



Shire of Esperance

Council Committees Terms of Reference

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DOCUMENT REVIEW HISTORY

<u>Date Last Amended</u>	<u>Reasons for Amendment</u>	<u>Council Resolution</u>	<u>Amended by</u>
4 November 2015	Amend titles of Council officers due to organisational restructure		Shane Burge
16 November 2015	Arts Collection Advisory Committee disbanded. Off Road Vehicle Working Group and Ralph Bower Adventureland Park Working Group added. Quick reference added and formatting updated.	S1115-027 S1115-030	Sarah Fitzgerald
26 April 2016	Amendment to GSG Redevelopment Committee Amendment to Lake Monji Community Development Group Amendment to Museum Management Committee Amendment to Twin Towns Committee Amendment to Off Road Vehicle Working Party	O0416-031 O0416-029 O0416-027 O0416-025 O0416-038	Rod Hilton
1 October 2016	New Esperance Visitor Centre Management Committee	O0916-025	Sarah Fitzgerald
16 November 2016	New Jetty Replacement Working Group	S1116-039	Sarah Fitzgerald
6 December 2016	Jetty Replacement Working Group – Amendment to Community Representation	S1216-055	Sarah Fitzgerald
13 March 2016	Amendment to Lake Monji Community Development Group Amendment to Adventureland Park Working Group	O0217-023 O0217-024	Sarah Fitzgerald
3 July 2017	New Youth Advisory Council New New Landfill Community Reference Group	O0617-130 O0617-129	Sarah Fitzgerald
26 July 2017	CEO Review Group dissolved and removed	O0717-167	Sarah Fitzgerald
9 November 2017	Review of ToR to coincide with appointment of Elected Members. Changes have been outlined in a Special Council Meeting item.	S1117-272 S1117-277 S1117-281	Sarah Fitzgerald
1 March 2018	Removal on Esperance Museum Management Committee	O0218-045	Sarah Fitzgerald
28 March 2018	New Museum Management Reference Group Change to membership of New Landfill Community Reference Group	O0318-081 O0318-088	Sarah Fitzgerald
23 May 2018	Change to the membership of the South Coast Management Group.	O0518-099	Sarah Fitzgerald
5 July 2018	Minor changes to Ralph Bower Adventureland Park Working Group.	O0418-077	Alli McArthur
24 September 2019	New Reconciliation Action Plan Working Group	O0919-189	Sarah Moroney
29 October 2019	Appointment of Council Members to Audit Committee	O01019-221	Sarah Moroney
26 November 2019	Review of ToR to coincide with Ordinary Local Government Elections. Changes have been outlined in the Agenda from the November Ordinary Council Meeting.	O1119-249 O1119-250 O1119-251	Sarah Moroney
12 May 2020	New Local Recovery Committee, Economic Sub Committee and Community Support Sub Committee	S0520-128 S0520-129	Mary Bidstrup

26 May 2020	New Streetscape Advisory Committee, and Terms of Reference endorsed. Local Recovery Committee, Economic Sub Committee and Community Support Sub Committee Terms of Reference endorsed.	O0520-140 O0520-156 O0520-157 O0520-158	Mary Bidstrup
28 July 2020	Change to the membership of the Streetscape Advisory Committee	O0720-224	Mary Bidstrup
25 August 2020	Amendments to Reconciliation Action Plan Working Group, Local Recovery Committee, Economic Sub Committee and Community Support Sub Committees	O0820-278 O0820-274	Sarah Walsh
26 October 2021	Review of Bush Fire Advisory Committee, Audit Committee and GVROC members and elected member representatives following Council Election	O1021-174	Sarah Walsh
21 December 2021	Biennial review, disband various committees, amend some committees to be working groups and appoint elected members	O1221-222	Sarah Walsh
31 October 2023	Review of Audit Committee terms of reference and elected member delegates.	O1023-187	Sarah Walsh
28 November 2023	Biennial review, update elected member delegates, remove Audit Committee points relating to auditor and replace with reference to OAG, update responsible officer position within Bush Fire Advisory Committee.	O1123-188	Sarah Walsh
28 May 2024	Addition of Behaviour Complaints Committee	O0524-058	Sarah Walsh

INTRODUCTION

Under the powers of the *Local Government Act 1995*, Council has the power to establish committees of three or more persons to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

The Esperance Shire Council has established both standing and advisory committees, which directly report to Council. In addition, there are also a number of Working Groups and external, non-Council committees with Council representation.

The objective of this document is to:

1. Provide a reference detailing Council standing and advisory committees, as well as those Working Groups and external committees with Council representation; and
2. Outline the adopted Terms of Reference for each of the Council Committees.

Subdivision 2 of Division 2 of Part 5 of the *Local Government Act 1995* outlines the establishment of committees and the structure of their meetings. Council Committees are also subject to the Shire of Esperance *Standing Orders Local Law 2015* which is available on the Shire Website.

QUICK REFERENCE

<u>Committee</u>	<u>Members</u>	<u>Deputy</u>
Audit Committee	Cr Flanagan Cr McMullen Pres Chambers Cr Johnston	N/A
Behaviour Complaints Committee	Pres Chambers Cr Obourne Cr Davies Cr de Haas Cr Starcevich	Cr McMullen
Bush Fire Advisory Committee	Cr Graham	Pres Chambers

PART 1

COUNCIL STANDING

COMMITTEES

AUDIT COMMITTEE

<i>Document Status</i>	Current	<i>Version No</i>	13
<i>Document Controller</i>	Chief Executive Officer		
<i>Last Reviewed</i>	28 November 2023	<i>Res No</i>	O1123-188

Committee Type

Statutory Committee

Objectives of the Audit Committee

1. The primary objective of the audit committee is to accept responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs.
2. Reports from the committee will assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies and overseeing the allocation of the local government's finances and resources. The committee will ensure openness in the local government's financial reporting and will liaise with the CEO to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation.
3. The committee is to facilitate:
 - the enhancement of the credibility and objectivity of internal and external financial reporting;
 - effective management of financial and other risks and the protection of Council assets;
 - compliance with laws and regulations as well as use of best practice guidelines relative to auditing;
 - the coordination of the internal audit function with the external audit; and
 - the provision of an effective means of communication between the external auditor, internal auditor, the CEO and the Council.

Powers of the Audit Committee

1. The committee is a formally appointed committee of council and is responsible to that body. The committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The committee does not have any management functions and cannot involve itself in management processes or procedures.
2. The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference. This is in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

Membership

1. The committee will consist of five members with four elected and one external person. All members shall have full voting rights.
2. External persons appointed to the committee will have business or financial management/reporting knowledge and experience, and be conversant with financial and other reporting requirements.
3. Appointment of external persons shall be made by Council by way of a public advertisement and be for a maximum term of two years. The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives.
4. The CEO and employees are not members of the committee.
5. The CEO or his/her nominee is to attend all meetings to provide advice and guidance to the committee.
6. The local government shall provide secretarial and administrative support to the committee.

Meeting Frequency

As required

Reporting

Reports and recommendations of each committee meeting shall be presented to the next Ordinary Council meeting.

Duties and Responsibilities

The duties and responsibilities of the committee will be:

1. Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits;
2. Liaise with the appointed auditors of the Office of the Auditor General (OAG) on findings and recommendations of the external audits provided.
3. Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;
4. Liaise with the CEO to ensure that the local government does everything in its power to:
 - assist the auditor to conduct the audit and carry out his or her other duties under the *Local Government Act 1995*; and
 - ensure that audits are conducted successfully and expeditiously;
5. Examine the reports of the auditor after receiving a report from the CEO on the matters and:
 - determine if any matters raised require action to be taken by the local government; and
 - ensure that appropriate action is taken in respect of those matters;
6. Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior

to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time;

7. Review the scope of the audit plan and program and its effectiveness;
8. Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or CEO;
9. Review the level of resources allocated to internal audit and the scope of its authority;
10. Review reports of internal audits and by monitoring the implementation of recommendations made by the audit and reviewing the extent to which Council and management reacts to matters raised;
11. Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs;
12. Review the local government's draft annual financial report, focusing on:
 - accounting policies and practices;
 - changes to accounting policies and practices;
 - the process used in making significant accounting estimates;
 - significant adjustments to the financial report (if any) arising from the audit process;
 - compliance with accounting standards and other reporting requirements; and
 - significant variances from prior years;
13. Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation;
14. Address issues brought to the attention of the committee, including responding to requests from Council for advice that are within the parameters of the committee's terms of reference;
15. Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference following authorisation from the Council;
16. Review the annual Compliance Audit Return and report to the Council the results of that review; and
17. Consider the CEO's biennial reviews of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the committee, and report to the council the results of those reviews.

BEHAVIOUR COMPLAINTS COMMITTEE

<i>Document Status</i>	Current	<i>Version No</i>	1
<i>Document Controller</i>	Director Corporate & Community Services		
<i>Last Reviewed</i>	28 May 2024	<i>Res No</i>	O0524-058

Committee Type

Statutory Committee

Purpose

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the *Local Government Act 1995* (the Act) for the purpose of dealing with Behaviour Complaints made under the Behaviour section of the Shire of Esperance’s Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

The extent of authority provided to the Behaviour Complaints Committee is specified in the relevant Delegated Authority, and includes -

- Dismissing a behaviour complaint in accordance with clause 2.7 of the Code of Conduct and providing reasons for any such dismissal.
- Making a Finding as to whether an alleged complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur [*clause 2.6(3) of the Code of Conduct*].
- Determining reasons for such a Finding.
- Where a Finding is made that a breach has occurred, determining -
 - To take no further action; or
 - Prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

The extent of authority of the Behaviour Complaints Committee is limited by Condition of the Delegated Authority.

Membership

Shire President (Chair)

Deputy Shire President (Chair if Shire President unavailable)

3x Elected Members (Members)

1x Elected Member (Deputy)

The Complaints Committee is a Committee of Council Members only in accordance with s.5.9(2)(a) of the Act.

The Delegated Authority Condition prescribes that if an appointed Committee Member is identified in the Complaint as either the Complainant or the Respondent, they are to recuse themselves from the Committee’s Function by providing an apology. They are to be replaced for the duration of the handling of the subject Complaint by a Deputy Committee Member, selected by the Chair of the Committee.

Meeting Frequency

Meetings are to be scheduled as required by the CEO or Behaviour Complaints Officer in consultation with the Committee Chair.

Delegated Authority

The Behaviour Complaints Committee will act under Delegated Authority in accordance with s.5.16 of the Act. The delegation is recorded in the Shire of Esperance Register of Delegations.

It is a Condition of Delegated Authority that the Behaviour Complaints Committee will be unable to exercise delegated authority if the Complainant or Respondent attend as a Complaints Committee Member.

Objectives

Complaints Behaviour Committee meetings are required to -

- be called and convened by the CEO, as required, in consultation with the Committee's Presiding Member;
- include public question time [*Admin.r.5*]
- make the Committee Notice Papers and Agenda publicly available [*s.5.94(p)*, *s.5.96A(f)*], with the exception of agenda content that relates to that part of the meeting which will be closed to members of the public under s.5.23(2) [*Admin.r. 14*]; and
- make Committee minutes publicly available [*s.5.94(n)*, *s.5.96A(h)*], with the exception of Minutes content that relates to that part of the meeting which was closed to the public or was determined as confidential under s.5.23(2).

Responsible Officer

Director Corporate & Community Services

PART 2

OTHER COUNCIL

COMMITTEES

BUSH FIRE ADVISORY COMMITTEE

<i>Document Status</i>	Current	<i>Version No</i>	13
<i>Document Controller</i>	Manager Ranger and Emergency Services	<i>Res No</i>	O1123-188
<i>Last Reviewed</i>	28 November 2023		

Committee Type

Advisory Committee

Role

To provide advice and guidance to Bush Fire Brigades and the community in matters relating to the safe, efficient and effective fire prevention in the Shire of Esperance.

Membership

Committee Members (voting)

1 Elected Member and 1 Deputy Elected Member

Chief Bush Fire Control Officer

Deputy Chief Bush Fire Control Officer

1 Senior Bush Fire Control Officers and 1 Deputy for each Bush Fire Zone in the Shire of Esperance

1 Delegate as nominated by each Bush Fire Brigade in the Shire of Esperance

Ex-Officio Members (non-voting)

Community Emergency Services Coordinator

Area Officer for Department of Fire and Emergency Services

1 Representative as nominated by Department of Biodiversity, Conservation & Attractions

Executive Officer (non-voting)

Manager Ranger and Emergency Services or their nominee

Term of Office

Membership of the committee continues until the person no longer holds office by virtue of which the person became a member, the committee is disbanded, or the next ordinary elections day; whichever happens first.

Meeting Frequency

The Committee will meet at least 2 times per year being April and September

Quorum Requirements

A quorum is achieved by:

- a. Attendance by the nominated Elected Member or their deputy;
- b. Attendance by the Executive Officer, and;
- c. Attendance by over 50% of the appointed voting members (including the Elected Member).

Designated Powers & Duties

To advise the Shire of Esperance on all matters relating to:

- the preventing, controlling and extinguishing of bush fires,
- the planning of the layout of fire-breaks in the district,
- the formation of bush fire brigades and
- the grouping thereof under group brigade officers,
- the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and
- any other matter relating to bush fire control.

Applicable Legislation or Council Policies

Bush Fires Act 1954 s.67

Local Government Act 1995

Responsible Officer

Manager Ranger and Emergency Services

Reporting To

Ordinary Council

PART 3

WORKING GROUPS

WORKING GROUPS

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The following are Working Groups with Council representation. The elected membership of these Working Groups as listed is reviewed following the biennial local government elections.

<u>Working Group</u>	<u>Members</u>
Esperance Twin Town Working Group	Cr Starcevich
Reconciliation Action Plan Working Group	Cr Flanagan
Museum Working Group	Cr De Haas
Cemetery Working Group	Cr Starcevich
Disability Access and Inclusion Working Group	Cr Obourne
Esperance Tourism Stakeholder Working Group	Cr Johnston Cr De Haas
Sustainability Working Group	Cr Davies
Public Health Plan Working Group	Cr De Haas

PART 4

DELEGATES TO NON- COUNCIL COMMITTEES

EXTERNAL COMMITTEES

<i>Document Status</i>	Current	<i>Version No</i>	14
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The following are external committees with Council representation. The elected membership of these committees as listed is reviewed following the biennial local government elections.

<u>Committee</u>	<u>Members</u>	<u>Deputy</u>	<u>Capacity</u>
Goldfields-Esperance Country Zone of WALGA, GVROC	Pres Chambers Cr Graham	Chief Executive Officer	Voting Member
Local Emergency Management Committee	Pres Chambers	Cr Graham	Voting Member
Port of Esperance - Port Consultative Committee	Pres Chambers	Cr McMullen	Ex-Officio
Regional Road Group	Cr Graham	Cr Starcevich	Voting Member
Senior Citizens Centre Management Committee	Cr Johnston	Cr Obourne	Ex-Officio
Regional Capitals Alliance Western Australia	Pres Chambers Chief Executive Officer	N/A	Voting Member
Development Assessment Panel	Cr Obourne Pres Chambers	Cr Johnston Cr McMullen	Voting Member
Roadwise	Cr Flanagan Cr Davies	N/A	Voting Member