



SHIRE OF YORK Committee Booklet

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Committee Booklet – 27 November 2017

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PART 1 – COUNCIL COMMITTEES

Council has resolved to formally establish two Committees of Council.

Statute excerpts applicable to particular committees are contained within the detail attached for each committee. The Shire of York Local Government (Council Meetings) Local Law 2016 will apply to all Committees.

It should be noted that *Deputy Delegates are not* to attend meetings unless requested to do so when the *Delegate* is unable to attend a meeting. Deputies will receive Minutes of meetings.

Unless otherwise resolved by Council, the *Local Government Act 1995* and Regulations apply to these Committees, in particular the following Sections:

Local Government Act 1995

5.10. Appointment of committee members

(1) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

5.11. Committee membership, tenure of

(1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —

- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
- (b) the person resigns from membership of the committee; or
- (c) the committee is disbanded; or
- (d) the next ordinary elections day,
whichever happens first.

(2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —

- (a) the term of the person's appointment as a committee member expires; or
- (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
- (c) the committee is disbanded; or
- (d) the next ordinary elections day,
whichever happens first.

5.21. Voting

(1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.

(2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.

(3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.

(4) If a member of a council or a committee specifically requests that there be recorded —

- (a) his or her vote; or
- (b) the vote of all members present,
on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.

(5) A person who fails to comply with subsection (2) or (3) commits an offence.

[Section 5.21 amended by No. 49 of 2004 s. 43.]

Audit and Risk Committee

Councillors	- All elected members are appointed to the Audit and Risk Committee Shire President (Chairperson); Deputy Shire President (Deputy Chair)
3 x Shire Staff (All non-voting)	- Chief Executive Officer - Executive Manager, Corporate & Community Services - Executive Manager, Infrastructure & Development Services Finance Manager
Officer Responsible	- Executive Manager, Corporate & Community Services
Meeting Schedule	- Quarterly
Meeting Location	- Council Chambers, York Town Hall
Quorum	- Four (4) voting members
Delegated Authority	- Nil

FUNCTIONS:

1.0 NAME

The name of the Committee is the Audit and Risk Committee.

2.0 DISTRICT/AREA OF CONTROL

Local Government boundaries of the Shire of York

3.0 VISION / PURPOSE

To report to Council and provide:

- Appropriate advice and recommendations on matters relevant to its functions in relation to audits.
- 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.
- Guidance and assistance on matters to be audited such as the scope of the audit, its functions under Part 6 of the Act that relate to financial management and the carrying out of its functions relating to other audits and other matters related to financial management.
- To objectively assess internal controls of financial reporting by external auditors, compliance with laws and regulations as well as use of best practice guidelines relative to auditing.
- Provide an effective means of communication between the external auditor, the CEO and the Council.
- Review reports provided by the Chief Executive Officer in regard to the appropriateness and effectiveness of the Shire of York's systems and procedures relative to financial management (four yearly), risk management, internal control and legislative compliance (every two years). Report the results of the review to Council and provide a copy of the Chief Executive Officer report to Council.
- Report to Council twice a year on matters regarding risk management and progress of actions from the Risk Improvement Plan.

Department of Local Government Operational Guideline No 9 (Revised September 2013)

Audit Committees in Local Government - their appointment, function and responsibilities.

The Act and Regulations provide that:

In relation to the establishment of an audit committee –

- a) Each local government is to establish an audit committee consisting of three or more persons to exercise the powers and discharge the duties conferred on it;*
- b) Members of the committee are to be appointed by an absolute majority decision of Council. At least three of the members, and the majority of the members, are to be elected members;*
- c) The CEO is not to be a member of the committee and may not nominate a person to be a member or have a person to represent him or her as a member of the committee;*
- d) An employee is not to be a member of the committee;*
- e) The only powers and duties that can be delegated to a committee are any of the powers and duties of the local government under Part 7 of the Act. The committee cannot on-delegate the powers and duties delegated to it;*
- f) An audit committee with a member who is a person that is not an elected member can be delegated powers and duties referred to in (e); and*
- g) A decision of the committee is to be made by simple majority.*

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 an appropriate process for the selection and appointment of a person as the local government's auditor;*
- c) Develop and recommend to Council –
a list of those matters to be audited; and the scope of the audit to be undertaken;*
- d) Recommend to Council the person or persons to be appointed as auditor;*
- e) Develop and recommend 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;**
- f) Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;*
- g) 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;**
- h) 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;**
- i) 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;*

- j) *Review the scope of the audit plan and program and its effectiveness;*
- k) *Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or CEO;*
- l) *Review the level of resources allocated to internal audit and the scope of its authority;*
- m) *Review reports of internal audits and by monitoring the implementation of recommendations made by the audit and reviewing the extent to which Council and management reacts to matters raised;*
- n) *Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs;*
- o) *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;*
- p) *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;*
- q) *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;*
- r) *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; and*
- s) *Review the Statutory Compliance Return and make a recommendation on its adoption to Council.*
- t) *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.*

Local Government (Audit) Regulations 1996

16. Functions of audit committee

An audit committee –

- (a) *is to provide guidance and assistance to the local government –*
 - (i) *as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
 - (ii) *as to the development of a process to be used to select and appoint a person to be an auditor;*
- and*
- (b) *may provide guidance and assistance to the local government as to -*
 - (i) *matters to be audited;*
 - (ii) *the scope of audits;*
 - (iii) *its functions under Part 6 of the Act; and*
 - (iv) *the carrying out of its functions relating to other audits and other matters related to financial management.*
- (c) *is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to –*
 - (i) *report to the council the results of that review; and*
 - (ii) *give a copy of the CEO's report to the council.*

17. CEO to review certain systems and procedures

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –*
 - (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*

- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

Local Government Act 1995

Part 7 — Audit

What this Part is about

This Part deals with the audit of the financial accounts of local governments, including —

- (a) *the appointment of auditors; and*
- (b) *the conduct of audits.*

Division 1 — Introduction

7.1 Terms used in this Part

In this Part —

“approved auditor” means a person who is approved by the Minister under section 7.5;

“audit committee” means an audit committee established under section 7.1A;

“disqualified person” has the meaning given by section 7.4(2);

“qualified person” means a person who is an approved auditor or a registered company auditor and who is not a disqualified person;

“registered company auditor” means a person who is for the time being registered as an auditor or taken to be registered as an auditor under Part 9.2 of the Corporations Act 2001 of the Commonwealth;

“regulations” means regulations made for the purposes of this Part.

[Section 7.1 amended by No. 10 of 2001 s. 124; No. 49 of 2004 s. 4.]

Division 1A — Audit committee

[Heading inserted by No. 49 of 2004 s. 5.]

7.1A. Audit committee

(1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*

(2) *The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

** Absolute majority required.*

(3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.*

(4) *An employee is not to be a member of an audit committee.*

[Section 7.1A inserted by No. 49 of 2004 s. 5.]

7.1B. Delegation of some powers and duties to audit committees

(1) *Despite section 5.16, the only powers and duties that a local government may delegate* to its audit committee are any of its powers and duties under this Part other than this power of delegation.*

** Absolute majority required.*

(2) *A delegation to an audit committee is not subject to section 5.17.*

[Section 7.1B inserted by No. 49 of 2004 s. 5.]

7.1C. Decisions of audit committees

Despite section 5.20, a decision of an audit committee is to be made by a simple majority.

[Section 7.1C inserted by No. 49 of 2004 s. 5.]

Division 2 — Appointment of auditors

7.2. Audit

The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.

7.3. Appointment of auditors

- (1) *A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint* a person, on the recommendation of the audit committee, to be its auditor.*
** Absolute majority required.*
- (2) *The local government may appoint one or more persons as its auditor.*
- (3) *The local government's auditor is to be a person who is —*
 - (a) *a registered company auditor; or*
 - (b) *an approved auditor.*

[Section 7.3 amended by No. 49 of 2004 s. 6.]

7.4. Disqualified person not to be auditor

- (1) *A person may not be appointed as a local government's auditor if that person is a disqualified person.*
- (2) *In this section —*
disqualified person means a person who —
 - (a) *is a councillor or an employee of the local government;*
 - (b) *is a person who is in debt for more than the prescribed amount to the local government for a period of more than 35 days after —*
 - (i) *in the case of that part of the debt which is for a rate or service charge under Part 6, the date the rate notice was issued; or*
 - (ii) *in the case of that part of the debt which is not for a rate or service charge, the date an account was rendered to the person by the local government;*
 - (c) *is an employee of, or a member of the governing body of, an entity of a kind prescribed for the purposes of this paragraph; or*
 - (d) *is a member of a class of persons prescribed for the purposes of this subsection.*

7.5. Approval of auditors

The Minister may approve a person who, immediately before the commencement of this Act —

- (a) *was a registered local government auditor within the meaning of that term in Part XXVII of the Local Government Act 1960 4 as in force before that commencement; and*
- (b) *was the auditor of a local government, as an approved auditor for the purposes of this Act.*

7.6. Term of office of auditor

- (1) *The appointment of a local government's auditor is to have effect in respect of the audit of the accounts and annual financial report of the local government for a term of not more than 5 financial years, but an auditor is eligible for re-appointment.*
- (2) *The appointment of an auditor of a local government ceases to have effect if —*
 - (a) *his or her registration as a registered company auditor is cancelled;*
 - (b) *his or her approval as an approved auditor is withdrawn;*
 - (c) *he or she dies;*
 - (d) *the auditor ceases to be qualified to hold office as auditor or becomes a disqualified person;*
 - (e) *the auditor resigns by notice in writing addressed to the local government; or*
 - (f) *the appointment is terminated by the local government by notice in writing.*
- (3) *Where —*
 - (a) *the registration of a local government's auditor as a registered company auditor is suspended; or*
 - (b) *a local government's auditor becomes unable or unwilling to carry out all or part of his or her duties, the local government is to appoint* a person to conduct the audit or to complete that part of the audit which remains to be conducted, as the case requires.*
** Absolute majority required.*

7.7. Departmental CEO may appoint auditor

If by 30 November in any year a local government has not appointed an auditor the Departmental CEO may appoint —

- (a) a qualified person; or*
- (b) in default of an appointment under paragraph (a), the Auditor General, to be the auditor of the local government's accounts and annual financial report for the relevant financial year.*

[Section 7.7 amended by No. 28 of 2006 s. 364.]

7.8. Terms of appointment of auditors

- (1) Subject to this Part and to any regulations, the appointment of a person as auditor of a local government is to be made by agreement in writing on such terms and conditions, including the remuneration and expenses of the person to be appointed, as are agreed between that person and the local government.*
- (2) The remuneration and expenses payable to the auditor of a local government (whether appointed by the local government or by the Departmental CEO under section 7.7) are payable by the local government.*

[Section 7.8 amended by No. 28 of 2006 s. 364.]

Division 3 — Conduct of audit

7.9. Audit to be conducted

- (1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —*
 - (a) the mayor or president;*
 - (b) the CEO of the local government; and*
 - (c) the Minister.*
- (2) Without limiting the generality of subsection (1), where the auditor considers that —*
 - (a) there is any error or deficiency in an account or financial report submitted for audit;*
 - (b) any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or*
 - (c) there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government, details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.*
- (3) The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —*
 - (a) prepare a report thereon; and*
 - (b) forward a copy of that report to the Minister, and that direction has effect according to its terms.*
- (4) If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government to be dealt with under section 7.12A.*

[Section 7.9 amended by No. 49 of 2004 s. 7.]

7.10. Powers of the auditor

- (1) An auditor —*
 - (a) has a right of access at all reasonable times to such books, accounts, documents and assets of the local government as are, in the opinion of the auditor, necessary to allow the audit to be conducted;*
 - (b) may require from a member or an employee of the local government —*
 - (i) any book, account, document or asset of the local government; or*
 - (ii) any information, assistance or explanation, necessary for the performance of the duty of the auditor in relation to the audit; and*

- (c) may, at the expense of the local government obtain and act upon a legal opinion on a question arising in the course of an audit.
- (2) In this section and in section 7.11 employee includes a person who has a contract for services with the local government.

7.11. Power to demand production of books etc.

For the purpose of an audit, inspection or inquiry, an auditor has authority at all reasonable times and without notice to demand from the local government and its employees, the production of books, accounts, vouchers, papers, documents, records, assets and cash in hand, belonging to the local government or being in the custody or control of it or any of its employees.

7.12. Employees and financial institutions to furnish particulars of money received

- (1) An employee of a local government is to furnish to an auditor, as and when required, a statement in writing of all money received in his or her official capacity by the employee whether on account of the local government or otherwise.
- (2) A bank or other financial institution at which a local government has an account is required to furnish to an auditor, as and when required, full particulars of the account.

Division 4 — General

7.12A. Duties of local government with respect to audits

- (1) A local government is to do everything in its power to —
- (a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and
- (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
- (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
- (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to —
- (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
- (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

[Section 7.12A inserted by No. 49 of 2004 s. 8.]

7.13. Regulations as to audits

- (1) Regulations may make provision —
- (aa) as to the functions of the CEO and the audit committee in relation to audits carried out under this Part and reports made on those audits;
- (ab) as to the functions of audit committees, including the selection and recommendation of an auditor;
- (ac) as to the procedure to be followed in selecting an auditor;
- (ad) as to the contents of the annual report to be prepared by an audit committee;
- (ae) as to monitoring action taken in respect of any matters raised in a report by an auditor;
- (a) with respect to matters to be included in agreements between local governments and auditors;
- (b) for notifications and reports to be given in relation to agreements between local governments and auditors, including any variations to, or termination of such agreements;

- (ba) as to the copies of agreements between local governments and auditors being provided to the Department;
 - (c) as to the manner in which an application may be made to the Minister for approval as an auditor;
 - (d) in relation to approved auditors, for —
 - (i) reviews of, and reports on, the quality of audits conducted;
 - (ii) the withdrawal by the Minister of approval as an auditor;
 - (iii) applications to the State Administrative Tribunal for the review of decisions to withdraw approval;
 - (e) for the exercise or performance by auditors of their powers and duties under this Part;
 - (f) as to the matters to be addressed by auditors in their reports;
 - (g) requiring auditors to provide the Minister with such information as to audits carried out by them under this Part as is prescribed;
 - (h) prescribing the circumstances in which an auditor is to be considered to have a conflict of interest and requiring auditors to disclose in their reports such information as to a possible conflict of interest as is prescribed;
 - (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
 - (i) of a financial nature or not; or
 - (ii) under this Act or another written law.
- (2) Regulations may also make any provision about audit committees that may be made under section 5.25 in relation to committees

Shire of York Meeting Local Law 2016

The Shire of York Meeting Local Law 2016 applies.

5.0 ESTABLISHMENT

Committee established as per Council Resolution of 25 November 2019.

6.0 OBJECTIVES

The primary objective of the Audit and Risk 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.

Reports from the Committee will assist Council in discharging its legislative responsibilities of controlling the local government’s affairs, determining the local government’s policies and overseeing the allocation of the local government’s finances and resources. The Committee will ensure openness in the local government’s financial reporting and will liaise with the CEO to ensure the effective and efficient management of the local government’s financial accounting systems and compliance with legislation.

The Committee is to facilitate:

- The enhancement of the credibility and objectivity of internal and external financial reporting;
- Effective management of financial and other risks and the protection of Council assets;
- Compliance with laws and regulations as well as use of best practice guidelines relative to auditing;
- The coordination of the internal audit function with the external audit; and the provision of an effective means of communication between the external auditor, internal auditor, the CEO and the Council.
- The review of the annual Compliance Audit Return (CAR) and report to the Council the results of that review, prior to adoption of the return by Council. After adoption, the return is to be signed by the Shire President and the CEO prior to it being forwarded to the Department.

- To consider proposals from the CEO as to whether the compliance audit, and the biennial reviews of risk management, internal control and legislative compliance, are undertaken internally or an external party is contracted to undertake the task. In the case of an external party the Audit and Risk Committee would have responsibility to receive the review report from the CEO and make recommendations on it to full Council.
- Monitoring and reporting on the appropriateness and effectiveness of Council’s programs for risk management, internal control and legislative compliance and receive a biennial report from the CEO on risk management matters and the progress of actions from the Improvement Plan.
- Monitoring and reporting on the appropriateness and effectiveness of Council’s financial management systems and procedures not less than once in every four financial years and the CEO, through the Audit and Risk Committee is to report to Council the results of those reviews.

7.0 MEMBERSHIP

7.1 General

Council will appoint all elected members as delegates on the Committee.

The CEO and employees are non-voting members of the committee. The CEO or his/her nominee is to be available to attend meetings to provide advice and guidance to the committee. The local government shall provide secretarial and administrative support to the committee.

7.2 Tenure of Membership

Local Government Act 1995 S5.11

Tenure of committee membership

- (1) *Where a person is appointed as a member of the Audit Committee under section 5.10(4) or (5) of the Local Government Act the person’s membership of the Committee continues until —*
- the person resigns from membership of the Committee;*
 - the Committee is disbanded; or*
 - the next ordinary elections day, whichever happens first.*
- (2) *Where a person is appointed as a member of a Committee other than under section 5.10(4) or (5), the person’s membership of the Committee continues until —*
- the term of the person’s appointment as a Committee member expires;*
 - the local government removes the person from the office of Committee member or the office of Committee member otherwise becomes vacant;*
 - the Committee is disbanded; or*
 - the next ordinary elections day, whichever happens first.*

8.0 DELEGATED AUTHORITY

The Audit and Risk Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference. This is 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.

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.

9.0 COMMITTEE STRUCTURE

9.1 Chairperson

The Shire President is the Chairperson. The Deputy Shire President will be the Deputy Chairperson.

9.2 Secretariat

The Executive Manager, Corporate & Community Services will fulfil this administrative non-voting role.

9.3 Standing Ex-Officio Members

Chief Executive Officer

Executive Manager, Corporate & Community Services

Executive Manager, Infrastructure & Development Services

Finance Manager

10.0 MEETINGS

10.1 Annual General Meeting

N/A

10.2 Committee Meetings

The Committee shall meet at least quarterly; within fourteen (14) days of receiving the Annual Financial Report and Audit Report from Council's Auditor.

10.3 Quorum

A quorum is four (4) voting members in accordance with Section 5.19 of the *Local Government Act 1995*.

10.4 Voting

Elected member representatives only (Councillor Representatives) are required to vote in accordance with section 5.21 of the *Local Government Act 1995*.

S 5.21 - Voting

- (1) *Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.*
- (2) *Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.*
- (3) *If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.*
- (4) *If a member of a council or a committee specifically requests that there be recorded —*
 - (a) *his or her vote; or*
 - (b) *the vote of all members present, on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.*
- (5) *A person who fails to comply with subsection (2) or (3) commits an offence.*
[Section 5.21 amended by No. 49 of 2004 s. 43.]

10.5 Minutes & Reporting

In accordance with the *Local Government Act 1995* Section 5.22 and 5.25, and *Local Government (Administration) Regulations 1996*.

The minutes are to be submitted to the next Committee meeting for confirmation and are to be signed by the Chairperson from the meeting at which the minutes are confirmed.

Unconfirmed minutes are to be available for inspection by members of the public within 5 business days after the meeting and Reports and Recommendations arising from the minutes shall be presented to Council at the next Ordinary Meeting for endorsement and/or action, or if this is not possible, then the earliest available Council Meeting.

10.6 Who Acts if No Presiding Member

The Committee shall elect a Deputy Chairperson In accordance with the *Local Government Act 1995* Section 5.14.

10.7 Public Attendance at Meetings

Closed to the public pursuant to Section 5.23(2) of the *Local Government Act 1995* and is not required to have questions from the public as there are no Council delegations.

10.8 Members Interests to be Disclosed

Local Government Act 1995

5.65. Members' interests in matters to be discussed at meetings to be disclosed

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.

Penalty: \$10 000 or imprisonment for 2 years.
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
 - (a) that he or she had an interest in the matter; or
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.66. Meeting to be informed of disclosures

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

[Section 5.66 amended by No. 1 of 1998 s. 16; No. 64 of 1998 s. 33.]

5.67. Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter, unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

Penalty: \$10 000 or imprisonment for 2 years.

5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
 - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and

- (b) *may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —*
 - (i) *the disclosing member also discloses the extent of the interest; and*
 - (ii) *those members decide that the interest —*
 - (I) *is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or*
 - (II) *is common to a significant number of electors or ratepayers.*
- (2) *A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.*
- (3) *This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.*

5.69. Minister may allow members disclosing interests to participate etc. in meetings

- (1) *If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.*
- (2) *An application made under subsection (1) is to include —*
 - (a) *details of the nature of the interest disclosed and the extent of the interest; and*
 - (b) *any other information required by the Minister for the purposes of the application.*
- (3) *On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —*
 - (a) *there would not otherwise be a sufficient number of members to deal with the matter; or*
 - (b) *the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.*
- (4) *A person must not contravene a condition imposed by the Minister under this section.*

Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69 amended by No. 49 of 2004 s. 53.]

5.69 A. Minister may exempt committee members from disclosure requirements

- (1) *A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.*
- (2) *An application under subsection (1) is to include —*
 - (a) *the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and*
 - (b) *any other information required by the Minister for the purposes of the application.*
- (3) *On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.*
- (4) *A person must not contravene a condition imposed by the Minister under this section.*

Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]

5.70. Employees to disclose interests relating to advice or reports

- (1) *In this section —
employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.*
- (2) *An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.*
- (3) *An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.*

Penalty: \$10 000 or imprisonment for 2 years.

5.71. Employees to disclose interests relating to delegated functions *If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —*

- (a) *in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and*
- (b) *in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.*

Penalty: \$10 000 or imprisonment for 2 years.

Access & Inclusion Advisory Committee

The Access & Inclusion Advisory Committee operates under the *Western Australian Disability Services Act 1993 (amended 2004)*.

3 x Councillors (including 1 x Deputy)	- Cr Jane Ferro Cr Kevin Trent Cr Denese Smythe (Deputy)
7 x Community Delegates	- Ms Liz Christmas – Community Representative Ms Rosemary Parker – Community Representative Ms Bev Penny – Community Representative Ms Marie Forster – Community Representative Ms Majorie Kerkhoff – Community Representative Ms Sarah Sloss – Community Representative Ms Tegan Walsh – Wanslea Early Learning & Development
Chairperson/ Deputy	- Ms Bev Penny (Chairperson) Ms Marie Forster (Deputy Chair)
Officer Responsible	- Executive Manager, Corporate and Community Services
Standing Ex-Officio Members	- Chief Executive Officer Executive Manager, Corporate and Community Services Community Development Officer
Meeting Schedule	- Quarterly and as required
Meeting Location	- Council Chambers, York Town Hall
Quorum	- Five (5) voting members as per Section 5.15 of the <i>Local Government Act 1995</i> including at least one Councillor.
Delegated Authority	- Nil

Meetings are open to the public.

FUNCTIONS:

1.0 NAME

The name of the Committee is the Access and Inclusion Advisory Committee

2.0 DISTRICT/AREA OF CONTROL

Local Government boundaries of the Shire of York.

3.0 VISION / PURPOSE

To provide valuable expertise and advice that will contribute towards improvements in disability access and inclusion throughout the Shire of York.

Disability Services Regulations 2004

Schedule 3 – Desired outcomes of disability access and inclusion plans

1. *People with disabilities have the same opportunities as other people to access the services of, and any events organised by, a public authority.*
2. *People with disabilities have the same opportunities as other people to access the buildings and other facilities of a public authority.*
3. *People with disabilities receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.*
4. *People with disabilities receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.*
5. *People with disabilities have the same opportunities as other people to make complaints to a public authority.*
6. *People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority.*
7. *People with disability have the same opportunities as other people to obtain and maintain employment with a public authority*

4.0 STATUTE

The Committee operates according to the *Western Australia Disability Services Act 1993 (amended 2004)*. Public authorities are required to prepare and implement Disability Access and Inclusions Plans (DAIP's).

Local Government Act 1995

Subdivision 2 – Committees and their meetings

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.*

Disability Services Act 1993

Part 5 – Disability access and inclusion plans by public authorities

[Heading amended by No. 57 of 2004 s. 19.]

27. Application of Part

- (1) *This Part applies to public authorities.*
- (2) *Notwithstanding subsection (1), regulations may declare that this Part does not apply to a specified public authority.*

28. Disability access and inclusion plans

- (1) *Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.*
- (2) *A disability access and inclusion plan must meet any prescribed standards.*
- (3) *A public authority must lodge its disability access and inclusion plan with the Commission –*
 - (a) *if the authority was established before the commencement of the Disability Services Amendment Act 2004, without delay;*
 - (b) *if the authority is established after the commencement of the Disability Services Amendment Act 2004, within 12 months after the day on which it is established.*
- (4) *A public authority may amend its disability access and inclusion plan at any time.*
- (5) *A public authority may review its disability access and inclusion plan at any time.*
- (6) *After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).*
- (7) *Not more than 5 years is to elapse –*

- (a) *between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or*
 - (b) *between the lodgement of the report of one review of a plan and the lodgement of the report of another review of the plan.*
- (8) *After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.*
- (9) *If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.*
- (10) *A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.*
- [Section 28 inserted by No. 57 of 2004 s. 20(1).]

29. Report about disability access and inclusion plan

- (1) *A public authority that has a disability access and inclusion plan must, if required to report under Part 5 of the Financial Management Act 2006, include in such report, a report about the implementation of the plan.*
- (2) *A local government or regional local government that has a disability access and inclusion plan must include in its annual report prepared under section 5.53 of the Local Government Act 1995 a report about the implementation of the plan.*
- (3) *A public authority that —*
- (a) *has prepared or amended a disability access and inclusion plan in a year ending 30 June; and*
 - (b) *is not required to report under subsection (1) or (2),*
- must make a report about the implementation of the plan to the Commission within 2 months after the end of that year.*
- (4) *The regulations may prescribe information that must be included in a report under subsection (1), (2) or (3) about the implementation of a disability access and inclusion plan.*

[Section 29 inserted by No. 44 of 1999 s. 14; amended by No. 57 of 2004 s. 21; No. 5 of 2005 s. 38; No. 77 of 2006 s. 17.]

29A. Disability access and inclusion plans to be made available

A public authority that has a disability access and inclusion plan must ensure that the plan is made available to people with disabilities, and the public generally, by publication in the prescribed manner.

[Section 29A inserted by No. 57 of 2004 s. 22.]

29B. Public authorities to ensure implementation of a disability access and inclusion plan

A public authority that has a disability access and inclusion plan must take all practicable measures to ensure that the plan is implemented by the public authority and its officers, employees, agents or contractors.

[Section 29B inserted by No. 57 of 2004 s. 22.]

Disability Services Regulations 2004

7. Standards for disability access and inclusion plans (s. 28)

For the purposes of section 28(5) of the Act, the standards that a disability access and inclusion plan must meet are those specified in Schedule 2.

8. Information in reports about disability access and inclusion plans (s. 29)

For the purposes of section 29(4) of the Act, a report about a disability access and inclusion plan must include information relating to —

- (a) *progress made by the relevant public authority and any agents and contractors of the relevant public authority in achieving the desired outcomes specified in Schedule 3; and*

- (b) *the strategies implemented by the relevant public authority to inform its agents and contractors of its disability access and inclusion plan.*

9. Publication of disability access and inclusion plans (s. 29A)

For the purposes of section 29A, a public authority must publish its disability access and inclusion plan in a document that is made available —

- (a) *on request, at the offices of the authority —*
 - (i) *in an electronic format;*
 - (ii) *in hard copy format in both standard and large print; and*
 - (iii) *in an audio format on cassette or compact disc;*
- (b) *on request, by email; and*
- (c) *on any website maintained by or on behalf of the authority, and notice of which is given in a newspaper circulating throughout the State or, in the case of a local government, the district of that local government under the Local Government Act 1995.*

Disability Services Regulations 2004

Schedule 2 – Standards for disability access and inclusion plans

1. *A disability access and inclusion plan must provide a means of ensuring that people with disabilities have the same opportunities as other people to access the services of, and any events organised by, the relevant public authority.*
2. *A disability access and inclusion plan must provide a means of ensuring that people with disabilities have the same opportunities as other people to access the buildings and other facilities of the relevant public authority.*
3. *A disability access and inclusion plan must provide a means of ensuring that people with disabilities receive information from the relevant public authority in a format that will enable them to access the information as readily as other people are able to access it.*
4. *A disability access and inclusion plan must provide a means of ensuring that people with disabilities receive the same level and quality of service from the staff of the relevant public authority as other people receive from that authority.*
5. *A disability access and inclusion plan must provide a means of ensuring that people with disabilities have the same opportunities as other people to make complaints to the relevant public authority.*
6. *A disability access and inclusion plan must provide a means of ensuring that people with disabilities have the same opportunities as other people to participate in any public consultation by the relevant public authority.*

Shire of York Meeting Local Law 2016

The Shire of York Meeting Local Law 2016 applies.

5.0 ESTABLISHMENT

The Access and Inclusion Advisory Committee was first established by Council resolution in 2017. The current Committee was established by Council resolution on 25 November 2019 following the 2019 Local Government elections.

6.0 OBJECTIVES

The purpose of the Committee is to provide advice to Council on the development, implementation, review and evaluation of the Disability Access and Inclusion Plan (DAIP) to ensure Council meets its obligations under the *Disability Services Act 1993 (amended 2004)*.

The Committee is to:

- Contribute to the collation and development of information to inform the council on disability access and inclusion issues in the Shire of York.
- To assist the engagement of a broad cross-section of the Shire of York Community, both residents and visitors, through consultative processes.
- Contribute to the development, implementation and review of the DAIP and projects that contribute to achieving the objectives of the DAIP.
- Make recommendations to the Council in relation to disability access and inclusion strategies to overcome barriers in the Shire of York.

7.0 MEMBERSHIP

7.1 General

Council will appoint 2 Council Delegates and 1 Deputy that are members of Council.

7.2 Tenure of Membership

Local Government Act 1995

5.11. Tenure of committee membership

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
 - (b) the person resigns from membership of the committee;*
 - (c) the committee is disbanded; or*
 - (d) the next ordinary elections day,**whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
 - (a) the term of the person's appointment as a committee member expires;*
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;*
 - (c) the committee is disbanded; or*
 - (d) the next ordinary elections day,**whichever happens first.*

8.0 DELEGATED AUTHORITY

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. Unless provision has been made in the Budget for expenditure, Committees require an officer report to be presented to Council for endorsement of any proposed expenditure.

9.0 COMMITTEE

9.1 Chairperson

Members to elect a Chairperson and Deputy Chairperson from the membership.

9.2 Secretariat

A Shire Officer will fulfil this administrative non-voting role.

9.3 Standing Ex-Officio Members

Executive Manager, Corporate & Community Services and/or his/her delegate(s) will be standing ex-officio members. Other officers or community members may be invited to attend meetings as required and to be determined by the Chief Executive Officer.

10.0 MEETINGS

10.1 Annual General Meeting

No AGM.

10.2 Committee Meetings

The Chief Executive Officer will call meetings every three months and as required. Committee meetings will be advertised as per statutory requirements.

10.3 Quorum

Five (5) voting members as per Section 5.15 of the *Local Government Act 1995*.

5.15. Reduction of quorum for committees

The local government may reduce the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.*

** Absolute majority required.*

10.4 Voting

Local Government Act 1995

S 5.21 - Voting

- (1) *Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.*
- (2) *Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.*
- (3) *If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.*
- (4) *If a member of a council or a committee specifically requests that there be recorded —*
 - (a) *his or her vote; or*
 - (b) *the vote of all members present, on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.*
- (5) *A person who fails to comply with subsection (2) or (3) commits an offence.*
[Section 5.21 amended by No. 49 of 2004 s. 43.]

10.5 Minutes

The person presiding at a meeting is to ensure that the Minutes are kept of the meetings proceedings.

The minutes may be confirmed by a majority of members present at the meeting, by committee resolution at the following meeting. Once Minutes have been confirmed by members they are to be posted on the Shire's website.

Recommendations arising from the Minutes shall be presented to Council at the next available Ordinary Meeting for endorsement and/or action or earliest available Council meeting if it is not possible to present the Minutes to the next Ordinary Council Meeting.

10.6 Who Acts if No Presiding Member **Local Government Act 1995**

5.14 Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) the office of presiding member and the office of deputy presiding member are vacant; or*
- (b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member, then the committee members present at the meeting are to choose one of themselves to preside at the meeting.*

10.7 Members Interests to be Disclosed

Members of the Access & Inclusion Advisory Committee are required to declare their financial interests and complete a Declaration form where relevant, using the principles detailed in the Local Government Act Section 5.65-5.70 with respect to disclosure of financial, impartiality or proximity interests ('CEO' in the LGA text means the 'Chairperson' in the committee sense).

5.65. Members' interests in matters to be discussed at meetings to be disclosed

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —*
 - (a) in a written notice given to the CEO before the meeting; or*
 - (b) at the meeting immediately before the matter is discussed.*

Penalty: \$10 000 or imprisonment for 2 years.

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —*
 - (a) that he or she had an interest in the matter; or*
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.*
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).*

5.9. Types of committees

- (1) In this section — “other person” means a person who is not a council member or an employee.*
- (2) A committee is to comprise —*
 - (f) other persons only.*

5.66. Meeting to be informed of disclosures

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and*
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.*

[Section 5.66 amended by No.1 of 1998 s.16; No. 64 of 1998 s.33.]

5.67. Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or*

- (b) *participate in, or be present during, any discussion or decision making procedure relating to the matter, unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.*

Penalty: \$10 000 or imprisonment for 2 years.

5.68. *Councils and committees may allow members disclosing interests to participate etc. in meetings*

- (1) *If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —*
- (a) *may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and*
- (b) *may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —*
- (i) *the disclosing member also discloses the extent of the interest; and*
- (ii) *those members decide that the interest —*
- (I) *is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or*
- (II) *is common to a significant number of electors or ratepayers.*
- (2) *A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.*
- (3) *This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.*

5.69. ***Minister may allow members disclosing interests to participate etc. in meetings***

- (1) *If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.*
- (2) *An application made under subsection (1) is to include —*
- (a) *details of the nature of the interest disclosed and the extent of the interest; and*
- (b) *any other information required by the Minister for the purposes of the application.*
- (3) *On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —*
- (a) *there would not otherwise be a sufficient number of members to deal with the matter; or*
- (b) *the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.*
- (4) *A person must not contravene a condition imposed by the Minister under this section.*

Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69 amended by No. 49 of 2004 s. 53.]

5.69A. ***Minister may exempt committee members from disclosure requirements***

- (1) *A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.*
- (2) *An application under subsection (1) is to include —*
- (a) *the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and*
- (b) *any other information required by the Minister for the purposes of the application.*

(3) *On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.*

(4) *A person must not contravene a condition imposed by the Minister under this section.*

Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]

5.70. *Employees to disclose interests relating to advice or reports*

(1) *In this section —*

employee *includes a person who, under a contract for services with the local government, provides advice or a report on a matter.*

(2) *An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.*

(3) *An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.*

Penalty: \$10 000 or imprisonment for 2 years.

5.71. *Employees to disclose interests relating to delegated functions*

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —

(a) *in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and*

(b) *in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.*

Penalty: \$10 000 or imprisonment for 2 years.

COUNCIL COMMITTEES – OTHER

Council has resolved to formally establish a number of Committees to operate under separate legislation.

Statute excerpts have been highlighted and included from various relevant pieces of legislation applicable to these committees and unless otherwise stated, the Shire of York Local Government (Council Meetings) Local Law 2016 also applies. The following sections are to be noted:

Local Government Act 1995

Part 13 - Making Decisions

13.1 Question - When Put

When the debate upon any question is concluded and the right of reply has been exercised the person presiding shall immediately put the question to the Council or the committee, and, if so desired by any member of the Council or committee, shall again state it.

13.2 Question - Method of Putting

If a decision of the Council or a committee is unclear or in doubt, the person presiding shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.

Part 17 – Committees of the Council

17.1 Establishment and Appointment of Committees

A committee is not to be established except on a motion setting out the proposed functions of the committee and either -

- (a) the names of the Council members, employees and other persons to be appointed to the committee; or*
- (b) the number of Council members, employees and other persons to be appointed to the committee and a provision that they be appointed by a separate motion.*

17.2 Appointment of Deputy Committee Members

- (1) The Council may appoint one or more persons to be the deputy or deputies, as the case may be, to act on behalf of a member of a committee whenever that member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council.*
- (2) Where a member of a committee does not attend a meeting thereof a deputy of that member, selected according to seniority, is entitled to attend that meeting in place of the member and act for the member, and while so acting has all the powers of that member.*

Local Emergency Management Committee

Chairperson	- Cr Denese Smythe, Shire President Cr Ashley Garratt (Deputy)
Deputy Chairperson	OIC York, WA Police
Agency/Organisation Representatives	- Executive Officer – Shire of York Community Emergency Services Manager (CESM) - Local Recovery Coordinator – Shire of York Executive Manager Infrastructure and Development Services (EMIDS) - Department of Fire & Emergency Services (DFES) Area Officer (AO) Lower Wheatbelt - St John Ambulance (SJA) Community Paramedic Central Wheatbelt - DFES District Emergency Management Advisor (DEMA) - Department of Communities District Emergency Service Officer (DESO) Wheatbelt - Parks & Wildlife Service Department of Biodiversity, Conservation & Attractions (DBCA) District Fire Coordinator Perth Hills District - York District High School Principal - WA Country Health Service Health Service Manager - York Volunteer Fire & Rescue Captain (VFRS) - SJA Volunteer Ambulance Officer - York Volunteer Fire & Emergency Services (VFES) Captain - Shire of York Chief Bushfire Control Officer (CBFCO) - Community Representatives: <ul style="list-style-type: none"> - Country Women’s Association - Senses Australia Wheatbelt Office - York & Districts Community Matters Newspaper Editor
Officer Responsible	- Executive Manager, Infrastructure and Development Services
Meeting Schedule	- Quarterly or as required.
Meeting Location	- To be determined
Quorum	- Five (5) voting members
Delegated Authority	- Nil

FUNCTIONS:

1.0 NAME

The name of the Committee is the Shire of York Local Emergency Management Committee.

2.0 DISTRICT/AREA OF CONTROL

The Shire of York Local Emergency Management Committee operates within the boundaries of the local government of the Shire of York.

Emergency Management Act 2005

Division 4 — Emergency management districts

28. *Establishment of emergency management districts*
- (2) *So far as is practicable emergency management districts are to be established by reference to the boundaries of local government districts.*
 - (3) *If an emergency management district is proposed to be established other than by reference to the boundaries of a local government district, the Minister is to notify each local government in whose district any part of the area proposed to be established is situated and allow a reasonable time for submissions on the proposal.*
 - (4) *In making an order under subsection (1) the Minister is to have regard to any submissions of the local governments.*

3.0 VISION / PURPOSE

To assist the Shire of York and the Local Emergency Coordinator (Officer in Charge of Police sub-district) to develop and maintain effective emergency management arrangements for the local area.

4.0 STATUTE

Emergency Management Act 2005

36. *Functions of local government*
It is a function of a local government —
- (a) *subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district;*
 - (b) *to manage recovery following an emergency affecting the community in its district; and*
 - (c) *to perform other functions given to the local government under this Act.*
37. *Local emergency coordinators*
- (1) *The State Emergency Coordinator is to appoint a local emergency coordinator for each local government district.*
 - (2) *Before appointing a local emergency coordinator for a local government district the State Emergency Coordinator is to consult the relevant local government.*
 - (3) *In making an appointment the State Emergency Coordinator is to have regard to any submissions of the local government.*
 - (4) *The local emergency coordinator for a local government district has the following functions —*
 - (a) *to provide advice and support to the local emergency management committee for the district in the development and maintenance of emergency management arrangements for the district;*
 - (b) *to assist hazard management agencies in the provision of a coordinated response during an emergency in the district;*
 - (c) *to carry out other emergency management activities in accordance with the directions of the State Emergency Coordinator.*
38. *Local emergency management committees*
- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
 - (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
 - (3) *A local emergency management committee consists of —*
 - (a) *a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
 - (b) *if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*

- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*
39. *Functions of local emergency management committees*
The functions of a local emergency management committee are, in relation to its district or the area for which it is established —
- (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 other persons in the development, review and testing of local emergency management arrangements; and*
 - (c) *to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*
40. *Annual report of local emergency management committee*
- (1) *After the end of each financial year each local emergency management committee is to prepare and submit to the district emergency management committee for the district an annual report on activities undertaken by it during the financial year.*
 - (2) *The annual report is to be prepared within such reasonable time, and in the manner, as is directed in writing by the SEMC.*

Division 2 — Emergency management arrangements for local governments

41. *Emergency management arrangements in local government district*
- (1) *A local government is to ensure that arrangements (local emergency management arrangements) for emergency management in the local government’s district are prepared.*
 - (2) *The local emergency management arrangements are to set out —*
 - (a) *the local government’s policies for emergency management;*
 - (b) *the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;*
 - (c) *provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b);*
 - (d) *a description of emergencies that are likely to occur in the local government district;*
 - (e) *strategies and priorities for emergency management in the local government district;*
 - (f) *other matters about emergency management in the local government district prescribed by the regulations; and*
 - (g) *other matters about emergency management in the local government district the local government considers appropriate.*
 - (3) *Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.*
 - (4) *Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator.*
 - (5) *A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as is practicable after they are prepared.*
42. *Reviewing and renewing local emergency management arrangements*
- (1) *A local government is to ensure that its local emergency management arrangements are reviewed in accordance with the procedures established by the SEMC.*
 - (2) *Local emergency management arrangements may be amended or replaced whenever the local government considers it appropriate.*

43. *Local emergency management arrangements to be available for inspection*
- (1) *A local government is to keep a copy of its local emergency management arrangements at the offices of the local government.*
 - (2) *The arrangements are to be available for inspection, free of charge, by members of the public during office hours.*
 - (3) *The arrangements may be made available in written or electronic form.*

Division 3 — Powers of local government during cyclone

44. *Meaning of “cyclone area”*

In this Division —

cyclone area means a cyclone area designated under section 16.

45. *Exercise of powers under this Division*

The powers given to a local government by this Division can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers.

46. *Power of local government to destroy dangerous vegetation or premises in cyclone area*

If a local government is of the opinion that any vegetation or premises on land in a cyclone area in the district of the local government may, as a result of the cyclonic activity —

- (a) *cause loss of life, prejudice to the safety, or harm to the health, of persons or animals; or*
- (b) *destroy or damage property or any part of the environment, the local government may remove or destroy the vegetation or remove, dismantle or destroy the premises.*

47. *Local government may require owner or occupier of land to take action*

(1) *If a local government is of the opinion that any vegetation or premises on land in a cyclone area in the district of the local government may, as a result of the cyclonic activity —*

- (a) *cause loss of life, prejudice to the safety, or harm to the health, of persons or animals;*
or
- (b) *destroy or damage property or any part of the environment, the local government may give a person who is the owner or the occupier of the land a direction in writing requiring the person to take measures specified in the direction to prevent or minimise the loss, prejudice, harm, destruction or damage.*

(2) *A person who is given a direction under subsection (1) is not prevented from complying with it because of the terms on which the land is held.*

48. *Additional powers when direction given*

(1) *This section applies when a direction is given under section 47.*

(2) *If the person who is given the direction (the **direction recipient**) fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the direction was given.*

(3) *The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice.*

(4) *If a direction recipient —*

- (a) *incurs expense in complying with the direction; or*
- (b) *fails to comply with such a direction and, as a consequence, is convicted and fined or has to pay to a local government the cost it incurs in doing anything under subsection (2), the direction recipient may apply to a court for an order under subsection (6).*

(5) *In subsection (4) —*

court *means a court that would have jurisdiction to hear an action to recover a debt of the amount of the expense, fine or cost sought to be recovered by the direction recipient.*

(6) *On an application under subsection (4) the court may order —*

- (a) *if the direction recipient is the owner, the occupier; or*

(b) if the direction recipient is the occupier, the owner, to pay to the direction recipient so much of that expense, fine or cost as the court considers fair and reasonable in the circumstances.

- (7) In determining what is fair and reasonable the court is to have regard to —
- (a) the type of land involved;
 - (b) the terms on which the occupier is occupying the land; and
 - (c) any other matter the court considers to be relevant.

49. Provisions are in addition to other powers

This Division is in addition to, and does not derogate from, the powers of a local government under the Local Government Act 1995 Part 3 Division 3.

The Emergency Management Procedures Manual published by the Department Fire and Emergency Services contains the following guidance:

LEMC Membership

7. Noting the requirements of the EM Act, the following provides guidance on the composition of LEMCs:

- a) the Chair should be an elected member of Council;
- b) the Local Emergency Coordinator should be appointed as Deputy Chair;
- c) an Executive Officer, who should be an officer of the relevant local government, should be appointed to coordinate the business of the committee and/or provide administrative support;
- d) the Local Recovery Coordinator, being the person nominated in the Local Recovery Plan, where a Local Recovery Plan has been completed as part of local emergency management arrangements (section 41(4) of the EM Act), should be appointed a member of the committee;
- e) consideration should be given to appointing local government officers engaged in key roles and functions affecting emergency management (for example, community services, engineering services, corporate services or planning);
- f) membership should include representatives from Emergency Management Agencies (EMAs) in the local government district (for example, the Department of Fire and Emergency Services); welfare support agencies or non-government organisations (for example, the Department for Child Protection and Family Support, Red Cross or Salvation Army), industry representatives (especially the owners or operators of hazardous facilities located within the local government district);
- g) consideration should be given to appointment of persons able to represent or advise on the interests of Culturally and Linguistically Diverse (CaLD) community members or community members with special needs; and
- h) LEMCs should where possible include representatives of local Aboriginal community organisations to provide advice and guidance to the LEMC and to promote appropriate engagement with the local Aboriginal communities.

Shire of York Meeting Local Law 2016

The Shire of York Meeting Local Law 2016 applies.

5.0 ESTABLISHMENT

Unknown. Elected members representatives are determined by Council every two years following the Local Government elections.

6.0 OBJECTIVES

- Liaise with participating agencies in the development, review and testing of emergency management arrangements.
- Assist with the preparation of emergency management operating procedures for application in the local area.
- Prepare an annual report on Committee activities for submission to the District Emergency Management Committee.
- Participate in the emergency risk management process.
- Carry out other emergency management functions as directed by the District Emergency Management Committee.

7.0 MEMBERSHIP

7.1 General

Membership to include agencies with specific emergency management responsibilities or expertise essential to the development of emergency management arrangements, as mentioned previously.

7.2 Tenure of Membership

Local Government Act 1995

5.11. Tenure of committee membership

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
 - the person resigns from membership of the committee;*
 - the committee is disbanded; or*
 - the next ordinary elections day, whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
- the term of the person's appointment as a committee member expires;*
 - the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;*
 - the committee is disbanded; or*
 - the next ordinary elections day, whichever happens first.*

8.0 DELEGATED AUTHORITY

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 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 CEO.

9.0 COMMITTEE

9.1 Chairperson & Deputy Chairperson

The Chairperson is the Shire President, Shire of York and the Deputy Chairperson is the Officer in Charge, York – WA Police.

9.2 Non-Voting Representatives

The Shire's Technical Services Officer will fulfil the Secretariat administrative role.

Officer responsible is the Executive Manager, Infrastructure and Development Services.

The Community Emergency Services Manager is a standing ex-officio member of the Committee.

10.0 MEETINGS

10.1 Annual General Meeting

N/A

10.2 Committee Meetings

Held quarterly or as required (minimum 4 meetings per annum). The Chairperson may at any time convene a special meeting of the Committee.

10.3 Quorum

Five (5) Voting Members

10.4 Voting

Local Government Act 1995

S 5.21 - Voting

- (1) *Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.*
- (2) *Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.*
- (3) *If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.*
- (4) *If a member of a council or a committee specifically requests that there be recorded —*
 - (a) *his or her vote; or*
 - (b) *the vote of all members present, on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.*
- (5) *A person who fails to comply with subsection (2) or (3) commits an offence.*
[Section 5.21 amended by No. 49 of 2004 s. 43.]

10.5 Minutes

In accordance with the *Local Government Act 1995* Section 5.22 and 5.25, and *Local Government (Administration) Regulations 1996*.

The person presiding at a meeting is to ensure that the Minutes are kept of the meetings proceedings.

Once Minutes have been confirmed by members they are to be submitted for inclusion in the Information Bulletin.

Recommendations arising from the Minutes requiring a Council decision shall be presented to Council at the next Ordinary Council Meeting or earliest available Council meeting if it is not possible to present the Minutes to the next Ordinary Council Meeting.

10.6 Who Acts if No Presiding Member

Local Government Act 1995

5.14. Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) the office of presiding member and the office of deputy presiding member are vacant; or*
- (b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member, then the committee members present at the meeting are to choose one of themselves to preside at the meeting.*

10.7 Members Interests to be Disclosed

Members of the Local Emergency Management Committee are required to declare their financial interests and complete a Declaration form where relevant, using the principles detailed in the *Local Government Act* Section 5.65-5.70 with respect to disclosure of financial, impartiality or proximity interests ('CEO' in the LGA text means the 'Chairperson' in the committee sense).

5.65. Members' interests in matters to be discussed at meetings to be disclosed

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —*
 - (a) in a written notice given to the CEO before the meeting; or*
 - (b) at the meeting immediately before the matter is discussed.*

Penalty: \$10 000 or imprisonment for 2 years.

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —*
 - (a) that he or she had an interest in the matter; or*
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.*
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).*

5.9. Types of committees

- (1) In this section — “other person” means a person who is not a council member or an employee.*
- (2) A committee is to comprise —*
 - (f) other persons only.*

5.66. Meeting to be informed of disclosures

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and*
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.*

[Section 5.66 amended by No.1 of 1998 s.16; No. 64 of 1998 s.33.]

5.67. Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or*
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter, unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.*

Penalty: \$10 000 or imprisonment for 2 years.

- 5.68. *Councils and committees may allow members disclosing interests to participate etc. in meetings*
- (1) *If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —*
 - (a) *may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and*
 - (b) *may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —*
 - (i) *the disclosing member also discloses the extent of the interest; and*
 - (ii) *those members decide that the interest —*
 - (I) *is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or*
 - (II) *is common to a significant number of electors or ratepayers.*
 - (2) *A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.*
 - (3) *This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.*

- 5.69. *Minister may allow members disclosing interests to participate etc. in meetings*
- (1) *If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.*
 - (2) *An application made under subsection (1) is to include —*
 - (a) *details of the nature of the interest disclosed and the extent of the interest; and*
 - (b) *any other information required by the Minister for the purposes of the application.*
 - (3) *On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —*
 - (a) *there would not otherwise be a sufficient number of members to deal with the matter; or*
 - (b) *the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.*
 - (4) *A person must not contravene a condition imposed by the Minister under this section.*
- Penalty: \$10 000 or imprisonment for 2 years.*
[Section 5.69 amended by No. 49 of 2004 s. 53.]

- 5.69A. *Minister may exempt committee members from disclosure requirements*
- (1) *A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.*
 - (2) *An application under subsection (1) is to include —*
 - (a) *the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and*
 - (b) *any other information required by the Minister for the purposes of the application.*
 - (3) *On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.*
 - (4) *A person must not contravene a condition imposed by the Minister under this section.*

(5) *Penalty: \$10 000 or imprisonment for 2 years.*
[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]

5.70. *Employees to disclose interests relating to advice or reports*

- (1) *In this section —
employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.*
- (2) *An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.*
- (3) *An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.*

Penalty: \$10 000 or imprisonment for 2 years.

5.71. *Employees to disclose interests relating to delegated functions*

- If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —*
- (a) *in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter;*
and
- (b) *in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.*

Penalty: \$10 000 or imprisonment for 2 years.

PART 2 – COUNCIL REFERENCE/WORKING GROUPS

Council has resolved to formally establish a number of Reference/Working Groups.

Working Groups are not intended to be constrained by procedural requirements of the *Local Government Act 1995* and Regulations, however many best practice meeting procedures utilised under the *Local Government Act 1995* can be practised for Reference/Working Group meetings (see S5.8-S5.25 LGA 1995).

The Chairperson, as determined by Council at the time of establishing the Reference/Working Group, should seek to preside so as to allow all members to participate. Recommendations may be through consensus or at the discretion of the Chairperson by motion and subsequent resolution. Simple majority voting can be utilised by applying Standing Orders conditions; *all members* of the Reference/Working Group present must vote and the Chairperson has a further casting vote should votes be tied. It is good practise to vacate Chairperson and Deputy Chairperson positions following the biennial Council elections whereupon a potential new Councillor may replace the current Councillor representative.

It is acknowledged that Reference/Working Groups generally have members with speciality interests in fields relevant to the particular Reference/Working Group. However, members with financial interests in agenda items must abstain from participation in discussions and voting on such items, and leave the room for that part of the meeting. A Financial Interest Declaration form is required to be completed stating the nature of the interest and provided to the Chairperson prior to discussion of the item (forms attached to this document). It should be noted that the Chairperson may, in a particular instance, preside over a motion to have the Declarer remain in the meeting (see LGA S5.67 & 5.68).

Any recommendations emanating from Reference/Working Groups are to be endorsed by Council through an Officer report and subsequent recommendation. A Reference/Working Group has no other power.

Some other points to note for the operation of Reference/Working Groups are that Notes of Meetings are taken rather than Minutes, which are submitted by the noted Officer responsible for inclusion in the monthly Information Bulletin. Quorums are as stated in the particular Working Group detail, Deputies can be nominated for all members on Reference/Working Groups if required, and unless detailed otherwise, Standing Orders apply. It should be noted that *Deputy Delegates are not* to attend meetings unless requested to do so when the Delegate is unable to attend a meeting. Deputies will receive Notes of meetings.

Local Government Act 1995

5.67. Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or*
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,*

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

Penalty: \$10 000 or imprisonment for 2 years.

5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings

(1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —

- (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and*
- (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —*
 - (i) the disclosing member also discloses the extent of the interest; and*
 - (ii) those members decide that the interest —*

- (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or*
 - (II) is common to a significant number of electors or ratepayers.*
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.*

York Honours Reference Group

1 x Councillor	-	Cr Denese Smythe
6 x Community Representatives	-	<p>1 x Representative from York Bendigo Bank Mr Graham Edmonds</p> <p>1 x Representative from York Co-operative Board Mrs Brenda Treloar</p> <p>4 x Community Representatives Mrs Margaret Wallace Mrs Gwen Gentle Mrs Bev Penny Mrs Elaine Ashford</p>
Ex Officio	-	Council and Executive Support Officer
Chairperson	-	The Chairperson shall be the elected member Delegate.
Responsible Officer	-	Chief Executive Officer
Meeting Schedule	-	Annual or more frequently as required.
Meeting Location	-	Council Chambers, York Town Hall.
Secretariat	-	The Secretariat functions will be provided by an officer of the Shire.
Quorum	-	Four (4) Members (including the elected member Delegate)
Delegated Authority	-	Nil
Purpose	-	<p>The purpose of the York Honours Reference Group is to:</p> <ul style="list-style-type: none"> • Determine what honours awards are relevant and appropriate for the Shire of York and make recommendations to Council. • Develop and promote the criteria relevant to various community awards. • Provide advice and recommendations to Council on matters relating to the community which may include: honours and awards, roads, reserve and place names, volunteer recognition. This may relate to local, regional, state and federal awards and honours. • Select the recipients of honours and awards in accordance with the designated criteria and make recommendations to Council.

1.0 NAME

The name of the Group is the **York Honours Reference Group**.

2.0 DISTRICT/AREA OF CONTROL

Local Government boundaries of the Shire of York.

3.0 VISION / PURPOSE

The purpose of the York Honours Reference Group is as follows:

1. Provide advice to Council regarding;
 - a. community and other awards
 - b. volunteer recognition
2. Provide nominations for award candidates.

4.0 ESTABLISHMENT

Unknown.

5.0 MEMBERSHIP

5.1 General

Council will appoint members to the Group in accordance with the following criteria;

- Resident within the Shire of York
- Committed to working as a team member for the effective operation of the Reference Group
- Knowledge of York and its community

Staff will be invited to participate in the Group by the Chief Executive Officer as required.

Council will appoint one elected member as a Delegate.

5.2 Tenure of Membership

Where a person is appointed as a member of the York Honours Reference Group membership of the Group continues until —

- The person no longer holds office by virtue of which the person became a member.
- The person resigns from membership of the Group.
- The Group is disbanded.
- The Council removes the person from the Group by resolution of Council.
- For elected member Delegates, the next ordinary elections day

6.0 DELEGATED AUTHORITY

The Group has no delegated authority.

7.0 REFERENCE/WORKING GROUP

7.1 Chairperson

The role of Chairperson is to be vacated following biennial Council elections in October and reappointed by Council.

A Councillor of the Shire of York will be the Chairperson.

7.2 Secretariat

This role is to be fulfilled by Shire Officers.

7.3 Standing Ex-Officio Members

Chief Executive Officer and/or his delegate and the Council and Executive Support Officer

8.0 MEETINGS

8.1 Group Meetings

The Chairperson will call meetings as required.

8.2 Quorum

Quorum shall be 4 (four) members including one Councillor.

8.3 Voting

Voting shall be by consensus or by a show of hands as directed by the Chairperson.

8.4 Minutes of Meetings

The person presiding is to ensure that Notes are kept of the meetings proceedings.

PART 3 – COUNCIL REPRESENTATION ON EXTERNAL COMMITTEES

Council has resolved to formally appoint Shire representatives the following external organisations' Committees. As these Committees are administered by parties other than the Shire of York, information provided and operation of these Committees are at the discretion of the convening bodies.

- Development Assessment Panel
- Avon Midland Country Zone of WALGA
- Avon Regional Organisation of Councils (AROC)
- Avon Regional Roads Sub-Group
- Earthquake Building Mitigation Project Working Group
- River Conservation Society
- York Community Resource Centre
- York District High School Board
- York Hospital Advisory Group
- Rural Water Council
- Paint York REaD

Development Assessment Panel

2 x Councillor	- Cr Denese Smythe Cr Kevin Trent
2 x Alternate (Deputies)	- Cr Denis Warnick Cr Ashley Garratt
Other members	- 3 x specialist members appointed by the Minister for Planning
Officer Responsible	- N/A
Committee Administration	- WA Department of Planning Development Assessment Panels report directly to the Minister for Planning, and do not form part of the Department of Planning or the Western Australian Planning Commission.
Meeting Schedule	- As required
Meeting Location	- To be determined
Quorum	- Unknown
Delegated Authority	- Nil

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**.

Each DAP consists of five panel members, three being specialist members and two local government councillors. For information about how DAPs operate, membership, and development application types please select from the menu to the left.

Under the DAP regulations, each DAP will determine development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme. The DAP regulations state that DAP applications cannot be determined by local government or the Western Australian Planning Commission (WAPC).

The role of DAP members is to determine development applications within a certain type and value threshold through consistent, accountable, and professional decision-making.

Avon Midland Country Zone of WALGA

1 x Councillor	- Cr Denese Smythe Cr Denis Warnick (Deputy)
1 x Shire Staff	- Chief Executive Officer
Other LG members	- Shire of Northam Shire of Toodyay Shire of Chittering Shire of Goomalling Shire of Gingin Shire of Victoria Plains Shire of Dandaragan Shire of Moora Shire of Wongan-Ballidu Shire of Dalwallinu
Officer Responsible	- Chief Executive Officer
Committee Administration	- Rotated between members
Meeting Schedule	- Quarterly
Meeting Location	- Various (rotated between member Shires)
Quorum	- Unknown
Delegated Authority	- Nil
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 to WALGA on various matters.

Avon Regional Organisation of Councils (AROC)

1 x Councillor	- Cr Denese Smythe, Shire President
1 x Shire Staff	- Chief Executive Officer (ex-officio)
Organisation Membership	- Shire of Goomalling Shire of Northam Shire of Toodyay Shire of Victoria Plains Shire of York
Committee Administration	- Rotated among the member organisations
Officer Responsible	- Chief Executive Officer
Meeting Schedule	- Bi-monthly
Meeting Location	- To be determined
Quorum	- Delegates from 4 member local governments.
Delegated Authority	- Nil
Purpose	- The purpose of AROC is to arrange and facilitate Members: <ul style="list-style-type: none">• Working together cooperatively to address regional problems, issues or challenges and advance the interests of the region;• Developing and implementing resource sharing strategies or regional service delivery models;• Delivery of training and development programs for elected members or staff; and• Undertaking joint tendering or purchasing arrangements

Avon Regional Roads Sub-Group

1 x Councillor	- Cr Kevin Trent
1 x Shire Staff	- Executive Manager, Infrastructure & Development Services
Other Organisations	- MRWA Representative Officers from Avon Shires
Officer Responsible	- Executive Manager, Infrastructure and Development Services
Committee Administration	- Main Roads WA
Meeting Schedule	- Twice yearly
Meeting Location	- Various over the four Shire Locales
Quorum	- Unknown
Delegated Authority	- Nil

Purpose

The role of Regional Road Groups is to recommend Local Government road funding priorities to the MRWA Advisory Committee and to monitor the implementation of the Local Roads Program in their own regions.

At the Regional level, Regional Road Groups are responsible for:

- Assessing Local Government road funding needs
- Prioritising projects and Black Spot projects
- Development of a long term plan (5 years) to distribute Road Projects and Black Spot Grants
- Developing and improving methodology for the prioritisation of projects and the distribution of State funds
- Monitoring and reporting on program effectiveness
- Implementing performance indicators and open and accountable processes
- Ensuring grants are expended in the year of allocation
- Monitoring Local Government Expenditure on approved local roads projects
- Recommending improved procedures to the Advisory Committee
- Raising relevant issues on the Local Roads Program and the overall road needs of the Region with the Advisory Committee
- Providing advice to member Local Governments

The Regional Road Group may delegate certain functions and tasks to Regional Sub Groups, provided that all Regional Sub-Groups have the same delegated responsibilities.

Earthquake Building Mitigation Project Working Group

1 x Shire of York Councillor	- Cr Stephen Muhleisen
Chairperson/Deputy	Chairperson and Deputy Chair to be elected by the Working Group
Organisational representatives of:	- Mark Edwards - Martin Wehner - Mike Griffiths - Jaroslav Vaculik - Harriet Wyatt - Christine Otter - Justin Whitney - Mark Williams
- GeoScience Australia	
- University of Adelaide	
- Dept. Lands, Planning & Heritage WA	
- Dept. Fire & Emergency Services WA	
Shire of York Officers Officer Responsible	- Executive Manager, Infrastructure & Development Services - Arts & Cultural Heritage Officer [minute taker]
sStanding Ex-Officio Member	- Chief Executive Officer/ Acting Chief Executive Officer
Meeting Schedule	- Quarterly and as required, with every second meeting to be an 'in-person' meeting and every other meeting to be held as a teleconference.
Meeting Location	- Shire of York /DPLH, Perth/Teleconference
Quorum	- 5 members including one Councillor
Delegated Authority	- Nil

FUNCTIONS:

1.0 NAME

The name of the Working group is the NDRP 1819-05 Earthquake Building Mitigation Project Working Group.

2.0 DISTRICT/AREA OF CONTROL

Shire of York.

3.0 VISION / PURPOSE

The NDRP 1819-05 Earthquake Building Mitigation Project Working Group is to be an advisory group to Council for the duration of the project, due for completion in August 2022.

4.0 STATUTE

Shire of York Local Government (Council Meetings) Local Law 2016

The provisions of the above local law apply.

The Working Group shall operate in accordance with the Local Government Act 1995 and the Shire of York Local Government (Council Meetings) Local Law 2016 with the following exceptions:

1. As the Working Group has no delegated authority meetings are not open to the public: and
2. Order of Business at the meetings will be as outlined in Section 9 of this Terms of Reference.

5.0 ESTABLISHMENT

Established by Council Resolution on 23 September 2019

6.0 OBJECTIVES

The purpose of the Working Group is to:

Co-ordinate and ensure the progression and completion of the Earthquake building mitigation Project as defined by the Grant Funding Agreement between the Department of Fire and Emergency Services and the Shire of York under the Natural Disaster Resilience Program 2018-19 Earthquake Building Mitigation Project NDRP1819-05.

The project will examine the application of the outcomes of the Bushfire and Natural Hazards CRC (BNHCRC) York earthquake mitigation study [previously undertaken by GeoScience Australia & the University of Adelaide] to a number of York building types.

The retrofit work will be separately managed through a linked parallel program funded through local and state government initiatives with the program using information developed under the current BNHCRC project for specific heritage retrofits.

Retrofit information development for additional building types is included in this NDRP project to better cover the building range found in other WA communities and nationally. The broader statewide application will involve translating the information to take into account different local hazard and building use.

Finally, the project will establish and utilise an industry reference group comprising engineers, architects, contractors and industry body representatives to review the work and refine the information products developed.

The project will communicate the availability and utility of the information through York community engagement, conferences and workshops for use in WA and nationally.

7.0 MEMBERSHIP

7.1 General

Council will appoint members to the Working Group

8.0 ORDER OF BUSINESS AT MEETINGS

The Order of Business at Working Group Meetings will be as follows:

1. OPENING
 - 1.1. Declaration of opening
 - 1.2. Disclaimer
 - 1.3. Standing Orders
 - 1.4. Declarations of Interest that might Cause Conflict
 - 1.5. Declarations of financial Interest
 - 1.6. Disclosure of Interest that May Affect Impartiality
2. ATTENDANCE
 - 2.1. Members
 - 2.2. Staff
 - 2.3. Apologies
 - 2.4. Leave of Absence Previously Approved
3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING
4. OFFICER'S REPORTS
5. QUESTIONS FROM MEMBERS WITHOUT NOTICE
6. BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF THE MEETING
7. CLOSURE

River Conservation Society

1 x Councillor	- Cr Kevin Trent Cr Jane Ferro (Deputy)
Other members	-
Officer Responsible	- N/A
Committee Administration	- River Conservation Society
Meeting Schedule	- Unknown
Meeting Location	- Various
Quorum	- Unknown
Delegated Authority	- Nil
Purpose	- The River Conservation Society is passionate about caring, conserving and protecting the Avon River, surrounding environs and the Avon Catchment.

York Community Resource Centre

1 x Councillor	- Cr Pam Heaton
Other members	- Mr Gordon Marwick Mr Chris Heaton Mr Bob Lear Mr John Oliver Ms Margaret Collins
Officer Responsible	- N/A
Committee Administration	- York Community Resource Centre
Meeting Schedule	- Monthly (Tues am)
Meeting Location	- Various (rotated between member Shires)
Quorum	- Unknown
Delegated Authority	- Nil
Purpose	- The C.R.C. is a non-profit community based organisation that builds capacity through economic, business and social development. The Centre is administered by a Management Committee, Manager, staff and volunteers. It derives its income from membership fees, charging for services, contract agreements and fee for service contracts.

York District High School Board

1 x Councillor	- Cr Pam Heaton
Other members	- Principal, York DHS 15 Committee Members
Officer Responsible	- N/A
Committee Administration	- York DHS
Meeting Schedule	- Monday evenings twice per term
Meeting Location	- York District High School
Quorum	- Unknown
Delegated Authority	- Nil
Purpose	- Council representation on the Board at the request of York DHS.

York Hospital Advisory Group

1 x Councillor	- Cr Jane Ferro
Other Members	- Friends of the Hospital Representatives York Hospital Representative St John Ambulance – York Sub Branch Representative Doctors Surgery Representatives CWA Representatives Volunteer Workers Representative Community Members
Chairperson/Deputy Chair	- Mr Julian Krieg (Chairperson) Mr John Dawson (Deputy Chair) Mr Des Bradley (Secretary)
Officer Responsible	- N/A
Meeting Schedule	- Monthly or more frequently if required.
Meeting Location	- To be determined
Quorum	- Unknown
Delegated Authority	- Nil
Purpose	- Formed to work together to improve the provision of health and allied services in York through collaboration, communication and lobbying (see Appendix 5).

Rural Water Council

1 x Councillor	- Cr Denis Warnick Cr Stephen Muhleisen (Deputy)
1 x Shire Staff	- Executive Manager Development & Infrastructure Services
Other LG members	- Shire of Toodyay Shire of Chittering Shire of Goomalling Shire of Gingin Shire of Victoria Plains Shire of Koorda Shire of Lake Grace Shire of Dandaragan Shire of Dowerin Shire of Merredin Shire of Moora Shire of Mount Marshall Shire of Mukinbudin Shire of Narembeen Shire of Nungarin Shire of Westonia Shire of Wongan-Ballidu
Officer Responsible	- Robert Dew, Executive Officer, Rural Water Council of WA (Inc)
Committee Administration	- Rotated between members
Meeting Schedule	- Quarterly
Meeting Location	- Various (rotated between member Shires)
Quorum	- Unknown
Delegated Authority	- Nil
Purpose	- The objects and purposes of the Association are - (a) To raise awareness of water supply issues relating to farmland and communities in rural and dryland agricultural areas. (b) To endeavour to obtain equitable distribution state wide of funds for water supply improvement to minimise the difficulty caused by the inadequate domestic, spraying and stock water in dryland agricultural areas. (c) To work with all relevant Government agencies, water advisory groups and other stakeholders to encourage and support research and development to optimise alternative management and use of water supplies. (d) To raise awareness of the need to improve and maintain rural and town water supplies and infrastructure. (e) To contribute to regional planning and policies relating to the allocation and use of water resources in rural and dryland agricultural areas.

- (f) To represent the water needs of our member communities.
- (g) To raise awareness of the need to effectively manage water resources.
- (h) To provide input to and seek membership of appropriate water advisory groups and the like.

Paint York REaD

2 x Shire Representatives	- Cr Ashley Garratt Cr Jane Ferro (Deputy)
	- Executive Manager, Corporate & Community Services
Other Members	- 13 Committee Members
Chairperson	- Meg Boyle
Working Group Administration	- Meg Boyle, Charlotte Macdonald
Meeting Schedule	- Irregular, approximately once a quarter
Meeting Location	- York Early Years Hub
Quorum	- Unknown
Delegated Authority	- Nil
Purpose	- To encourage everyone in the community to read, talk and sing with children from birth to ensure they are ready to learn at school. (A branch of the national 'Paint the Town ReaD' organization).

APPENDIX 1 – Form – Declaration of Interest – Committees and Reference/Working Groups

Refer following page for form.



DECLARATION OF INTEREST FORM

In accordance with Section 5.65(1) of the *Local Government Act 1995* a member who is a Councillor or a Shire employee who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest.

Meeting Date: _____

Meeting: _____

Name and Position of Person Disclosing the Interest:

Name: _____

Position: _____

INTEREST: FINANCIAL / PROXIMITY / IMPARTIAL (*please circle*)

Item Number: _____

Item Title: _____

Nature of Interest: _____

Withdrew At: _____

Returned At: _____

Impartiality Declaration (*to be read aloud at meeting by person declaring the interest*)

With regard to (item title), the matter in Item.....

I disclose that I have an association with the applicant (or person seeking a decision. The association is (nature of interest)

As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

Signature of Person Declaring Interest

Date

DECLARED TRIVIAL: YES / NO

MOVED: _____

SECONDED: _____

CARRIED / LOST

APPENDIX 2 – Terms of Reference – Avon Regional Organisation of Councils (AROC)

AROC

Avon Regional Organisation of Councils



Memorandum of Understanding for the operation of the AROC Group Agreement

BETWEEN THE:

SHIRE OF GOOMALLING
SHIRE OF NORTHAM
SHIRE OF TOODYAY
SHIRE OF VICTORIA PLAINS
SHIRE OF YORK

Adopted at an AROC Meeting held on 21 September 2020

(Res. No. 16/09/20)

September 2020

Memorandum of Understanding
Avon Regional Organisation of Councils (AROC)

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Memorandum of Understanding
Avon Regional Organisation of Councils (AROC)

A. Description of the Memorandum of Understanding (MOU)

1. The purpose of this document is to set out the framework for regional cooperation between the member local governments.
2. The regional body shall be known as the Avon Regional Organisation of Councils, or under the short form AROC.
3. AROC will not be a legal entity or a body corporate and may only operate under the auspices of one or more-member local governments.
4. AROC operates under the authority of Section 3.68 of the *Local Government Act 1995*.

B. Period of Agreement

1. This agreement shall apply from the date it is adopted by the member local governments for a period of five years. At the end of that period the members may:
 - Renew the agreement;
 - Change the agreement; or
 - Take no action, in which case the agreement ceases to have effect.
2. The agreement may be modified or cancelled at any time with the unanimous agreement of the member local governments.

C. Membership

1. Membership of the Avon Regional Organisation of Councils shall consist of the following organisations. Each member is a local government constituted under the Western Australian *Local Government Act 1995*.
2. Member local governments of the Avon Regional Organisation of Councils are:
 - Shire of Goomalling;
 - Shire of Northam;
 - Shire of Toodyay;
 - Shire of Victoria Plains; and
 - Shire of York.

D. Mission Statement

The mission of the Avon Regional Organisation of Councils is to:

“Work cooperatively for the benefit of the region and well-being of the community”

E. Purpose

The purpose of AROC is to arrange and facilitate Members:

- working together cooperatively to address regional problems, issues or challenges and advance the interests of the region;
- developing and implementing resource sharing strategies or regional service delivery models;
- delivery of training and development programs for elected members or staff; and
- Undertaking joint tendering or purchasing arrangements.

F. The AROC Governance Group

1. The prime decision-making body for AROC shall be the Governance Group;
2. The Governance Group will meet every two months at a time and place agreed by the group;
3. Each member local government shall have equal representation on the Governance Group;
4. The Governance Group shall consist of:
 - one Elected Member from each member local government, usually the mayor or Shire President;
 - one Senior Officer from each member local government, usually the CEO;
5. Each local government shall nominate an Elected Member to represent it on the Governance group;
6. Proxies are permitted;
7. Each member local government shall have a single vote to be exercised by their nominated elected member or proxy, or in the absence of an elected member by the CEO or senior officer present;
8. Governance Group meetings are not open to the public, but additional elected members from member local governments are encouraged to attend as observers;
9. Invited guests may attend the meeting to address particular issues and can remain for the remainder of the meeting unless decided otherwise by the meeting;
10. Members may attend by prior arrangement through instantaneous electronic communication.

G. The AROC Officer's Group

1. The AROC Officers Group will meet every two months at a time and place agreed by the Officers Group, in the months when the Governance Group does not meet;
2. Each member local government shall have equal representation on the Officers Group, usually the CEO;
3. Proxies are permitted; and
4. Decisions shall be by consensus.

H. Authority

1. The Governance Group will have authority from member local governments to deal with funds held by AROC from members and third-party contributions; except

2. The individual local government that is auspiced to deliver a program or project under third party grant funding shall ensure that the program or project is delivered and the funds are expended and acquitted in accordance with the grant agreement.

I. Meetings

1. AROC Governance Group meetings shall be convened at the time and at the place determined by the group;
2. The secretariat will prepare a program for the meeting that will consist of:
 - Matters referred by the Officers Group for consideration or decision;
 - Matters raised by individual member local governments for consideration;
 - Review of actions and progress arising from previous meetings or decisions;
 - Submissions, presentations or representations from third parties arranged by the secretariat or agreed by the Chairperson;
 - Such other matters as may be agreed by the Governance Group.
3. The meeting Program will generally be circulated one clear week prior to the Governance Group Meeting.
4. A quorum shall consist of delegates from four-member local governments.

J. Chairperson and Deputy Chairperson

1. The Chairperson and Deputy Chairperson of the Governance Group will be elected at the first Governance Group meeting following the local government Ordinary Elections, or at such other times as may be necessary if the position is vacated;
2. The Chairperson and Deputy Chairperson must be elected members from the member local governments;
3. The Chairperson shall have a deliberate vote only and no casting vote. Unresolved matters are to be referred to the next meeting;
4. If the Chairperson is absent, whether represented by a proxy or not, the Deputy Chairperson will preside;
5. If both the Chairperson and the Deputy Chairperson are absent, whether represented by proxies or not, the group will elect a presiding member for that meeting only.

K. Secretariat

1. An individual, member local government or other corporate body may be appointed to provide secretariat support to AROC. Unless the Governance Group determines otherwise the secretariat will be provided by the local government represented by the Chairperson;
2. The Governance Group will determine an annual fee for the provision of secretariat services at the time that it adopts its annual budget.

L. Treasury

1. A member local government will be appointed to act as Treasurer to hold, manage and account for funds held on behalf of AROC;
2. The Treasurer will provide regular financial reports to the Governance Group;
3. The Governance Group may determine an annual fee for the provision of Treasury services at the time that it adopts its annual budget.

M. Annual Financial Contribution

1. Each year at its April meeting the Governance Group will determine the annual contribution for member Councils for the following financial year;
2. The annual contribution shall be identical for each member Council;
3. The annual contribution will be not less than \$5,000 and not more than \$10,000 per member local government.

N. Project Financial Contribution

1. AROC through the Governance Group may decide to undertake a project or projects which require additional financial contributions from member local governments;
2. Projects must involve at least two local governments, but could involve all member local governments;
3. Each project will have a separate form of agreement which will ensure that:
 - The costs of the project are equitably distributed;
 - That any additional costs or savings are equitably distributed to participating local governments; and
 - That there will be no impost on, or windfall to those member local governments that choose not to participate.

O. New AROC Members

1. The Governance Group may by unanimous agreement:
 - Allow an additional local government to become a member; or
 - Invite an additional local government to become a member.
2. Any new member will be required to buy in to the Avon Regional Organisation of Councils;
3. The buy in figure will be determined by preparing a balance sheet for AROC and dividing the net equity position by the number of Members.

P. Withdrawal of AROC Members

1. AROC members recognise and agree that participation in AROC is a long-term strategy and any decision to withdraw should be reflective of the long-term nature of the commitment;

2. A retiring member must give at least one full financial year notice of an intention to withdraw;
3. At the conclusion of the notice period the departing member will be entitled to receive a payout calculated as the AROC net position not including any restricted funds, at 30 June divided by the number of members;
4. A member may withdraw at any time without notice but will be required to pay any contributions due and payable up to the end of the current financial year but will not be entitled to any distribution of assets.

Q. Focus Areas

1. AROC will agree on key focus areas that will inform priorities, planned projects and activities for the next two-year period;
2. The focus areas will be outlined in a schedule to this MOU;
3. The Schedule will be reviewed annually.

R. Executed by the Parties

Shire of Goomalling

SHIRE PRESIDENT

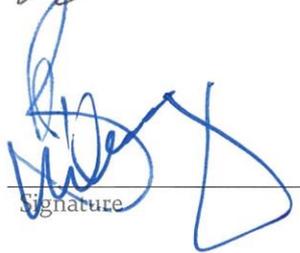
BARRY HAYWOOD
Printed Name


Signature

Date

CHIEF EXECUTIVE OFFICER

PETER BENTLEY
Printed Name


Signature

Date

Shire of Northam

SHIRE PRESIDENT

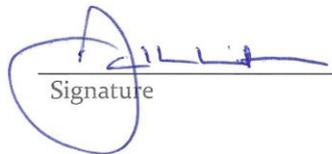
Christopher Richard Antonio
Printed Name


Signature

Date

CHIEF EXECUTIVE OFFICER

JASON BRIAN WHITEAKER
Printed Name


Signature

Date

Shire of Toodyay

SHIRE PRESIDENT

ROSEMARY MADRASI
Printed Name

R. Madras
Signature

16.11.20
Date

CHIEF EXECUTIVE OFFICER

SUZIE HASLEHURST
Printed Name

S. Haslehurst
Signature

16.11.20
Date

Shire of Victoria Plains

SHIRE PRESIDENT

Pauline Bantock
Printed Name

P. Bantock
Signature

16.11.20
Date

CHIEF EXECUTIVE OFFICER

Glenda Teede
Printed Name

G. Teede
Signature

15.02.21
Date

Shire of York

SHIRE PRESIDENT

Denese Smythe
Printed Name


Signature

16/11/2020
Date

CHIEF EXECUTIVE OFFICER

Chris Linnell
Printed Name


Signature

16-11-2020
Date

S. Schedule 1 – AROC Focus Areas

It is agreed that the key Focus Areas for activities undertaken by the Avon Regional Organisation of Councils will include:

1. Regional Effectiveness (e.g. regional waste management contract);
2. Economic Development (e.g. tourism development, events); and
3. Other specific projects (e.g. governance, infrastructure activities).

APPENDIX 3 – Letter of Invitation – River Conservation Society



PO Box 846 York WA 6302
Web: riverconservationsociety.org
Facebook: York River Conservation Society

22nd November 2019

Mr. Allen Cooper
Acting Chief Executive Officer
Shire of York

Dear Allen,

On the 21st October a member of the River Conservation Society's committee sent an email to Councillor Denese Smythe requesting her to consider being the Shire of York's representative on the RCS committee. At the time the RCS was not aware that Denese would be elected Shire President and be subjected to the associated workload that the position entails. We do not wish to add to her workload by specifically requesting her to be the Shire's representative for our group.

The River Conservation Society would like to request that representation from among the Shire Councillors be open to all the Councillors to consider. Ideally the representative should be someone who has an interest in environmental and landcare issues within the Shire of York.

Regards

John Crook
Chairperson
River Conservation Society, York
Phone: 0429 799 450
Email: chairriverconservationyork@gmail.com

APPENDIX 4 – Letter of Invitation – York District High School Board

20/5/17

York Shire CEO, York Shire President & York Shire Councillors
Shire of York
Joaquina St
YORK WA 6302

Dear Mr Paul Martin, Cr David Wallace, Cr Denese Smyth, Cr Heather Saint, Cr Pam Heaton,
Cr Jane Ferro, Cr Trevor Randell and Cr Tricia Walters

RE: York DHS School Board Community Member Position

I am writing on behalf of the York DHS School Board seeking a representative from the Shire of York Council as a Community Member on the School Board.

As a Board, we believe that close connection between the Shire and York DHS is very beneficial to both groups in the short term and longer term. The Shire has the role of providing a range of positive services, facilities and support for its residents. Whilst the School has the role of providing a range of learning environments and programs to ensure the students have the skills to become the positive future residents of the community in which they live.

The role of the School Board is to work closely with the school to achieve the best possible outcomes for the students within the guidelines of required legislation. Currently, the school Board consists of representative of the parent body and school staff. We have a vacant position for a Community Member which we wish to fill with a representative of the York Shire Council.

Our meetings are held Monday evenings at the school; twice per term commencing at 7.30pm and concluding (at the latest), at 9pm. In previous meetings, we have discussed matters such as school policy, finances, programs, resourcing, future needs, future direction, parent/community workshops etc.

Please do not hesitate to contact me should you require any further information: 96411898 (business hours)

I look forward to your reply and thank you for your consideration of this important aspect of our community.

Regards

Brenda Treloar
Parent Representative
York DHS School Board.

APPENDIX 5 – Terms of Reference – York Health (Hospital) Advisory Group

HS-GEN-3
J184446

York Hospital Advisory Group (YHAG) Terms of Reference

In 2017 it was a legal requirement that all Local Health Advisory Groups update their Terms of Reference and return them to DHAC, therefore, the attached Terms of Reference are what YHAG should operated under.

York Hospital Advisory Group (YHAG)

Purpose

The purpose of the Local Health Advisory Group is to provide a forum for:-

- Ongoing communication and interaction between the West Australian Country Health Services (WACHS) and community members.
- Development of workable solutions for local health service related issues.

Terms of Reference

The Local Health Advisory Group will advise and support local health service providers in an environment of co-operation, shared understanding and consensus.

It is responsible for advising the Director of Nursing /Health Service Manager and/or Primary Health Manager, District Manager, Regional Director and District Health Advisory Council (DHAC) on matters relating to health service quality, access, co-ordination and planning in the local setting.

Service Quality & Information

- The health service's performance in terms of consumer care indicators, code of ethics and hospital charter of patient rights and responsibility;
- the health service's consumer care policies and procedures;
- consumer and community health related information developed by the Health Service;
- consumer complaint follow up and associated services improvement.

Service Access, Co-ordination and Planning.

- The best and most sustainable options for improving service access locally considering the district/regional context;
- improving service co-ordination;
- possible new and modified services;
- issues to be considered in service planning;
- the development of local/district consumer satisfaction surveys;
- activities, initiatives and projects that impact on users of the health service.

The Local Health Advisory Group will be included in relevant health service accreditation processes.

Membership

The Local Health Advisory Group membership should reflect and have the capacity to represent community and consumer diversity. Membership should be drawn from, but not limited to, consumers, local government and health related professionals and agencies.



Recommended number of members is 5-12 and includes:-

Chairperson and Deputy Chairperson, who should not be an employee of a health service agency representative, Council Representative or a health service provider.

DHAC representative

Shire of York representative

The Health Service Manager will be a member.

Country Women's Association

St John's Ambulance

Linking with District Health Advisory Council (DHAC).

Local Health Advisory Groups will have the opportunity to inform and advise the District Health Advisory Councils about local health issues.

Method and Terms of Appointment

Expressions of interest for membership will be advertised in local papers, newsletters and on local Notice Boards.

The Chairperson and the Deputy Chairperson will be selected by the membership at the first meeting and serve a term of 12 months. In the absence of the Chairperson, the Deputy Chairperson will act as Chairperson.

Members will not serve a fixed term but it is recommended that in order to achieve diversity and renewal of consumer input, members should serve terms of 2-3 years.

Frequency and Time of Meetings.

This will be determined by the membership in conjunction with the local Health Service Manager.

A tentative meeting schedule should be developed for the year. Changes to this schedule should be made at least 7 days in advance.

Action plans that outline key issues discussed and actions and resolutions made should be distributed within 10 working days of the meeting.

Administrative support for the meetings will be provided by the Health Service. The Advisory Group may choose to elect a Secretary to help with administrative support.

Confidentiality

Local Health Advisory Group members must be aware of the need for sensitive and confidentiality in relation to matters addressed by the Group, particularly related to issues that are sensitive or deal with individual experiences.

When it arises members must disclose a conflict of interest.

March 2017