



*Shire of Esperance*

# **TERMS OF REFERENCES**

## Council Committees

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## DOCUMENT REVIEW HISTORY

<u>Date Last Amended</u>	<u>Reasons for Amendment</u>	<u>Council Resolution</u>	<u>Amended by</u>
<b>4 November 2015</b>	Amend titles of Council officers due to organisational restructure		Shane Burge
<b>16 November 2015</b>	Arts Collection Advisory Committee disbanded. Off Road Vehicle Working Group and Ralph Bower Adventureland Park Working Group added. Quick reference added and formatting updated.	S1115-027 S1115-030	Sarah Fitzgerald
<b>26 April 2016</b>	Amendment to GSG Redevelopment Committee Amendment to Lake Monji Community Development Group Amendment to Museum Management Committee Amendment to Twin Towns Committee Amendment to Off Road Vehicle Working Party	O0416-031 O0416-029 O0416-027 O0416-025 O0416-038	Rod Hilton
<b>1 October 2016</b>	New Esperance Visitor Centre Management Committee	O0916-025	Sarah Fitzgerald
<b>16 November 2016</b>	New Jetty Replacement Working Group	S1116-039	Sarah Fitzgerald
<b>6 December 2016</b>	Jetty Replacement Working Group – Amendment to Community Representation	S1216-055	Sarah Fitzgerald
<b>13 March 2016</b>	Amendment to Lake Monji Community Development Group Amendment to Adventureland Park Working Group	O0217-023 O0217-024	Sarah Fitzgerald
<b>3 July 2017</b>	New Youth Advisory Council New New Landfill Community Reference Group	O0617-130 O0617-129	Sarah Fitzgerald
<b>26 July 2017</b>	CEO Review Group dissolved and removed	O0717-167	Sarah Fitzgerald
<b>9 November 2017</b>	Review of ToR to coincide with appointment of Elected Members. Changes have been outlines in a Special Council Meeting item.	S1117-272 S1117-277 S1117-281	Sarah Fitzgerald
<b>1 March 2018</b>	Removal on Esperance Museum Management Committee	O0218-045	Sarah Fitzgerald
<b>28 March 2018</b>	New Museum Management Reference Group Change to membership of New Landfill Community Reference Group	O0318-081 O0318-088	Sarah Fitzgerald
<b>23 May 2018</b>	Change to the membership of the South Coast Management Group.	O0518-099	Sarah Fitzgerald
<b>5 July 2018</b>	Minor changes to Ralph Bower Adventureland Park Working Group.	O0418-077	Alli McArthur
<b>24 September 2019</b>	New Reconciliation Action Plan Working Group	O0919-189	Sarah Moroney
<b>29 October 2019</b>	Appointment of Council Members to Audit Committee	O01019-221	Sarah Moroney
<b>26 November 2019</b>	Review of ToR to coincide with Ordinary Local Government Elections. Changes have been outlined in the Agenda from the November Ordinary Council Meeting.	O1119-249 O1119-250 O1119-251	Sarah Moroney
<b>12 May 2020</b>	New Local Recovery Committee, Economic Sub Committee and Community Support Sub Committee	S0520-128 S0520-129	Mary Bidstrup

<b>26 May 2020</b>	New Streetscape Advisory Committee, and Terms of Reference endorsed. Local Recovery Committee, Economic Sub Committee and Community Support Sub Committee Terms of Reference endorsed.	O0520-140 O0520-156 O0520-157 O0520-158	Mary Bidstrup
<b>28 July 2020</b>	Change to the membership of the Streetscape Advisory Committee	O0720-224	Mary Bidstrup
<b>25 August 2020</b>	Amendments to Reconciliation Action Plan Working Group, Local Recovery Committee, Economic Sub Committee and Community Support Sub Committees	O0820-278 O0820-274	Sarah Walsh
<b>26 October 2021</b>	Review of Bush Fire Advisory Committee, Audit Committee and GVROC members and elected member representatives following Council Election	O1021-174	Sarah Walsh
<b>21 December 2021</b>	Biennial review, disband various committees, amend some committees to be working groups and appoint elected members	O1221-222	Sarah Walsh

## 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.

## QUICK REFERENCE

<u>Committee</u>	<u>Members</u>	<u>Deputy</u>
<b>Audit Committee</b>	Cr Mickel Cr Flanagan Cr McMullen Cr O'Donnell	N/A
<b>Bush Fire Advisory Committee</b>	Cr Graham	Cr Mickel

# **PART 1**

## **COUNCIL STANDING**

### **COMMITTEES**



## AUDIT COMMITTEE

<i>Document Status</i>	Current	<i>Version No</i>	11
<i>Document Controller</i>	Chief Executive Officer	<i>Res No</i>	O1021-174
<i>Last Reviewed</i>	26 October 2021		

### Committee Type

Statutory Committee

### Objectives of the Audit Committee

1. The primary objective of the audit 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:
  - 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.

### Powers of the Audit Committee

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.

## Membership

1. The committee will consist of five members with four elected and one external person. All members shall have full voting rights.
2. 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.
3. Appointment of external persons 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.
4. The CEO and employees are not members of the committee.
5. The CEO or his/her nominee is to attend all meetings to provide advice and guidance to the committee.
6. The local government shall provide secretarial and administrative support to the committee.

## Meeting Frequency

As required

## Reporting

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

## Duties and Responsibilities

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. Develop and recommend to Council an appropriate process for the selection and appointment of a person as the local government's auditor;
3. Develop and recommend to Council:
  - a list of those matters to be audited; and
  - the scope of the audit to be undertaken;
4. Recommend to Council the person or persons to be appointed as auditor;
5. 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;

6. Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;
7. 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;
8. 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;
9. 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;
10. Review the scope of the audit plan and program and its effectiveness;
11. Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or CEO;
12. Review the level of resources allocated to internal audit and the scope of its authority;
13. 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;
14. Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs;
15. 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;
16. 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;
17. 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;
18. 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

Review the Statutory Compliance Return and make a recommendation on its adoption to Council.

# **PART 2**

## **OTHER COUNCIL COMMITTEES**

## BUSH FIRE ADVISORY COMMITTEE

<i>Document Status</i>	Current	<i>Version No</i>	12
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### 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)**

1 Elected Member and 1 Deputy Elected Member

Chief Bush Fire Control Officer

Deputy Chief Bush Fire Control Officer

1 Senior Bush Fire Control Officers 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)**

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 External 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 elections day; whichever happens first.

### Meeting Frequency

The Committee will meet at least 2 times per year being April and September

### Quorum Requirements

A quorum is achieved by:

- a. Attendance by the 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:

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

### **Applicable Legislation or Council Policies**

*Bush Fires Act 1954 s.67*

*Local Government Act 1995*

### **Responsible Officer**

Director External Services

### **Reporting To**

Ordinary Council

# **PART 3**

## **WORKING GROUPS**

## WORKING GROUPS

<i>Document Status</i>	Current	<i>Version No</i>	1
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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.

<u>Working Group</u>	<u>Members</u>
<b>Esperance Roadwise Working Group</b>	Cr Horan
<b>Esperance Twin Town Working Group</b>	Cr Obourne
<b>Reconciliation Action Plan Working Group</b>	Cr Mickel Cr Flanagan
<b>Streetscape Working Group</b>	Cr Graham Cr McMullen Cr Obourne
<b>Museum Working Group</b>	Cr O'Donnell
<b>Business Round Table Working Group</b>	Cr De Haas Cr Mickel Cr Flanagan
<b>Cemetery Working Group</b>	Cr O'Donnell
<b>Disability Access and Inclusion Working Group</b>	Cr Obourne Cr O'Donnell
<b>Esperance Tourism Stakeholder Working Group</b>	Cr De Haas Cr Chambers Cr O'Donnell
<b>Sustainability Working Group</b>	Cr De Haas Cr Mickel



# **PART 4**

## **DELEGATES TO NON- COUNCIL COMMITTEES**

## EXTERNAL COMMITTEES

<i>Document Status</i>	Current	<i>Version No</i>	13
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The following are external committees with Council representation. The elected membership of these committees as listed is as at November 2019, and is reviewed following the biennial local government elections.

<u>Committee</u>	<u>Members</u>	<u>Deputy</u>	<u>Capacity</u>
<b>Goldfields-Esperance Country Zone of WALGA, GVROC</b>	Cr Mickel Cr Chambers	Chief Executive Officer	Voting Member
<b>Local Emergency Management Committee</b>	Cr Chambers	Cr Mickel	Voting Member
<b>Port of Esperance - Port Consultative Committee</b>	Cr Horan	N/A	Ex-Officio
<b>Regional Road Group</b>	Cr Mickel	Cr Graham	Voting Member
<b>Senior Citizens Centre Management Committee</b>	Cr O'Donnell	Cr Mickel	Ex-Officio
<b>Tourism Esperance</b>	Cr De Haas	Cr Flanagan	Ex-Officio
<b>Regional Capitals Alliance of Western Australia</b>	Cr Mickel Chief Executive Officer	Cr Chambers	Voting Member