings.</p> <p>b) In the absence of the Shire President, the Chief Executive Officer, as Council’s appointed deputy member, will attend and assume the Chair as Presiding Member for the duration of that meeting.</p> <p>c) In the event that neither the Shire President or the Chief Executive Officer are present, the Community Emergency Services Manager/Chief Bush Fire Control Officer will assume the Chair as Presiding Member for the duration of that meeting.</p> <p>d) The Presiding Member is responsible for the proper conduct of the Committee.</p> <p>2. Meetings:</p> <p>a) The Committee shall meet as required, but must hold a minimum of one meeting every three months (February, May, August and November).</p> <p>b) Additional meetings can be scheduled by decision of the Council or the Committee, or at the discretion of the Committee’s Presiding Member.</p> |

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| | <p>c) A Notice of Meeting, including an agenda, will be circulated to the Committee members (including deputy members) at least 72 hours prior to each meeting where possible.</p> <p>d) The Presiding Member shall ensure that detailed minutes of all meetings are kept and shall provide the Committee members (including deputy members) with a copy of such minutes within seven working days of the Committee meeting.</p> <p>e) All Committee meetings will be conducted in accordance with the Shire of Gingin Meeting Procedures Local Law 2014.</p> <p>3. Quorum: The quorum for a meeting shall be at least 50% of the number of voting members.</p> <p>4. Reporting:</p> <p>a) The Minutes of every Committee meeting will be circulated for the information of all Councillors within seven working days of the Committee meeting.</p> <p>b) Any Committee resolution requiring action on the part of the Council or requiring a Council commitment will be listed as a separate report on the Agenda for the next ordinary Council meeting.</p> |
| Appointing Legislation: | The Committee is established under section 38 of the <i>Emergency Management Act 2005</i> . |
| Delegated Authority: | The Committee has no delegated power and has no authority to implement its recommendations without approval of Council. |

| Version | Decision Reference | Synopsis |
|---------|---------------------------|--|
| 1. | 22/10/2013 - Item 10.7 | Terms of Reference adopted. |
| 2. | 16/12/2014 – Item 11.1.10 | Amendments to membership and who shall chair meeting in absence of Shire President. |
| 3. | 18/08/2015 – Item 11.1.6 | Terms of Reference reviewed. Reference to Standing Orders Local Law deleted from Operating Procedure 2b and replaced with Meeting Procedures Local Law 2014. Reference to provision of Committee Minutes via Information Bulletin deleted from Operating Procedure 4a. |
| 4. | 21/03/2017 – Item 11.1.1 | Amendments to membership and who shall chair meeting in absence of Shire President. |
| 5. | 18/7/2017 – Item 11.1.3 | Amendment to months for meetings to be held – now February, May, August and November |
| 6. | 15/10/2019 – Item 11.1.1 | Membership cl. 1 amended. Operating Procedures cl. 2b) amended. |
| 7. | 16/6/2020 – Item 11.1.1 | Addition of Principal Environmental Health Officer as a non-voting member, removal of Empire Oil Company (WA) Limited and replacing with Image Resources |
| 8. | 17/08/2021 – Item 11.1 | Membership cl. 1 and 6 amended. Operating Procedures cl. 2d) and 4a) amended. |
| 9. | 18/01/2022 – Item 11.2 | Membership c. 1 Local Recovery Coordinator re-added as Voting Member and representative from Golden Egg Farms added as a Non-Voting Member |
| 10. | 21/03/2023 – Item 11.2 | Membership cl. 1 Local Recovery Coordinator and Community Bush Fire Control Officer removed as voting members and appointed as non-voting members |



**TERMS OF
REFERENCE**

Aged Housing and Care Service Provision Advisory Group

July 2023

| | |
|-------------------|--|
| Name: | Aged Housing and Care Service Provision Advisory Group |
| Role/Purpose: | To identify options for progressing aged housing and care service provision within the Shire of Gingin. |
| Aims & Functions: | <ol style="list-style-type: none"> 1. To assess the current situation relating to aged housing and care services across the Shire, review all existing relevant information and reports, obtain additional information and guidance from experts in the field as required. 2. To identify opportunities for action to be taken by the Shire (including by way of support, advocacy, promotion and education) with respect to improving aged housing and care service provision within the Shire of Gingin. |
| Membership: | <ol style="list-style-type: none"> 1. The Group shall consist of the following representation: <ul style="list-style-type: none"> • Three Councillor representatives • A maximum of six community representatives • CEO • Executive Manager Corporate & Community Services 2. Other Shire of Gingin officers may attend meetings in an advisory capacity as required. 3. Community representatives must be ratepayers or residents of the Shire of Gingin with an interest and/or experience in the provision of housing and care services for aged persons. 4. Nominations for community representatives will be sought by giving local public notice. 5. Membership shall be for a period of up to two years, with all positions terminating on the day of the next ordinary Council election. Local public notice will be given seeking nominations for community representative positions following each election. Previous members are eligible to re-nominate, but will be required to submit a new nomination. 6. Group membership shall be approved or terminated by decision of Council. 7. If a community representative misses two or more consecutive meetings then their membership may be terminated by decision of Council. 8. Members may resign from the Group by submitting a written resignation to the CEO. |

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| | <p>9. In the event that a community representative resigns from the Group, or their membership is terminated, prior to the end of their term, then Council may appoint a replacement from other nominations received during the most recent nomination period.</p> <p>10. All members must comply with the Shire's Code of Conduct for Council Members, Committee Members and Candidates.</p> <p>11. All members must commit to:</p> <ul style="list-style-type: none"> a) actively participating in and contributing to meetings in a constructive and objective manner; and b) reviewing any agenda or other material that may be provided prior to a meeting. <p>12. The Group has authority to second external individuals, on a voluntary basis, for their expert advice.</p> |
| <p>Operating procedures:</p> | <p>1. Presiding Member:</p> <ul style="list-style-type: none"> a) The members of the Group are to appoint a Councillor representative as Presiding Member at the first meeting of the Group, and thereafter at each first meeting following a Shire of Gingin local government election. b) The Presiding Member will preside at all meetings. c) In the absence of the Presiding Member another Councillor representative is to be appointed by the Group members present to lead the meeting. d) The Presiding Member is responsible for the proper conduct of the Group. <p>2. Meetings:</p> <ul style="list-style-type: none"> a) The Group shall meet as required. When called, meetings will, in most cases, be held on the first or third Tuesday of the month prior to a Council Briefing Session or Ordinary Council Meeting. b) Meetings can be scheduled by the Chief Executive Officer, by a written request of the Presiding Member to the Chief Executive Officer, or by a decision of the Council or the Group. c) Meetings will primarily be held at the Shire's Gingin Administration Centre, but may be held at other venues as required, d) Group members will be given at least 72 hours' notice of a proposed meeting where possible. However, if convenient and necessary, impromptu meetings may be held on occasions when all Group members are able to attend. e) The Presiding Member shall ensure that minutes of all meetings are kept and that Group members are provided with a copy of such minutes. |

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| | <p>3. Quorum: The quorum for a meeting shall be at least 50% of the number of endorsed members.</p> <p>4. Reporting: a) The Minutes of every Group meeting will be circulated for the information of all Councillors within seven working days of the Group meeting. b) Any Group consensus requiring action on the part of the Council or requiring a Council commitment will be listed as a separate Officer's report on the Agenda for the next ordinary Council meeting.</p> <p>6. Remuneration: Membership is voluntary and Group members will not be remunerated for their participation.</p> |
| Appointing legislation: | N/A |
| Delegated Authority: | The Group has no delegated power and has no authority to implement any recommendations without approval of Council, or to direct staff to expend funds or undertake any action or duties. |

| Version | Decision Reference | Synopsis |
|---------|--------------------------|--|
| 1. | OCM 21/06/2022 Item 11.5 | Terms of Reference adopted. |
| 2. | OCM 19/07/2022 Item 11.2 | No. of community representative positions amended. |
| 3. | OCM18/07/2023 Item 11.1 | Renamed as Aged Housing & Care Service Provision Advisory Group. |
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TERMS OF REFERENCE

COASTAL EROSION ADVISORY GROUP

July 2023

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| Name: | Coastal Erosion Advisory Group |
| Role/Purpose: | Identify options for addressing Shire of Gingin coastal erosion and inundation issues. |
| Aims & Functions: | <ol style="list-style-type: none"> 1. To consider all existing information and reports to Council and additional information and guidance from experts in the field to identify a preferred course or courses of action. 2. To make recommendations to Council with respect to the preferred course or courses of action with respect to managing coastal erosion and inundation along the Shire of Gingin coastline. 3. To request Council Officers, as required, to facilitate discussions on behalf of the Group with communities and experts in the field to identify potential options. |
| Membership: | <ol style="list-style-type: none"> 1. The Group shall consist of the following representation: <ul style="list-style-type: none"> • four Councillor representatives. 2. The CEO and employees are not members of the Group (s7.1.A(3) and (4) <i>Local Government Act 1995</i>). 3. The CEO will attend all meetings to provide technical advice and guidance to the Group. Executive Managers and other officers will attend in an advisory capacity as required. 4. Membership shall be for a period of up to two years terminating on the day of the next ordinary Council elections, with retiring members eligible to re-nominate. 5. Membership shall be appointed or removed by the Council. 6. Members must comply with the Shire's Code of Conduct for Council Members, Committee Members and Candidates. 7. The Group has authority to second external individuals, on a voluntary basis, for their expert advice. |
| Operating procedures: | <ol style="list-style-type: none"> 1. Presiding Member: <ol style="list-style-type: none"> a) The members of the Group are to elect a Presiding Member from amongst themselves at the first meeting of the Group and at each subsequent first meeting of the Group and at each subsequent first meeting following an ordinary local government election. |

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| | <ul style="list-style-type: none"> b) Following the election of a Presiding Member, the members of the Group may also elect a Deputy Presiding Member. c) The CEO or delegated nominee will attend the first meeting to conduct the election of the Presiding Member or at a subsequent meeting if a new Presiding Member is to be elected. d) The Presiding Member will preside at all meetings. e) In the absence of the Presiding Member, the Deputy Presiding Member (if one has been elected by the Group) will assume the chair. f) In the absence of both the Presiding Member and the Deputy Presiding Member, or if a Deputy Presiding Member has not been elected, then a person is to be elected by the Group members present to assume the Chair for that meeting. g) The Presiding Member is responsible for the proper conduct of the Group. <p>2. Meetings:</p> <ul style="list-style-type: none"> a) The Group shall meet as required, but must hold a minimum of two meetings in any one calendar year. b) Meetings can be scheduled by the Chief Executive Officer, by a written request of the Presiding Member to the Chief Executive Officer, or by a decision of the Council or the Group. c) A Notice of Meeting, including an agenda, will be circulated to the Group members (including deputy members) at least 72 hours prior to each meeting where possible. d) The Presiding Member shall ensure that detailed minutes of all meetings are kept and shall provide the Group members (including deputy members) with a copy of such minutes within seven working days of the Group meeting. <p>3. Quorum:</p> <p>The quorum for a meeting shall be at least 50% of the number of endorsed members.</p> <p>4. Reporting:</p> <ul style="list-style-type: none"> a) The Minutes of every Group meeting will be circulated for the information of all Councillors within seven working days of the Group meeting. b) Any Group resolution requiring action on the part of the Council or requiring a Council commitment will be listed as a separate report on the Agenda for the next ordinary Council meeting. |
| Appointing legislation: | N/A |
| Delegated Authority: | The Group has no delegated power and has no authority to implement its recommendations without approval of Council. |

**MINUTES
SPECIAL COUNCIL MEETING
24 OCTOBER 2023**

APPENDIX 12.2.4

| Version | Decision Reference | Synopsis |
|----------------|---------------------------|---|
| 1. | 22/10/2019 – Item 14.1.9 | Committee established |
| 2. | 17/08/2021 – Item 11.1 | Aims and Functions cl. 2 amended. Membership cl. 6 amended. Operating Procedures cl. 2d) and 4a) amended. |
| 3. | 18/07/2023 – Item 11.1 | Renamed as Coastal Erosion Advisory Group |
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**TERMS OF
REFERENCE**

**GUILDERTON CARAVAN PARK AND FORESHORE
DEVELOPMENT ADVISORY GROUP**

July 2023

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| Name: | Guilderton Caravan Park and Foreshore Development Advisory Group. |
| Role/Purpose: | To assist Council in progressing improvements to and further development of the Guilderton Caravan Park and Guilderton Foreshore Precinct in an integrated and consistent manner. |
| Aims & Functions: | To: <ol style="list-style-type: none"> 1. Provide a forum for the discussion of issues and the formulation of suggestions and recommendations with respect to the Guilderton Caravan Park and the Guilderton Foreshore precinct, recognising the synergies between both facilities; and 2. Receive and consider input from the Guilderton Foreshore Development Working Group in relation to the improvement and future development of the Guilderton Foreshore precinct and make recommendations to Council as required. |
| Membership: | <ol style="list-style-type: none"> 1. Council will appoint four elected members as members of the Group. 2. Council will appoint two elected members as deputy members of the Group. 3. The Executive Manager Regulatory and Development Services and Executive Manager Operations and Assets will attend all meetings of the Group to provide technical advice and guidance only. 4. A senior representative of the Guilderton Caravan Park management will attend meetings by invitation only. 5. Membership shall be for a period of up to two years terminating on the day of the next ordinary Council elections, with retiring members eligible to re-nominate. 6. Group membership shall be appointed or removed by the Council. 7. Members must comply with the Shire's Code of Conduct for Council Members, Committee Members and Candidates. 8. The Group has authority to second individuals from outside of the Group, on a voluntary basis, for their expert advice. |

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| <p>Operating procedures:</p> | <p>1. Presiding Member and Deputy Presiding Member:</p> <ul style="list-style-type: none"> a) The members of a Group are to elect a Presiding Member from amongst themselves at the first meeting of the Group and at each subsequent first meeting following an ordinary local government election. b) Following the election of a Presiding Member, the members of the Group may also elect a Deputy Presiding Member. c) The CEO or delegated nominee will attend the first meeting to conduct the election of the Presiding Member or at a subsequent meeting if a new Presiding Member is to be elected. d) The Presiding Member will preside at all meetings. e) In the absence of the Presiding Member, the Deputy Presiding Member (if one has been elected by the Group) will assume the chair. f) In the absence of both the Presiding Member and the Deputy Presiding Member, or if a Deputy Presiding Member has not been elected, then a person is to be elected by the Group members present to assume the Chair for that meeting. g) The Presiding Member is responsible for the proper conduct of the Group. <p>2. Meetings:</p> <ul style="list-style-type: none"> a) The Group shall meet as required but must hold a minimum of two meetings in any one calendar year. b) Meetings can be scheduled by the Chief Executive Officer, by a written request of the Presiding Member to the Chief Executive Officer, or by a decision of the Council or the Group. c) A Notice of Meeting, including an agenda, will be circulated to the Group members (including deputy members) at least 72 hours prior to each meeting where possible. d) The Presiding Member shall ensure that detailed minutes of all meetings are kept. <p>3. Quorum:</p> <p>The quorum for a meeting shall be at least 50% of the number of endorsed members.</p> <p>4. Reporting:</p> <ul style="list-style-type: none"> a) The Minutes of every Group meeting will be circulated for the information of all Councillors within seven working days of the Group meeting. b) Any Group resolution requiring action on the part of the Council or requiring a Council commitment will be listed as a separate report on the Agenda for the next ordinary Council meeting. |
| <p>Appointing legislation:</p> | <p>N/A</p> |

**MINUTES
SPECIAL COUNCIL MEETING
24 OCTOBER 2023**

APPENDIX 12.2.5

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| Delegated Authority: | The Group has no delegated power and has no authority to implement its recommendations without approval of Council. |
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| Version | Decision Reference | Synopsis |
|----------------|---------------------------|--|
| 1. | OCM 19/07/2022 Item 11.4 | Terms of Reference adopted. |
| 2. | OCM 18/07/2023 Item 11.1 | Renamed as Guilderton Caravan Park & Foreshore Development Advisory Group. |



**TERMS OF
REFERENCE**

MEDICAL FACILITIES ADVISORY GROUP

July 2023

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| Name: | Medical Facilities Advisory Group |
| Role/Purpose: | To oversee, at a strategic level, the continued operation of a viable medical centre for the Gingin community, and to advise Council with respect to other matters related to the provision of medical services within the Shire of Gingin. |
| Aims & Functions: | <ol style="list-style-type: none"> 1. To liaise with the CEO with respect to overseeing the lease arrangements for the Gingin Medical Centre and to advise Council with respect to matters requiring Council's formal consideration. 2. To liaise with the CEO and advise Council with respect to the payment of a subsidy to Jupiter Health and Medical Services towards the employment of an additional GP at the Lancelin Medical Centre. 3. To consider and advise Council with respect to other matters relating to medical facilities within the Shire of Gingin, as required. |
| Membership: | <ol style="list-style-type: none"> 1. The Group shall consist of the following representation: <ul style="list-style-type: none"> • Four Councillor representatives 2. The CEO and employees are not members of the Group. 3. The CEO or his/her nominee is to attend all meetings to provide technical advice and guidance to the Group. 4. A nominated deputy member may attend in place of the endorsed representative member. 5. Membership shall be for a period of up to two years terminating on the day of the next ordinary Council elections, with retiring members eligible to re-nominate. 6. Group membership shall be appointed or removed by the Council. 7. Members must comply with the Shire's Code of Conduct for Council Members, Group Members and Candidates. 8. The Group has authority to second individuals from outside of the Group, on a voluntary basis, for their expert advice. |
| Operating procedures: | <ol style="list-style-type: none"> 1. Presiding Member: <ol style="list-style-type: none"> a) The members of the Group are to elect a presiding member from amongst themselves at the first meeting of the Group and at each subsequent first meeting following an ordinary local government election. |

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| | <ul style="list-style-type: none"> b) Following the election of a Presiding Member, the members of the Group may also elect a Deputy Presiding Member. c) The CEO or delegated nominee will attend the first meeting to conduct the election of the Presiding Member or at a subsequent meeting if a new Presiding Member is to be elected. d) The Presiding Member will preside at all meetings. e) In the absence of the Presiding Member, the Deputy Presiding Member (if one has been elected by the Group) will assume the chair. f) In the absence of both the Presiding Member and the Deputy Presiding Member, or if a Deputy Presiding Member has not been elected, then a person is to be elected by the Group members present to assume the Chair for that meeting. g) The Presiding Member is responsible for the proper conduct of the Group. <p>2. Meetings:</p> <ul style="list-style-type: none"> a) The Group shall meet as required, but must hold a minimum of two meetings in any one calendar year. b) Meetings can be scheduled by the Chief Executive Officer, by a written request of the Presiding Member to the Chief Executive Officer, or by a decision of the Council or the Group. c) A Notice of Meeting, including an agenda, will be circulated to the Group members (including deputy delegates) at least 72 hours prior to each meeting where possible. d) The Presiding Member shall ensure that detailed minutes of all meetings are kept and shall provide the Group members (including deputy members) with a copy of such minutes within seven working days of the Group meeting. <p>3. Quorum:</p> <p>The quorum for a meeting shall be at least 50% of the number of endorsed members.</p> <p>4. Reporting:</p> <ul style="list-style-type: none"> a) The Minutes of every Group meeting will be circulated for the information of all Councillors within seven working days of the Group meeting. b) Any Group resolution requiring action on the part of the Council or requiring a Council commitment will be listed as a separate report on the Agenda for the next ordinary Council meeting. |
| Appointing legislation: | N/A |
| Delegated Authority: | The Group has no delegated power and has no authority to implement its recommendations without approval of Council. |

**MINUTES
SPECIAL COUNCIL MEETING
24 OCTOBER 2023**

APPENDIX 12.2.6

| Version | Decision Reference | Synopsis |
|----------------|---------------------------|---|
| 1. | 22/10/2019 – Item 14.1.5 | Committee established |
| 2. | 17/08/2021 – Item 11.1 | Aims & Functions amended. Membership cl. 7 amended. Operating Procedures cl. 2d) and 4a) amended. |



**TERMS OF
REFERENCE**

PLANT ADVISORY GROUP

July 2023

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| Name: | Plant Advisory Group. |
| Role/Purpose: | To provide input and advice to Council with respect to the Shire of Gingin's plant replacement program. |
| Aims & Functions: | To oversee the preparation of, and make recommendations to Council with respect to, the Shire's plant replacement program. |
| Membership: | <ol style="list-style-type: none"> 1. The Group shall consist of the following representation: <ul style="list-style-type: none"> • Five Councillors 2. The Chief Executive Officer, Executive Manager Operations and Plant Mechanic will attend all meetings of the Group to provide technical advice and guidance only. 3. A nominated deputy member may attend in place of the endorsed representative member. 4. Membership shall be for a period of up to two years terminating on the day of the next ordinary Council elections, with retiring members eligible to re-nominate. 5. Group membership shall be appointed or removed by the Council. 6. Members must comply with the Shire's Code of Conduct for Council Members, Committee Members and Candidates. 7. The Group has authority to second individuals from outside of the Group, on a voluntary basis, for their expert advice. |
| Operating procedures: | <ol style="list-style-type: none"> 1. Presiding Member and Deputy Presiding Member: <ol style="list-style-type: none"> a) The members of a Group are to elect a Presiding Member from amongst themselves at the first meeting of the Group and at each subsequent first meeting following an ordinary local government election. b) Following the election of a Presiding Member, the members of the Group may also elect a Deputy Presiding Member. c) The CEO or delegated nominee will attend the first meeting to conduct the election of the Presiding Member or at a subsequent meeting if a new Presiding Member is to be elected. |

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| | <p>d) The Presiding Member will preside at all meetings.</p> <p>e) In the absence of the Presiding Member, the Deputy Presiding Member (if one has been elected by the Group) will assume the chair.</p> <p>f) In the absence of both the Presiding Member and the Deputy Presiding Member, or if a Deputy Presiding Member has not been elected, then a person is to be elected by the Group members present to assume the Chair for that meeting.</p> <p>g) The Presiding Member is responsible for the proper conduct of the Group.</p> <p>2. Meetings:</p> <p>a) The Group shall meet as required, but must hold a minimum of two meetings in any one calendar year.</p> <p>b) Meetings can be scheduled by the Chief Executive Officer, by a written request of the Presiding Member to the Chief Executive Officer, or by a decision of the Council or the Group.</p> <p>c) A Notice of Meeting, including an agenda, will be circulated to the Group members (including deputy members) at least 72 hours prior to each meeting where possible.</p> <p>d) The Presiding Member shall ensure that detailed minutes of all meetings are kept and shall provide the Group members (including deputy members) with a copy of such minutes within seven working days of the Group meeting.</p> <p>3. Quorum:</p> <p>The quorum for a meeting shall be at least 50% of the number of endorsed members.</p> <p>4. Reporting:</p> <p>a) The Minutes of every Group meeting will be circulated for the information of all Councillors within seven working days of the Group meeting.</p> <p>b) Any Group resolution requiring action on the part of the Council or requiring a Council commitment will be listed as a separate report on the Agenda for the next ordinary Council meeting.</p> |
| Appointing legislation: | N/A |
| Delegated Authority: | The Group has no delegated power and has no authority to implement its recommendations without approval of Council. |

**MINUTES
SPECIAL COUNCIL MEETING
24 OCTOBER 2023**

APPENDIX 12.2.7

| Version | Decision Reference | Synopsis |
|----------------|---------------------------|--|
| 1. | 22/10/2013 – Item | Committee established and Terms of Reference adopted. |
| 2. | 18/08/2015 – Item 11.1.6 | Terms of Reference reviewed. Membership amended to include Plant Mechanic as non-voting member. Operating Procedure 2a amended to reduce the minimum number of meetings from 3 to 2. Reference to Standing Orders Local Law deleted from Operating Procedure 2b and replaced with Meeting Procedures Local Law 2014. Reference to provision of Committee Minutes via Information Bulletin deleted from Operating Procedure 4a. |
| 3. | 16/08/2016 – Item 11.1.4 | Chief Executive Officer, Executive Manager Operations and Plant Mechanic removed from Committee membership. |
| 4. | 19/09/2017 – Item 11.1.3 | Terms of Reference reviewed. Operating Procedures cl. 2c deleted. |
| 5. | 15/10/2019 – Item 11.1.1 | Operating Procedures cl. 1a), 1b), 1e), 1f) and 2b) amended. |
| 6. | 17/08/2021 – Item 11.1 | Aims & Functions amended. Membership cl. 6 amended. Operating Procedures cl. 2d) and 4a) amended. |
| 7. | 18/07/2023 – Item 11.1 | Renamed as Plant Advisory Group. |



**TERMS OF
REFERENCE**

WASTE MANAGEMENT ADVISORY GROUP

July 2023

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| Name: | Waste Management Advisory Group |
| Role/Purpose: | To have oversight and provide expert advice on waste management and recommendations to Council. This includes the ongoing development of the Waste Management Operational Plan and the Refuse Collection and Recycling Contract. |
| Aims & Functions: | <ol style="list-style-type: none"> 1. To advise Council on the strategic direction of waste management within the Shire of Gingin. 2. To advise Council on legislative requirements that impact on environmental, planning and engineering issues of waste management operations and facilities. 3. To advise on consultation with relevant government and private stakeholders, service providers, and the community as appropriate. |
| Membership: | <ol style="list-style-type: none"> 1. The Group shall consist of the following representation: <ul style="list-style-type: none"> • Three Shire Councillors with one being the Chairperson. 2. The CEO and employees are not members of the Group. 3. The CEO or his/her nominee, Executive Manager Regulatory and Development Services, Executive Manager Operations and Assets, Principal Environmental Health Officer and Executive Manager Corporate and Community Services are to attend all meetings to provide technical advice and guidance to the Group. 4. A nominated proxy member may attend in place of the endorsed representative member. 5. Membership shall be for a period of up to two years terminating on the day of the next ordinary Council elections, with retiring members eligible to re-nominate. 6. Group membership shall be appointed or removed by the Council. |

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| | <p>7. Members must comply with the Shire's Code of Conduct for Council Members, Committee Members and Candidates.</p> <p>8. The Group has authority to second individuals from outside of the Group, on a voluntary basis, for their expert advice.</p> |
| <p>Operating procedures:</p> | <p>1. Presiding Member:</p> <ul style="list-style-type: none"> a) The members of a Group are to elect a presiding member from amongst themselves at the first meeting of the Group and at each subsequent first meeting following an ordinary local government election. b) Following the election of a Presiding Member, the members of the Group may also elect a Deputy Presiding Member. c) The CEO or delegated nominee will attend the first meeting to conduct the election of the Presiding Member or at a subsequent meeting if a new Presiding Member is to be elected. d) The Presiding Member will preside at all meetings. e) In the absence of the Presiding Member, the Deputy Presiding Member (if one has been elected by the Group) will assume the chair. f) In the absence of both the Presiding Member and the Deputy Presiding Member, or if a Deputy Presiding Member has not been elected, then a person is to be elected by the Group members present to assume the Chair for that meeting. g) The Presiding Member is responsible for the proper conduct of the Group. <p>2. Meetings:</p> <ul style="list-style-type: none"> a) Meetings shall be held not more frequently than every 2 months, unless a special meeting of the Group is called by specific resolution of the Group for the specified purpose(s). b) Meetings can be scheduled by the Chief Executive Officer, by a written request of the Presiding Member to the Chief Executive Officer, or by a decision of the Council or the Group. c) A Notice of Meeting, including an agenda, will be circulated to the Group members (including deputy delegates) at least 72 hours prior to each meeting where possible. d) The Presiding Member shall ensure that detailed minutes of all meetings are kept and shall provide the Group members (including deputy members) with a copy of such minutes within seven working days of the Group meeting. |

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| | <p>3. Quorum: The quorum for a meeting shall be at least 50% of the number of endorsed members.</p> <p>4. Reporting:</p> <p>a) The Minutes of every Group meeting will be circulated for the information of all Councillors within seven working days of the Group meeting.</p> <p>b) Any Group resolution requiring action on the part of the Council or requiring a Council commitment will be listed as a separate report on the Agenda for the next ordinary Council meeting.</p> |
| Appointing legislation: | N/A |
| Delegated Authority: | The Group has no delegated power and has no authority to implement its recommendations without approval of Council. |

| Version | Decision Reference | Synopsis |
|----------------|---------------------------|---|
| 1. | 19/11/2019 - Item 11.3.4 | Adopted |
| 2. | 17/08/2021 – Item 11.1 | Membership cl. 7 amended. Operating Procedures cl. 2d) and 4a) amended. |
| 3. | 18/07/2023 – Item 11.1 | Renamed as Waste Management Advisory Group |



TERMS OF REFERENCE

Guilderton Foreshore Development Working Group

July 2022

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| Name: | Guilderton Foreshore Development Working Group |
| Role/Purpose: | To assist the Guilderton Caravan Park and Foreshore Development Management Committee with respect to identifying options for the future development of the Guilderton Foreshore Precinct. |
| Aims & Functions: | <ol style="list-style-type: none"> 1. To contribute, when requested by the Committee, to identifying options for the Foreshore Precinct redevelopment; and 2. To provide input from a community perspective on redevelopment proposals. |
| Membership: | <ol style="list-style-type: none"> 1. The Working Group shall consist of the following representation: <ul style="list-style-type: none"> • Members of the Guilderton Caravan Park and Foreshore Development Management Committee; • A maximum of five community representatives; • Executive Manager Regulatory and Development Services; • Executive Manager Operations and Assets; and • CEO. 2. Other Shire of Gingin officers may attend meetings in an advisory capacity as required. 3. Community representatives must be ratepayers or residents of the Shire of Gingin with an interest in the Guilderton Foreshore Precinct. 4. Nominations for community representatives will be sought by giving local public notice. 5. Membership shall be for a period of up to two years, with all positions terminating on the day of the next ordinary Council election. Local public notice will be given seeking nominations for community representative positions following each election. Previous members are eligible to re-nominate, but will be required to submit a new nomination. 6. Working Group membership shall be approved or terminated by consensus of Council. 7. If a community representative misses two or more consecutive meetings then their membership may be terminated by decision of Council. 8. Members may resign from the Working Group by submitting a written resignation to the CEO. |

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| | <p>9. In the event that a community representative resigns from the Working Group, or their membership is terminated, prior to the end of their term, then Council may appoint a replacement from other nominations received during the most recent nomination period.</p> <p>10. All members must comply with the Shire's Code of Conduct for Council Members, Committee Members and Candidates.</p> <p>11. All members must commit to:</p> <ul style="list-style-type: none"> a) actively participating in and contributing to meetings in a constructive and objective manner; and b) reviewing any agenda or other material that may be provided prior to a meeting. <p>12. The Working Group has authority to second external individuals, on a voluntary basis, for their expert advice.</p> |
| <p>Operating procedures:</p> | <p>1. Presiding Member:</p> <ul style="list-style-type: none"> a) The members of the Working Group are to appoint a Councillor representative as Presiding Member at the first meeting of the Working Group. b) The Presiding Member will preside at all meetings. c) In the absence of the Presiding Member another Councillor representative is to be appointed by the Working Group members present to lead the meeting. d) The Presiding Member is responsible for the proper conduct of the Working Group. <p>2. Meetings:</p> <ul style="list-style-type: none"> a) The Working Group shall meet as required. When called, meetings will, in most cases, be held on the first or third Tuesday of the month prior to a Council Briefing Session or Ordinary Council Meeting. b) Meetings will primarily be held at the Shire's Gingin Administration Centre, but may be held at other venues as required, c) Working Group members will be given at least 72 hours' notice of a proposed meeting where possible. However, if convenient and necessary, impromptu meetings may be held on occasions when all Working Group members are able to attend. d) The Presiding Member shall ensure that minutes of all meetings are kept and that Working Group members are provided with a copy of such minutes. <p>3. Quorum:</p> <p>The quorum for a meeting shall be at least 50% of the number of endorsed members.</p> <p>4. Reporting:</p> <p>Outcomes from Working Group meetings will be the subject of a separate Officer's report on the agenda for the next meeting of the Guilderton Caravan Park and Foreshore Development Advisory Committee.</p> |

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| | <p>6. Remuneration:</p> <p>Membership is voluntary and Working Group members will not be remunerated for their participation.</p> |
| Appointing legislation: | N/A |
| Delegated Authority: | The Working Group has no delegated power and has no authority to implement any recommendations without approval of Council, or to direct staff to expend funds or undertake any action or duties. |

| Version | Decision Reference | Synopsis |
|----------------|---------------------------|--|
| 1. | OM19/07/2022 Item 11.4 | Adopted by Council. |
| 2. | OM16/08/2022 Item 11.3 | Community representatives amended from 3 to 5. |
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**TERMS OF
REFERENCE**

UPPER COASTAL SPORTING FACILITIES WORKING GROUP

20 September 2022

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| Name: | Upper Coastal Sporting Facilities Working Group |
| Role/Purpose: | To review the Upper Coastal Master Sporting Facilities Master Plan 2021 including the priorities, timing, and funding opportunities. |
| Aims & Functions: | <ol style="list-style-type: none"> 1. Review and prioritise the development of sporting facilities within the upper coastal region, including those detailed with the Upper Coastal Sporting Facilities Master Plan 2. Review the progress, if any, of implementation agreed priorities of the Upper Coastal Sporting Facilities Master Plan 2021 as amended. 3. Ensure that the Upper Coastal Master Plan 2021 core priorities of Long-term Sustainability are adhered to in accordance with the strategic direction of Council. |
| Membership: | <ol style="list-style-type: none"> 1. The Working Group shall consist of the following representation: <ul style="list-style-type: none"> • three Councillors; • One representative from each of member sporting clubs of the Lancelin Community Sporting Complex; • One representative from each of the member sporting clubs of the Ledge Point Country Club; • One representative from the Lancelin Community and Sporting Club Inc. • One representative from the Ledge Point Country Club Inc. 2. The Shire's Coordinator Community Development and Services will attend all meetings to provide technical advice and guidance to the Working Group. Other officers may attend in an advisory capacity as required. 3. Membership shall be for a period of up to two years terminating on the day of the next ordinary Council elections, with retiring members eligible to re-nominate. 4. Working Group membership shall be appointed or terminated by decision of Council. 5. If a representative of a member body misses two or more consecutive meetings then their membership may be terminated by decision of Council. 6. Members may resign from the Working Group by submitting a written resignation to the CEO. 7. In the event that a member body representative resigns from the Working Group, or their membership is terminated, prior to the end of their term, then the relevant member body will be required to nominate a replacement representative. |

| | |
|-------------------------|---|
| | <p>8. Members must comply with the Shire's Code of Conduct for Council Members, Committee Members and Candidates.</p> <p>9. All members must commit to:</p> <ul style="list-style-type: none"> a) actively participating in and contributing to meetings in a constructive and objective manner; and b) reviewing any agenda or other material that may be provided prior to a meeting. <p>10. The Working Group has authority to second external individuals, on a voluntary basis, for their expert advice.</p> |
| Operating procedures: | <p>1. Presiding Member:</p> <ul style="list-style-type: none"> a) Council will appoint a Councillor representative as Presiding Member at the first meeting of the Working Group, and thereafter at each first meeting following a Shire of Gingin local government election. b) The Presiding Member will preside at all meetings. c) In the absence of the Presiding Member another Councillor representative is to be appointed by the Working Group members present to lead the meeting. d) The Presiding Member is responsible for the proper conduct of the Working Group. <p>2. Meetings:</p> <ul style="list-style-type: none"> a) The Working Group shall meet as required. b) Working Group members will be given at least 72 hours' notice of a proposed meeting where possible. However, if convenient and necessary, impromptu meetings may be held on occasions when all Working Group members are able to attend. c) The Presiding Member shall ensure that notes of all meetings are kept and that Working Group members are provided with a copy of such notes. <p>3. Quorum:</p> <p>The quorum for a meeting shall be at least 50% of the number of endorsed members.</p> <p>4. Reporting:</p> <p>Any Working Group consensus requiring action on the part of the Council or requiring a Council commitment will be listed as a separate report on the agenda for the next ordinary Council meeting.</p> |
| Appointing legislation: | N/A |
| Delegated Authority: | The Working Group has no delegated power and has no authority to implement its recommendations without approval of Council, or to direct staff to expend funds or undertake any action or duties. |

| Version | Decision Reference | Synopsis |
|----------------|---------------------------|---|
| 1. | 16/10/2018 – Item 11.1.1 | Adopted |
| 2. | 16/04/2019 – Item 11.1.1 | Working Group name changed to Upper Coastal Sporting Facilities Working Group |
| 3. | 19/07/2022 – Item 15.1.1 | Amended Terms of Reference to provide clarity on the role and purpose of the Upper Coastal Sporting Facilities Working Group and provide a timeframe for it to undertake its functions. |
| 4. | 20/9/2022 – Item 12.5 | Amended Terms of Reference to provide further clarity on role and purpose of the Working Group. |
| | | |

12.3 APPOINTMENT OF COUNCIL REPRESENTATIVES - EXTERNAL BODIES

| | |
|-------------------|--|
| File | GOV/33 |
| Author | Lee-Anne Burt - Coordinator Governance |
| Reporting Officer | Aaron Cook - Chief Executive Officer |
| Refer | Nil |
| Appendices | <ol style="list-style-type: none"> Gingin District High School Board Terms of Reference [12.3.1 - 11 pages] WALGA Elected Member Prospectus [12.3.2 - 6 pages] |

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider the appointment of Council representatives to several external committees, groups, and boards.

BACKGROUND

Council has appointed representatives to several external bodies, usually in response to a request from the organisation in question or because there is a requirement for Council to provide representation (for example the Avon-Midland Country Zone of WALGA).

Although there is no explicit requirement to do so in the *Local Government Act 1995* (the Act), in the interests of good governance local governments generally review their appointed representatives to external bodies following each local government election.

This practice not only provides an opportunity for the local government to fill any vacancies that may have occurred because of an existing Councillor either retiring or not being re-elected to Council, but also allows newly elected Councillors to nominate as representatives to any body or bodies in which they may have an interest.

Council may also from time to time endorse the nomination of a Councillor to serve on a group whose members are selected via Ministerial appointment. If the nomination is accepted, then the Councillor is appointed for a set term (usually two years) that often runs outside the biennial election cycle. In these circumstances the Councillor continues to serve out their term (unless they retire from or are not re-elected to Council), and new nominations are not sought until such time as a call for same is received.

Council currently has elected members serving on 2 such committees, being the Regional Development Assessment Panel and the Control of Vehicles (Off-road Areas) Act Advisory Committee. Current terms on the Regional Development Assessment Panel expire on 26 January 2024.

The Department has requested that fresh nominations be submitted by 24 November 2023, and this is dealt with as part of this report. Councillor Johnson is currently a deputy member on the Control of Vehicles (Off-road Areas) Act Advisory Committee, but as he is not contesting the current election no action is required in relation to this appointment.

COMMENT

A summary is provided below of relevant external bodies.

Gingin Community Resource Centre Management Committee

The Gingin Community Resource Centre (CRC) is a not-for-profit organisation which provides access to a range of services, government information and training opportunities to the Gingin and Chittering communities, and travellers to the region. Services provided include:

- a. Access to Government and agency (ie, Centrelink, Australian Tax Office, Veterans' Affairs etc) information;
- b. Administration (ie, photocopying, printing, laminating and secretarial) services;
- c. Community services such as producing the Gingin Community News, Gingin Business Director, events calendar etc;
- d. Delivery terminal for various courier services;
- e. Access to internet and IT facilities (including video conferencing); and
- f. Training and information sessions and development opportunities.

The Management Committee consists of 7 members, including a Council representative. The committee meets bi-monthly, generally on a Monday, and is responsible for overseeing the CRC's strategic direction, setting the organisation's policies, and monitoring operational management in collaboration with the Coordinator/Manager.

The Gingin CRC occupies a Council-owned building shared by the Shire-operated Gingin Public Library. CRC staff provide staffing for the Library on the Shire's behalf.

Prior to the October 2023 elections, the following Councillors were appointed as representative/s of the Shire:

| | |
|---------------------|-----------------------|
| Representative | Deputy Representative |
| Councillor Balcombe | Councillor Rule |

Gingin District High School Board

At the request of the Gingin District High School (GDHS), since 2011 Council has appointed a Council representative to serve on the Gingin District High School Board.

The Terms of Reference for the Board state that Board membership will include three members of “the general community”, but do not specify that one of those members must be a representative of the Shire of Gingin. However, the Board has confirmed that it would prefer that the Shire continue to be represented.

The Board usually meets 2 or 3 times per school term, usually on a Thursday. Meetings usually run for about 90 minutes and relate to the governance of the School including policies, finances and strategic planning. An induction is provided for new members which goes through relevant legislation, the Terms of Reference and the Board’s Code of Conduct.

A copy of the Board’s Terms of Reference is attached as an **appendix**.

Prior to the October 2023 elections, the following Councillors were appointed as representative/s of the Shire:

| Representative | Deputy Representative |
|--------------------|-----------------------|
| Councillor Johnson | Councillor Rule |

Gingin Brook Catchment Group (previously Gingin Water Group)

The Gingin Water Group was formed in 2010 at a public meeting of interested stakeholders with concerns about the sustainability of existing streams and aquifers in the Gingin area, given current usage rates and the continuing approval by the State of water licences for irrigated horticulture.

The Group has recently changed its title to the Gingin Brook Catchment Group and has a new Mission Statement to reflect its change in focus, which is:

The Gingin Brook Catchment Group working with a diverse community to protect waterways, biodiversity, sustainable water use and production.

The Group is supported by the Chittering Landcare Centre and generally meets 3 times a year plus an AGM. Meetings are held at the Gingin CRC, usually on a Monday at 9am and run for approximately 90 minutes.

The next meeting is scheduled for 13 November 2023, with further meetings scheduled for 5 February 2024, 23 April 2024 (AGM – to be confirmed), 12 August 2024 and 11 November 2024,

Council appoints a representative and deputy representative to the Gingin Water Group at the Group's request.

Prior to the October 2023 elections, the following Councillors were appointed as representative/s of the Shire:

| Representative | Deputy Representative |
|--------------------|-----------------------|
| Councillor Johnson | Councillor Fewster |

Lancelin Community Resource Centre Management Committee

Like the Gingin CRC, the Lancelin CRC is a not-for-profit organisation which provides access to a range of services, government information and training opportunities to the Lancelin community and surrounding areas and to travellers to the region. Services provided include:

- a. Access to Government and agency (i.e., Centrelink, Australian Tax Office, Medicare etc) information;
- b. Administration (i.e., photocopying, printing, laminating and secretarial) services;
- c. Community services such as producing the Coastal Business Directory and Lancelin Holiday Guide;
- d. Event management;
- e. Access to internet and IT facilities (including video conferencing); and
- f. Training and development opportunities.

The Management Committee consists of 6 members, including a Council representative. The committee meets on a bi-monthly basis and is responsible for overseeing the CRC's strategic direction, setting the organisation's policies, and monitoring operational management in collaboration with the Coordinator/Manager.

Prior to the October 2023 elections, the following Councillors were appointed as representative/s of the Shire:

| Representative | Deputy Representative |
|-------------------|-----------------------|
| Councillor Peczka | Councillor Vis |

Regional Development Assessment Panel

Development Assessment Panels (DAP) are panels of technical experts and local government representatives from two or more local government districts with the power to determine applications for development within those districts under the following circumstances:

- a. Where a proposed development has a value of \$7 million or over; or
- b. Where a proposed development has a value of \$3 million or more and the applicant elects to have the application considered by a DAP rather than the relevant local government.

Each Council represented on a DAP is required to nominate a specific number of members and alternative members as its representatives.

It is a mandatory requirement for all DAP members to attend training before they can sit on a DAP and determine applications. Local government representatives who have previously been appointed to a DAP and who have undertaken training are not required to attend further training.

Local DAP members are entitled to be paid for their attendance at DAP training and meetings.

All current DAP appointments will expire on 26 January 2024. The Department of Planning, Lands and Heritage has requested that fresh nominations for DAP Members and Alternate Members be submitted by 24 November 2023.

Prior to the October 2023 elections, the following Councillors were appointed as representative/s of the Shire to the Regional DAP.

| Members | Alternate Members |
|---------------------|--|
| Councillor Balcombe | Councillor Vis |
| Councillor Johnson | Vacant following resignation of Cr Court |

Western Australian Local Government Association (WALGA) Avon-Midland Country Zone

The Western Australian Local Government Association (WALGA) lobbies and negotiates on behalf of Western Australia’s 139 local governments. As the peak lobbying and advocacy organisation for local government, WALGA has a strong influence on how policy decisions are made that affect the sector.

There are 17 WALGA zones across the state, including the Avon-Midland Country Zone which covers the local governments of Chittering, Dalwallinu, Dandaragan, Gingin, Goomalling, Moora, Northam, Toodyay, Victoria Plains, Wongan-Ballidu and York.

Each Council in the Zone is required to appoint a delegate to attend Zone meetings, which normally occur on a bi-monthly basis, as well as a deputy delegate who will attend meetings if the delegate is unavailable. The Zone elects a Zone President, Zone Deputy President, Zone Representative to the WALGA State Council and Zone Deputy Representative to the WALGA State Council from amongst the delegates of the member local governments.

The Avon Midland Zone has advised that the next Zone meeting will be held on 24 November 2023, at which the first item of business will be elections for the above positions.

A copy of the WALGA Elected Member Prospectus which provides further information on becoming a Zone Delegate or State Councillor is attached as an **appendix**.

Prior to the October 2023 elections, the following Councillors were appointed as representative/s of the Shire:

| Representative | Deputy Representative |
|---------------------|-----------------------|
| Councillor Balcombe | Councillor Johnson |

Wheatbelt North Regional Road Group – Moora Sub Group

Regional Road Groups are a requirement of the State Road Funds to Local Government Agreement 2018/19 to 2022/23. The role of Regional Road Groups is to make recommendations to the State Road Funds to Local Government Advisory Committee in relation to the Annual Local Government Roads Program for their Region.

The Wheatbelt North Regional Road Group is divided into the Avon, North-East, Kellerberrin and Moora Sub Groups, with the Moora Sub Group consisting of the Shires of Chittering, Dalwallinu, Dandaragan, Gingin, Moora, Victoria Plains and Wongan-Ballidu. Each member Shire is required to appoint a delegate and deputy delegate to their Sub Group following each local government election.

Prior to the October 2023 elections, the following Councillors were appointed as representative/s of the Shire:

| Representative | Deputy Representative |
|--------------------|-----------------------|
| Councillor Fewster | Councillor Sorensen |

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy 1.29 Councillors' Entitlements

BUDGET IMPLICATIONS

Under *Local Government Act 1995* s.5.98(2) and Council Policy 1.29 Councillors' Entitlements cl.2.1, Councillors are entitled to be reimbursed by the Shire for motor vehicle travel expenses, parking expenses and child care expenses incurred when attending (amongst other things)... *Any meeting of a body to which the Councillor has been appointed by Council, unless the Councillor is eligible to claim reimbursement of travel costs direct from that body.*

An allocation is included in Council's adopted annual budget for reimbursement of expenses of this nature.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

| | |
|----------------------------|--|
| Aspiration | 4. Excellence & Accountability - Deliver Quality Leadership and Business Expertise |
| Strategic Objective | 4.2 Effective Governance - Apply systems of compliance which assists Council to make informed decisions within a transparent, accountable and principled environment |

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe **SECONDED:** Councillor Sorensen

That Council make the following appointments to external bodies for a term of 2 years ending at the 2025 local government elections:

1. Gingin Community Resource Centre Management Committee
 - Member: Cr Balcombe
 - Deputy Member: Cr Woods
2. Gingin District High School Board
 - Member: Cr Woods
 - Deputy Member: Cr Kestel

3. Gingin Brook Catchment Group

Member: Cr Sorensen

Deputy Member: Cr Balcombe

4. Lancelin Community Resource Centre Management Committee

Member: Cr Weeks

Deputy Member: Cr Peczka

5. Regional Development Assessment Panel

Members: a. Cr Balcombe
b. Cr Johnson

Alternate Member/s: a. Cr Stewart
b. Cr Sorensen

6. WALGA Avon Midland Country Zone

Member: Cr Stewart

Deputy Member: Cr Sorensen

7. Wheatbelt North Regional Road Group Moora Sub Group

Member: Cr Fewster

Deputy Member: Cr Kestel

**CARRIED UNANIMOUSLY
8 / 0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Kestel, Councillor Sorensen, Councillor Stewart, Councillor Weeks, Councillor Woods and Councillor Peczka*

AGAINST: *Nil*



GINGIN DISTRICT HIGH SCHOOL BOARD TERMS OF REFERENCE

1 Name

The name of the Board is:

Gingin District High School Board.

The Board is established under the School Education Act 1999 (Sections 125 to 128) (SEA) and School Education Act Regulations (SER).

2 Purpose of Board

2.1

The Board is formed with the fundamental purpose of enabling parents and members of the community to engage in activities that are in the best interests of students and will enhance the education provided by the school.

3 Functions of the Board

3.1

The Board has the following functions:

To take part in:

- a) establishing and reviewing from time to time, the school's objectives, priorities and general policy directions;
- b) the planning of financial arrangements necessary to fund those objectives, priorities and directions;
- c) evaluating the school's performance in achieving them; and
- d) formulating codes of conduct for students at the school.

3.2

With the approval of the Director General to:

- a) take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff.

3.3

To approve:

- a) of a charge or contribution determined by the principal for the provision of certain materials, services and facilities;
- b) of the costs determined by the principal to be paid for participation in an extra cost optional component of the school's educational program;
- c) of the items determined by the principal to be supplied by a student for the student's personal use in the school's educational program; and
- d) of an agreement or arrangement for advertising or sponsorship in relation to a government school.

3.4

To determine in consultation with students, their parents and staff a dress code for students when they are attending or representing the school.

3.5

To provide advice to the principal of the school on:

- a) a general policy concerning the use in school activities of prayers, songs and material based on religious, spiritual or moral values being used in a school activity as part of religious education; and
- b) allowing time for the special religious education of students in the school, but the total number of hours so allowed in a school year is not to exceed 40.

3.6

To promote the school in the community.

4 Limits of Functions

4.1

The Board cannot:

- a) intervene in the control or management of the school;
- b) intervene in the educational instruction of students;
- c) exercise authority over teaching staff or other persons employed at the school; or
- d) intervene in the management or operation of a school fund.

4.2

The Board is not permitted to borrow money, or obtain funds for the school.

4.3

The Director General may give directions in writing to a Board with respect to the performance of its functions, either generally or in relation to a particular matter, and the Board is to give effect to any such direction.

5 Qualifications for membership of the Board

5.1

Membership of the Board will be drawn from the following categories:

- a) parents of students at the school;
- b) members of the general community;
- c) staff of the school;
- d) the Principal is automatically a member of the Board; and
- e) students of the school where there is a perceived benefit for including.

5.2

Staff who are also parents or community members will only serve on the Board in their capacity as a Department of Education employee. Such a person will only be on the Board in the category of staff membership.

5.3

The number of members of the Board will be **8 members**.

5.4

The composition of the Board will be:

- i. **The school Principal;**
- ii. **Three members of the general community;**

- iii. Two staff of the school in addition to the Principal;
- iv. Two parents.

5.5

The Board may co-opt members of the local community to be members of the Board for such period, or in relation to such matters, as determined by the Board where that person's experience, skills or qualifications would enable him or her to make a contribution to the Board's functions.

5.5.1 The tenure for the co-opted member will be established by the Board at the time of the appointment.

5.6

The Board may co-opt a **student** as a member of the Board where there is a perceived benefit to the Board to do so. The student will be selected by the Board and will serve for the duration of time specified by the Board, not exceeding the time to the end of the school year.

6 Roles of Office Bearers

6.1

Chairperson

The role of the Chairperson is to:

- a) chair and convene Board meetings;
- b) provide leadership to the Board;
- c) manage the business of the Board;
- d) declare the result of decisions and motions;
- e) uphold Board decisions;
- f) work in partnership with the Principal;
- g) ensure the Board stays focused on supporting the school to achieve the best outcomes for students;
- h) prepare and present an annual report to members and the school community at annual public meetings;
- i) comply with any directions of the Board in relation to the venue and time of meeting and giving notice of the meeting;
- j) resolve disputes as required;
- k) facilitate mediation meetings as required and
- l) represent the school in the community and formal functions.

6.2

A member may at any reasonable time inspect the books, documents, records and securities of the Board. Members may make a copy of or take an extract, but have no right to remove the books, documents, records or registers of the Board.

7 Elections and appointment of members

7.1

Parent and Staff members of the Board are appointed for a term of three years. The appointment shall be from the commencement of the school year following the selection. Community members shall be appointed for a term specified by the Board.

7.2

Members may be reappointed for a further term once or more than once.

7.3

A casual vacancy means a vacancy that arises when a member resigns within the duration of their tenure.

7.4

Any member appointed or elected to a casual vacancy on the Board will hold office for the residual period of the predecessor's term of office.

7.5

The chairperson is elected by and from its membership annually at the first formal meeting of the year.

7.6

Where a vacancy arises, either through expiry of membership or retirement, the Principal of the school will invite nominations from all persons in each category to fill vacancies in the Board membership.

7.7

If there are more nominees than places available on the Board:

- a) the Principal will conduct an election to appoint parents and staff; and
- b) in the category 'community members' the choice of nominee will be decided by the Board rather than by election.

7.8

Only those people eligible for a position are eligible to vote for representatives for that position.

7.9

Parent members are to be elected from and by parents. Parents eligible to vote are:

- a) each parent whose name and address has been provided to the school on the enrolment register as a parent of a student; or
- b) if neither parent's name and address has been so provided in relation to a particular student, each person who is responsible for the student.

7.10

Staff members are to be elected from and by the staff of the school. Staff members who are eligible to vote are each person who is employed at the school under **SEA s.235(1)**, and whose usual place of work is at the school.

7.11

There will not be an election to appoint community members. The Board may appoint suitably qualified persons from the list of nominees by vote in a meeting, for a term specified by the Board, but not exceeding three years.

7.12

There will not be an election to appoint co-opted members. The Board will appoint persons of the local community having such skills, experience, or qualifications as would enable the person to make a contribution to the Board's functions for a specified time period, not exceeding three years.

7.13

A person will not vote in respect of more than one category of membership of the Board.

7.14

Voting in Board elections will be conducted in written form (as opposed to a show of hands).

7.15

The school Principal is responsible for the proper conduct of all elections.

7.16

A person who wishes to nominate to serve on the Board will notify the school Principal in writing by the due date in order to be considered. The Principal will keep a record of nominations received.

7.17

Where no nominations for a particular category of membership are received by the closing date, the Board is able to appoint a suitable person from the people eligible under that category of membership.

7.18

Where a member is going to be unavoidably absent for up to three meetings, they may provide the Board in writing with a nomination for a proxy member for the term of their leave signed by the member and the proxy member. A proxy member cannot be a current member of the Board.

7.19

A proxy member must be endorsed by the Board, but after endorsement will have the same rights as the normal member for the duration of the proxy membership.

8 Board meetings and proceedings

8.1

The Board must meet together to undertake Board functions for not less than 5 ordinary meetings in each year.

8.2

The Chairperson will give to the school community not less than 14 days formal notice of an ordinary meeting.

8.3

The Board will determine that medium for formal notice as the school newsletter, and/or the school website, and/or another appropriate form of notice.

8.4

Annual public meeting

- a) "Annual public meeting" is the meeting held once in every calendar year that is open to the public.
- b) An annual report will be presented at the meeting to advise the school community of the performance of the Board in relation to its functions since the previous annual public meeting.

8.5

The chairperson will give to all members and parents not less than 14 days formal notice of an annual public meeting.

8.6

A special meeting:

- a) Is a meeting called for by families of students at the school for a particular purpose.
- b) will be held by determination of the Board; or
- c) will be called for by:
 - i. at least 20 families of students at the school; and
 - ii. a formal notice to the chairperson, which will state the purpose for which the special meeting concerned is required; and be signed by the families who called for the special meeting.

8.7

The Chairperson is not to convene a special meeting if the purposes of the proposed meeting is not relevant to the Board's functions.

8.8

A special meeting is to deal only with matters relevant to the purposes set out in the notice received by the Chairperson.

8.9

The Chairperson will give to all members and the school community not less than **14 days formal notice of a special meeting**.

8.10

The Chairperson will convene the special meeting within 30 days of receiving the request in writing.

8.11

The Chairperson may, with the consent of a meeting at which a quorum is present, and must, if so directed by such a meeting, adjourn that meeting from time to time and from place to place.

8.12

No business will be transacted at an adjourned meeting other than business left unfinished or on the agenda at the time when the meeting was adjourned.

8.13

When a meeting is adjourned for a period of 30 days or more, the Chairperson will give formal notice of the adjourned meeting as if that meeting were a fresh meeting.

8.14

The Board will agree on the manner that the Secretary will communicate notice of ordinary, special and annual public meetings to members and the school community.

8.15

Meetings for the Board and the Parents and Citizens' Association are to be held separately.

8.16

Subject to this Terms of Reference, the Board will determine its own procedures.

8.17

The Board may establish sub-committees for any purpose relating to the Board's functions. These committees will be responsible to, and report back to the Board at regular intervals or until the sub-committee is dissolved.

9 Quorum at Board meetings

9.1

At a meeting *five* members present in person or by a conference call at a Board meeting constitute a quorum, provided the majority are Parent and Community members of the Board.

9.2

If within 30 minutes after the time specified for the holding of a meeting of which formal notice has been given a quorum is not present, the meeting lapses and will be rescheduled;

9.3

If within 30 minutes of the time for the resumption of adjourned meeting a quorum is not present, the members who are present in person may nevertheless proceed with the business of the meeting as if a quorum were present.

10 Motions at Board meetings

10.1

A motion may be moved by a member with full voting rights and voted on by a member with full voting rights at an ordinary meeting, special meeting, or annual public meeting.

10.2

The Board will agree on the manner that the School will communicate notice of motions to members and the school community.

11 Resolutions at Board meetings

11.1

Each Board member is entitled to one vote only.

11.2

Procedures for counting of votes will be by a show of hands.

11.3

Voting on issues will be recorded in the minutes.

11.4

A decision of the Board will not take effect unless it has been made by an absolute majority, that is, **five votes**, regardless of the number of members present.

11.5

A motion put to the vote:

- a) may be moved and voted on at an ordinary, special or annual public meeting;
- and
- b) will be decided by an absolute majority of votes.

11.6

A motion which is passed will be declared by the Chairperson as a resolution. A declaration by the Chairperson is evidence of the fact.

12 Closing an ordinary Board meeting to the public

12.1

Meetings of the Board are generally to be open to the public.

12.2

The Board will not close to members of the public an annual public meeting or special meeting.

12.3

The Board may decide to close an ordinary meeting or part of an ordinary meeting if it deals with any of the following:

- a) a matter affecting a person who is employed at the school;
- b) the personal affairs of any person;
- c) a contract entered into, or which may be entered into, by the Board and which relates to a matter to be discussed at the meeting;
- d) legal advice obtained, or which may be obtained, by the Board and which relates to a matter to be discussed at the meeting;
- e) a matter that if disclosed, would reveal:
 - i. information that has a commercial value to a person and that is held by, or is about, a person other than the Board); or
 - ii. information about the business, professional, commercial or financial affairs of a person and that is held by, or is about, a person other than the Board; and
- f) information which is the subject of a direction given under **PCA s.23(1)(a)**.

12.4

A decision to close an ordinary meeting or part of an ordinary meeting and the reason for the decision are to be recorded in the minutes of the meeting.

12.5

A student member of the Board, where selected, may be excluded by the Board at the discretion of the Board.

13 Disputes and Mediation

13.1

The grievance procedure set out in this rule applies to disputes under these rules between:

- a) a Board member and another member;
- b) a Board member and the Principal of the school;
- c) a Board member and the Chairperson; or
- d) a Board member and co-opted members.

13.2

The parties to the dispute should meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all parties.

13.3

If the parties are unable to resolve the dispute at the meeting, a meeting may be held in the presence of a mediator.

13.4

The mediator will be-

- a) a person chosen by agreement between the parties; or
- b) in the absence of agreement:
 - i. in the case of a dispute between a member and another member, a person appointed by the Chairperson of the Board;
 - ii. in the case of a dispute between a member or relevant non-member and the Board, a person who is a mediator appointed to, or employed with, a not for profit organisation.

13.5

A member of the Board can be a mediator.

13.6

The mediator cannot be a member who is a party to the dispute.

13.7

The mediator, in conducting the mediation, will-

- a) give the parties to the mediation process every opportunity to be heard;
- b) allow due consideration by all parties of any written statement submitted by any party; and
- c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

13.8

The mediator will not determine the dispute.

13.9

The mediation will be confidential and without prejudice.

13.10

If the mediation process does not result in the dispute being resolved, the parties may seek advice from the Regional Director of Schools.

14 Cessation or termination of membership of the Board

14.1

The office of a member of the Board becomes a casual vacancy if the member:

- a) becomes ineligible to hold office as a member as a result of no longer being a member of the category for which they are a representative;
- b) resigns by written notice delivered to the Board; or
- c) is removed from office by the Director General.

14.2

The Board may remove a person as a member of the Board on the grounds that the person:

- a) has neglected his or her duty as a member;
- b) has misbehaved or is incompetent;
- c) is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of his or her function as a member; or

- d) has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice.

14.3

The Board will not remove a person as a member unless the person has been given a reasonable opportunity to show that he or she should not be removed from office.

14.4

A decision of the Board to remove a person from office is to be made by resolution of a majority comprising enough of the members for their number to be at least two thirds of the number of offices, whether vacant or not, of members of the Board.

ADDENDUM

In these rules, unless the contrary intention appears:

- “*Board*” means the Council of an Independent Public School. “*Council*” means the Council referred to in rule 1, established in *SEA s.125*.
- “*Director General*” means the chief executive officer of the Department of Education as defined in *SEA s.229*.
- “*Parent*” in relation to a child, means a person who at law has responsibility -
 - For the long term care, welfare and development of the child; or
 - For the day to day care, welfare and development of the child (*SEA s.4*).
- “*Student*” means a person who is enrolled at the school (*SEA s.4*).
- “*PCA*” means *Parliamentary Commissioner Act 1971*.
- “*Minister*” means a body corporate with the name “Minister for Education” (*SEA s.214(1)*).
- “*SEA*” means *School Education Act 1999*.
- “*SER*” means *School Education Regulations 2000*.
- “*Ordinary meeting*” means a meeting held by determination of the Board (*SER r.115(1)*).
- “*Annual public meeting*” is the annual meeting in which the Board presents to the school community an annual report based on the Board’s functions (*SER r.117*).
- “*Special meeting*” means a meeting of the Board called for by written notice to the chairperson by parents of students at the school for a specific purpose (*SER r.118*).
- “*Terms of Reference*” means these rules that will apply to the Board and members.

The following links provide access to legislation and other documents relevant to school governance.

School Education Act 1999 (SEA)

https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_878_homepage.html

School Education Regulations 2000 (SER)

https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_2033_homepage.html

School Curriculum And Standards Act 1997

https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_233_homepage.html

Public Sector Management Act 1994

https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_233_homepage.html

Financial Management Act 2006

https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_233_homepage.html

Department of Education Policies Website

<http://det.wa.edu.au/policies/detcms/portal/>



Elected Member Prospectus

Becoming a Zone Delegate or State Councillor

2023



About WALGA

WALGA is an independent, member-based, not for profit organisation representing and supporting the WA Local Government sector.

Our purpose is to leverage the collective strength and influence of the Local Government sector for the benefit of WA Local Governments and their communities.

What does WALGA do?

WALGA provides value to Member Local Governments by advocating and facilitating sector solutions and policy, and by delivering member-centric, quality services.

How does WALGA work?

WALGA employs approximately 100 staff across the areas of:

- Policy, including asset management, community, emergency management, environment, infrastructure, planning, roads and waste;
- Services and advice including governance, industrial relations, procurement, recruitment, supplier panels, tender management, and training for officers and Elected Members; and
- Operational functions including events, finance, human resources, information technology, marketing and media management.

How is WALGA funded?

A number of components contribute to the WALGA operational budget. As with most member-based organisations, WALGA has an annual Membership fee paid by all Member Local Governments. To ensure fairness, the annual Membership fee is indexed to the size and capacity of each Local Government. It contributes less than 10 per cent of WALGA total turnover.

WALGA secures additional funding through charges to State and Federal departments and agencies for the administration of grants; fee-for-services selected for use by Member Local Governments; and returns from supplier contracts as part of group buying arrangements that guarantee lowest market rates for Members.

Role of Zones

State Councillors are elected to State Council from one of 17 Zones, which are groupings of Local Governments convened together on the basis of population, commonalities of interest and geographical alignment.

The relationship between State Council and Zones within the Western Australian Local Government Association is a critical one in the political representation of Local Government at the State and Federal levels.

Zones have an integral role in shaping the political and strategic direction of WALGA. Not only are Zones responsible for bringing relevant local and regional issues to the State Council decision making table, they are a key player in developing policy and legislative initiatives for Local Government.

WALGA's Constitution outlines that the functions of Zones are to:

- elect one or more State Councillors;
- consider the State Council agenda;
- provide direction and feedback to their State Councillor; and
- any other function deemed appropriate by the Zone.

Additional activities undertaken by Zones include:

- developing and advocating on positions on regional issues affecting Local Government;
- progressing regional Local Government initiatives;
- identifying relevant issues for action by WALGA;
- networking and information sharing; and
- contributing to policy development through policy forums and other channels.

Zones provide input into State Council's advocacy efforts in two critical ways:

1. by passing resolutions on items contained in the State Council Agenda; and
2. by generating new Agenda items for consideration by State Council.

Zone Motions

To generate new Agenda items for consideration by State Council, a Zone may pass a resolution requesting that WALGA take action. For example, a Zone motion may request WALGA to investigate an issue, undertake advocacy, or develop policy.

It is best practice that Zone motions are submitted with the backing of a resolution of Council. However, as Zones are self-governing and autonomous, individual Zone Delegates may submit motions for the Zone to consider.

It is recommended that the Zone be advised whether a motion to be considered has been endorsed by Council or has been submitted by an individual Zone Delegate.

Role of a Zone Delegate

Zone Delegates are elected or appointed to represent their Council on the Zone and make decisions on their Council's behalf at the regional level.

In fulfilling their role as Council's representative, the Zone Delegate should give regard to their Council's positions on policy issues.

There is also an expectation that Zone Delegates will report back to their Council about decisions made by the Zone.

Role of State Council

WALGA is governed by a President and a 24-member State Council, elected from the Local Government sector.

Each State Councillor represents a WALGA Zone. There are 5 metropolitan Zones and 12 country Zones. All 139 WA Local Governments are invited to be Members of WALGA and a Zone.

Elected Members are able to nominate to represent their Local Government on their Zone and in turn, through the Zone election process, to represent the Zone on State Council.

State Council's primary role is to govern the successful operation of WALGA and broadly includes:

- Strategy formulation and policy making;
- Development, evaluation and succession of the Chief Executive Officer;
- Monitoring financial management and performance, including the annual budget;
- Monitoring and controlling compliance and organisational performance;
- Ensuring effective identification, assessment and management of risk;
- Promoting ethical and responsible decision making;

- Ensuring effective communication and liaison with members and stakeholders; and;
- Ensuring an effective governance framework and culture.

Role of a State Councillor

State Councillors have ultimate responsibility for the overall successful operations of WALGA.

The principal roles of State Councillors relate to:

- policy positions and issues;
- the strategic direction of WALGA;
- financial operations and solvency; and
- all matters as prescribed by law.

State Councillors, as directors of a board, are required to act consistently in the “best interests of the organisation as a whole”. This effectively means that the duties of a State Councillor are owed to all Member Local Governments.

State Councillors are also expected to be champions for WALGA and for the Local Government sector.

Commitment of the Role of State Councillor

State Councillors are expected to attend State Council meetings, of which there are five ordinary meetings per year. As State Councillors are elected to State Council by their Zone, State Councillors would also be expected to attend and play a prominent role in Zone meetings, including reporting back to their Zone about WALGA’s activities and advocacy.

State Councillors are expected to attend WALGA events and functions and play an active role in representing the Local Government sector, and contributing to policy debates and other forums.

State Council operates a number of internal and external committees and policy forums. There is an expectation that State Councillors play a leading role in serving on State Council’s committees on behalf of WALGA and the Local Government sector.

State Councillors are paid an annual sitting fee and expenses incurred to attend State Council meetings are reimbursable.

Opportunities for State Councillors

State Councillors, as board members of WALGA, are key leaders in the Local Government sector in Western Australia. Not only do State Councillors represent their community on their Council, they also have the opportunity to represent their region (Zone) and the Local Government sector at the state level.

All State Councillors will be appointed to a Policy Team or the Finance & Services Committee. Policy Teams provide State Councillors with hands-on exposure to development of policy positions and submissions to Government on behalf of the WA Local Government sector. The Chair of the relevant Policy Team will also have the opportunity to attend meetings with Government Ministers to advocate on behalf of Local Government.

Become Involved

We hope that involvement in your Association – by representing your Council on the Zone, or representing your Zone on State Council – will be an enriching and rewarding experience.

Consider nominating for a position on the Zone or State Council and play a role in shaping policy and advocacy on behalf of Local Government in Western Australia!

Contacts

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13 REPORTS - CORPORATE AND COMMUNITY SERVICES

Nil

14 REPORTS - REGULATORY AND DEVELOPMENT SERVICES

Nil

15 REPORTS - OPERATIONS AND ASSETS

Nil

16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17 COUNCILLORS' OFFICIAL REPORTS

Nil

18 NEW BUSINESS OF AN URGENT NATURE

Nil

19 MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC

Nil

20 CLOSURE

There being no further business, the Shire President declared the meeting closed at 4:19 pm.

The next Ordinary Council Meeting will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on 21 November 2023, commencing at 3.00 pm.