



Committee of Council

Terms of Reference

Document Control

Effective date	Next review due	Amendment Details	Prepared by	Endorsed by	Approved by
January 2021	October 2021	Establishment of Terms of Reference	Manager Governance, Procurement and Land	Chief Executive Officer	Council
March 2021	October 2021	Amendment to Terms of Reference (Committee Membership – Composition Committee Meetings - Agenda)	Manager Governance, Procurement and Land	Chief Executive Officer	Council

1. Committee's authority and purpose

Authority

In accordance with section 5.8 of the *Local Government Act 1995 (the Act)*, the Council of the City of Mandurah (**the City**) has established a Committee of Council (**the Committee**). The Committee will operate in accordance with all relevant provisions of the Act and the *Local Government (Administration) Regulations 1996*.

The Committee is to provide guidance and assistance to Council on matters relevant to its terms of reference. This role is designed to facilitate informed decision-making by Council in relation to its legislative functions and duties that have not been delegated to the CEO.

The Committee is a formally appointed committee of the Council and is responsible to the Council. 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.

Purpose

The purpose of the Committee is to recommend appropriate action to Council on the majority of matters pertaining to Council, except those matters considered by the Audit and Risk Committee.

Items such as the financial report, tenders, reports relating to the Chief Executive Officers contract or performance or urgent reports from the CEO will form part of the Ordinary Council Meeting agenda.

2. Committee's responsibilities

The Committee is to recommend appropriate action to Council on matters dealing with:

1. Strategic Community Plan, Corporate Business Plan, Long-term Financial Plan and associated financial strategies such as a rating policy.
2. Strategic Asset Management Plans.
3. Current and future services and investment to be provided.
4. Strategic advocacy direction for other levels of government.
5. Planning matters.
6. Major public art proposals.
7. Other matters referred by Council.

3. Committee membership

Composition

The Committee shall comprise of up to ten Elected Members. The Council can appoint one or more deputies to the Committee at any time.

The Council shall appoint one of the ten Elected Members as Committee Chairperson.

The tenure of members' appointment to the Committee must be compliant with Section 5.11 of the Act, being up to two years, terminating on the day of the Ordinary Council elections, at which time all Elected Members will be eligible for reappointment.

Committee members who are Elected Members must declare conflicts of interest in accordance with section 11 of the *Local Government (Rules of Conduct) Regulations 2007*, in a written notice given to the CEO before the meeting or at the meeting immediately before the matter is discussed.

Termination of appointment

Council may terminate the appointment of any member prior to the expiry of their term, if:

- The Committee Chairperson considers that the member is not making a positive contribution to the Committee.
- The member is found to be in breach of the Council's Code of Conduct or a serious contravention of the Act.
- The member's conduct, action or comments bring the City of Mandurah into disrepute.

Committee member entitlements

All Committee members will be provided with appropriate training and professional development to be determined by the Committee, provided that adequate funds are available in the City of Mandurah budget for this purpose.

4. Role of City staff

The following will be issued with a standing invitation to attend Committee meetings, in order to provide advice and guidance to the Committee:

- Chief Executive Officer;
- Executive Leadership Team;
- Executive Managers; and
- Manager Governance Services.

Other staff may be invited to attend meetings to discuss specific issues as and when required.

Such attendees may take part in the discussions and business of the meetings, but have no voting rights.

A Minute Officer will be appointed by the Chief Executive Officer to assist the Committee as follows:

- (a) Arranging meetings, preparing agendas, preparing minutes;
- (b) Taking action to implement Committee decisions as guided by the City's Governance section in relation to:
 - Obtaining information for the next or future meeting;
 - Preparing a paper for the next or future meeting;
 - Coordinating relevant staff of the City to provide advice at the next or a future meeting;
 - Promulgating decisions e.g. reporting, providing or seeking advice on significant correspondence of all kinds.

- (c) Preparing background notes;
- (d) Providing advice to the Chairperson, committee members and committee users on Committee policy and process matters; and
- (e) Maintaining appropriate committee records in an accessible form.

5. Committee meetings

Quorum

As prescribed by Section 5.19 of the Act, the quorum for Committee meetings shall be at least 50% of the number of offices of the Committee (whether vacant or not).

In the Chairperson's absence, Committee members who are present will select a Chairperson for that particular meeting.

Frequency

Meetings will be scheduled on the second Tuesday of each month (excluding January) to allow the Committee to discharge its functions.

Agenda

An agenda will be distributed at least 72 hours prior to the meeting, along with reports and other attachments or information to be addressed. Minutes of the previous meeting will be distributed separately prior to agenda distribution.

Public Attendance at Meetings

The Committee meeting will be open to the public.

In accordance with Section 5.23 of the Act, the Committee may close to members of the public the meeting or part of the meeting, if the meeting or the part of the meeting deals with a number of aspects as defined by Section 5.23 of the Act.

Voting

Voting is in accordance with Section 5.21 of the Act.

Minutes and matters arising

All meetings shall be minuted by the Minute Officer, and minutes shall be approved by the Committee at the next committee meeting.

Reporting

Recommendations of each Committee meeting shall be presented to the next ordinary meeting of the Council.

Confidentiality

All Committee members will be required to adhere to the City's confidentiality requirements. In particular, no confidential information received or generated by the Committee will be disclosed to unauthorised persons.