

**POLICY NO. 5.4.14**

POLICY STATEMENT: **COMMITTEES OF COUNCIL – ESTABLISHMENT AND OPERATION**

REASON: To support the operation of Committees of Council in accordance with relevant requirements of the Local Government Act 1995.

POLICY:

In accordance with Section 5.8 of the Local Government Act 1995 Council may convene a Committee of three or more persons, for the purpose of assisting the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees. In addition, Council may be compelled or may determine to convene a Committee for the purpose of fulfilling obligations prescribed by other statutes relevant to the operations of a local government.

A Committee convened by the Council of the City of Gosnells as a committee for the purposes of section 5.8 of the Local Government Act 1995, shall operate in accordance with the relevant requirements of:

- a. Local Government Act 1995, Part 5, Division 2;
- b. Local Government (Administration) Regulations 1996;
- c. City of Gosnells Standing Orders Local Law 2003;
- d. City of Gosnells Code of Conduct – Policy 5.4.10; and,
- e. this policy.

Unless a specific Delegation of Statutory Authority has been established in accordance with s5.16 of the Local Government Act 1995, the decision making of a committee of Council is limited to providing recommendations for Council's consideration.

Committees of Council may meet either regularly within prescribed timeframes or on an occasional basis.

1. Terms of Reference

Prior to appointing membership to a committee, Council shall establish the Committee and determine the Terms of Reference to guide committee's operations. Terms of Reference shall include:

- a. Purpose / Objective;
- b. Membership, which may include elected members, and where considered appropriate representatives of selected organisations or community stakeholder segments;
- c. Meeting frequency and schedule;

Following each biennial local government election, the Chief Executive Officer will cause a report to be provided to Council that accepts the Terms of Reference for and appoints membership to each Committee.



2. Membership

- 2.1 In accordance with the requirements of Section 5.8 of the Local Government Act 1995, membership of a Committee of Council shall include a minimum of three persons.
- 2.2 Employees shall not be appointed as members of a Committee of Council.
- 2.3 Where Committee membership includes representatives of selected organisations, the City shall seek written nomination/s from the organisation.

On receipt of the written nomination, the Chief Executive Officer shall provide a report to Council seeking endorsement by absolute majority of the nominee/s as member of the relevant Committee of Council.

- 2.4 Where Committee membership includes representatives to be drawn from the community; the City shall publicly advertise and call for nominations to be received within a defined period. Written nominations shall be required to demonstrate relevant knowledge, skills and / or understanding which will support their contribution to the purpose for which the Committee has been established.

On receipt of the written nomination, the Chief Executive Officer shall provide a report to Council seeking selection of appropriately qualified nominee/s, to be endorsed by absolute majority as a member of the relevant Committee.

3. Observers

- 3.1 Elected members, who are not members, may attend committee meetings as observers.
- 3.2 Observers are not permitted to enter into the debate, move, second or cast a vote with respect to any motion. At the discretion of the presiding member observers may ask questions.
- 3.3 The Committee may by resolution, invite an individual or individuals to attend a Committee meeting for the purpose of obtaining information regarding a matter before the Committee. That individual may only be present during discussion on the matter for which they were invited.

4. Executive Support

- 4.1 The Chief Executive Officer will appoint a Director as the officer responsible for ensuring that the committee is provided with appropriate administrative support and professional advice.
- 4.2 Committee members shall ensure that matters regarding the operation of the committee are referred in the first instance to the relevant Director.
- 4.3 Minutes of Committee meetings shall be referred to the next available ordinary Council meeting, where appropriate.



5. Probity

A person, other than an Elected Member, appointed as a member of a Committee of Council is required as a condition of their membership, to provide the City of Gosnells with a Primary Return Declaration and subsequent Annual Return Declarations in accordance with Local Government Act 1995, Part 5, Division 6, Subdivision 2- Disclosure of Financial Interests.

The City implements this requirement to ensure that such persons have placed on public record their financial interests, and therefore, that their contribution to debate and the resulting recommendations made to Council are accountable, transparent and accord with the obligations of Elected Members and Employees in their involvement in the decision making of the local government.

6. Special Arrangements for the Local Emergency Management Committee

6.1 The Local Emergency Management Committee is established in accordance with section 38 of the Emergency Management Act 2005 which obligates local governments to establish this committee. The operational requirements for the Local Emergency Management Committee are not prescribed within this legislation and the requirements of the Local Government Act 1995 do not apply.

The City will therefore manage the operation of the Local Emergency Management Committee in general accordance with the following requirements:

- a. Establishment of a committee [Emergency Management Act 2005 s39, State Emergency Management Policy No.2.5 clause 15]
- b. Appointment of committee members by simple majority
- c. Tenure of membership [Local Government Act 1995 s5.11(2)]
- d. Election of presiding and deputy presiding members by simple majority of the membership
- e. Meetings to be called and convened by the City of Gosnells
- f. Quorum to be a minimum of five members
- g. Decision to be made by simple majority
- h. Notice of meeting, agenda and minutes to be distributed in a timely manner to members. No requirement for publication in accordance with Local Government Act 1995 s5.25, Admin Reg.13 and 14.
- i. Declarations of Interest to accord with Local Government Act 1995 s5.60 – s5.73
- j. Code of Conduct applies

6.2 The requirements of this policy will generally apply with the following variations:

- a. Clause 2.2 does not apply.
- b. Clause 2.3. Members shall be appointed by simple majority
- c. Clause 4.1. The Emergency and Risk Coordinator is appointed as the officer responsible for ensuring that the committee is provided with appropriate administrative support and professional advice.



d. Clause 5 does not apply as the representative membership is transient.

6.3 The Local Emergency Management Committee has no decision making authority and may only make recommendations to Council.

GOVERNANCE REFERENCES

Statutory Compliance	Local Government Act 1995 Part 5: <ul style="list-style-type: none"> • Division 2, Subdivision 2 Committees and their meetings • Division 2, Subdivision 3 Matters affecting council and committee meetings • Division 6, Subdivision 2 Disclosure of Financial Interests Local Government (Administration) Regulations 1996
Industry Compliance	Department of Local Government Guidelines: <ul style="list-style-type: none"> • No.1 Disclosure of Interests Affecting Impartiality • No.5 Council Forum Guidelines • No.9 Audit Committees in Local Government Department of Local Government Handbooks: <ul style="list-style-type: none"> • Financial Interests Handbook • The Preparation of Agendas and Minutes – A Guide for Western Australian Local Government
Organisational Compliance	Name of document (circa 20??) / policy reference
Process Links	Internal Procedure reference

POLICY ADMINISTRATION

Directorate		Officer Title			Contact:
Governance		Director Governance			
Risk Rating	Low	Review Cycle	Tri-annual	Next Due:	
Version	Decision Reference	Synopsis			
1.	FCS84/6/1995	New Policy proposed			
2.	OC112/7/1995	New policy adopted			
3.	OCM 1804/9/98	Policy amended.			
4.	OCM 227/27/03/2001	Policy amended			
5.	OCM 44/12/02/2002	Policy amended			
6.	OCM 711/27/08/2002	Policy amended			
7.	OCM 557/26/08/2003	Policy amended			
8.	OCM Res.425/10/08/2004	Policy amended			
9.	OCM 369/23/08/2005	Policy amended (Ausinfo No. 192537)			
10.	OCM Res.403/22/08/2006	Policy amended			
11.	OCM 426/11/09/2007	Policy amended			
12.	OCM Res.426/11/09/2007	Policy Reviewed.			
13.	OCM Res 531/27/10/2009	Revoked and replaced			