

# **TERMS OF REFERENCE**

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## **COMMITTEES AND ADVISORY GROUP TERMS OF REFERENCE**

The following Terms of Reference have been prepared in accordance with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the City of Mandurah Standing Orders Local Laws 2001.

These Terms of Reference will apply to all Committees established by Council under Section 5.8 of the Act. Advisory Groups are not constituted as a Committee of Council and are usually established by Council to provide advice or information in particular areas.

### **1 Definitions**

“Act” means the *Local Government Act 1995*.

“CEO” means the Chief Executive Officer of the City of Mandurah.

“Council” means the City of Mandurah.

“Elected Member” means a City of Mandurah Elected Member.

“Observer” means a person who attends a meeting solely to note the proceedings of the meeting. The Committee may agree to allow the person to speak on a matter. There are no voting rights.

“Regulations” means the *Local Government (Administration) Regulations 1996*.

### **2 Tenure of Members**

2.1 The tenure of Committee members will be in accordance with Section 5.11 of the Act. Advisory Groups tenure is of the same direction.

2.2 Nominations to fill vacancies for community representatives shall be called by advertising in the local media and appropriate notice boards. Should more nominations than available vacancies be received, Council shall be asked to consider the recommendation of a report on the matter. In any event, appointments to the Committee or Advisory Group may only be made by Council.

2.3 All current members shall be eligible for reappointment, providing that if the member has been appointed as a representative of the Council or another organisation or agency, they are still serving Elected Members or officers employed by the organisation or agency.

### **3 Operation**

3.1 Committees shall operate as a committee of Council and shall be bound by the requirements of the *Local Government Act 1995*.

3.2 Committee members shall elect a presiding member and deputy presiding member from amongst themselves in accordance with Section 5.12 (1) and (2) of the Act.

- 3.3 The quorum for a meeting of the Committee will be at least 50% of the number of offices (whether vacant or not) of member, of the Committee, in accordance with Section 5.19 of the Act.
- 3.4 All Committee members will have voting rights in accordance with Section 5.21 (1) of the Act. If the votes of the members present at a Committee meeting are equally divided, the person presiding may cast a second vote, in accordance with Section 5.21 (3) of the Act. However, if the presiding member declines to cast a second vote, the motion is regarded as having been resolved in the negative.
- 3.5 The Committee and its members will not be able to make press statements in regard to matters under consideration by the Committee.
- 3.6 A review of these Terms of Reference will be undertaken, following the appointment of new Committee members.
- 3.7 Advisory Groups should follow similar principles as Committees. They are however not bound by the Local Government Act requirements.

#### **4 Meetings**

- 4.1 Meetings of Committees will not be open to the public, except if the Committee has been given a delegation of authority or power to act by Council, or if the Committee has previously agreed to invite members of the public to its meetings.
- 4.2 A 15-minute public question time must be held at the commencement of each meeting of a Committee that has been delegated authority by the Council, during which time members of the public or other organisations will be able to ask questions of the Committee.
- 4.3 The meeting times of every meeting of a Committee that has been delegated authority by the Council, will be publicly advertised.
- 4.4 A Committee shall meet at such reasonable times and places of its choosing, subject to approval from the CEO.
- 4.5 A meeting room for Committee meetings will be provided by the City of Mandurah, if required.
- 4.6 The CEO is to call a meeting of the Committee when requested to do so in writing by the Mayor, or the presiding member of a Committee or any 2 members of the Committee.
- 4.7 The presiding member shall chair all meetings of the Committee, unless he or she is unavailable or is unable or unwilling, in which case, the deputy presiding member will chair the meeting of the Committee. If neither the presiding member nor deputy presiding member are available, are unable or unwilling to chair the meeting, then the Committee members present are to choose a presiding member from amongst themselves, in accordance with Section 5.13 and 5.14 of the Act.

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- 4.8 A Committee shall keep detailed minutes of all business transacted at its meetings and shall not later than five business days after each meeting have available for public inspection, unconfirmed copies of minutes, in accordance with Clause 13 (b) of the Regulations.
- 4.9 Minutes of the Committee meeting are to be submitted to the next meeting of the Committee for confirmation and the person presiding at the meeting at which the minutes are confirmed, is to sign the minutes and certify their confirmation, in accordance with Section 5.22 (2) and (3) of the Act.
- 4.10 A copy of the agenda and minutes from each Committee meeting are to be retained on an appropriate Council file as part of the Council's corporate records.
- 4.11 Where the minutes from a Committee meeting include recommendations that require a Council decision, an officer report is to be prepared to Council or the relevant Standing Committee.
- 4.12 The Council will provide secretarial support for Council meetings, including preparation of the agenda, minute taking, preparation and distribution of the minutes and organising meetings.

## **5 Expenses**

- 5.1 Committee members are not paid for attending any Committee meeting.
- 5.2 Committee and Advisory Group members, who are not Elected Members or Council employees, may be eligible to be reimbursed for an expense incurred within the limits prescribed for reimbursement to Elected Members. Specifically, these expenses relate to travel expenses incurred by Committee members travelling to and from a Committee meeting and child care expenses.

Other kinds of expenses that may be approved by Council for reimbursement are:

- An expense incurred in performing a function under the express authority of Council.
- An expense incurred in performing a function in her or her capacity as a Committee or Advisory Group member.

The extent to which an expense, which may be approved can be reimbursed is the actual amount, verified by sufficient information, including actual receipts.

- 5.3 Elected Members and Council employees may be able to claim reimbursement of expenses in accordance with Part 5 Division 8 of the Act and Council's policy on the matter.

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## **1 Planning, Community Development and Sustainability Committee**

The membership of the Committee shall comprise of 6 Elected Members.

### Powers and Duties

To recommend appropriate action to Council on all matters relating to:

#### Economic Development

- Regional Development
- Tourism
- Business

#### Community Development

- Community Development and Services
- Lifelong Learning / Learning Communities
- Rangers and Emergency Services
- Recreation Centres and Services

#### Sustainable Development

- Building Control
- Environmental Health
- Sustainability and Environment
- Statutory and Strategic Town Planning

## **2 Governance and Infrastructure Committee**

The membership of the Committee shall comprise of 6 Elected Members.

### Powers and Duties

To recommend appropriate action to Council on all matters relating to:

#### Corporate Governance

- Budget Management
- Strategic Planning
- Governance
- Government Relations
- Organisational Development
- Information Management / ICT
- Marketing, Promotion and Customer Services
- Community Relations and Consultation

#### Works and Services

- Council Building Projects and Maintenance
- Engineering and Works
- Infrastructure and Asset Management
- Mandurah Ocean Marina
- Reserves, Parks and Gardens
- Waste Management
- Road Safety

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**Business and Corporate Planning**

- Business Plans
- Forward Financial Plans
- Plan for the Future
- Revenue and Funding Innovations
- City Property / Acquisition

**3 Audit and Risk Committee****1 Objectives of the Audit & Risk Committee:**

- 1.1 Ensure the effective management of financial and other risks and the protection of the City's assets.
- 1.2 Accept responsibility for the annual external audit and liaise with the City's auditor so that Council can be satisfied with the performance of the City in managing its financial affairs.
- 1.3 Ensure openness in the City's financial reporting and liaise with the Chief Executive Officer to ensure both the effective and efficient management of the City's financial systems and compliance with legislation.
- 1.4 Facilitate:
  - 1.4.1 The enhancement of the credibility and objectivity of internal and external financial reporting.
  - 1.4.2 Compliance with laws and regulations as well as the use of best practice guidelines relative to auditing.
  - 1.4.3 The co-ordination of the internal audit function with the external audit.
  - 1.4.4 The provision of an effective means of communication between the external auditor, the Chief Executive Officer and the Council.

**2 Powers of the Audit Committee:**

- 2.1 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 Chief Executive Officer 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.
- 2.2 The Committee is to report to Council and provide appropriate advice and recommendations on matters relative to its Terms of Reference. This is in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the City that have not been delegated to the Chief Executive Officer.

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### 3 Membership:

- 3.1 The Committee will consist of up to six members with four Elected Members and up to two external persons.
- 3.2 External members cannot request other persons to deputise in their absence.
- 3.3 External persons appointed to the Committee will have business or financial management/reporting knowledge and be conversant with financial and other reporting requirements.
- 3.4 Appointment of external persons shall be made by Council by way of a public advertisement. The term of the appointment is for a maximum period of four years, with an initial two year appointment and a further two year extension of the term which must be authorised by Council.
- 3.5 Remuneration may be paid to each external person who is a member of the Committee on the basis of an annual payment.
- 3.6 The Chief Executive Officer or his/her nominee is to attend all meetings to provide advice and guidance to the Committee.

### 4 Meetings:

- 4.1 The Committee shall meet at least four times each year of which one meeting shall be to discuss the annual financial statements with the auditors.

### 5 Reporting:

- 5.1 Reports and recommendations of each Committee meeting shall be presented to the next ordinary meeting of Council.

### 6 Duties and responsibilities:

The duties and responsibilities of the Committee will be:

- 6.1 Monitor and receive reports concerning the development, implementation and on-going management of a City-wide risk management plan, including receiving briefings on significant legal issues.
- 6.2 Provide advice and assistance to Council as to the carrying out of the functions of the City in relation to audits.
- 6.3 Develop and recommend to Council an appropriate process for the selection and appointment of a person or registered company as the City's auditor.
- 6.4 Develop and recommend to Council:
  - 6.4.1 A list of those matters to be audited
  - 6.4.2 The scope of the audit to be undertaken.
- 6.5 Recommend to Council the person or company to be appointed as auditor.
- 6.6 Develop and recommend to Council a written agreement for the appointment of the auditor. The agreement is to include:

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- 6.6.1 The objectives of the audit
  - 6.6.2 The scope of the audit
  - 6.6.3 A plan of the audit
  - 6.6.4 Details of the remuneration and expenses to be paid to the auditor
  - 6.6.5 The method to be used to communicate with, and supply information to, the auditor.
- 6.7 Meet with the auditor at least once in every year and provide a report to Council on the matters discussed and the outcome of those discussions.
- 6.8 Liaise with the Chief Executive Officer to ensure that the City does everything in its power to:
- 6.8.1. Assist the auditor to conduct the audit and carry out their duties under the Local Government Act 1995.
  - 6.8.2 Ensure that audits are conducted successfully and expeditiously.
- 6.9 Examine the reports of the auditor after receiving a report from the Chief Executive Officer on the matters and:
- 6.9.1. Determine if any matters raised require action to be taken by the City
  - 6.9.2 Ensure that appropriate action is taken in respect of those matters.
- 6.10 Review the report prepared by the Chief Executive Officer 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 six months after the last report prepared by the auditor is received, whichever is the latest in time.
- 6.11 Review the scope of the audit plan and its effectiveness.
- 6.12 Review the appropriateness of special internal audit assignments undertaken at the request of Council or the Chief Executive Officer.
- 6.13 Review reports of internal audits and by monitoring the implementation of recommendations made by the audit and reviewing the extent to which management reacts to matters raised.
- 6.14 Review the level of resources allocated to internal audit and the scope of its authority.
- 6.15 Monitor the City's compliance with relevant legislation.

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## **4 Executive Committee**

The membership of the Committee shall be as follows:

- Mayor
- Deputy Mayor
- Chairperson of the Governance and Infrastructure Committee
- Chairperson of the Planning, Community Development and Sustainability Committee
- Chairperson of the Audit and Risk Committee
- Chief Executive Officer.

### **Powers and Duties**

- Development of human resources policy for Council consideration
- The review of the Chief Executive Officer's salary and performance
- Employment interviews of Chief Executive Officer and other Executive Officers as deemed appropriate by Council
- Other matters referred by Council.

## **5 City of Mandurah Bush Fires Advisory Group**

### **Name**

The Advisory Group shall be known as the City of Mandurah Bush Fires Advisory Group and will hereinafter be referred to as "The Advisory Group".

### **Membership**

As provided in the Act, Council may appoint Bush Fire Control officers or members of Bush Fire Brigades as Members of the Advisory Group. In doing so, it shall have regard to the following:

- 2.1 Each registered volunteer Bush Fire Brigade in the City may nominate one Member.
- 2.2 The Advisory Group shall include a Member of Council. (Councillor) or a nominee of Council.
- 2.3 The Advisory Group shall include an Officer of Council.
- 2.4 The Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer shall 'ex officio' be Members of the Advisory Group.

### **Meetings**

Ordinary Meetings of the Advisory Group shall be held at least three (3) times per annum. Meetings may be suspended during the winter months by resolution of the Advisory Group.

Meetings shall normally be held in the Council Offices, Mandurah, but the Advisory Group may by resolution decide to hold particular meetings at another place.

Meetings shall commence at 7.30 p.m. unless otherwise resolved by the Advisory Group.

Special meetings of the Advisory Group may be convened in the following manner:

- (a) By authority of the Chairman
- (b) By notice in writing to all members of the Advisory Group, signed by three Members and giving not less than seven (7) days notice of the meeting and the matter to be discussed
- (c) By Council.

### Quorum

The Quorum for meetings shall be one more than half the total number of Members of the Advisory Group.

### Chairman

At the Annual General Meeting (AGM) of the Advisory Group held in April each year the Members shall elect a Chairman and a Deputy Chairman for the ensuing year.

### Terms of Office

Nominations for membership of the Advisory Group shall be submitted to Council by Brigades not later than 31 March in each year.

New members of the Advisory Group shall commence office at the next following Advisory Group Meeting subject to Council approving the appointment.

Extraordinary vacancies shall be filled by resolution of Council. Retiring Members are eligible for re-appointment.

### Objectives

It shall be the objective of the Advisory Group to advise Council on all matters relating to:

- 7.1 The preventing, controlling and extinguishing of bush fires.
- 7.2 To establish the required width of fire breaks and the block clearing requirements.
- 7.3 Organise district fire plans and training schemes.
- 7.4 Ensure that all equipment purchased for Brigades is standardised with existing equipment or renewed as per ASA Standards set by the Bush Fires Board and/or Council.
- 7.5 The ensuring of co-operation and co-ordination of bush fire brigades in the efforts and activities.

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7.6 Any other matter relating to bush fire control whether of the same kind as, or a different kind from those specified.

## 8 Meeting Rules

### 8.1 Invitees

The Advisory Group shall invite representatives of the following bodies to its meeting and shall hear and have regard to their views.

- BUSH FIRES BOARD (BFB)
- DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT (CALM)
- WA FIRE BRIGADES BOARD (WAFB)

Such representatives shall not be members.

### 8.2 Observers

The Advisory Group may by resolution invite observers to be present at the meetings. In circumstances where an Advisory Group resolution is not practicable, the Chairman is authorised to invite observers to an Advisory Group meeting.

### 8.3 Voting

At all meetings of the Advisory Group, each member, including the Chairman, shall have one vote only and in the case of an equality of votes, the question shall be determined in the negative.

### 8.4 Procedure

The Advisory Group may, from time to time, make rules for the proper conduct of the meetings of the Advisory Group or of any sub-committees of the Advisory Groups, provided such rules are consistent with these rules.

### 8.5 Minutes

Minutes of Advisory Group meetings shall be circulated to members of the Advisory Group.

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## **6 Disability Access Advisory Group**

The current membership of this Advisory Group is as follows:

- i) 2 Elected Members
- ii) 8 community members representative of the following sectors:
  - disability service providers;
  - disability specific support and activity groups;
  - Dept Sport & Recreation;
  - people with disabilities; and
  - carers of people with disabilities.

### **Supporting Officers (no voting rights)**

- Community Development Coordinator
- 1 Administrative Representative (Secretary Community Services)

### **Purpose**

The purpose of the Advisory Group is to provide advice on the implementation of the strategies identified in City's Disability Service Plan.

### **Objectives**

The objectives of the Advisory Group are as follows:

- 1 To provide advice and information on access issues.
- 2 To act as a focus point for the community encouraging community members, service providers and other appropriate groups to provide information on access issues and strategies for overcoming barriers.
- 3 To maintain close links with Elected Members and Council officers to ensure that all feedback received through other sources is consolidated with the Advisory Group.
- 4 Assess all suggestions, information and comments received with the aim of recommending any alterations and additions to the Plan which will improve and complement the strategies already identified.
- 5 Review the progress of the implementation of the strategies identified in the Plan on an on-going basis.
- 6 Prepare a report to Council for its September meeting each year on the progress of the Plan. This report should also identify any new or additional barriers and the strategies for overcoming these barriers.
- 7 Provide status reports to Council as required with recommended amendments and additions to the Plan, including progress updates.
- 8 Undertake a formal consultation process once per year, with people with disabilities, their families and carers and service providers to seek an update on the Plan, its

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progress and its success in overcoming access barriers. This is to be undertaken prior to the preparation of the annual report.

- 9 Liaise closely with the Council officers responsible for the implementation of the various strategies to monitor progress and provide assistance wherever possible.
- 10 Maintain a contact list of all key stakeholders and organisations, including interested persons, which can be used to assist in the consultation processes.

## **7 Mandurah Coastcare Co-ordinating Advisory Group**

The current membership of this Advisory Group is as follows:

- i) 1 Elected Member
- ii) 1 Community Representative from the Comet North Coastcare Group
- iii) 1 Community Representative from the Comet Central Coastcare Group
- iv) 1 Community Representative from the Halls Head Coastcare Group
- v) 1 Community Representative from the Falcon Coastcare Group
- vi) 1 Community Representative from the Bouvard Coastcare Group
- vii) 1 Community Representative from the Seascapes Coastcare Group

### **Supporting Officers (no voting rights)**

- Council Officer from Development Services (Co-ordinator)
- Council Officer from Development Services (Secretarial Support)
- Council Officer from Works & Services
- Council Officer from Ranger Services
- State Government Representative
- Regional Coastcare Co-ordinator

### **Purpose**

The purpose of the Advisory Group is to advise on general coastal management issues, including the following:

- Budget expenditure and priorities
- Technical aspects of our coast and marine facilities
- Community aspirations and ideas.

### **Objectives**

- 1 To better co-ordinate Government agency and community groups' involvement in coastal management in the Mandurah district.
- 2 To involve the general community at a high level in education and hands-on programs.
- 3 To act as a conduit for the acquisition of funding for local community projects in association with Council.
- 4 To further develop and implement the Mandurah Coastal Strategy.

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- 5 To maintain a contact list and database of all people and organisations, who have a recognised responsibility or interest in the management of the City's coastal area, which can be used to request assistance or input of any listed in the database.

## **8 Mandurah Community Museum Advisory Group**

The current membership of this Advisory Group is as follows:

- i) 1 Elected Member
- ii) 2 Mandurah Historical Society Representatives
- iii) 1 Representative from Mandurah Business
- iv) 1 Peel Education and Training Department Representative
- v) 1 Community Representative
- vi) 2 Friends of the Mandurah Community Museum

### **Supporting Officers (no voting rights)**

- Museum Development Officer

### Purpose

The purpose of the Advisory Group is to provide advice to the Council on issues relating to the management of the Mandurah Community Museum and its programmes.

### Objectives

The objectives of the Advisory Group are as follows:

- 1 To increase the usage of the Museum by the local community and visitors to Mandurah through active promotion.
- 2 To actively recruit and effectively train a body of volunteers to ensure maximum access to the Museum collection through increased opening hours.
- 3 To develop, implement and manage programs for the community and specific groups in order to relate the history of Mandurah and the Peel Region.
- 4 To provide effective interpretation and display of the Museum collection and to actively seek to extend the collection appropriately.

### Responsibilities

The Advisory Group has the following responsibilities:

- 1 To advise policy and guidelines for the efficient management of the Museum.
- 2 To provide comment and recommendations on issues associated with the operation and development of museum programs.
- 3 To contribute ideas and knowledge for the development of museum programs and promotional activities.

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- 4 Assess suggestions, information and comments received with the aim of providing improved operation and development of museum activities.

## **9 Mandurah Environmental Advisory Group**

The current membership of this Advisory Group is as follows:

- i) 1 Elected Member
- ii) 8 community members representative of the following portfolios, which will constitute the core reporting requirements of the Advisory Group:
  - Subdivision and Approvals;
  - Community/Council Interface;
  - Energy Consumption/Conservation;
  - Flora and Fauna;
  - Wetlands and Groundwater;
  - Legislation and Policies; and
  - Bushland and Bushland Management.

A pre-requisite to being appointed as a community member will be the applicant's commitment to preserving the natural environment.

### **Supporting Officers (no voting rights)**

- Council Officer from Development Services (Manager Development Services)
- Council Officer from Development Services (Secretarial Support)
- Council Officer from Environmental Services (Co-ordinator)

Representatives from the relevant government departments and Council officers will provide specialist advice as and when required.

### **Purpose**

The purpose of the Advisory Group is to advise on general environmental issues, consistent with the intent of the City's Community Charter and Strategic Plan.

### **Objective**

The Advisory Group objective is to represent the diverse views of the community on conservation and environmental matters in a democratic manner.

## **10 Mandurah Roadwise Advisory Group**

The current membership of this Advisory Group is as follows:

- i) 2 Elected Members
- ii) 2 Community members
- iii) 1 Representative from Mandurah Senior Citizens' Centre
- iv) 1 Representative from Main Road WA
- v) 1 Representative from Mandurah School
- vi) 1 Representative from Mandurah Police

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- vii) 1 Representative from Roadwise – South West
  - viii) 1 Representative from Peel District Traffic Unit (WA Police Service)

### **Supporting Officers (no voting rights)**

- Engineering Technical Officer - Traffic

#### Purpose

To encourage community awareness and participation in road safety.

#### Objectives

The objectives of the Advisory Group are to:

- 1 Develop and implement community based road safety programs and action plans consistent with government strategic road safety plans.
- 2 Develop community involvement and support for road safety initiatives including sponsorship from local businesses.
- 3 Establish a close liaison between the City of Mandurah, the Mandurah Police, Main Roads Western Australia, Mandurah schools principals, Mandurah schools P&C Associations, the Royal Automobile Club of Western Australia – Mandurah, Mandurah Senior Citizens, St John Ambulance, Peel District Traffic Unit of the Western Australian Police Service, Fire and Emergency Services and other community groups in the interest of promoting road safety.
- 4 Work together with appropriate authorities to continue improvements in road safety within the Mandurah region.
- 5 Develop and maintain a road safety document for the City of Mandurah.
- 6 Formulate and prioritise recommendations to enhance road safety.