



Shire of Northam  
*Heritage, Commerce and Lifestyle*

# **Shire of Northam**

## **Minutes**

### **Special Council Meeting**

**25 October 2023**



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## **SWEARING IN OF NEW COUNCILLORS / DECLARATION OF OFFICE**

All recently elected Councillors are required to undertake a declaration to office in accordance with the requirements of Section 2.29 of the Local Government Act 1995, section 13 of the Local Government (Constitution) Regulations 1998 and the Oaths, Affidavits and Statutory Declarations Act 2005.

In accordance with previous precedents the swearing in will be witnessed by the Chief Executive Officer of the Shire of Northam. The prescribed form will be provided by the Chief Executive Officer on the night of the Ordinary Council meeting.

Elected Members are encouraged to invite friends and family to attend the meeting to witness the swearing in ceremony. A light supper will be provided at the conclusion of the meeting. Newly elected members will be listed in alphabetical order.

### **SWEARING IN PROCESS:**

The Swearing In Ceremony commenced at 5:34pm.

Each Councillor was sworn into the office of Council of the Shire of Northam by the Chief Executive Officer, Ms Debbie Terelinck. Each Councillor made and signed the requisite declaration. The order of Councillors being sworn in is as follows:

- Cr Chris Antonio - Shire President
- Cr Chris Poulton
- Cr Julie Williams
- Cr Maria Girak

## **1 DECLARATION OF OPENING**

The Shire President, Cr C R Antonio, declared the meeting open at 5:43 pm.

## **2 ACKNOWLEDGEMENT OF COUNTRY**

The Shire President, Cr C R Antonio, acknowledged the Traditional Owners of the land on which we meet, the Ballardong and Whadjuk people of the Nyoongar nation and paid our respects to Elders, past present and emerging.

## **3 ATTENDANCE**

### **3.1 ATTENDEES**

**Council:**

Shire President  
Councillors

C R Antonio  
A J Mencshelyi  
J E G Williams  
M P Ryan  
M I Girak  
L C Biglin  
D A Hughes  
C M Poulton  
H J Appleton

**Staff:**

Chief Executive Officer  
Executive Manager Engineering Services  
Executive Manager Corporate Services  
Acting Executive Manager Community Services  
Governance Coordinator  
Governance Officer

D Terelinck  
P D Devcic  
C J Young  
D A Emery  
B J Hadlow  
T P Van Beek

**Gallery:**

General Public

R Tinetti  
G Williams  
P Williams  
M Vigar

**3.2 APOLOGIES**

**Staff:**

Acting Executive Manager Development Services J Jurmann

**3.3 APPROVED LEAVE OF ABSENCE**

Nil.

**3.4 ABSENT**

Nil.

#### **4.1 ELECTION OF DEPUTY SHIRE PRESIDENT**

Any Elected Member may nominate for Deputy Shire President with exception to the Shire President.

Elected Members are invited to nominate in writing before or during the meeting, before the Shire President announces the close of nominations.

Nominations will not be accepted by the Shire President unless the Elected Member has accepted the nomination verbally or in writing.

In accordance with recent changes to the Local Government Act 1995, if there is more than one nomination, the election of Deputy Shire President will be conducted by secret Ballot and determined using an optional preference voting system, if required.

As soon as practicable, the Shire President will announce the result of the election.

Following the election of the Deputy Shire President the person elected is required to sign a declaration of office, pursuant to the Local Government Act 1995 (s2.29). The Chief Executive Officer is to witness the declaration.

#### **ELECTION PROCESS:**

The Shire President, Cr C R Antonio, advised that 4 nominations for the position of Deputy President had been received, from Cr J E G Williams, Cr H J Appleton, Cr C M Poulton and Cr A J Mencshelyi.

The Shire President then called for any further nominations from Councillors for the position of Deputy President. No further nominations were forthcoming and as such the Shire President declared the nomination period closed at 5:45pm.

*The Governance Coordinator left the meeting at 5:50pm.*

The Shire President read out the 4 nominations as received and provided the 4 nominees with the opportunity to make a short presentation to Council to support their nomination for Deputy President.

*The Governance Coordinator returned to the meeting at 5:53pm.*

Cr J E G Williams made a presentation to Council, followed by Cr H J Appleton, Cr C M Poulton and Cr A J Mencshelyi.

An election was undertaken in accordance with the Local Government Act 1995 and the Local Government (Elections) Regulations 1997, by optional preferential voting via secret ballot. The Governance Coordinator and Governance Officer conducted the count and at the conclusion, the Shire President announced that Cr A J Mencshelyi was elected as Deputy Shire President, for a period of 2 years.

Cr A J Mencshelyi made a declaration in accordance with Form 7 - Declaration by elected member of Council and was seated at 6:07pm.

### **BALLOT FOR SEATING**

A ballot will be conducted by the Chief Executive Officer for seating of Councillors in the Chambers.

The Shire President will invite Councillors to take their seats after the ballot.

### **BALLOT PROCESS:**

The Shire President, Cr C R Antonio, commenced the ballot process with the names being drawn as follows in a clockwise direction from the President and Deputy President:

- Cr J E G Williams
- Cr M P Ryan
- Cr M I Girak
- Cr L C Biglin
- Cr D A Hughes
- Cr C M Poulton
- Cr H J Appleton

## 5 DISCLOSURE OF INTERESTS

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

As defined in section 5.60A of the Local Government Act 1995, a **financial interest** occurs where a Councillor / Committee Member, or a person with whom the Councillor / Committee Member is closely associated, has a direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

As defined in section 5.61 of the Local Government Act 1995, an **indirect financial interest** includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

As defined in section 5.60B of the Local Government Act 1995, a person has a **proximity interest** in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; or a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

As defined in clause 22 of the Local Government (Model Code of Conduct) Regulations 2021, an **impartiality interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

Nil.



## 6 PUBLIC QUESTIONS

Nil.

## 7 SPECIAL ITEMS

### 7.1 Community Grants Assessment Committee Council Delegates & Terms of Reference

<b>File Reference:</b>	8.2.5.30
<b>Reporting Officer:</b>	Britt Hadlow (Governance Coordinator), Tamika Van Beek (Governance Officer)
<b>Responsible Officer:</b>	Debbie Terelinck (Chief Executive Officer)
<b>Officer Declaration of Interest:</b>	Nil.
<b>Voting Requirement:</b>	Absolute Majority
<b>Press release to be issued:</b>	No

#### BRIEF

Following the Local Government election, Council is required to delegate Elected Members to each formal Committee of Council. This item relates to appointing delegates to the Community Grants Assessment Committee.

#### ATTACHMENTS

1. COMM S- T R-03 Community Grants Assessment Committee Terms of Reference 2023 - 2025 V 1 [7.1.1 - 1 page]

#### A. BACKGROUND / DETAILS

The purpose of the Community Grants Assessment Committee is to oversee and make determinations on all matters associated with the Community Grants Scheme.

The Community Grants Assessment Committee is a formally appointed committee of Council and is responsible to that body. The Community Grants Assessment Committee is delegated authority by Council to receive and assess grant applications and make a final determination on all grant applications received as part of the Community Grants Scheme.

Current meeting day: As determined by Committee

Meeting Frequency: To be convened as required

Meeting Location: Create298 – 298 Fitzgerald Street, Northam

Membership: Up to five (5) Elected Members.

Council representatives 2021-2023: Cr C R Antonio, Cr A J Mencshelyi, Cr D J Galloway, Cr D A Hughes, Cr R W Tinetti and Cr L C Biglin

Terms of reference: Attachment 7.1.1.

## **B. CONSIDERATIONS**

### **B.1 Strategic Community / Corporate Business Plan**

Performance Area: Performance, Outcome 12: Excellence in organisational performance and customer service.

Objective 12.1: Maintain a high standard of corporate governance and financial management.

Priority Action: Nil.

### **B.2 Financial / Resource Implications**

N/A

### **B.3 Legislative Compliance**

Local Government Act 1995 – Division 2

### **B.4 Policy Implications**

C 3.1 Community Grants Program

### **B.5 Stakeholder Engagement / Consultation**

N/A

### **B.6 Risk Implications**

Refer to Risk Matrix [here](#).

<b>Risk Category</b>	<b>Description</b>	<b>Rating (likelihood x consequence)</b>	<b>Mitigation Action</b>
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service Interruption	N/A		
Compliance	Non-compliance with the Local Government Act – Committee Delegations	Possible (3) x Medium (3) = Moderate (9)	Ensure delegates are appointed as per Local Government Act 1995.
Property	N/A		
Environment	N/A		

### **B.7 Natural Environment Considerations**

N/A

### C. OFFICER'S COMMENT

The only officer recommended change to the Terms of Reference is to the Council representation being changed from six to five due to the decrease in Council numbers.

#### RECOMMENDATION / COUNCIL DECISION

**Minute No: C.4874**

**Moved: Cr M I Girak**

**Seconded: Cr A J Mencshelyi**

**That Council, by Absolute Majority:**

- 1. In accordance with Section 5.8 of the Local Government Act 1995 establishes the Community Grants Assessment Committee and endorse the Terms of Reference as provided in Attachment 4; and**
- 2. In accordance with Section 5.9 and 5.10(1)(a) of the Local Government Act 1995, appoints the following Elected Members only to the Community Grants Assessment Committee:**
  - **Cr H J Appleton**
  - **Cr D A Hughes**
  - **Cr L C Biglin**
  - **Cr A J Mencshelyi**
  - **Cr C R Antonio**

**CARRIED 9/0  
BY ABSOLUTE MAJORITY**

**For:** Cr C R Antonio, Cr M P Ryan, Cr H J Appleton, Cr L C Biglin, Cr M I Girak, Cr D A Hughes, Cr A J Mencshelyi, Cr J E G Williams and Cr C M Poulton

**Against:** Nil

<b>TERMS OF REFERENCE SHIRE OF NORTHAM COMMUNITY GRANTS ASSESSMENT COMMITTEE</b>
--

**1. Purpose of the Shire of Northam Community Grants Assessment Committee**

The purpose of the Community Grants Assessment Committee is to oversee and make determinations on all matters associated with the Community Grants Scheme.

**2. Powers of the Community Grants Assessment Committee**

The Community Grants Assessment Committee is a formally appointed committee of Council and is responsible to that body. The Community Grants Assessment Committee is delegated authority by Council to receive and assess grant applications; and make a final determination on all grant applications received as part of the Community Grants Scheme.

**3. Membership**

Voting members:

- Up to 5 Council Representatives

Ex-officio members:

- Chief Executive Officer or nominated representative, i.e. Executive Manager Community Services;
- Manager Community Recreation & Youth Services
- Community Development Officer

**4. Meetings**

Meetings will be convened as required.

**5. Reporting**

Minutes and decisions of each Community Grants Assessment Committee meeting shall be presented to the next Ordinary Meeting of the Council.

**6. Duties and Responsibilities**

- a) Receive and assess grant applications for the Community Grants Scheme; and
- b) Make a final determination on all grant applications received as part of the Community Grants Scheme.

## 7.2 Audit & Risk Management Committee Council Delegates & Terms of Reference

<b>File Reference:</b>	2.1.3.5
<b>Reporting Officer:</b>	Britt Hadlow (Governance Coordinator), Tamika Van Beek (Governance Officer)
<b>Responsible Officer:</b>	Debbie Terelinck (Chief Executive Officer)
<b>Officer Declaration of Interest:</b>	Nil.
<b>Voting Requirement:</b>	Absolute Majority
<b>Press release to be issued:</b>	No

### BRIEF

Following the Local Government election, Council is required to delegate Elected Members to each formal Committee of Council. This item relates to appointing delegates to the Audit and Risk Management Committee.

### ATTACHMENTS

1. C S- T R-01 Audit & Risk Management Committee Terms of Reference 2023 - 2025 V 1. [7.2.1 - 4 pages]

### A. BACKGROUND / DETAILS

The primary objective of the Audit and Risk Management 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. The Committee will also oversee critical areas including risk management & internal audit.

Current meeting day: Thursday

Meeting Frequency: Quarterly

Meeting Location: Shire of Northam Council Chambers

Membership: Four (4) Elected Members

Council representatives 2021-2023: Cr C R Antonio, Cr M P Ryan, Cr H J Appleton, Cr A J Mencshelyi.

Terms of reference: Attachment 7.2.1.

### B. CONSIDERATIONS

#### B.1 Strategic Community / Corporate Business Plan

Performance Area: Performance, Outcome 12: Excellence in organisational performance and customer service.

Objective 12.1: Maintain a high standard of corporate governance and financial management.

Priority Action: Nil.

**B.2 Financial / Resource Implications**

As Elected Members are paid annual fees in lieu of fees for attending meetings, travel expenses for attendance at any meeting held will be an additional expense incurred. Committee Members attending committee meetings are entitled to claim for expenses incurred. No meeting fees are payable to employees or non-Councillors.

**B.3 Legislative Compliance**

Local Government Act 1995 – Division 2

Local Government Act 1995 – Section 7.1A, Audit Committee

Local Government Act 1995 – Section 7.12A. Duties of local government with respect to audits.

**B.4 Policy Implications**

G 1.8 Risk Management

**B.5 Stakeholder Engagement / Consultation**

N/A

**B.6 Risk Implications**

Refer to Risk Matrix [here](#).

<b>Risk Category</b>	<b>Description</b>	<b>Rating (likelihood x consequence)</b>	<b>Mitigation Action</b>
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service Interruption	N/A		
Compliance	Non-compliance with the Local Government Act – Committee Delegations	Possible (3) x Medium (3) = Moderate (9)	Ensure delegates are appointed as per Local Government Act 1995.
Property	N/A		
Environment	N/A		

**B.7 Natural Environment Considerations**

N/A

**C. OFFICER'S COMMENT**



There have been some minor amendments to wording in the Audit and Risk Management Committee Terms of Reference for clarity.

In addition to this, there is an officer inclusion in the Terms of Reference for Council consideration to close the meeting to the public pursuant to section 5.23 of the Local Government Act 1995. This is due to the sensitive nature of some items that are considered by the committee.

This inclusion is at the discretion of Council however officers are recommending Council include whether the meeting is open or closed to the public to provide clarity to staff and the community on public attendance at the meetings.

Given the technical nature of the Audit and Risk Management Committee subject matter, it is a recommendation of the Department of Local Government, Sport and Cultural Industries (as per the Local Government Operational Guidelines), that Council consider appointing one or more external person/s to sit on the committee that has the requisite knowledge and skills to provide benefit to the committee. It is recommended that Council consider whether this is appropriate.

#### **RECOMMENDATION**

**That Council, by Absolute Majority:**

- 1. In accordance with Section 5.8 of the Local Government Act 1995 establishes the Audit and Risk Management Committee and endorse the Terms of Reference as provided in Attachment 7.2.1; and**
- 2. In accordance with Section 5.9 and 5.10(1)(a) of the Local Government Act 1995, appoints the following Elected Members only to the Audit & Risk Management Committee:**
  - **Cr H J Appleton**
  - **Cr M I Girak**
  - **Cr M P Ryan**
  - **Cr A J Mencshelyi**

**ABSOLUTE MAJORITY OF 5 REQUIRED**

**AMENDMENT TO MOTION / COUNCIL DECISION**

**Minute No: C.4875**

**Moved: Cr M I Girak**

**Seconded: Cr M P Ryan**

**That Council, by Absolute Majority:**

- 1. In accordance with Section 5.8 of the Local Government Act 1995 establishes the Audit and Risk Management Committee and endorse the Terms of Reference as provided in Attachment 7.2.1; and**
- 2. Endorses the inclusion of an independent person on the Audit & Risk Management Committee and requests the Chief Executive Officer to develop criteria for the selection of the independent member.**
- 3. In accordance with Section 5.9 and 5.10(1)(a) of the Local Government Act 1995, appoints the following Elected Members only to the Audit & Risk Management Committee:**
  - Cr H J Appleton**
  - Cr M I Girak**
  - Cr M P Ryan**
  - Cr A J Mencshelyi**

**CARRIED 9/0  
BY ABSOLUTE MAJORITY**

**For:** Cr C R Antonio, Cr M P Ryan, Cr H J Appleton, Cr L C Biglin, Cr M I Girak, Cr D A Hughes, Cr A J Mencshelyi, Cr J E G Williams and Cr C M Poulton

**Against:** Nil

**Reason for Change to Recommendation:**

Council formed the opinion that it would be beneficial for the Audit & Risk Management Committee to include an independent person with the relevant experience and/or qualifications to fulfil the role.



<b>TERMS OF REFERENCE</b> <b>SHIRE OF NORTHAM AUDIT &amp; RISK MANAGEMENT COMMITTEE</b>
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**1. Objectives of Audit & Risk Management Committee**

The primary objective of the Audit and Risk Management 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. The Committee will also oversee critical areas including risk management & internal audit.

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 local government's financial accounting systems and compliance with legislation.

The committee is to facilitate:

- The enhancement of the credibility and objectivity of external & internal financial reporting;
- Compliance with laws and regulations as well as use of best practise guidelines relative to auditing;
  - The coordination of the internal audit
  - Function with the external audit
- Effective oversight of financial and other risks and the protection of Council assets
- The provision of an effective means of communication between the external auditor, the CEO and the Council.

**2. Powers of the Audit & Risk Management Committee**

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.

The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

### **3. Membership**

The committee shall consist of four elected members. All members shall have full voting rights.

The CEO and employees are not members of the committee.

The CEO and or their nominee is to attend all meetings to provide advice and guidance to the committee.

The local government shall provide secretarial and administrative support to the committee.

### **4. Quorum**

The quorum at any meeting shall be half plus one of the number of offices. Therefore the number for a Quorum shall be 3 voting members.

### **5. Meetings**

The committee shall meet at least four times annually.

Additional meetings shall be convened at the discretion of the presiding person.

Meetings shall not be open to the public pursuant to Section 5.23 of the Local Government Act.

### **6. Reporting**

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

### **7. Duties and Responsibilities**

The duties and responsibilities of the committee will be -

- a) Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits.
- b) Develop and recommend to Council –
  - A list of those matters to be audited; and
  - The scope to be undertaken.

Audit & Risk Management Committee Terms of Reference 2023 - 2025

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- Recommend to Council the person or persons to be appointed for internal audits.
- Present to Council a written agreement for the appointment of the auditor. The agreement is to include –
  - The objectives of the audit;
  - The scope of the audit;
  - A plan of the audit;
  - Details of the remuneration and expenses to be paid to the auditor; and
  - The method to be used by the local government to communicate with, and supply information to, the auditor.
- c) Meet with the auditor once in each year.
- d) 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.
- e) 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.
- f) 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.
- g) Review the scope of the audit plan and program and its effectiveness.
- h) Address issues brought to the attention of the committee that are within the parameters of the committee's terms of reference.
- i) 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.

*Audit & Risk Management Committee Terms of Reference 2023 - 2025*

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- j) Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or CEO
- k) Review reports of internal audits, monitor the implementation of recommendations made by the audit and review the extent to which Council and management reacts to matters raised;
- l) Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs
- m) 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;
- n) Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed;
- o) 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;
- p) 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;
- q) Oversee the effective management of risk within the Shire of Northam, including review of risk management policies & procedures, reviewing outstanding risk mitigation actions and periodically reviewing the Shire of Northam risk register.
- r) Review the annual Compliance Audit Return and report to the council the results of that review, and
- s) 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.

### 7.3 Bush Fire Advisory Committee Council Delegates & Terms of Reference

<b>File Reference:</b>	5.1.3.1
<b>Reporting Officer:</b>	Britt Hadlow (Governance Coordinator), Tamika Van Beek (Governance Officer)
<b>Responsible Officer:</b>	Debbie Terelinck (Chief Executive Officer)
<b>Officer Declaration of Interest:</b>	Nil.
<b>Voting Requirement:</b>	Absolute Majority
<b>Press release to be issued:</b>	No

#### BRIEF

Following the Local Government election, Council is required to delegate Elected Members to each formal Committee of Council. This item relates to appointing delegates to the Bushfire Advisory Committee.

#### ATTACHMENTS

1. D S- T R-01 Bushfire Advisory Committee Terms of Reference 2023 - 2025 V 1 [7.3.1 - 5 pages]

#### A. BACKGROUND / DETAILS

The Bush Fire Advisory Committee's (BFAC) objective is to provide efficient and responsive fire service and as a committee to advise the Council on matters relating to bush fire, make recommendations and advise Council on all matters relating to bush fire planning, control, management and rehabilitation.

Current meeting day: Tuesday

Meeting Frequency: Three times annually

Meeting Location: Shire of Northam Council Chambers

Membership: Two (2) Elected Members

Council representatives 2021–2023: Cr M I Girak, Cr D J Galloway.

Terms of reference: Attachment 7.3.1.

#### B. CONSIDERATIONS

##### B.1 Strategic Community / Corporate Business Plan

Performance Area: Performance. Outcome 12: Excellence in organisational performance and customer service.

Objective 12.1: Maintain a high standard of corporate governance and financial management.

Priority Action: Nil.

## B.2 Financial / Resource Implications

As Elected Members are paid annual fees in lieu of fees for attending meetings, travel expenses for attendance at any meeting held will be an additional expense incurred. Committee Members attending committee meetings are entitled to claim for expenses incurred. No meeting fees are payable to employees or non-Councillors.

## B.3 Legislative Compliance

Local Government Act 1995 – Division 2  
Bush Fires Act 1954 – Section 67

## B.4 Policy Implications

N/A

## B.5 Stakeholder Engagement / Consultation

N/A

## B.6 Risk Implications

Refer to Risk Matrix [here](#).

Risk Category	Description	Rating (likelihood x consequence)	Mitigation Action
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service Interruption	N/A		
Compliance	Non-compliance with the Local Government Act – Committee Delegations	Possible (3) x Medium (3) = Moderate (9)	Ensure delegates are appointed as per Local Government Act 1995.
Property	N/A		
Environment	N/A		

## B.7 Natural Environment Considerations

N/A

## C. OFFICER'S COMMENT

A number of formatting and minor changes have been made to the Terms of Reference document.

Along with these minor changes the following officer recommended changes have been made to the document:

1. Item 3.1: Changing the Northam and Wundowie Volunteer Fire & Rescue Service delegates to delegate of the Northam District Officer due to the Shire having little to no influence over fire related matters within the Gazetted Fire Districts.
2. Meeting three times annually to cater to pre, post and to consider and endorse FCO and leadership positions.
3. Allowing brigades to have the option to bring a report to BFAC meetings.

## RECOMMENDATION / COUNCIL DECISION

**Minute No: C.4876**

**Moved: Cr M P Ryan**

**Seconded: Cr J E G Williams**

**That Council, by Absolute Majority:**

1. In accordance with Section 5.8 of the Local Government Act 1995 and Section 67 of the Bush Fires Act 1954 establishes the Bush Fire Advisory Committee and adopt the Terms of Reference as provided in Attachment 7.3.1; and
2. In accordance with Section 5.9 and 5.10(1)(a) of the Local Government Act 1995, appoints the following Elected Members, Staff and Other Persons to the Bush Fire Advisory Committee:

### Voting Members:

- Chief Bush Fire Control Officer;
- Two (2) Deputy Bush Fire Control Officers;
- Two (2) Shire of Northam Elected Members;
  - Cr M I Girak
  - Cr A J Mencshelyi
- One (1) delegate or proxy representative from each of the registered Shire of Northam Volunteer Bush Fire Brigades listed below:
  - Bakers Hill Bush Fire Brigade;
  - Clackline/Muresk Bush Fire Brigade;
  - Grass Valley Bush Fire Brigade;
  - Inkpen Bush Fire Brigade;
  - Irishtown Bush Fire Brigade;
  - Jennapullin Bush Fire Brigade;
  - Southern Brook Bush Fire Brigade;
  - Northam Central Bush Fire Brigade; and
  - Wundowie Bush Fire Brigade.

- One (1) delegate or proxy Department of Fire and Emergency Service Northam District Officer.

**Non-voting Members:**

- Shire of Northam Community Emergency Services Manager;
- One (1) representative from Northam Volunteer Fire and Rescue Services;
- One (1) representative from Wundowie Volunteer Fire and Rescue Services; and
- Department of Biodiversity, Conservation and Attractions representative.

**CARRIED 9/0  
BY ABSOLUTE MAJORITY**

**For:** Cr C R Antonio, Cr M P Ryan, Cr H J Appleton, Cr L C Biglin, Cr M I Girak, Cr D A Hughes, Cr A J Mencshelyi, Cr J E G Williams and Cr C M Poulton

**Against:** Nil



**TERMS OF REFERENCE**

**SHIRE OF NORTHAM BUSH FIRE ADVISORY COMMITTEE**

**1. Objectives of Bush Fire Advisory Committee**

Northam Bush Fire Advisory Committee is established pursuant to Section 5.8 of the Local Government Act 1995 and Section 67 of the Bush Fires Act 1954 within the local government boundaries of the Shire of Northam. The Committee's objective is to provide efficient and responsive fire service and as a Committee to advise the Council on matters relating to bush fire, make recommendations and advise Council on all matters relating to bush fire planning, control, management and rehabilitation.

To liaise with other emergency organisations and relevant bodies with regard to Fire and Emergency Management within the Shire of Northam.

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.

**2. Powers of the Bush Fire Advisory Committee**

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.

The Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

### **3. Membership**

#### **3.1 Full voting members**

- Chief Bush Fire Control Officer;
- Two (2) Deputy Chief Bush Fire Control Officers;
- Two (2) Shire of Northam Elected Members;
- One (1) delegate or proxy representative from each of the registered Shire of Northam Volunteer Bush Fire Brigades listed below:
  - Bakers Hill Bush Fire Brigade;
  - Clackline/Muresk Bush Fire Brigade;
  - Grass Valley Bush Fire Brigade;
  - Inkpen Bush Fire Brigade;
  - Irishtown Bush Fire Brigade;
  - Jennapullin Bush Fire Brigade;
  - Southern Brook Bush Fire Brigade;
  - Northam Central Bush Fire Brigade; and
  - Wundowie Bush Fire Brigade.

One (1) delegate or proxy Department of Fire and Emergency Service Northam District Officer

#### **3.2 Non-voting**

- Shire of Northam Community Emergency Services Manager
- One representative from Northam Volunteer Fire and Rescue Service; and
- One representative from Wundowie Volunteer Fire and Rescue Service and;
- Department of Biodiversity, Conservation and Attractions representative.

### **4. Meetings**

The committee shall meet at least three times annually.

Additional meetings shall be convened at the discretion of the chairperson.

### **5. Reporting**

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

## **6. Duties and Responsibilities**

The Committee is to facilitate:

- Preventing, controlling and extinguishing of bush fires;
- The planning of the layout of fire-breaks in the district;
- Prosecutions for breaches of the Bush Fire Act 1954;
- The formation of bush fire brigades;
- The ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities;
- Any other matter relating to bush fire control whether of the same kind, as, or a different kind from, those specified;
- Provide guidance and advise to Council to the carrying out the functions of the local government in relation to bush fires; and
- Develop and recommend to Council appropriate processes for bush fires.

## **7. Tenure of Membership**

Shall be in accordance with the Local Government Act 1995, section 5.11.

## **8. Authority**

Bushfires Act 1954, Section 67, Advisory Committees

A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the 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 whether of the same kind as, or a different kind from, those specified in this subsection.

## **9. Committee**

### **9.1 Chairperson**

The Committee shall elect one of their number to be chairman thereof in accordance with the Local Government Act 1995, section 5.12.

### **9.2 Secretary**

A Shire employee will fulfil the role of non-voting Secretary.

### **9.3 Quorum**

The quorum at any meeting shall be half plus one of the number of offices.

### **9.4 Voting**

Shall be in accordance with the Local Government Act, Section 5.21.

### **9.5 Minutes**

Shall be in accordance with the Local Government Act, Section 5.22.

A copy of the unconfirmed minutes shall be forwarded to all members within fourteen (14) days of the meeting for endorsement at the next meeting.

Members are given at least 5 working days after the minutes of a BFAC meeting are circulated to comment or raise issues associated with the wording of the minutes, before the BFAC minutes are included in a Council agenda; and

Each draft document considered by BFAC is amended in accordance with BFAC resolutions and the amended version is circulated to BFAC members for at least 5 working days for comment before it is included in the Council agenda.

Recommendations arising from the minutes shall be presented to Council in the next available Council agenda for endorsement and/or action.

The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify confirmation.

### **9.6 Who Acts If No Chairperson**

Shall be in accordance with the Local Government Act, Section 5.14.

### **9.7 Meetings**

Meetings shall be generally open to the public pursuant to Section 5.23 of the Local Government Act and include question time for members of the pursuant to Section 5.24 of the Local Government Act.

### **9.8 Members Interests to be Disclosed**

Members of the Committee are bound by the provisions of the Local Government Act Section 5.65 with respect to disclosure of financial, impartiality or proximity interests.

### **9.9 Brigade Reports**

Each member brigade may provide a brigade report to the meeting.

### **9.10 Working Groups**

*Bush Fire Advisory Committee Terms of Reference 2023 - 2025*

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A working group can be established to carry out specific tasks. A working group will undertake only those duties specified by the committee.

**9.11 Deputations**

A person or organisation maybe invited to attend any meetings but such persons shall not be entitled to vote on any decision arising from such meetings.

## 7.4 CEO Review & Selection Committee Council Delegates & Terms of Reference

<b>File Reference:</b>	1.1.1.1
<b>Reporting Officer:</b>	Britt Hadlow (Governance Coordinator), Tamika Van Beek (Governance Officer)
<b>Responsible Officer:</b>	Debbie Terelinck (Chief Executive Officer)
<b>Officer Declaration of Interest:</b>	Nil.
<b>Voting Requirement:</b>	Absolute Majority
<b>Press release to be issued:</b>	No

### BRIEF

Following the Local Government election, Council is required to delegate Elected Members to each formal Committee of Council. This item relates to appointing delegates to the Chief Executive Officer Review and Selection Committee.

### ATTACHMENTS

1. CE O- T R-02 CEO Review & Selection Committee Terms of Reference 2023 - 2025 V 1 [7.4.1 - 2 pages]

### A. BACKGROUND / DETAILS

The primary objective of the Shire of Northam Chief Executive Officer (CEO) Review and Selection Committee is to make recommendations to Council on:

- The review of the Chief Executive Officer's salary and performance;
- Employment of the Chief Executive Officer;
- Other matters referred by Council.

Current meeting day: As determined by Committee

Meeting Frequency: To be convened as required

Meeting Location: Shire of Northam Council Chambers

Membership: The Shire President, Deputy Shire President and three (3) other Elected Members.

Council representatives 2021–2023: Cr C R Antonio, Cr M P Ryan, Cr J E G Williams, Cr D A Hughes, Cr A J Mencshelyi.

Terms of reference: Attachment 7.4.1.

### B. CONSIDERATIONS

**B.1 Strategic Community / Corporate Business Plan**

Performance Area: Performance. Outcome 12: Excellence in organisational performance and customer service.

Objective 12.1: Maintain a high standard of corporate governance and financial management.

Priority Action: Nil.

**B.2 Financial / Resource Implications**

As Elected Members are paid annual fees in lieu of fees for attending meetings, travel expenses for attendance at any meeting held will be an additional expense incurred. Committee Members attending committee meetings are entitled to claim for expenses incurred. No meeting fees are payable to employees or non-Councillors.

**B.3 Legislative Compliance**

Local Government Act 1995 – Division 2

**B.4 Policy Implications**

Model standards for CEO recruitment, performance and termination.

**B.5 Stakeholder Engagement / Consultation**

N/A

**B.6 Risk Implications**

Refer to Risk Matrix [here](#).

<b>Risk Category</b>	<b>Description</b>	<b>Rating (likelihood x consequence)</b>	<b>Mitigation Action</b>
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service Interruption	N/A		
Compliance	Non-compliance with the Local Government Act – Committee Delegations	Possible (3) x Medium (3) = Moderate (9)	Ensure delegates are appointed as per Local Government Act 1995.
Property	N/A		
Environment	N/A		

**B.7 Natural Environment Considerations**

N/A

**C. OFFICER'S COMMENT**

Council officers have made recommended changes to the Terms of Reference pertaining to Item 6 – Duties and Responsibilities to include the committee's responsibility with reference to CEO recruitment, appointment of a Temporary Chief Executive Officer and approval of the CEO annual and long service leave.

**RECOMMENDATION / COUNCIL DECISION**

**Minute No: C.4877**

**Moved: Cr M P Ryan**

**Seconded: Cr M I Girak**

**That Council, by Absolute Majority:**

- 1. In accordance with Section 5.8 of the Local Government Act 1995 establishes the Chief Executive Officer Review and Selection Committee and endorse the Terms of Reference as provided in Attachment 7.4.1; and**
- 2. In accordance with Section 5.9 and 5.10(1)(a) of the Local Government Act 1995, appoints the following Elected Members only to the Chief Executive Officer Review and Selection Committee:**
  - Cr L C Biglin**
  - Cr J E G Williams**
  - Cr M P Ryan**

**CARRIED 9/0  
BY ABSOLUTE MAJORITY**

**For:** Cr C R Antonio, Cr M P Ryan, Cr H J Appleton, Cr L C Biglin, Cr M I Girak, Cr D A Hughes, Cr A J Mencshelyi, Cr J E G Williams and Cr C M Poulton

**Against:** Nil



**TERMS OF REFERENCE  
SHIRE OF NORTHAM CHIEF EXECUTIVE OFFICER REVIEW AND  
SELECTION COMMITTEE**

**1. Objectives of the Shire of Northam Chief Executive Officer Review and Selection Committee**

The primary objective of the Shire of Northam CEO Review and Selection Committee is to make recommendations to Council on:

- The review of the Chief Executive Officer's salary and performance;
- Employment of the Chief Executive Officer;
- Other matters referred by Council.

**2. Powers of the Shire of Northam Chief Executive Officer Review and Selection Committee**

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.

The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the Chief Executive Officer.

**3. Membership**

The committee shall consist of elected members only, being:

- Shire President
- Deputy Shire President
- Three (3) Elected Members

All members have full voting rights.

**4. Meetings**

The committee shall meet as and when required.

Additional meetings shall be convened at the discretion of the presiding member.

**5. Reporting**

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

## **6. Duties and Responsibilities**

The duties and responsibilities of the Committee will be to make recommendations to Council in regard to:-

- Making recommendations to Council on the CEO recruitment process and hiring of the preferred candidate, when required.
- Approval of Annual and Long Service Leave for the Chief Executive Officer when in excess of 6 weeks.
- Appointment of a Temporary/Acting Chief Executive Officer when in excess of 6 weeks or when required.
- Managing CEO Review Process; and
- Making recommendations to Council in regards to CEO Performance and Remuneration.

## **7. Tenure of Membership**

Shall be in accordance with the Local Government Act, section 5.11, i.e. until the next scheduled local government Ordinary Elections.

## **8. Committee**

### **8.1 Presiding Member**

The members shall appoint the Presiding Member.

### **8.2 Secretary**

Available on request.

### **8.3 Quorum**

The quorum at any meeting shall be half plus one of the number of offices. Therefore the number for a Quorum shall be 3 voting members.

### **8.4 Voting**

Shall be in accordance with the Local Government Act, Section 5.21.

### **8.5 Minutes**

Shall be in accordance with the Local Government Act, Section 5.22.

### **8.6 Who Acts If No Presiding Member**

Shall be in accordance with the Local Government Act, Section 5.14.

### **8.7 Meetings**

Meetings shall NOT be open to the public pursuant to Section 5.23 of the Local Government Act.

### **8.8 Members Interests to be disclosed**

Members of the Committee are bound by the provisions of the Local Government Act Section 5.65 with respect to disclosure of financial, impartiality or proximity interests.

### **8.9 Code of Conduct**

Members of the committee are bound by Council's Code of Conduct.

## 7.5 Community Safety Committee Council Delegates & Terms of Reference

<b>File Reference:</b>	1.3.12.2
<b>Reporting Officer:</b>	Britt Hadlow (Governance Coordinator), Tamika Van Beek (Governance Officer)
<b>Responsible Officer:</b>	Debbie Terelinck (Chief Executive Officer)
<b>Officer Declaration of Interest:</b>	Nil.
<b>Voting Requirement:</b>	Absolute Majority
<b>Press release to be issued:</b>	No

### BRIEF

Following the Local Government election, Council is required to delegate Elected Members to each formal Committee of Council. This item relates to appointing delegates to the Community Safety Committee.

### ATTACHMENTS

1. COMM S- T R-01 Community Safety Committee Terms of Reference 2023 - 2025 V 1 [7.5.1 - 3 pages]

### A. BACKGROUND / DETAILS

The objective of the Shire of Northam Community Safety Committee is to enhance community safety and reduce criminal and anti-social behaviour through a collaboration of key interests and agencies.

Current meeting day: Tuesday

Meeting Frequency: Quarterly

Meeting Location: Shire of Northam Council Chambers

Membership: Two (2) Elected Members.

Council representatives 2021–2023: Cr J E G Williams (Chair), Cr R W Tinetti, Cr A J Mencshelyi

Terms of reference: Attachment 7.5.1.

### B. CONSIDERATIONS

#### B.1 Strategic Community / Corporate Business Plan

Performance Area: People.

Outcome 1: A safe community.

Objective 1.1: Play our role in promoting a safe and crime free community.

Priority Action 1.1.3: Develop a program to facilitate and support targeted place activations and projects across the Shire on an annual basis, based on intelligence from the Community Safety and Crime Prevention Committee.

**B.2 Financial / Resource Implications**

As Elected Members are paid annual fees in lieu of fees for attending meetings, travel expenses for attendance at any meeting held will be an additional expense incurred. Committee Members attending committee meetings are entitled to claim for expenses incurred. No meeting fees are payable to employees or non-Councillors.

**B.3 Legislative Compliance**

Local Government Act 1995 – Division 2

**B.4 Policy Implications**

N/A

**B.5 Stakeholder Engagement / Consultation**

N/A

**B.6 Risk Implications**

Refer to Risk Matrix [here](#).

<b>Risk Category</b>	<b>Description</b>	<b>Rating (likelihood x consequence)</b>	<b>Mitigation Action</b>
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service Interruption	N/A		
Compliance	Non-compliance with the Local Government Act – Committee Delegations	Possible (3) x Medium (3) = Moderate (9)	Ensure delegates are appointed as per Local Government Act 1995.
Property	N/A		
Environment	N/A		

**B.7 Natural Environment Considerations**

N/A

**C. OFFICER'S COMMENT**

There have been minor updates made to the Terms of Reference to ensure the information is in line with current practices.

**RECOMMENDATION / COUNCIL DECISION**

Minute No: C.4878

Moved: Cr D A Hughes

Seconded: Cr H J Appleton

That Council, by Absolute Majority:

1. In accordance with Section 5.8 of the Local Government Act 1995 establishes the Community Safety Committee and endorse the Terms of Reference as provided in Attachment 7.5.1; and
2. In accordance with Section 5.9 and 5.10(1)(a) of the Local Government Act 1995, appoints the following Elected Members, Staff and Other Persons to the Community Safety Committee:

**Voting Members:**

- Two (2) Elected Member:
  - Cr J E G Williams
  - Cr A J Mencshelyi
- Officer In Charge of the Northam Police Station or nominated representative;
- Officer In Charge of the Wundowie Police Station or nominated representative;
- One (1) representative of the Northam Roadwise Committee;
- One (1) representative of the Local Drug Action Group;
- One (1) representative of the Northam Chamber of Commerce;
- One (1) representative of the Department of Education;
- One (1) representative of the Department of Local Government, Sport and Cultural Industries;
- One (1) representative of Holyoake;
- One (1) representative of the local youth services
- One (1) representative of the Nyoongar Cultural Advisory Committee;
- Up to two (2) community representatives.

**Standing Ex-Officio Members:**

- Chief Executive Officer or nominated representative;
- Manager Community Development;
- One (1) representative of the Department of Health (Health Promotion);
- One (1) representative of the Department of Communities – Housing;
- One (1) representative of the Department of Communities – Child Protection and Family Support;
- One (1) representative of the Department of Justice;

- One (1) representative of Bridgely Church of Christ
- Ranger Services
- Department of Main Roads (by invitation)
- Department of Fire and Emergency Services (by invitation)

**CARRIED 9/0  
BY ABSOLUTE MAJORITY**

**For:** Cr C R Antonio, Cr M P Ryan, Cr H J Appleton, Cr L C Biglin, Cr M I Girak, Cr D A Hughes, Cr A J Mencshelyi, Cr J E G Williams and Cr C M Poulton

**Against:** Nil

## TERMS OF REFERENCE

### SHIRE OF NORTHAM COMMUNITY SAFETY COMMITTEE

#### 1. Objectives of the Shire of Northam Community Safety Committee

The objective of the Shire of Northam Community Safety Committee (hereto referred to as the Committee) is to enhance community safety and reduce criminal and anti-social behaviour through a collaboration of key interests and agencies.

#### 2. Powers of the Shire of Northam Community Safety Committee

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.

The Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the Chief Executive Officer.

#### 3. Membership

The Committee shall consist of representatives from government, non-government, police and community agencies at the local level who share a collective commitment and expertise in relation to community safety and perceptions of safety. The Committee membership may include the following:

- Two (2) Elected Members:
- Officer In Charge of the Northam Police Station or nominated representative;
- Officer In Charge of the Wundowie Police Station or nominated representative;
- One (1) representative of the Northam Roadwise Committee;
- One (1) representative of the Local Drug Action Group;
- One (1) representative of the Northam Chamber of Commerce;
- One (1) representative of the Department of Education;
- One (1) representative of the Department Local Government, Sport and Cultural Industries;
- One (1) representative of Holyoake;
- One (1) representative of the local youth services
- One (1) representative of the Nyoongar Cultural Advisory Committee
- Up to two (2) community representatives.

All members have full voting rights.

*Community Safety Committee Terms of Reference 2023 to 2025*

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**4. Standing Ex-Officio Members**

- Chief Executive Officer or nominated representative.
- Manager Community Development
- One (1) representative of the Department of Health (Health Promotion);
- One (1) representative of the Department of Communities - Housing;
- One (1) representative of the Department of Communities - Child Protection and Family Support
- One (1) representative of the Department of Justice;
- One (1) representative of Bridgeley Church of Christ
- Ranger Services
- Department of Main Roads (by invitation)
- Department Fire and Emergency Services (by invitation)

**5. Meetings**

The committee shall meet at least quarterly, with additional meetings convened at the discretion of the presiding member.

**6. Reporting**

Minutes and recommendations of each committee meeting shall be presented to the next ordinary meeting of the Council.

**7. Duties and Responsibilities**

The Committee will:

- Develop, review and oversee the implementation of the Shire of Northam Community Safety and Crime Prevention Plan;
- Develop effective partnerships with local State Government agencies through local service agreements to support the coordination and integration of community safety and crime prevention activities within the Shire of Northam;
- Identify and coordinate funding opportunities to address priority issues that have been identified in the Community Safety and Crime Prevention Plan.

**8. Working Parties**

Working parties may be established at the edict of this Committee to address specific issues in relation to community safety and appoint people with the necessary knowledge and skills to contribute to those working parties.

All auxiliary working parties shall report back to the Community Safety Committee on progress and outcomes with any recommendations.

**9. Tenure of Membership**

Shall be in accordance with the Local Government Act, section 5.11, ie, until the next scheduled local government ordinary elections.



*Community Safety Committee Terms of Reference 2023 to 2025*

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**10. Committee**

**10.1 Chairperson**

The members shall appoint the Chairperson.

**10.2 Secretary**

A Shire of Northam employee will fulfil the role of non-voting minute taker.

**10.3 Quorum**

The quorum at any meeting shall be at least 50% of the number of offices of the committee.

**10.4 Voting**

Shall be in accordance with the Local Government Act, Section 5.21.

**10.5 Minutes**

Shall be in accordance with the Local Government Act, Section 5.22.

**10.6 Who Acts If No Presiding Member**

Shall be in accordance with the Local Government Act, Section 5.14.

**10.7 Meetings**

Meetings shall be generally open to the public pursuant to Section 5.23 of the Local Government Act and include question time for members of the Committee pursuant to Section 5.24 of the Local Government Act.

**10.8 Members Interests to be Disclosed**

Members of the Committee are bound by the provisions of the Local Government Act Section 5.65 with respect to disclosure of financial, impartiality or proximity interests.

**10.9 Code of Conduct**

Members of the committee are bound by Council's Code of Conduct.

## 7.6 Delegates or Representatives to Community Based and External Committees / Groups

<b>File Reference:</b>	1.3.12.2
<b>Reporting Officer:</b>	Britt Hadlow (Governance Coordinator), Tamika Van Beek (Governance Officer)
<b>Responsible Officer:</b>	Debbie Terelinck (Chief Executive Officer)
<b>Officer Declaration of Interest:</b>	Nil.
<b>Voting Requirement:</b>	Simple Majority
<b>Press release to be issued:</b>	No

### BRIEF

Due to the Local Government election, Council is required to delegate Elected Members to various Community Based and external committees and Local Government bodies.

### ATTACHMENTS

1. Elected Member Prospectus 2023 - Avon-Midland WALGA Zone Delegate/State Councillor information [7.6.1 - 6 pages]
2. Department of Planning, Lands and Heritage - Local Government Nominations Development Assessment Panel [7.6.2 - 2 pages]

### A. BACKGROUND / DETAILS

Community based committees are an important part of the social structure of the Shire and provide ratepayers and residents a voice in their community. Council representation on these committees demonstrates interest and allows for feedback to Council of community concerns and ideas.

These committees are independent of Council.

#### GOVERNANCE BASED COMMITTEES AND/OR GROUPS

Committee Name:	Avon Regional Organisation of Councils (AROC)
Committee Purpose:	To work collaboratively with the Shires of Toodyay, York, Goomalling and Victoria Plains with a range of advocacy and project focuses.
Meeting Frequency:	Bi-Monthly (every two months).
Next Meeting:	13 November 2023
Current Meeting Day:	Monday

Meeting Location:	Shire of Toodyay Council Chambers.
Council representatives 2021 – 2023:	Delegate 1: Cr Christopher Antonio and Mr Jason Whiteaker Delegate 2 (Proxy): Cr Michael Ryan Delegate 3 (Proxy): Cr Maria Girak
Officer Comment:	Officers recommend that the Shire President and Chief Executive Officer be appointed to represent the Shire of Northam on the Avon Regional Organisation of Councils, a second delegate is not required although can be designated as per previous years.

Committee Name:	Avon Midland Zone of WALGA
Committee Purpose:	Zones are groups of geographically aligned Member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters.
Meeting Frequency:	Bi-Monthly (every two months).
Next Meeting:	24 November 2023
Current Meeting Day:	Friday
Meeting Location:	Various locations, rotated between Zone members.
Council representatives 2021 – 2023:	Delegate 1: Cr Christopher Antoni Delegate 2 (Proxy): Cr Michael Ryan
Officer Comment:	Officers recommend that the Shire President and Deputy President be appointed represent the Shire of Northam on the Avon Midland Zone of WALGA.  Attachment 7.6.1 details information on becoming a Zone Representative and a State Councillor.

Committee Name:	Wheatbelt North Regional Road Group
Committee Purpose:	To make recommendations to State Advisory Committee (SAC) in relation to the Annual Local Government Roads Program for their Region and any other relevant issues.
Meeting Frequency:	Bi-annually (two meetings each year).
Next Meeting:	4 March 2024
Current Meeting Day:	None allocated.



Meeting Location:	Northam
Council representatives 2021 – 2023:	Delegate 1: Cr David Galloway Delegate 2 (Proxy): Cr Christopher Antonio
Officer Comment:	It is recommended that Delegate 1 and 2 be nominated to represent the Shire of Northam on the Wheatbelt North Regional Road Group.

Committee Name:	Regional Capital Alliance Western Australia
Committee Purpose:	The Regional Capitals Alliance Western Australian (RCAWA) is a partnership of seven of the largest regional local governments in regional WA. The Alliance Cities work to develop a collaborative framework to engage with and partner with both the WA and Australian Governments.
Meeting Frequency:	Bi-monthly (every two months).
Next Meeting:	15 December 2023.
Current Meeting Day:	Various.
Meeting Location:	Various, rotated between members.
Council representatives 2021 – 2023:	Delegate 1: Cr Christopher Antonio and Mr Jason Whiteaker Delegate 2 (Proxy): Cr Michael Ryan
Officer Comment:	It is recommended that the Shire President and Chief Executive Officer be appointed to this Alliance.

Committee Name:	Development Assessment Panels
Committee Purpose:	As a key component of planning reform in Western Australia, Development Assessment Panels (DAPs) are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge.
Meeting Frequency:	On receipt of application.
Next Meeting:	Convened as required.
Current Meeting Day:	Convened as required.
Meeting Location:	Either online or Shire of Northam Chambers.
Council representatives 2021 – 2023:	Delegate 1: Cr Julie Williams. Delegate 2: Cr Maria Girak. Delegate 3 (Proxy): Cr Desmond Hughes. Delegate 4 (Proxy): Cr Michael Ryan.
Officer Comment:	Attachment 7.6.2 contains the correspondence received from the Department of Planning, Lands



	and Heritage pertaining to the Development Assessment Panel.
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COMMUNITY BASED COMMITTEES

Committee Name:	Avon Valley Arts Society Inc.
Committee Purpose:	AVAS Inc. promotes and fosters artists in the Avon Valley. They host the Fred Killick Award Exhibition and the Northam Art Prize, as well as hold demonstrations and art classes.
Meeting Frequency:	Monthly.
Next Meeting:	TBC – November meeting may be pushed out to December.
Current Meeting Day:	Tuesday
Meeting Location:	Old Girls School.
Council representatives 2021 – 2023:	Delegate 1: Cr Desmond Hughes Delegate 2 (Proxy): Cr Maria Girak
Officer Comment:	Nil.

Committee Name:	Northam Army Camp Heritage Association (NACHA)
Committee Purpose:	NACHA is a non-profit organisation, which was founded in 1997 as a result of community concern about the sale and removal of buildings from the Northam Army Camp and the Defence Department's plans to dispose of the site itself. Although this did not eventuate, NACHA continue to be active in promoting the importance and history of the Northam Army Camp and its various phases of history. The Association is especially interested in sharing the military, P.O.W and migrant experiences associated with the camp and putting a human face to the thousands of people who passed through its gate. Their projects have included conducting talks and tours, creating exhibitions and, most recently, producing a DVD of interviews with servicemen and women, displaced persons and immigrants, and historians and other experts connected with the Northam Army Camp.
Meeting Frequency:	Monthly.



Next Meeting:	6 November 2023.
Current Meeting Day:	First Monday of each month at 5:30pm.
Meeting Location:	Old Northam Railway Station Museum.
Council representatives 2021 – 2023:	Delegate 1: Cr Maria Girak Delegate 2 (Proxy): Cr Paul Curtis
Officer Comment:	Nil.

Committee Name:	Northam Flying Fifty's
Committee Purpose:	Coordination of the Northam Motor Sport/Flying Fifties event.
Meeting Frequency:	Monthly. More frequent closer to event.
Next Meeting:	Towards the end of November 2023 (to be set).
Current Meeting Day:	Thursday at 5.30pm.
Meeting Location:	Byfield Accounting Meeting Room.
Council representatives 2021 – 2023:	Delegate 1: Cr David Galloway. Delegate 2 (Proxy): Cr Desmond Hughes.
Officer Comment:	Nil.

Committee Name:	Northam Memorial Hall Board
Committee Purpose:	Management of the Memorial Hall.
Meeting Frequency:	Convened as required.
Next Meeting:	27 November 2023.
Current Meeting Day:	Monday
Meeting Location:	Northam RSL Hall.
Council representatives 2021 – 2023:	Delegate 1: Cr Desmond Hughes Delegate 2 (Proxy): Cr Michael Ryan
Officer Comment:	Nil.

Committee Name:	Northam Chamber of Commerce
Committee Purpose:	Supports and promotes all businesses within the Shire of Northam.
Meeting Frequency:	Two meetings per month (Sundowner and Board Meeting).
Next Meeting:	AGM + Sundowner: Tuesday 14 November 2023 Board Meeting: 8 November 2023
Current Meeting Day:	Board Meeting: Wednesday
Meeting Location:	Various locations.



Council representatives 2021 – 2023:	Delegate 1: Cr Robert Tinetti Delegate 2 (Proxy): Cr Michael Ryan
Officer Comment:	Nil.

Committee Name:	Northam Heritage Forum
Committee Purpose:	Manages and operates tours from the Old Northam Railway Station.
Meeting Frequency:	Monthly.
Next Meeting:	20 November 2023.
Current Meeting Day:	Third Monday of each month at 7:00pm.
Meeting Location:	Old Northam Railway Station Museum.
Council representatives 2021 – 2023:	Delegate 1: Cr Hayden Appleton Delegate 2 (Proxy): Cr Christopher Antonio
Officer Comment:	Nil.

Committee Name:	Local Health Advisory Group
Committee Purpose:	To provide a forum for ongoing communication and interaction between health staff and community members and to develop workable solutions for local health service related issues.
Meeting Frequency:	Bi-monthly on the “even” month.
Next Meeting:	Expected February 2024.
Current Meeting Day:	Second Thursday of the “even” month, except December. The time of the meeting is being re-assessed for 2024.
Meeting Location:	Northam Hospital Board Room.
Council representatives 2021 – 2023:	Delegate 1: Cr Robert Tinetti Delegate 2 (Proxy): Cr David Galloway
Officer Comment:	Nil.

## **B. CONSIDERATIONS**

### **B.1 Strategic Community / Corporate Business Plan**

Performance Area: Performance. Outcome 12: Excellence in organisational performance and customer service.

Objective 12.1: Maintain a high standard of corporate governance and financial management.

Priority Action: Nil.

**B.2 Financial / Resource Implications**

Councillor delegates are entitled to claim for expenses incurred in attending meetings on behalf of the Shire.

Secretarial and support services are the responsibility of the organising body and should not be reliant on Shire resources.

**B.3 Legislative Compliance**

Local Government Act 1995 – Division 2

**B.4 Policy Implications**

N/A

**B.5 Stakeholder Engagement / Consultation**

N/A

**B.6 Risk Implications**

Refer to Risk Matrix [here](#).

Risk Category	Description	Rating (likelihood x consequence)	Mitigation Action
Financial	N/A		
Health & Safety	N/A		
Reputation	Not providing representation to community groups/external bodies.	Possible (3) x Medium (3) = Moderate (9)	Delegate Elected Members to represent Council on relevant Committees and groups.
Service Interruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		

**B.7 Natural Environment Considerations**

N/A

**C. OFFICER'S COMMENT**

Council is requested to consider the role of Elected Members as delegates/representatives to various community organisations.



In some cases, Councillors can attend solely in a liaison capacity and not necessarily as a full Committee member. Councillors need to be aware of the time commitment for attendance at meetings. Such groups/organisations are not part of Council's structure and are not required to report back to Council, however minutes of such meetings should be provided for information purposes.

Due to lack of direction and attendance, it was decided not to delegate any representatives for the Northam Roadwise Committee.

## **RECOMMENDATION**

**That Council appoint the following delegates:**

### **GOVERNANCE COMMITTEES/GROUPS:**

#### **1. Avon Regional Organisation of Councils (AROC):**

- a. Delegate 1: Shire President and Chief Executive Officer**
- b. Delegate 2 (Proxy): Cr \_\_\_\_\_**

#### **2. Avon Midland Zone of WALGA:**

- a. Delegate 1: Shire President**
- b. Delegate 2 (Proxy): Deputy Shire President**

#### **3. Avon Sub-Regional Road Group:**

- a. Delegate 1: Cr \_\_\_\_\_**
- b. Delegate 2 (Proxy): Cr \_\_\_\_\_**

#### **4. Western Australian Regional Capital Alliance:**

- a. Delegate 1: Shire President and the Chief Executive Officer**
- b. Delegate 2 (Proxy): Cr \_\_\_\_\_**

#### **5. Development Assessment Panel:**

- a. Delegate 1: Cr \_\_\_\_\_**
- b. Delegate 2: Cr \_\_\_\_\_**
- c. Delegate 3 (Proxy): Cr \_\_\_\_\_**
- d. Delegate 4 (Proxy): Cr \_\_\_\_\_**

### **COMMUNITY COMMITTEES/GROUPS:**

**6. Avon Valley Arts Society (AVAS):**

- a. Delegate 1: Cr \_\_\_\_\_
- b. Delegate 2 (Proxy): Cr \_\_\_\_\_

**7. Northam Army Camp Heritage Association (NACHA):**

- a. Delegate 1: Cr \_\_\_\_\_
- b. Delegate 2 (Proxy): Cr \_\_\_\_\_

**8. Northam Flying Fifty's:**

- a. Delegate 1: Cr \_\_\_\_\_

**9. Northam Roadwise Committee:**

- a. Delegate 1: Cr \_\_\_\_\_
- b. Delegate 2 (Proxy): Cr \_\_\_\_\_

**10. Northam Memorial Hall Board:**

- a. Delegate 1: Cr \_\_\_\_\_

**11. Northam Chamber of Commerce:**

- a. Delegate 1: Cr \_\_\_\_\_
- b. Delegate 2 (Proxy): Cr \_\_\_\_\_

**12. Northam Heritage Forum:**

- a. Delegate 1: Cr \_\_\_\_\_
- b. Delegate 2 (Proxy): Cr \_\_\_\_\_

**13. Local Health Advisory Group:**

- a. Delegate 1: Cr \_\_\_\_\_
- b. Delegate 2 (Proxy): Cr A \_\_\_\_\_

**AMENDMENT TO MOTION / COUNCIL DECISION**

**Minute No: C.4879**

**Moved: Cr J E G Williams**

**Seconded: Cr M I Girak**

**That Council appoint the following delegates:**

**GOVERNANCE COMMITTEES/GROUPS:**

**1. Avon Regional Organisation of Councils (AROC):**

- a. Delegate 1: Shire President and Chief Executive Officer
- b. Delegate 2 (Proxy): Cr C M Poulton

**2. Avon Midland Zone of WALGA:**

- a. Delegate 1: Shire President
- b. Delegate 2 (Proxy): Deputy Shire President

**3. Avon Sub-Regional Road Group:**

- a. Delegate 1: Cr L C Biglin
- b. Delegate 2 (Proxy): Cr A J Mencshelyi

**4. Western Australian Regional Capital Alliance:**

- a. Delegate 1: Shire President and the Chief Executive Officer
- b. Delegate 2 (Proxy): Cr A J Mencshelyi

**5. Development Assessment Panel:**

- a. Delegate 1: Cr J E G Williams
- b. Delegate 2: Cr M I Girak
- c. Delegate 3 (Proxy): Cr M P Ryan
- d. Delegate 4 (Proxy): Cr D A Hughes

**COMMUNITY COMMITTEES/GROUPS:**

**6. Avon Valley Arts Society (AVAS):**

- a. Delegate 1: Cr D A Hughes
- b. Delegate 2 (Proxy): Cr M I Girak

**7. Northam Army Camp Heritage Association (NACHA):**

- a. Delegate 1: Cr C M Poulton
- b. Delegate 2 (Proxy): Cr M I Girak

**8. Northam Flying Fifty's:**

- a. Delegate 1: Cr J E G Williams

**9. Northam Memorial Hall Board:**

- a. Delegate 1: Cr D A Hughes

**10. Northam Chamber of Commerce:**

- a. Delegate 1: Cr M P Ryan
- b. Delegate 2 (Proxy): Cr J E G Williams

**11. Northam Heritage Forum:**

- a. Delegate 1: Cr H J Appleton
- b. Delegate 2 (Proxy): Cr C M Poulton

**12. Local Health Advisory Group:**

- a. Delegate 1: Cr C M Poulton
- b. Delegate 2 (Proxy): Cr C R Antonio

**CARRIED 9/0**

**For:** Cr C R Antonio, Cr M P Ryan, Cr H J Appleton, Cr L C Biglin, Cr M I Girak, Cr D A Hughes, Cr A J Mencshelyi, Cr J E G Williams and Cr C M Poulton

**Against:** Nil

**Reason for Change to Recommendation:**

Council formed the opinion to remove the item pertaining to the Northam Roadwise Committee as the Committee is in the process of disbanding.

*The Governance Coordinator left the meeting at 6:30pm.*

*The Governance Coordinator returned to the meeting at 6:37pm.*



# **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

Chantelle O'Brien, Governance Support Officer  
(08) 9213 2013 [cobrien@walga.asn.au](mailto:cobrien@walga.asn.au)

Kathy Robertson, Manager Association and Corporate Governance  
(08) 9213 2036 [krobertson@walga.asn.au](mailto:krobertson@walga.asn.au)

Tony Brown, Executive Director Member Services  
(08) 9213 2051 [tbrown@walga.asn.au](mailto:tbrown@walga.asn.au)



Department of **Planning,  
Lands and Heritage**

Our ref: PLH2023P1487 DG-2023-2773  
Enquiries: DAP Secretariat 6551 9919

Mr Chadd Hunt  
Acting Chief Executive Officer  
Shire of Northam  
Via email to: [ceo@northam.wa.gov.au](mailto:ceo@northam.wa.gov.au)

Dear Mr Hunt

## **DEVELOPMENT ASSESSMENT PANELS – LOCAL GOVERNMENT NOMINATIONS**

As you are aware, representation of local interests is a key part of the Development Assessment Panel (DAP) system. In accordance with this premise, under Regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, Councils are required to nominate, as soon as possible following elections, four elected members to sit as DAP members.

In addition to the above, all existing local government DAP members are currently appointed for a term ending 26 January 2024. Prior to this expiry date, your local government is required to nominate four (4) DAP members for appointment by the Minister for Planning.

Given the upcoming local government elections on 21 October 2023, both requirements can be met by using the attached form and submitting it and a copy of the Council resolution, it via email to the DAP Secretariat at [daps@dplh.wa.gov.au](mailto:daps@dplh.wa.gov.au), no later than Friday 24 November 2023.

If you are unable to provide nominations by the above date, please contact the DAP Secretariat to discuss alternative arrangements and implications.

The WA Government has launched OnBoardWA as part of its commitment to increase the diversity and backgrounds of Government Boards and Committees along with the total number of women appointed.

I encourage you to consider diversity of representation when putting forward your nominations in supporting this important commitment. Further Information about OnBoardWA can be found at [OnBoardWA | Welcome to OnBoardWA \(jobs.wa.gov.au\)](https://www.onboardwa.jobs.wa.gov.au).

The WA Government is committed to continue implementing the Action Plan for Planning reform to ensure the planning system continues to deliver great outcomes and great places for Western Australians. Changes to the DAP system, identified as part of the reform initiatives, aim to provide a more robust DAP process that promotes consistency and transparency in decision-making.

Postal address: Locked Bag 2506 Perth WA 6001 Street address: 140 William Street Perth WA 6000  
Tel: (08) 6551 8002 info@dplh.wa.gov.au [www.dplh.wa.gov.au](http://www.dplh.wa.gov.au)  
ABN 68 565 723 484  
wa.gov.au

Please note that the local government membership configuration on DAPs will not be affected by the reform initiatives.

If you have any queries regarding this request for nominations, please contact Ashlee Kelly at the DAP Secretariat on (08) 6551 9919 or email [daps@dplh.wa.gov.au](mailto:daps@dplh.wa.gov.au). Further information is available online at [Development Assessment Panels \(www.wa.gov.au\)](http://www.wa.gov.au).

Yours sincerely



Anthony Kannis PSM  
Director General  
28 September 2023

*Att. Local Government Development Assessment Panel Member Nomination Form*

## 7.7 Consideration of the Local Emergency Management Committee becoming an Advisory Group of Council

<b>File Reference:</b>	5.1.2.2
<b>Reporting Officer:</b>	Britt Hadlow (Governance Coordinator)
<b>Responsible Officer:</b>	Debbie Terelinck (Chief Executive Officer)
<b>Officer Declaration of Interest:</b>	Nil.
<b>Voting Requirement:</b>	Absolute Majority
<b>Press release to be issued:</b>	No

### BRIEF

Shire officers have been working with the Department of Fire and Emergency Services (DFES) to explore the option of disbanding the Local Emergency Management Committee (LEMC) as a formal committee of Council, and reforming as an advisory committee to Council.

### ATTACHMENTS

1. LEMC - Agenda Template [7.7.1 - 2 pages]
2. D S- T R-01 Local Emergency Management Committee Terms of Reference ( ADVISOR Y) 2023 - 2025 V 1 [7.7.2 - 4 pages]

### A. BACKGROUND / DETAILS

The Shire of Northam currently designates the LEMC as a formal Committee of Council.

Recent advice from the DFES District Emergency Management Advisor is that it is highly unusual for local governments to run LEMCs as a formal committee of Council.

DFES has received advice from the State Solicitor's Office that LEMCs are formed under the Emergency Management Act 2005 and are therefore not committees of Council, and that very few Local Governments have formed their LEMCs as committees of Council.

If the LEMC is run as an advisory committee, the benefits identified by DFES based on their experience with other LEMCs include:

1. Shorter, more focused agendas that are better suited to multi-agency meeting attendance.
2. Less administrative burden.

A template for the LEMC Agenda has been provided for Council consideration (Attachment 7.7.1).

Officers are requesting Council consider disbanding the LEMC as a formal Committee of Council and reconvening as an Advisory Committee to Council as per the Terms of Reference in Attachment 7.2.2.

## **B. CONSIDERATIONS**

### **B.1 Strategic Community / Corporate Business Plan**

Performance Area: Planet.

Outcome 5: A resilient community.

Objective 5.1: Build community resilience to cope with natural disasters and emergencies, including pandemics, storms, flooding and fire.

Priority Action: Nil.

Performance Area: Performance. Outcome 12: Excellence in organisational performance and customer service.

Objective 12.1: Maintain a high standard of corporate governance and financial management.

Priority Action: Nil.

### **B.2 Financial / Resource Implications**

N/A

### **B.3 Legislative Compliance**

Emergency Management Act 2005 s.38 (1)

A local government is to establish one or more local emergency management committees for the local government's district.

Local Government Act 1995 – Subdivision 2 s.5.8

Establishment of committees

A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

\* *Absolute majority required.*

It is noted the process to disband a committee is the same process to establish a committee.

### **B.4 Policy Implications**

Local Emergency Management Committee Terms of Reference.

The Terms of Reference have been through a major review with consultation with DFES. The Terms of Reference have been provided for Council consideration in Attachment 7.7.2.

### B.5 Stakeholder Engagement / Consultation

The LEMC provides for multiple agencies to be involved in the meetings given the collaborative approach required for emergency management.

### B.6 Risk Implications

Refer to Risk Matrix [here](#).

Risk Category	Description	Rating (likelihood x consequence)	Mitigation Action
Financial	N/A		
Health & Safety	N/A		
Reputation	Long/formal agendas resulting in low attendance putting community at risk of being unprepared for a natural disaster or emergency.	Likely (4) x Extreme (5) = Extreme (20)	Establish the LEMC as an advisory committee.
Service Interruption	N/A		
Compliance	Not being compliant with the Emergency Management Act 2005.	Possible (3) x Medium (3) = Moderate (9)	Establish a LEMC in accordance with Act.
Property	N/A		
Environment	N/A		

### B.7 Natural Environment Considerations

N/A

## C. OFFICER'S COMMENT

The LEMC is an important committee for the community and provides the opportunity for multiple agencies to be aware of their duties in the event of a natural disaster or emergency. Council should be encouraging a high participation rate to ensure it is efficient and effective as per DFES advice.

**PART A:**

**RECOMMENDATION / COUNCIL DECISION**

**Minute No: C.4880**

**Moved: Cr D A Hughes**

**Seconded: Cr A J Mencshelyi**

**That Council, by Absolute Majority:**

- 1. Disband the Local Emergency Management Committee as a formal committee of Council.**
- 2. Endorse the updated Local Emergency Management Terms of Reference as per Attachment 7.2.2.**
- 3. Convene the Local Emergency Management Committee as an advisory group to Council as per the Terms of Reference provided in Attachment 7.2.2.**

**CARRIED 9/0  
BY ABSOLUTE MAJORITY**

**For:** Cr C R Antonio, Cr M P Ryan, Cr H J Appleton, Cr L C Biglin, Cr M I Girak, Cr D A Hughes, Cr A J Mencshelyi, Cr J E G Williams and Cr C M Poulton

**Against:** Nil

**PART B:**

**RECOMMENDATION / COUNCIL DECISION**

**Minute No: C.4881**

**Moved: Cr H J Appleton**

**Seconded: Cr A J Mencshelyi**

**That Council appoint the following delegates to represent Council on the Local Emergency Management Advisory Committee as per endorsed Terms of Reference in Attachment 7.2.2:**

- a. Delegate 1: Cr C R Antonio**
- b. Delegate 2 (proxy): Cr C M Poulton**

**CARRIED 9/0**

**For:** Cr C R Antonio, Cr M P Ryan, Cr H J Appleton, Cr L C Biglin, Cr M I Girak, Cr D A Hughes, Cr A J Mencshelyi, Cr J E G Williams and Cr C M Poulton

**Against:** Nil



Local Government  
Logo

## Local Emergency Management Committee AGENDA

Date  
Location  
Time  
Videoconference link:

- 39. Functions of local emergency management committees**
- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district.
  - (b) to liaise with public authorities and persons in the development, review and testing of local emergency management arrangements; and
  - (c) to carry out other emergency management activities as direct by the SEMC or prescribed by the regulations.

### **1. Opening and Welcome**

*"I would like to begin by acknowledging the Traditional Custodians of the land on which we meet today, and pay my respect to their Elders past, present and emerging. I extend that respect to Aboriginal and Torres Strait Islander people here today."*

### **2. Attendance and Apologies**

### **3. Disclosure of Interests**

*Identify real, perceived or potential conflicts of interest experienced by any member in relation to the items on the agenda. These should be declared now and if possible raised with the chairperson prior to the meeting to determine the appropriate way to manage the conflict.*

### **4. Guest Presentations**

- 4.1. Presentation 1
- 4.2. Presentation 2

### **5. Confirmation of the minutes of the XXXXX LEMC meeting held on xxxx**

Moved \_\_\_\_\_  
Seconded \_\_\_\_\_

### **6. Review of Action list and business arising**

Item	Owner	Status

Local Government  
Logo

**7. Correspondence**

- 6.1 Correspondence In
- 6.2 Correspondence Out
- 6.3 Information tabled.

**5. Review of LEMC membership and contact list updates**

**6. Local Emergency Management (standing items)**

- 6.1 Post Incident Reports – discussion and note any outcomes to be actioned.
- 6.2 Post Exercise Reports – discussion and note any outcomes to be actioned.
- 6.3 Exercise – discuss objectives, scenario and dates.
- 6.4 Review Local Emergency Management Arrangements – updates as required.
- 6.5 Risk management update – monitor and review, emerging risks, mitigation.
- 6.6 Review LEMC business plan – monitor progress
- 6.7 Review funding opportunities

**7. Agenda Items**

- 7.1. Item one
- 7.2. Item two

**8. Agency/Member Reports**

*Members to consider:*

- *Capability and limitations for the coming season (resources/staffing)*
- *Any known emerging risks*
- *Any scheduled exercises*
- *Outcomes or lessons learnt from any incidents or exercises.*

**9. General Business**

**10. Next Meeting**

LEMC calendar

Date	Activity	Venue	Comment

**11. Meeting Closure**

**TERMS OF REFERENCE**  
**LOCAL EMERGENCY MANAGEMENT COMMITTEE**

**1. Objectives of the Local Emergency Management Committee**

The aim of the Local Emergency Management Committee (LEMC) is to collaborate with local support organisations, hazard management agencies, and industry representatives, to collectively build a resilient community that is prepared to respond and recover from an emergency.

The objectives of the Committee include:

- Developing local emergency management arrangements (LEMA) that are practical to all stakeholders and service agencies.
- Ensuring that LEMA are contemporary and relevant to the community and addresses all possible risks and scenarios.
- Participating in inter-local government relations to further emergency management cooperation within the emergency management district.
- Building resilience and engaging with the community through safety and awareness campaigns, and by disseminating information through social media, media outlets, and public events.
- Participating in interagency training exercises that improve the capabilities and knowledge of the LEMC, local stakeholders, and hazard management agencies.
- Exercising the LEMA to test their effectiveness in practical applications, and actively strive for continuous improvement.
- Sharing meeting minutes, committee member experiences and proposed actions with local government elected members, State agencies and the local community.
- Strategising ways to mitigate potential emergencies and to improve recovery arrangements.

**2. Powers of the Audit & Risk Management Committee**

The LEMC does not have the authority or power to commit the Council or Shire of Northam or any association, organisation, group or individual to expenditure without the City's/Shires endorsement.

The LEMC is required to gain Council approval if the Committee wishes to alter these Terms of Reference.

**3. Membership**

- Special guests may be invited to attend committee meetings as determined by the LEMC Executive Officer, in consultation with the LEMC Chair.

- Each voting member should nominate a proxy to the Executive Officer within their agency or organisation to attend if the appointed member is absent.
- Non-attendance at meetings of voting members without a justifiable apology, or that have not been represented by their proxy will be asked to provide an explanation to the Chairperson. Repeated nonattendance may result in the Chairperson notifying the District Emergency Management Committee.
- Members representing agencies and organisations that can no longer participate in the committee should advise the Executive Officer of their resignation and nominate an alternative representative for membership.
- Committee membership will be reviewed at each meeting by the LEMC Executive to ensure that it is representative of the community and the potential risks and scenarios.
- New members may join the LEMC via resolution of the committee.

**4. Quorum**

A quorum for the committee will be at least 50% of its voting membership.

**5. Meeting Management**

5.1 Chairperson

The Chairperson should be an elected member of Council. Council is to appoint the Chairperson and an elected member as the Chairpersons proxy. In the absence of the Chair, the appointed proxy will act as the Chairperson.

5.2 Deputy Chair

The Local Emergency Coordinator should be appointed as Deputy Chair.

5.3 Executive Officer

The LEMC Executive Officer is the Community Emergency Services Manager.

5.4 Minutes/Agendas

The Executive Officer is responsible for preparing agendas and minutes of all business transacted at each meeting.

A draft agenda will be emailed to members three (3) weeks prior to the meeting. Members have two weeks to include agenda items and/or comments. The final agenda will be issued to members one week prior to the scheduled meeting.

5.5 Schedule

Meetings will be held quarterly throughout the financial year and scheduled by the Chairperson. The schedule will be advised by the

Executive Officer. (List of dates, for example, 3rd Thursday of each quarter March, June, September, December)

Additional meetings will be convened if and as required at the discretion of the Chairperson.

**6. Reporting**

Copies of the meeting minutes will be made available to Council by way of information at least one month after the committee meeting. Meeting minutes will be forwarded to Committee members two (2) weeks post the meeting.

**7. Duties and Responsibilities**

- Advise and assist the Shire of Northam in ensuring that local emergency management arrangements are established for its district.
- Liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements.
- Carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by the regulations.
- Perform at least one emergency training exercise a year to assist improve the capabilities of their community to prepare for, respond to and recover from emergencies.
- Prepare and submit an annual report on activities undertaken by the LEMC during the financial year to the District Emergency Management Committee for the district.

**8. Review Date**

Five Years from adoption – 24 October 2028

**9. Associated Legislation**

Emergency Management Act 2005

**10. Associated Documents**

State Emergency Management Policy and Procedure

*Local Emergency Management Committee Terms of Reference 2023 - 2025*

**Schedule 1 – Membership**

<b>Community / Agency LEMC Members (Voting)</b>	
1 x Delegate or Proxy Department of Fire & Emergency Services	1 x Delegate or Proxy (Local Emergency Coordinator) WA Police
1 x Delegate or Proxy Department of Communities	1 x Delegate or Proxy Northam Regional Hospital
<b>Local Government LEMC Members (Voting)</b>	
1 x Elected Member and 1 x Proxy Elected Member	1 x Shire of Northam Local Recovery Coordinator
1 x Shire of Northam Executive Manager Development Services	1 x Shire of Northam Community Services Manager (Executive Officer)
<b>Invited Guests (Non-Voting)</b>	
SEMC Secretariat	Northam Airport
Australian Defence Force	Brookfield Rail
Shire of Northam Chief Bush Fire Control Officer and 1 Proxy	Department of Primary Industries & Regional Development
Department of Education	Department of Biodiversity, Wildlife & Attractions
Disability Services Commission	Housing Authority
Public Health Nurse	Main Roads WA – Wheatbelt
WA Police – Northam	WA Police – Wundowie
Australian Border Force	Red Cross
Salvation Army	Immigration Detention Centre
St John Ambulance	Water Corporation
Western Power	Northam State Emergency Services

## **8 DECLARATION OF CLOSURE**

There being no further business, the Shire President, Cr C R Antonio, declared the meeting closed at 6:43 pm.

"I certify that the Minutes of the Special Meeting of Council held on 25 October 2023 have been confirmed as a true and correct record."

  
\_\_\_\_\_ President

15/11/2023 Date