



SHIRE OF ESPERANCE

Council Committees Terms of Reference

Table of Contents

Introduction	3
Council Committees	4
Terms of Reference - Audit Risk & Improvement Committee	5
Terms of Reference - Bush Fire Advisory Committee	9
Terms of Reference - Behaviour Complaints Committee	11
Working Groups Quick Reference	14
External Committees Quick Reference	15

Introduction

Under the powers of the *Local Government Act 1995*, Council has the power to establish committees of three 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.

The Esperance Shire Council has established both standing and advisory committees, which directly report to Council. In addition, there are also a number of Working Groups and external, non-Council committees with Council representation.

The objective of this document is to –

- (1) Provide a reference detailing Council standing and advisory committees, as well as those Working Groups and external committees with Council representation; and
- (2) Outline the adopted Terms of Reference for each of the Council Committees.

Subdivision 2 of Division 2 of Part 5 of the *Local Government Act 1995* outlines the establishment of committees and the structure of their meetings. Council Committees are also subject to the Shire of Esperance *Standing Orders Local Law 2015* which is available on the Shire Website.

Council Committees

Committee	Members	Deputy
Audit Committee	Michele Bennetts (Chair) Ken Mills (Deputy Chair) Cr de Haas Cr Johnston Cr Obourne Cr McWilliam	N/A
Behaviour Complaints Committee	Pres Chambers (Chair) Cr Obourne (Deputy Chair) Cr Johnston Cr Harp Cr Graham	Cr Starcevich
Bush Fire Advisory Committee	Cr Graham (Chair)	Pres Chambers (Deputy Chair)

Audit, Risk and Improvement Committee

Committee Type

Statutory Committee

Role

1. The primary objective of the Audit, Risk and Improvement 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.
2. 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.
3. The committee is to facilitate –
 - a. the enhancement of the credibility and objectivity of internal and external financial reporting;
 - b. effective management of financial and other risks and the protection of Council assets;
 - c. compliance with laws and regulations as well as use of best practice guidelines relative to auditing;
 - d. the coordination of the internal audit function with the external audit; and
 - e. the provision of an effective means of communication between the external auditor, internal auditor, the CEO and the Council.

Membership

Committee Members

- 4 Elected Members
- 2 external person

Presiding Member and Deputy Presiding Member positions will be filled by external persons.

External persons appointed to the committee will have business or financial management/reporting knowledge and experience and be conversant with financial and other reporting requirements.

A shared regional independent Chair will be appointed through the Shire's affiliation with the Goldfields Voluntary Regional Organisation of Councils (GVROC).

Appointment of Deputy Chair shall be made by Council by way of a public advertisement and be for a maximum term of two years. The terms of the appointment

should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives.

Ex-Officio Members

- Chief Executive Officer
- Shire employees as required

Executive Officer

- Director Corporate & Community Services

Term of Office

Membership of the Committee continues until the person no longer holds office by virtue of which the person became a member, the Committee is disbanded, or the next ordinary election; whichever happens first.

Quorum Requirements

A quorum is achieved by –

- a) Attendance by the Presiding Member;
- b) Attendance by the Executive Officer; and
- c) Attendance by over 50% of the appointed voting members

Designated Powers & Duties

1. 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.
2. The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference. This is 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.

The duties and responsibilities of the committee will be –

1. Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits;
2. Liaise with the appointed auditors of the Office of the Auditor General (OAG) on findings and recommendations of the external audits provided.
3. Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;
4. Liaise with the CEO to ensure that the local government does everything in its power to –

- a. assist the auditor to conduct the audit and carry out his or her other duties under the *Local Government Act 1995*; and
 - b. ensure that audits are conducted successfully and expeditiously;
- 5. Examine the reports of the auditor after receiving a report from the CEO on the matters and –
 - a. determine if any matters raised require action to be taken by the local government; and
 - b. ensure that appropriate action is taken in respect of those matters;
- 6. 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;
- 7. Review the scope of the audit plan and program and its effectiveness;
- 8. Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or CEO;
- 9. Review the level of resources allocated to internal audit and the scope of its authority;
- 10. 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;
- 11. Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs;
- 12. Review the local government's draft annual financial report, focusing on –
 - a. accounting policies and practices;
 - b. changes to accounting policies and practices;
 - c. the process used in making significant accounting estimates;
 - d. significant adjustments to the financial report (if any) arising from the audit process;
 - e. compliance with accounting standards and other reporting requirements; and
 - f. significant variances from prior years;
- 13. Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation;
- 14. 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;
- 15. 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;
- 16. Review the annual Compliance Audit Return and report to the Council the results of that review; and
- 17. 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.

Reporting To

Ordinary Council

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Document Information

Responsible Position	Chief Executive Officer
Meeting Frequency	As required

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Next Review
Oct 2023	1	D23/30039	Remove reference to signing financial report in point 16, Reword point 19 regarding the annual compliance audit return. Add point 20 for biennial reviews as required under Audit Regulation 17.	Oct 2025
Nov 2023	2	D23/30039[v2]	Remove points relating to auditor and replace with reference to OAG.	Oct 2025
Oct 2025	3	D23/30039[v3]	Biennial Review – update title to include Risk and Improvement. Adjust membership to 2 independent members and reference GVROC independent member as Chair.	Oct 2027

Bush Fire Advisory Committee

Committee Type

Advisory Committee

Role

To provide advice and guidance to Bush Fire Brigades and the community in matters relating to the safe, efficient and effective fire prevention in the Shire of Esperance.

Membership

Committee Members *(voting, includes deputies)*

- 1 Elected Member and 1 Deputy Elected Member
- Chief Bush Fire Control Officer
- Deputy Chief Bush Fire Control Officer
- 1 Senior Bush Fire Control Officer and 1 Deputy for each Bush Fire Zone in the Shire of Esperance
- 1 Delegate as nominated by each Bush Fire Brigade in the Shire of Esperance

Ex-Officio Members *(non-voting, officers/organisations providing advice/expertise)*

- Community Emergency Services Coordinator
- Area Officer for Department of Fire and Emergency Services
- 1 Representative as nominated by Department of Biodiversity, Conservation & Attractions

Executive Officer *(non-voting, Director/CEO title or their nominee)*

- Manager Ranger & Emergency Services or their nominee.

Term of Office

Membership of the Committee continues until the person no longer holds office by virtue of which the person became a member, the Committee is disbanded, or the next ordinary election; whichever happens first.

Quorum Requirements

A quorum is achieved by –

- a) Attendance by a nominated Elected Member or their deputy;
- b) Attendance by the Executive Officer, and;
- c) Attendance by over 50% of the appointed voting members (including the Elected Member)

Designated Powers & Duties

To advise the Shire of Esperance on all matters relating to –

- a) the preventing, controlling and extinguishing of bush fires;
- b) the planning of the layout of fire-breaks in the district;
- c) the formation of bush fire brigades;
- d) the grouping thereof under group brigade officers;
- e) the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities; and
- f) any other matter relating to bush fire control.

Reporting To

Ordinary Council

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Document Information

Responsible Position	Manager Ranger & Emergency Services
Meeting Frequency	At least twice per year, with the AGM no later than June

Referencing Documents

- *Local Government Act 1995*
- *Bush Fires Act 1954 s.67*

Revision History

Date	Version	CM Reference	Reason for Change	Next Review
Oct 2025	1	D25/33252	Include reference to AGM and remove specific months for more flexibility.	Oct 2027

Behaviour Complaints Committee

Committee Type

Statutory Committee

Role

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the *Local Government Act 1995* (the Act) for the purpose of dealing with Behaviour Complaints made under the Behaviour section of the Shire of Esperance's Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

The extent of authority provided to the Behaviour Complaints Committee is specified in the relevant Delegated Authority, and includes -

1. Dismissing a behaviour complaint in accordance with clause 2.7 of the Code of Conduct and providing reasons for any such dismissal.
2. Making a Finding as to whether an alleged complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur [*clause 2.6(3) of the Code of Conduct*].
3. Determining reasons for such a Finding.
4. Where a Finding is made that a breach has occurred, determining -
 - a. To take no further action; or
 - b. Prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
 - c. The extent of authority of the Behaviour Complaints Committee is limited by Condition of the Delegated Authority.

Membership

Committee Members

- Shire President (Chair)
- Deputy Shire President (Chair if Shire President not available)
- 3x Elected Members
- 1x Elected Member (Deputy)

The Delegated Authority Condition prescribes that if an appointed Committee Member is identified in the Complaint as either the Complainant or the Respondent, they are to recuse themselves from the Committee's Function by providing an apology. They are to be replaced for the duration of the handling of the subject Complaint by a Deputy Committee Member, selected by the Chair of the Committee.

Ex-Officio Members

- Chief Executive Officer
- Shire employees as required

Executive Officer

- Director Corporate & Community Services

Term of Office

Membership of the Committee continues until the person no longer holds office by virtue of which the person became a member, the Committee is disbanded, or the next ordinary election; whichever happens first.

Quorum Requirements

A quorum is achieved by –

- a) Attendance by the Chair; and
- b) Attendance by over 50% of the appointed voting members

Designated Powers & Duties

The Behaviour Complaints Committee will act under Delegated Authority in accordance with s.5.16 of the Act. The delegation is recorded in the Shire of Esperance Register of Delegations.

It is a Condition of Delegated Authority that the Behaviour Complaints Committee will be unable to exercise delegated authority if the Complainant or Respondent attend as a Complaints Committee Member.

Complaints Behaviour Committee meetings are required to -

- a) be called and convened by the CEO, as required, in consultation with the Committee's Chair;
- b) include public question time *[Admin.r.5]*
- c) make the Committee Notice Papers and Agenda publicly available *[s.5.94(p), s.5.96A(f)]*, with the exception of agenda content that relates to that part of the meeting which will be closed to members of the public under s.5.23(2) *[Admin.r.14]*; and
- d) make Committee minutes publicly available *[s.5.94(n), s.5.96A(h)]*, with the exception of Minutes content that relates to that part of the meeting which was closed to the public or was determined as confidential under s.5.23(2).

Reporting To

Ordinary Council

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Document Information

Responsible Position	Director Corporate & Community Services
Meeting Frequency	As required

Referencing Documents

- *Local Government Act 1995*
- Code of Conduct Behaviour Complaints Management Policy
- Code of Conduct for Council Members, Committee Members and Candidates
- Delegated Authority Register

Revision History

Date	Version	CM Reference	Reason for Change	Next Review
May 2024	1	D24/37446	New Committee	Oct 2025
Oct 2025	2	D24/37446[v2]	Biennial review. No changes	Oct 2027

Working Groups Quick Reference

The following are Working Groups with Council representation. The elected membership of these Working Groups as listed is reviewed following the biennial local government elections.

Working Group	Members
Esperance Twin Town Working Group	Cr Davies Cr McWilliam
Museum Working Group	Cr de Haas Pres Chambers
Esperance Tourism Stakeholder Working Group	Cr McWilliam Cr Johnston
Cemetery Working Group	Cr Starcevich Cr Johnston
Disability Access and Inclusion Working Group	Cr Harp Cr Obourne
Public Health Plan Working Group	Cr de Haas Cr Harp
Coastal Safety Working Group	Cr Obourne Cr Davies
Rural Roads Working Group	Cr Graham Cr Starcevich Cr McWilliam

External Committees Quick Reference

The following are external committees with Council representation. The elected membership of these committees as listed is reviewed following the biennial local government elections.

Committee	Members	Deputy	Capacity
Goldfields-Esperance Country Zone of WALGA, GVROC	Pres Chambers Cr Graham	Chief Executive Officer	Voting Member
Local Emergency Management Committee	Pres Chambers (Shire President)	Cr Obourne	Voting Member
Port of Esperance - Port Consultative Committee	Pres Chambers (Shire President)	Cr Harp	Ex-Officio
Roadwise	Cr Starcevich	N/A	Voting Member
Regional Road Group	Cr Graham	Cr Starcevich	Voting Member
Senior Citizens Centre Management Committee	Cr Obourne	Cr Starcevich	Ex-Officio
Regional Capitals Alliance Western Australia	Pres Chambers (Shire President) Chief Executive Officer	Cr Obourne (Deputy Shire President)	Voting Member
Development Assessment Panel	Cr Obourne Cr Starcevich	Pres Chambers Cr McWilliam	Voting Member
Mission to Seafarers	Cr Harp	N/A	