

CGP024 – Advisory and Working Groups

1. Intention

To provide guidance for the establishment and operation of the Shire's Advisory or Working Groups.

2. Scope

This policy applies to Council Members, Committee Members and Advisory/Working Group Members of the Shire of Waroona.

3. Definitions

'Advisory or Working Group' means and includes Advisory or Working Group as referred to in this policy and established by a resolution of Council.

'Code of Conduct' refers to the Shire of Waroona Code of Conduct for Council Members, Committee Members and Candidates.

'Establishment date' is the date on which Council resolved to form an Advisory or Working Group.

'Financial interest' has the same meaning as given by section 5.60A of the *Local Government Act 1995*.

'Impartiality interest' has the same meaning as "interest" given by regulation 22(1) of the *Local Government (Model Code of Conduct) Regulations 2021*.

'Proximity interest' has the same meaning as given by Section 5.60B of the *Local Government Act 1995*.

'Termination date' means the date the Advisory or Working group ceases, and is the earlier of:

- (a) Two (2) years from the establishment date;
- (b) The date resolved by Council; or
- (c) Close of business on the day before ordinary council elections.

'Terms of Reference' for an Advisory or Working Group includes the following:

- (a) Purpose / Objectives;
- (b) Membership and Chair / Deputy Chair;
- (c) Statement of adherence to the Code of Conduct;
- (d) Tasks;
- (e) Key performance indicators (outcomes);
- (f) Meeting frequency;
- (g) Termination date; and
- (h) Agenda.

4. Statement

Council may establish, operate and terminate Advisory and Working Groups.

4.1 Principles

4.1.1 Establishment

Council may, by resolution, establish an Advisory or Working Group to:

- (a) facilitate council member, stakeholder and/or community input and involvement opportunities; and
- (b) provide advice and support to the Shire, in regard to strategic, special interest, project and/or operational activities.

Advisory or Working Groups established pursuant to this Policy are not and are not intended to be Committees established under Section 5.8 of the *Local Government Act 1995*. Advisory or Working Groups cannot be given delegated powers and duties by Council.

4.1.2 Operation

Where not already determined by Council, the first business of each Advisory or Working Group will be to recommend draft Terms of Reference. These will include, but are not limited to:

- (a) Purpose / Objectives;
- (b) Membership and Chair;
- (c) Statement of adherence to the Code of Conduct;
- (d) Tasks;
- (e) Key performance indicators;
- (f) Meeting frequency;
- (g) Termination date; and
- (h) Agenda.

Once the draft Terms of Reference have been produced they shall be submitted to Council, via the Chief Executive Officer through a report, for approval.

Advisory or Working Groups will operate in accordance with the Council approved Terms of Reference.

4.2 Policy Guidance

4.2.1 Terms of Advisory and Role

Advisory or Working Groups are to operate within the Terms of Reference approved by Council and the following general framework:

- (a) The role of an Advisory or Working Group is to act in an advisory and consultative capacity, providing the Shire's Administration and Council with its views and/or proposals relevant to the Objectives for which the group was established.
- (b) The Advisory or Working Group will only consider matters referred to it by Council.
- (c) An Advisory or Working Group has no decision-making powers and does not have any authority to act on behalf of the Shire. In operation, the group cannot direct employees, call tenders, award contracts, expend monies, direct volunteers or do anything which is the responsibility of the Shire.
- (d) Should an Advisory or Working Group wish to inform Council of its position on any matter, or to action any matter not already within the approved budget or being carried out administratively, then a formal recommendation to Council must be provided, via a majority vote of the members.
- (e) Advisory or Working Group meetings will be conducted in an informal manner, providing opportunities for ideas to be raised and general discussion.

- (f) Advisory or Working Group members (Shire President excepted) either collectively or individually are not authorised to speak on behalf of the Shire or provide comment to the media or other persons, in respect of any item under consideration, unless authorised by the Shire President and Chief Executive Officer.
- (g) Matters determined by the Chief Executive Officer or Chairperson to be confidential are to be dealt with by the members as such. Members are not permitted to reveal the nature or content of confidential material provided to the Advisory or Working Group outside of that Group.

4.2.2 *Role of the Chairperson*

- (a) The Advisory or Working Group Chairperson is to be appointed by Council.
- (b) The Council appointed Chairperson will preside at all meetings. In the absence of the Chairperson, a person elected by the quorum will assume the Chair for that meeting. Preferably, the Advisory or Working Group should be chaired by a Council member (if possible), or then by a Senior Shire Officer.
- (c) The Chairperson (in liaison with the most Senior Shire Officer appointed to the Advisory or Working Group) shall ensure that the Advisory or Working Group operates in accordance with this Policy at all times.

4.3 Meeting Procedures

4.3.1 *Meetings*

- (a) Unless approved by Council or there is a need to address an urgent issue (the latter to be agreed by the Chairperson and the Chief Executive Officer), the Advisory or Working Group shall meet as required. Additional meetings may be convened at the discretion of the Chief Executive Officer.
- (b) At the first meeting, the Advisory or Working Group shall determine a Schedule of Meeting dates for the remainder of the year.

4.3.2 *Quorum*

A quorum will be by simple majority plus one.

4.3.3 *Agendas*

- (a) The Chairperson will determine the Agenda for each meeting. Members may submit items for consideration and listing on the Agenda.
- (b) All meetings shall be confined to items listed on the Agenda, unless the Chairperson wishes to bring up an urgent item.

4.3.4 *Minutes / Meeting Notes*

- (a) The relevant Senior Shire Officer having responsibility for the Advisory or Working Group, in liaison with the Advisory or Working Group Chairperson, shall be responsible to ensure the preparation and accuracy of the Minutes/meeting notes.
- (b) Items considered at the meeting do not need to be voted upon. However, the minutes/meeting notes of the Group will record a vote on all actions and advice positions. They will not reflect verbatim discussion on issues or matters discussed during debate prior to agreement being reached. At the end of each meeting, the Shire's Officer in attendance will read out the agreed actions and any points of agreement to the meeting to ensure they are accurately reflected to the consensus view, prior to the meeting voting on the actions or advice positions.
- (c) Matters that the Advisory or Working Group wish to bring to Council formally are to be voted on as formal recommendations.

- (d) The view and proposals of an Advisory or Working Group are to be recorded in Minutes/meeting notes and retained in the Shire's record keeping systems.
- (e) Minutes/meeting notes of the meeting will be prepared by the Responsible Officer and distributed to members within ten (10) working days after the date of the meeting.
- (f) The Minutes/meeting notes shall accurately record the details of any disclosure of interest and the extent of such interest.
- (g) The Minutes/meeting notes shall record the times any person who has made a disclosure, has departed and/or re-enters the meeting.
- (h) Minutes/meeting notes not requiring a Council decision will be circulated to all elected members and each member of the Advisory or Working Group and shall be records managed.
- (i) Unconfirmed Minutes/meeting notes requiring a decision of Council are to be reported through relevant Directorate reports, with any recommendations regarding the views and proposals of the Advisory or Working Group, to the next available Ordinary Council Meeting, where practicable.
- (j) Reports will consider each proposal to ensure it is:
 - i. Consistent with the Shire's established strategic and operational planning and the objectives for which the Advisory or Working Group was established;
 - ii. Within the Shire's capacity relevant to staffing, resources and adopted budget and also operational effectiveness and efficiencies; and
 - iii. Endorsed by Council resolution, where funding from external sources is proposed.

4.4 Administrative Action and Support

- (a) A Shire Officer will be assigned to provide administrative support to the Advisory or Working Group. This person will be responsible for the following:
 - i. Issuing of the Agenda;
 - ii. Recording of Apologies prior to the meeting;
 - iii. Preparation of the Minutes/meeting notes;
 - iv. Room booking; and
 - v. Bringing formal recommendations to Council through reports.
- (b) Advisory or Working Group meetings will not be catered aside from tea, coffee, water and biscuits.
- (c) Any items which have been dealt with by the Advisory or Working Group will only be implemented by the Shire's Administration once approved by Council, except where an action is carried out in the normal course of the Shire's budgeted activities.

4.5 Code of Conduct

- (a) The Shire's Code of Conduct shall apply to members of the Advisory or Working Groups.
- (b) Members will be advised of the relevant provisions of the Shire's Code of Conduct and must comply with the relevant requirements. A copy of the Code of Conduct will be provided to each member upon their appointment.
- (c) All members shall be required to declare any conflicts of interest in matters being considered by the Group.
- (d) The Shire's Chief Executive Officer is available to provide any assistance or guidance concerning the Code of Conduct or any matters of Interest.

4.6 Conflict of Interest

- (a) Although the financial, proximity and impartiality interest provisions of the *Local Government Act 1995* do not apply to an Advisory or Working Groups (as it is not a Council appointed committee approved under section 5.8 of the *Local Government Act 1995*), all conflicts of interest need to be recognised, to ensure that probity is maintained at all times.

- (b) If a matter is being discussed by the Advisory or Working Group and a member has a financial or proximity interest in the matter, then the member is required to declare the interest and remove themselves from the meeting whilst discussion on that issue is taking place.
- (c) If a member discloses a financial or proximity interest in a matter under consideration by the Group, and considers that the matter is:
 - i. trivial or insignificant; or
 - ii. an interest in common to a significant number of electors or ratepayers;

then the member may wish to remain and participate in the meeting. If so, that member shall make the request to the Chairperson to remain and participate at the meeting and in doing so, disclose the nature of their interest and the extent of that interest. If the Disclosing member is the Chairperson, such disclosure shall be made to the meeting.

- (d) The member shall then depart the meeting, whilst the meeting considers the request. The meeting shall then determine that the member should:
 - i. not participate in that part of the meeting;
 - ii. remain in the meeting and participate in discussion; or
 - iii. remain in the meeting only, but not participate in discussion on the matter.
- (e) Once the meeting has made a decision concerning a request, the Chairperson shall inform the member of the decision and the member shall comply with the Meeting's decision.
- (f) The minutes/meeting notes shall record the member's disclosure of interest and the extent of the interest. They shall also record the times a disclosing member has departed and/or re-entered the meeting and/or is absent from the meeting during the item of interest.
- (g) If a member is unsure whether they have an interest in a matter, they are encouraged to raise the issue with the Senior Shire Officer in attendance at the meeting to assist (though not direct) them in their decision.

4.7 Insurances

Where available through its insurance provisions the Shire will arrange all insurance to cover Advisory or Working Group members whilst discharging their normal course of duty.

4.8 Membership

- (a) Membership of an Advisory or Working Group is to be determined by Council on a basis of relevancy to the purpose for which the group has been established.
- (b) Membership may include:
 - Council delegate/s (Council members);
 - Employees;
 - Representatives of stakeholder organisations; and
 - Members of the community.
- (c) Where Advisory or Working Group membership includes representatives of stakeholder organisations, the Shire shall seek written nomination/s from the organisation/s.
- (d) Where Advisory or Working Group membership includes representatives to be drawn from members of the community, the Shire shall publicly advertise and call for nominations to be received within a defined period. Members are to be appointed by Council based on demonstrated knowledge, skills and/or understanding relevant to the purpose for which the Advisory or Working Group has been established or based on any other criteria determined by Council.
- (e) In order to facilitate specific aspects of the operations of an Advisory or Working Group, membership with required skills or knowledge may also be co-opted on an 'as required' basis, by either the Chief Executive Officer or Advisory or Working Group Chairperson.

- (f) Should a member resign from the Advisory or Working Group, the Chief Executive Officer may appoint a replacement member/s as per item 4.10.

4.9 Tenure of Appointment

- (a) Council will appoint a member to the Advisory or Working Group including the prescribed Term and any conditions.
- (b) Unless determined otherwise by Council the Advisory or Working Group membership tenure is from the date of approval by Council until the termination date.
- (c) If a member fails to attend three (3) consecutive meetings of the Advisory or Working Group, his/her appointment shall be automatically terminated, unless Leave of Absence has been granted and approved by the Advisory or Working Group. The Chief Executive Officer shall advise any member, in writing, when their membership of a Group is terminated.
- (d) Council may terminate the appointment of any member prior to the expiry of his/her term, if:
- i. the Chairperson and Chief Executive Officer are of the opinion that the member is not making a positive contribution to deliberations of the group; or
 - ii. the member is found to be in breach of the Code of Conduct or a breach or contravention of the *Local Government Act 1995*, or its subsidiary legislation; or
 - iii. a member's conduct, action or comments brings the Shire of Waroona into disrepute.
- (e) Council may by resolution terminate the Advisory or Working Group at any time for any reason.

4.10 Vacancies

Vacancies shall be filled by calling for nominations of either Council or community representatives. Members filling a vacated position will hold that position until the termination date.

4.11 Council Decision

The Shire's decision-making obligations are guided by relevant legislative, strategic and operational requirements and therefore the views or proposals of an Advisory or Working Group may not always prevail.

4.12 Terms of Reference Review

The operations and Terms of Reference of an Advisory or Working Group shall be reviewed when it is reconvened by Council, or at any other time as required by Council.

5. Legislative and Strategic Context

The *Local Government Act 1995* and the associated subsidiary legislation provide the broad framework within which this policy operates.

6. Review

This policy is to be reviewed biennially.

7. Associated Documents

Nil.

Division	Corporate & Governance
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Policy Number	CGP024				
Contact Officer	Chief Executive Officer				
Related Legislation	Local Government Act 1995				
Related Shire Documents	Nil				
Risk Rating	Low	Review Frequency	Biennially	Next Review	May 2026
Date Adopted	26/04/2022				OCM22/04/044

Amendments		
Date	Details of Amendment	Reference
25/06/2024	Reviewed with minor amendments	OCM24/06/090
Previous Policies		
Nil		