

8.1.13 PROPOSED REVISION TO COMMITTEE STRUCTURE AND ADVISORY GROUPS

AUTHOR OF REPORT:	Chief Executive Officer
PREVIOUS REPORT(S):	5066 – 24 October 2023
DISCLOSURE OF INTEREST:	Nil
FILE REFERENCE:	GV.CO.2
STRATEGIC DOCUMENT REFERENCE:	Nil
ATTACHMENTS:	Nil

OFFICER RECOMMENDATION

Moved Cr

Seconded Cr

That Council

1. **AMENDS Council Policy C1 Standing Committees to reflect that the formal Committees of Council established under section 5.8 of the *Local Government Act 1995* are:**
 - a. **Audit Committee**
 - b. **CEO Review Committee**
2. **AGREES that the following formal Committees of Council previously established under section 5.8 are disbanded:**
 - a. **Bush Fire Advisory Committee**
 - b. **Finance and General Purpose Committee**
 - c. **Local Emergency Management Committee**
 - d. **Sportsground Advisory / Recreational Centre Committee**
 - e. **Sportsground Precinct Redevelopment Committee**
 - f. **Works and Services Committee**
3. **ESTABLISHES a Bush Fire Advisory Committee under section 67 of the *Bushfires Act 1954* with the following appointments:**
 - a. **Councillors appointed at the October 2023 Special Council Meeting being:**
 - i. **Cr Blight**
 - ii. **Cr Kilpatrick (proxy)**
 - b. **Fire Control Officers appointed in 2023-24 being:**
 - i. **S Angwin**
 - ii. **B Becker**
 - iii. **W Brockway**
 - iv. **C Clifton**
 - v. **C Goldsmith**
 - vi. **R Goldsmith**
 - vii. **L Lucas**
 - viii. **I McDougall**
 - ix. **C Piesse**
 - x. **B Robinson**
 - xi. **A Rowell**
 - xii. **T Storer**
 - xiii. **G Thompson**

- xiv. P Ward
- xv. X White
- 4. **AUTHORISES** the Shire President to call meetings of the Bush Fire Advisory Committee
- 5. **REQUESTS** that membership of the Bush Fire Advisory Committee is discussed at this meeting of the Bush Fire Advisory Committee
- 6. **AGREES** that a Local Emergency Management Committee under s38 of the *Emergency Management Act 2005* be established with the following appointments:
 - a. Councillors appointed at the October 2023 Special Council Meeting
 - i. Cr Blight
 - ii. Cr Kilpatrick (proxy)
 - b. Member agencies and members per the Shire's Local Emergency Management arrangements being:
 - i. DFES
 - ii. DEMA
 - iii. Chief Bushfire Control Officer
 - iv. Deputy Chief Bushfire Control Officer
 - v. Deputy Chief Bushfire Control Officer
 - vi. St Johns Ambulance
 - vii. Wagin Hospital
 - viii. Waratah Lodge
 - ix. Wagin District High School
 - x. Manager Wagin SES
 - xi. Deputy Management Wagin SES
 - xii. Captain VRFS Wagin
 - xiii. VFFS
 - xiv. Wagin Medical Centre
 - xv. Western Power
 - xvi. Department of Communities
 - xvii. Department of Biodiversity, Conservation and Attractions
 - xviii. Water Corporation
 - xix. Roadwise
 - xx. Main Roads
 - xxi. Telstra
 - xxii. Department of Primary Industries and Regional Development
 - xxiii. Wagin Action Group
 - xxiv. Lions Club of Wagin
 - xxv. Rotary Club of Wagin
 - xxvi. Wagin Homecare
 - xxvii. Silver Chain
 - xxviii. Wagin Agricultural Society
 - xxix. Salvation Army
- 7. **AUTHORISES** the Shire President to call meetings of the Local Emergency Management Committee
- 8. **AGREES** to the establishment of a Sport and Recreation Advisory Group to replace the Sportsground Advisory / Recreational Centre Committee and Sportsground Precinct Redevelopment Committee and

RESOLVES that Councillor appointments to these Committees made at the October 2023 Special Council Meeting transfer to the Sport and Recreation Advisory Group being:

- a. Cr Chilcott
- b. Cr Longmuir
- c. Cr Blight

9. **REQUESTS the preparation of a terms of reference for the Sport and Recreation Advisory Group that merges the terms of reference for the Sportsground Advisory / Recreational Centre Committee and Sportsground Precinct Redevelopment Committee.**
10. **AUTHORISES the amendment of the terms of reference for the Health Services Committee and Townscape and Tourism Committee to transition these Committees to an Advisory Group;**
11. **REQUESTS that invitations to the Health Services Advisory Group are distributed per the membership and that expressions of interest received will be presented to Council**
12. **REQUESTS that an expression of interest for membership be undertake for the Townscape and Tourism Advisory Group and that expressions of interest received will be presented to Council**
13. **CALLS a meeting of the Audit Committee for Tuesday, 12 March 2024 at 5:30PM.**

BRIEF SUMMARY

Council has previously resolved that it utilise eight formal Committees of Council defined under section 5.8 of the *Local Government Act 1995*. At the November 2023 Ordinary Council Meeting, Council resolved to adopt terms of reference for a further two formal Committees of Council be at a later meeting.

Officers contend that revisions to this committee structure to replace formal Committees with Advisory Groups and streamline groups would reduce red tape and enable Committees to better serve Council.

Committees of Council established under s5.8 of the Act carry with them significant legislative overheads which may not be the most efficient option for the Shire.

The recommendations in this paper will ensure better compliance with legislation and business efficiency.

BACKGROUND/COMMENT

Council currently has resolved to establish eight formal Committees of Council. These are:

- Finance and General-Purpose Committee
- Works and Services Committee
- Audit Committee
- CEO Review Committee

- Bushfire Advisory Committee
- Local Emergency Management Committee
- Sportsground Precinct Redevelopment Committee
- Sportsground Advisory Committee.

The eight committee approach is reinforced in Council Policy C1 Standing Committees which lists the Shire's Committees.

At the November 2023 Ordinary Council Meeting, Council resolved to adopt terms of reference for two additional committees with the intention of establishing them as formal committees of Council at a later date being Health Advisory Committee and Townscape and Tourism Committee.

Formal Committees of Council established under Section 5.8 of the *Local Government Act 1995* have a series of rules and formalities in legislation. Officers contend that these rules and formalities while suited to certain Committee types and purposes are not necessarily the best fit for the intended purpose of the Shire's Committees.

The rationale for moving away from formal Committees of Council is as follows:

- the current Committee structure was established when the Shire's number of elected members was double the current composition and which necessitated dividing responsibilities amongst elected members. With fewer elected members such a requirement is lessened.
- under section 5.11 of the *Local Government Act 1995*, the membership of a committee expires at least at every ordinary local government election. This means that all members of formal committees such as LEMC and BFAC must be reappointed each election.
- under section 2.1 of the Shire of Wagin's Standing Orders Local Law, a formal committee of Council can only be called by the Presiding Member of the Committee or by at least 1/3 of Committee Members. This complicates the calling of meetings if Council has not set the dates in advance. Officers note that previous practice for Officers to call meetings of certain committees does not accord with legislation.
- formal Committees of Council are required by legislation to follow the Shire's Standing Orders rules concerning the order of business and debate. Formal Committees of Council are the same as Council meetings in that progress through a series of items, each resolved through a majority decision. Formal Committees of Council are ill-suited to free discussion and exchange of ideas because this is not permitted by the formal structure of the Standing Orders.
- following changes in legislation, any external member of a formal Committee of Council is entitled to be remunerated for their transport and childcare costs of attending a meeting. While no members currently claim these fees this

could have a cost impact to operate Committees with external members into the future.

- external members of Committees of Council are bound by the model code of conduct set out in the *Local Government (Model Code of Conduct) Regulations 2021* which sets a high level of standard of conduct which may dissuade participation by external members.
- in at least one case the Terms of Reference of a formal Committee includes the appointment of an Officer of the Shire as a non-voting delegate. This cannot occur under the Act. Under the Act, each member appointed to a Committee is entitled to a vote and it is an offence under the Act for a member not to vote. Likewise as a formal Committee of Council legislation requires that a person in name be appointed not a representative of an entity.
- in December 2023 Council introduced Council Forums as a means of exchanging ideas and discussing projects of strategic importance. This initiative will replace much of the need of some of the Committees. It is also notable that neither the Finance and General Purpose Committee, Sportsground Advisory Committee, or Sportsground Precinct Redevelopment Committee met in 2023 and that the Works and Services Committee met once in 2023.

Officers propose that the Shire’s approach to Committees is streamlined. This would change a number of the formal committees of Council to ‘Advisory Groups’ and in the case of Bush Fire Advisory Committee and Local Emergency Management Committee revert them back to their a ‘Committee’ under their conventional legislative head of power.

The proposed approach for each Committee is shown in the table below:

Committee	Proposed action
Audit Committee	Retain
Bushfire Advisory Committee	Revert to an advisory committee established under s67 of the <i>Bush Fires Act 1954</i> .
CEO Review Committee	Retain
Financial and General Purposes Committee	Disband and replace with discussions at Council Forum
Local Emergency Management Committee	Revert to a committee under s38 of the <i>Emergency Management Act 2005</i>
Sportsground Advisory / Recreation Centre Management Committee	Transition to a Sport and Recreation Advisory Group
Sportsground Precinct Redevelopment Committee	Transition to a Sport and Recreation Advisory Group
Works and Services Committee	Disband and replace with discussions at Council Forum
Finance and General Purpose	Disband and replace with discussions at Council Forum

Health Advisory Committee	Transition to a Health Services Advisory Group
Townscape and Tourism Committee	Transition to a Townscape and Tourism Advisory Group

Recommendations from all groups would continue to be presented to Council for decision.

If Council was in favour of this approach, the following steps are proposed:

1. Amend Council Policy C1 to reflect the new Committee structure;
2. Request that terms of reference are prepared for a Sport and Recreation Advisory Group for Council's consideration at the April 2024 Ordinary Council Meeting;
3. Amend the terms of reference for the
 - Health Services Committee; and
 - Townscape and Tourism Committee
 to transition to the Committees to Advisory Groups;
4. Initiate an expression of interest for membership for the:
 - Health Services Committee; and
 - Townscape and Tourism Advisory Group

and present the outcomes of the Expression of Interest to Council.

This approach will enable invitations to be sent for the Health Services Advisory Group and for that group to commence work in earnest and for expressions of interest for the community member positions on the Townscape and Tourism Advisory Group to be presented at the April 2024 Ordinary Council Meeting.

Bush Fire Advisory Committee

The BFAC has an important role established by the *Bush Fires Act 1954* and the Shire's *Bush Fire Brigades Local Law 2023*. By making the BFAC a formal committee under the *Local Government Act 1995*, the BFAC effectively is currently operating under two legislative frameworks with competing and contradictory rules. The BFAC has an important role providing advice regarding:

- matters related to previously controlled and extinguished bush fires;
- planning layout of fire breaks in the district;
- advice pertaining to prosecutions for breaches of the *Bush Fires Act 1954*;
- advice pertaining to the formation of Brigades; and
- coordination and cooperation between Brigades and Agents.

The Shire's *Bush Fire Brigades Local Law 2023* is prescriptive regarding the method and means of appointing members. As the Shire has established a BFAC in accordance with Clause 3.10 of the Local Law but not appointed members from

Brigades, Officers propose that for the time being Council appoints the Fire Control Officers appointed for 2023-24 as members of the BFAC and that the future membership of BFAC is discussed at a meeting of BFAC and considered by Council at a later date.

In the absence of an adopted terms of reference and convention, it is proposed that Council authorise the Shire President to call meetings of the BFAC.

Local Emergency Management Committee

The LEMC's role includes:

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

Like the BFAC, the Shire's Local Emergency Management Committee currently operates under two competing legislative frameworks because it has been established as a formal Committee of Council under the *Local Government Act 1995*.

To address this, Officers propose that the LEMC operate solely under section 38 of the *Local Emergency Management Act 2005* and in accordance with the Shire's Local Emergency Management Arrangements.

The Shire's adopted Local Emergency Management Arrangements (2020) state that membership of the Committee is to comprise the:

- Shire President (Chair)
- Deputy Chair (OIC Wagin Police Station); and
- Member agencies being:
 - DFES
 - DEMA
 - Chief Bushfire Control Officer
 - Deputy Chief Bushfire Control Officer
 - Deputy Chief Bushfire Control Officer
 - St Johns Ambulance
 - Wagin Hospital
 - Waratah Lodge
 - Wagin District High School
 - Manager Wagin SES

- Deputy Management Wagin SES
- Captain VRFS Wagin
- VFFS
- Wagin Medical Centre
- Western Power
- Department of Communities
- Department of Biodiversity, Conservation and Attractions
- Water Corporation
- Roadwise
- Main Roads
- Telstra
- Department of Primary Industries and Regional Development
- Wagin Action Group
- Lions Club of Wagin
- Rotary Club of Wagin
- Wagin Homecare
- Silver Chain
- Wagin Agricultural Society
- Salvation Army

It is proposed that Council authorise the Shire President to call meetings of the LEMC.

Audit Committee

It also proposed that Council call an Audit Committee for Tuesday, 12 March 2024. This meeting would elect a Presiding Member and consider the 2024 Compliance Audit Return in time for the Return to be considered by Council at the March Ordinary Council Meeting and submitted to the Department by 31 March 2024.

CONSULTATION/COMMUNICATION

Nil

STATUTORY/LEGAL IMPLICATIONS

The proposed approach would achieve greater consistency with the *Local Government Act 1995*, *Bushfires Act 1954* and *Emergency Management Act 2005*.

POLICY IMPLICATIONS

Council's approach to Committees is set out in Council Policy C1. It is proposed to amend this policy to reflect the changes.

FINANCIAL IMPLICATIONS

Under the Shire's current approach, Council Members are entitled to receive meeting fees for each formal Committee of Council they attend. Under the revised approach, based on the number of meetings held in 2023, there would be three less committee meetings that would be replaced by advisory group meetings that are not eligible for

sitting fees. Council may wish to alter their fee structure when considering the 2024/25 budget.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority