



MINUTES

**SPECIAL COUNCIL MEETING
23 October 2023**

The Special Council Meeting for the Shire of Corrigin held on Monday 23 October 2023 in the Council Chambers, 9 Lynch Street, Corrigin commencing at 6:00pm.

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SWEARING-IN OF NEW COUNCILLORS PRIOR TO THE MEETING

1 DECLARATION OF OPENING

The CEO, Natalie Manton opened the meeting at 6:07pm in accordance with the provisions of the Local Government Act 1995 and presided at the meeting until the office of President was filled

The CEO, Natalie Manton, welcomed returning Councillors Cr Jacobs and Cr Weguelin back to Council for a further term and Cr Filinski and Cr Leach to their first meeting of Council.

2 ATTENDANCE/APOLOGIES

Cr. D L Hickey
Cr. M A Weguelin
Cr. S L Jacobs
Cr. M B Dickinson
Cr. B Fare
Cr. B E Filinski
Cr. M R Leach

Chief Executive Officer
Executive Support Officer

N A Manton
J M Filinski

APOLOGIES

NIL

3 DECLARATIONS OF INTEREST

NIL

4 ELECTION OF PRESIDENT

Applicant:	Shire of Corrigin
Date:	10/10/2023
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	NIL
File Ref:	GOV.0051
Attachment Ref:	NIL

SUMMARY

Council is to elect a member to the role of President of the Shire of Corrigin at the first meeting of the council after the election.

BACKGROUND

The *Local Government Act 1995 clause 4 of Division 1 of Schedule 2.3* notes that the Council is required to appoint a President at its first meeting following an election day. The Chief Executive Officer (CEO) is to preside at the meeting until the office is filled and the election is to be conducted by the CEO in accordance with the procedure prescribed in the *Local Government Act*.

The CEO will call for Councillors to nominate as candidates prior to the meeting and if no nominations have been received nominations will be called at the meeting. All Councillors, including newly elected Councillors, are eligible to nominate.

The roles and responsibilities of the President are outlined in the *Local Government Act 1995*:

2.8 Role of mayor or president

- (1) The mayor or president —
 - (a) presides at meetings in accordance with this Act; and
 - (b) provides leadership and guidance to the community in the district; and
 - (c) carries out civic and ceremonial duties on behalf of the local government; and
 - (d) speaks on behalf of the local government; and
 - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions.

If there is more than one nomination for the position of President, the CEO will act in the position of Returning Officer to conduct the ballot as required under the *Local Government Act 1995*. The ballot for the position of President will be conducted pursuant to the provisions of clause 4 of Division 1 of Schedule 2.3 of the Act as outlined below:

4. How mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.

- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

The ballot for President will be undertaken using the preferential voting system with the CEO being the Returning Officer.

The winner will be declared elected to the position of President for a two-year term and will be required to read (and sign) a form titled Declaration for the Office of President (Electoral Form 7) in accordance with Regulation 13(1)(c) of the *Local Government (Constitution) Regulations 1998*.

COMMENT

The term of office of the President begins when they are elected and ends when they resign or are next elected at or after the next ordinary election – usually every two years.

STATUTORY ENVIRONMENT

Oaths, Affidavits and Statutory Declarations Act 2005

Local Government Act 1995:

Local Government (Elections) Regulations 1997

Local Government (Constitution) Regulations 1998 reg 13(1) and Form 7

DECLARATON OF RESULT

One nomination was received for the position of President.

Cr Des Hickey was elected to the role of President for a two-year term ending in October 2025.

Having been elected as President, Cr. Hickey, took over the role of chair at 6:10pm from the Chief Executive Officer and presided over the rest of the meeting.

5 ELECTION OF DEPUTY PRESIDENT

Applicant:	Shire of Corrigin
Date:	10/10/2023
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	NIL
File Ref:	GOV.0051
Attachment Ref:	NIL

SUMMARY

Council is to elect a member to the role of Deputy President of the Shire of Corrigin at the first meeting of the council after the election.

BACKGROUND

The *Local Government Act 1995 clause 7 of Division 2 of Schedule 2.3* notes that the Council is required to appoint a Deputy President at its first meeting following an election day. The Shire President will call for Councillors to nominate as candidates at the meeting. All Councillors, with the exception of the President, are eligible to nominate.

The roles and responsibilities of the Deputy President are outlined in the *Local Government Act 1995*:

2.9 Role of the deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

Section 5.34 states:

5.34. When deputy mayors and deputy presidents can act

If—

- (a) the office of mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

The Deputy President is also entitled to one quarter of the Shire Presidents allowance in addition to Council sitting fees.

The ballot for the position of Deputy President will be conducted according to the provisions of *clause 6-9 of Schedule 2.3 of the Local Government Act 1995* as outlined below:

8. How deputy mayor or deputy president is elected

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.

- (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

The ballot for Deputy President will be undertaken using the preferential voting system.

The winner will be declared elected to the position of Deputy President for a two-year term and will be required to read and sign a form titled Declaration for the Office of President (Electoral Form 7) in accordance with *Regulation 13(1) (c) of the Local Government (Constitution) Regulations 1998*.

COMMENT

The term of office of the Deputy President begins when they are elected and ends when they resign or are next elected at or after the next ordinary election – usually every two years.

STATUTORY ENVIRONMENT

Oaths, Affidavits and Statutory Declarations Act 2005

Local Government Act 1995:

S 2.15 Filling office of deputy mayor or deputy president

Local Government (Elections) Regulations 1997

Local Government (Constitution) Regulations 1998 reg 13(1) and Form 7

DECLARATON OF RESULT

One nomination was received for the position of President.

Cr Jacobs was elected to the role of Deputy President for a two-year term ending in October 2025.

6 ALLOCATION OF SEATING OF COUNCILLORS

Applicant:	Shire of Corrigin
Date:	10/10/2023
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	NIL
File Ref:	GOV.0051
Attachment Ref:	NIL

SUMMARY

The seating arrangements for councillors is to be allocated at the meeting.

BACKGROUND

Clause 11.4.1 of the Shire of Corrigin Local Law Relating to Standing Orders (Standing Orders) provides the method of allocating seating positions to elected members as follows:

At the first ordinary meeting attended by a councillor after election, the Chief Executive Officer shall allot a position at the council table to each councillor and the councillor shall, until such time as there is a call by a majority of councillors for a re-allotment of positions, occupy that position when present at meetings of the council.

COMMENT

In accordance with the Standing Orders, seating will be allocated at the discretion of the Chief Executive Officer and Councillors advised prior to the meeting.

STATUTORY ENVIRONMENT

Local Government Act 1995

Shire of Corrigin Local Laws Relating to Standing Orders

POLICY IMPLICATIONS

NIL

7 COPIES OF LOCAL GOVERNMENT ACT 1995 AND LOCAL LAWS TO COUNCILLORS

Applicant:	Shire of Corrigin
Date:	10/10/2023
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	NIL
File Ref:	GOV.0051
Attachment Ref:	Available on Shire of Corrigin website

SUMMARY

Copies of relevant legislation and local laws are to be provided to Councillors

BACKGROUND

Clause 21.1 of the Shire of Corrigin Local Laws Relating to Standing Orders (Standing Orders) states that:

21.1 Copies of Act and Standing Orders and papers to Councillors of the Council.

The Chief Executive Officer shall provide to each Councillor as soon as convenient after being elected to office, a copy of the Act and local laws regulating and governing the administration of the local government.

The reference to the Act in the Standing Orders is the *Local Government Act 1995*. A copy of the Standing Orders are available on the Shire of Corrigin website at [Shire of Corrigin Standing Orders](#)

To ensure a manageable size of the Agenda, the following links provide with web based access to the Act and local government local laws:

Local Government Act 1995

[Local Government Act 1995](#)

Local Government Local Laws

[Register of Local Laws](#)

[Shire of Corrigin Local Laws](#)

A printed copy of the Act and local laws can be provided to Councillors upon request.

All other Western Australian Acts and Regulations

[State Law Publisher Legislation](#)

COMMENT

The Shire staff will also provide all new Councillors with an induction and information pack addressing the roles, responsibilities and general information on the operations of the Shire. A copy of the most recent Strategic Community Plan, Corporate Business Plan and other informing plans is available on the Shire of Corrigin website.

STATUTORY ENVIRONMENT

Local Government Act 1995

Shire of Corrigin Local Laws Relating to Standing Orders

POLICY IMPLICATIONS

NIL

8 APPOINTMENT OF COUNCILLORS TO COMMITTEES OF COUNCIL

Applicant:	Shire of Corrigin
Date:	10/10/2023
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	NIL
File Ref:	FM.0015, GOV.0051
Attachment Ref:	NIL

SUMMARY

Council is requested to appoint councillors to committees of council following the election on 21 October 2023.

BACKGROUND

Following the 2023 elections Council is to appoint members to committees of Council.

The Terms of Reference outlining the purpose and operations of each committee of Council has previously been defined.

Any delegation available to a committee is prescribed in respective Instrument of Appointment and Delegation. The Chief Executive Officer and other staff members will provide advice and administrative support to all of the Committees.

	Committee of Council	Elected Member	Meetings	Approximate duration
1	Audit and Risk Management	All Councillors	At least three times per year and additional meetings as required: 5 December 2023 12 March 2024 11 June 2024 10 Sept 2024 10 Dec 2024	1 hour September and December meeting subject to change depending on results of audit.
2	Chief Executive Officer's Performance Review Occasional Committee	All Councillors	Annually in March or April 2024	4 hours

COMMENT

The tenure of members of Council Committees expires on Local Government Election Day in October 2025.

STATUTORY ENVIRONMENT

Local Government Act 1995:

s.5.38. Annual review of employees' performance

s.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.**

s.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.*

POLICY IMPLICATIONS

Policy 5.21 Chief Executive Officer Performance Review.

FINANCIAL IMPLICATIONS

Budgeted expenditure for meeting fees and cost associated with committees.

COMMUNITY AND STRATEGIC OBJECTIVES

Shire of Corrigin Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025:

Objective: Governance and Leadership Strong Governance and leadership

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
4.4	Provide informed and transparent decision making that, meets our legal obligations, and the needs of our diverse community	4.4.3	Regular reviews of Council's Long Term Financial Plan to ensure the long term financial stability of the Shire
		4.4.4	Provide Council adequate and appropriate financial information on a timely basis

VOTING REQUIREMENT

Absolute Majority

COUNCIL RESOLUTION**125/2023 Moved: Cr. Dickinson****Seconded: Cr. Fare***That Council appoint the following Councillors to Committees of Council:*

	Committee of Council	Elected Member	Meetings
1	<i>Audit and Risk Management 6:00pm</i>	<i>Cr Hickey Cr Weguelin Cr Dickinson Cr Jacobs Cr Fare Cr Filinski Cr Leach</i>	<i>At least three times per year and as required: 5 December 2023 12 March 2024 11 June 2024 10 Sept 2024 10 Dec 2024</i>
2	<i>Chief Executive Officer Performance Review Occasional Committee 10:00am</i>	<i>Cr Hickey Cr Weguelin Cr Dickinson Cr Jacobs Cr Fare Cr Filinski Cr Leach</i>	<i>Annually 9 April 2024</i>

Carried 7/0**For: Cr. Hickey, Cr. Jacobs, Cr. Weguelin, Cr. Dickinson, Cr. Fare, Cr. Filinski and Cr. Leach****Against:**



AUDIT AND RISK MANAGEMENT COMMITTEE

TERMS OF REFERENCE

Instrument of Appointment and Delegation

1.0 INTRODUCTION

The Council of the Shire of Corrigin (hereinafter called the Council) hereby establishes a committee under the powers given in *Section 5.8* and *Section 7.1 A* of the *Local Government Act 1995*, *Local Government Amendment Act 2004* and *Audit Regulations*, such committee to be known as the Audit and Risk Management Committee, (hereinafter called the Committee). The Council appoints to the Committee those persons whose names appear in Section 5.0 below.

Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term. The Committee shall act for and on behalf of Council in accordance with provisions of the *Local Government Act 1995*, and associated regulations, local laws and policies of the Shire of Corrigin and this Instrument.

2.0 NAME

The name of the Committee shall be the Audit and Risk Management Committee.

3.0 ROLE

The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its objectives in order to facilitate decision-making by Council in relation to the discharge of its responsibilities.

4.0 OBJECTIVES OF THE COMMITTEE

4.1 To provide guidance and assistance to the Council in:

- a) carrying out its audit functions under Part 7 of the *Local Government Act*.
- b) the development of a process to be used to select and appoint an auditor.
- c) determining the scope and content of the external and internal audit and advising on the general financial management of the Shire.
- d) overseeing the audit process and meeting with the external auditor after each visit to discuss management issues and monitoring administration's actions on, and responses to, any significant matters raised by the auditor.
- e) evaluating and making recommendations to Council on internal and external audit reports prior to them being presented to Council.
- f) receiving and verifying the annual Local Government Statutory Compliance Return.
- g) review reports provided by the CEO on the Shire's systems and procedures in relation to:
 - i. risk management;
 - ii. internal control; and
 - iii. legislative compliance;

at least once every two years and report to Council the results of that review. Ref: *Functions of*

Audit Committees (Audit Regulations).

- 4.2 To advise Council on significant high level strategic risk management issues related to the Shire of Corrigin including issues involving:
- a) the community;
 - b) the workforce;
 - c) vehicles and plant;
 - d) buildings and similar property;
 - e) revenue streams;
 - f) legal liability;
 - g) electronically stored information;
 - h) environmental impact;
 - i) fraud; and
 - j) reputation.

5.0 MEMBERSHIP

The Committee shall consist of all Councillors. Additionally up to two independent consultants with expertise in financial or legal matters will be called upon as required to provide additional independent external advice to the Committee. The external independent persons will have senior business, legal or financial management/reporting knowledge and experience, and be conversant with the financial and other reporting requirements.

Appointments of external consultants shall be made by the CEO following a decision of Council and the allocation of sufficient funds to provide consultation fees using relevant professional fee schedules. No member of staff including the CEO is to be a member of the Committee, but the CEO may participate as Council's principal advisor, unless expressly excluded by resolution of the Committee.

6.0 PRESIDING MEMBER

The President will take the role of Presiding Member and Deputy President the role of Deputy Presiding Member to conduct its business.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Corrigin Standing Orders (Local Law).

The *Local Government Act 1995* places responsibility for speaking on behalf of Council with the President, or the CEO if the President agrees. The Presiding Member if different from the President is to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the President.

7.0 CONDUCT OF MEETINGS

The Committee shall meet at least three times per year. A schedule of meetings will be developed and agreed to by the members. As an indicative guide, meetings would be arranged to coincide with relevant Council reporting deadlines, for example in February to discuss the Statutory Compliance Return, in July to discuss the year's financial performance and to discuss the annual audit program and in November to discuss the Annual Financial Report. Additional meetings shall be convened at the discretion of the Presiding Member.

Any three members of the Committee collectively or the internal or external auditor themselves may request the Presiding Member to convene a meeting. Urgent matters which may arise should be referred directly to Council through the monthly meetings or to a Special Council meeting.

- 7.1 Notice of meetings shall be given to members at least three days prior to each meeting.
- 7.2 The Presiding Member shall ensure that detailed minutes of all meetings are kept and shall, not later than five days after each meeting, provide Council with a copy of such minutes. Council shall provide secretarial and administrative support to the Committee.
- 7.3 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding must cast a second vote.
- 7.4 The Chief Executive Officer should attend all meetings, except when the Committee chooses to meet in camera with the exclusion of the CEO.
- 7.5 Representatives of the external auditor should be invited to attend at the discretion of the Committee but must attend meetings either in person or by telephone link up considering the draft annual financial report and results of the external audit.
- 7.6 The internal auditor or representative shall be invited to attend meetings, at the discretion of the Committee, to consider internal audit matters.

8.0 QUORUM

A quorum for a meeting shall be at least 50 percent of the number of members, whether vacant or not. A decision of the Committee does not have effect unless a simple majority has made it.

9.0 DELEGATED POWERS

The Committee has no delegated powers under the *Local Government Act 1995* and is to advise and make recommendations to Council only.

The Audit and Risk Management Committee is a formally appointed committee of Council and is responsible to that body.

The Audit and Risk Management Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and is therefore independent of management.

The following guidelines are to provide further direction from Council for the operation of the Committee:

9.1 External Audit

The Committee shall:

- Liaise with the Office of the Auditor General regarding the appointment of a suitable Auditor.
- Prior to appointment, discuss the scope of the audit and any additional procedures required from the external auditor. Invite the external auditor to attend audit committee meetings to discuss the audit results and consider the implications of the external audit findings.
- Inquire of the auditor if there have been any significant disagreements with management and whether they have been resolved.
- Monitor management responses to the auditor's findings and recommendations.
- Review the progress by management in implementing audit recommendations and provide assistance on matters of conflict.
- Provide a report and recommendations to Council on the outcome of the external audit.

9.2 Co-ordination of Auditors

The Committee shall:

- Oversee the work of the internal audit function to facilitate co-ordination with the external auditor.
- Meet periodically with the Chief Executive Officer, senior management staff and internal and external auditors to understand the organisation's control environment and processes.

9.3 Duties and Responsibilities

The following duties and responsibilities of the Committee will include:

1. To review the scope of the internal audit plan and program and the effectiveness of the function. This review should consider whether, over a period of years the internal audit plan systematically addresses:
 - internal controls over significant areas of risk, including non-financial management control systems.
 - internal controls over revenue, expenditure, assets and liability processes;
 - the efficiency, effectiveness and economy of significant Council programs; and
 - compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements.
- ii. Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or Chief Executive Officer.
- iii. Review the level of resources allocated to internal audit and the scope of its authority.
- iv. Review reports of internal audit and the extent to which Council and management react to matters raised by internal audit, by monitoring the implementation of recommendations made by internal audit.
- v. Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs.
- vi. Critically analyse and follow up any internal or external audit report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues, and any other matters relevant under the Committee's terms of reference.
- vii. Review management's response to, and actions taken as a result of the issues raised.
- viii. Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems.
- ix. Monitor ethical standards and related party transactions by determining whether the systems of control are adequate.
- x. Review Council'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.
 - significant variances from prior years.
- xi. Recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the financial report is signed.
- xii. Discuss with the external auditor the scope of the audit and the planning of the audit.
- xiii. Discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor and the resolution of such matters.
- xiv. Review tendering arrangements and advise Council.
- xv. Review the annual performance statement and recommend its adoption to Council.
- xvi. Review issues relating to national competition policy, financial reporting by Council business units and comparative performance indicators.
- xvii. Identify and refer specific projects or investigations deemed necessary through the

Chief Executive Officer, the internal auditor and the Council if appropriate. Oversee any subsequent investigation, including overseeing of the investigation of any suspected cases of fraud within the organisation.

- xviii. Monitor the progress of any major lawsuits facing the Council.
- xix. 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.
- xx. Report to Council after each meeting, in the form of minutes or otherwise, and as necessary and provide an annual report to Council summarising the activities undertaken during the year.
- xxi. The Committee in conjunction with Council and the Chief Executive Officer should develop the Committee's performance indicators.
- xxii. The Committee, through the Chief Executive Officer and following authorisation from the Council, and within the scope of its responsibilities, may seek information or obtain expert advice on matters of concern.
- xxiii. Advise Council on significant risk management issues related to the Shire of Corrigin including major issues involving:
 - The Community;
 - The Workforce;
 - Vehicles and Plant;
 - Buildings and Similar Property;
 - Revenue Streams;
 - Legal Liability;
 - Electronically Stored Information;
 - Environmental Impact;
 - Fraud; and
 - Reputation.
- xxiv. Review reports on the appropriateness and effectiveness of the Shire's systems and procedures in relation to:
 - risk management;
 - internal control; and
 - legislative complianceand report to Council.

9.4 Reporting Powers

The Committee:

- Shall report to Council and provide recommendations on matters pertaining to its terms of reference by assisting elected members in the discharge of their responsibilities for oversight and corporate governance of the local government.
- Does not have executive powers or authority to implement actions in areas that management has responsibility.
- Is independent of the roles of the Chief Executive Officer and his senior staff as it does not have any management functions.
- Does not have any role pertaining to matters normally addressed by the Local Emergency Management Committee and Council in relation to financial management responsibilities in relation to budgets, financial decisions and expenditure priorities.
- Is a separate activity and does not have any role in relation to day-to-day financial management issues or any executive role or power.
- Shall after every meeting forward the minutes of that meeting to the next Ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes.
- Shall report annually to the Council summarising the activities of the Committee during the previous financial year.

10.0 TERMINATION OF COMMITTEE

Termination of the Committee shall be:

- a) in accordance with the *Local Government Act 1995*; or
- b) at the direction of the Council.

11.0 AMENDMENT TO THE INSTRUMENT OF APPOINTMENT AND DELEGATION

This document may be altered at any time by the Council.

12.0 COMMITTEE DECISIONS

The Committee recommendations are advisory only and shall not be binding on Council.



CEO PERFORMANCE REVIEW OCCASIONAL COMMITTEE

TERMS OF REFERENCE

Instrument of Appointment and Delegation

1.0 NAME

The Committee shall be known as the CEO Performance Review Occasional Committee (Committee).

2.0 ROLE OF THE COMMITTEE

To comply with the requirements of the *Local Government Act 1995* to review the performance of the CEO annually.

3.0 OBJECTIVES OF THE COMMITTEE

- Compile the consensus response for each of the key result areas detailed in clause of the Chief Executive Officer's (CEO) contract of employment.
- Conduct a performance review feedback session with the CEO.
- Prepare and submit for Council approval a report describing the assessment developed during the performance review, changes to be made, special tasks to be done, or decisions to follow as a result of the evaluation.
- Prepare and submit for Council approval the agreed performance objectives for the next review period.
- Prepare and submit for Council approval any variations to the CEO's conditions of employment.

4.0 MEMBERSHIP

The Council appoints all Councillors to the Committee subject to agreement of the CEO. Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term.

5.0 PRESIDING MEMBER

The Shire President is the Presiding Member to chair committee meetings. The Deputy Shire President is the Deputy Presiding Member to chair in the absence of the Presiding Member.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Corrigin Standing Orders.

The minutes of the Committee are to be submitted to the next ordinary meeting of the committee for confirmation. The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation. The *Local Government Act 1995* places responsibility for speaking on behalf of Council with the President.

With the exception of the Shire President, individual members of the Committee are to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the Shire President.

6.0 CONDUCT OF MEETINGS

The Committee is established by the Council of the Shire of Corrigin under the powers given in section 5.8 of the *Local Government Act 1995*. Meetings are to be held at least once each year on a date to be determined by the Presiding Member in consultation with the Committee Members.

Notice of meetings, quorum requirements of the members and all other matters pertaining to the conduct of the committee shall be carried out in accordance with the *Local Government Act 1995*. As the matter relates to a member of the Shire's staff, the meeting, agenda and minutes will be considered Confidential Business so that Council may discuss the item, which behind closed doors.

7.0 DELEGATED POWERS

The Shire President may appoint an independent facilitator to assist with the performance review process, who is acceptable to both the Chief Executive Officer and the Shire President.

The Committee has no delegated powers and is a committee to Council only.

Recommendations of committee meetings are to be presented to Council by the Shire President for noting, or for consideration, as soon as practicable after unconfirmed minutes of Committee meetings are available.

9 APPOINTMENT OF COUNCILLORS TO ADVISORY COMMITTEES

Applicant:	Shire of Corrigin
Date:	1010/2023
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	NIL
File Ref:	ES.0003, ES.0028, GOV.0021
Attachment Ref:	NIL

SUMMARY

Council is requested to establish the purpose, operations and appointments to its advisory committees and where acceptable, delegating responsibility to advisory committees.

BACKGROUND

Section 5.8 of the *Local Government Act 1995* allows the establishment advisory committees of three (3) or more people to assist it in discharging the operations and duties of the shire. These committees may comprise Councillors only or a mixture of Councillors, public and employees.

Advisory committees make recommendations for consideration by members of the Council based on their Terms of Reference which have been previously reviewed and adopted by Council. The Council has the right to amend these Terms of Reference or alter/disband its committees at any time.

Appointment of members to an Advisory Committee can only be made by way of a formal decision of the Council.

For all advisory committees, the Chief Executive Officer and other Shire staff members will provide advice and administrative support to the Committee.

The Shire President has the right to be represented on any advisory committee. Should the Shire President not wish to be a member of an advisory committee, Council may need to appoint an additional Councillor, depending on the respective *Instrument of Appointment and Delegation*.

The Shire President is to call for nominations for each of the above advisory committees and preside over any required ballot to determine appointment(s) to the committees.

The Bush Fire and Local Emergency Management Committees are established under the *Bush Fires Act 1954* and *Emergency Management Act 2005* to advise and assist the shire in ensuring that local emergency management arrangements are established and maintained for its district.

Council may add to or remove any of the previously established advisory committees listed as below:

Advisory Committees	Members	Meetings	Approximate Duration
Local Emergency Management Committee	President Deputy President	Quarterly 12 February 2024 13 May 2024 12 August 2024 11 August 2024	1 – 2 hours
Bush Fire Advisory Committee	President Councillor	Twice Annually 7 March 2024 3 October 2024	1 – 2 hours
Corrigin Recreation and Events Centre Advisory Committee	Councillor	As required or disband	1 hour
Tourism and Economic Development Advisory Committee	Councillor	As required or disband	1 hour

COMMENT

The tenure of members of Council Advisory Committees expires on Local Government Election Day in 2023.

The advisory group focussing on tourism and economic development was established in 2019 to advise and support Council in achieving the outcomes identified in the Corporate Business Plan and Tourism and Economic Development Strategy. The group has not met since 20 August 2020 and Council elected not to nominate delegates to the committee in following the election in 2021.

The Corrigin Community Resource Centre staff hours were increased in 2020 to provide a greater level of service in the tourism area. The Shire of Corrigin is an active member of Roe Tourism Committee and provides administrative support to the group.

The Corrigin Recreation and Events Centre Committee has not met since 28 October 2020 due to a lack of numbers attending. The CEO and Councillors are available to attend meeting of sporting clubs using the CREC as required and/or meetings can be convened as required.

STATUTORY ENVIRONMENT

Local Government Act 1995:

s.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.*

s.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.

Bush Fires Act 1954

Emergency Management Act 2005

POLICY IMPLICATIONS

4.1 Code of Conduct – for Council Members, Committee Members and Candidates

FINANCIAL IMPLICATIONS

Budgeted expenditure for cost associated with administering advisory committees.

COMMUNITY AND STRATEGIC OBJECTIVES

Shire of Corrigin Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025:

Objective: Governance and Leadership

Strong Governance and leadership

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
4.4	Provide informed and transparent decision making that, meets our legal obligations, and the needs of our diverse community	4.4.3	Regular reviews of Council's Long Term Financial Plan to ensure the long term financial stability of the Shire
		4.4.4	Provide Council adequate and appropriate financial information on a timely basis

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION**126/2023 Moved: Cr. Jacobs****Seconded: Cr. Weguelin***That Council*

- 1 *Review and amend the Terms of Reference to describe the role of the Local Emergency Management Advisory Committee more accurately.*
2. *Appoint the following elected members to Shire of Corrigin Advisory Committees in accordance with the Instrument of Appointment and Delegation s 5.10 and 5.11A Local Government Act 1995:*

Advisory Committees	Members	Meetings	Approx Duration
<i>Local Emergency Management Committee 1:00pm</i>	<i>President – Cr Hickey Deputy President – Cr Jacobs The Officer in Charge of the Corrigin Police. District or delegate(s). The Officer in Charge of the Fire and Rescue Service in Corrigin or their delegates. Chief Bush Fire Control Officer. SES Area Manager or delegate. Officer in Charge of the St John Ambulance Corrigin or delegate. Representative from the Corrigin Hospital. Department for Communities Officer Representatives from other agencies as required.</i>	<i>Quarterly 12 February 2024 13 May 2024 12 August 2024 11 November 2024</i>	<i>1 - 2 hours</i>

Carried 7/0**For: Cr. Hickey, Cr. Jacobs, Cr. Weguelin, Cr. Dickinson, Cr. Fare, Cr. Filinski and Cr. Leach****Against:****COUNCIL RESOLUTION****127/2023 Moved: Cr. Jacobs****Seconded: Cr. Leach**

3. *That Council Appoint the following elected members to Shire of Corrigin Advisory Committees in accordance with the Instrument of Appointment and Delegation s 5.10 and 5.11A Local Government Act 1995:*

Advisory Committees	Members	Meetings	Approx Duration
<i>Bush Fire Advisory Committee 4:30pm</i>	<i>Cr Hickey Cr Dickinson Chief Bush Fire Control Officer (CBFCO). Deputy Chief Bush Fire Control Officer (DBFCO). Bush Fire Control Officer (appointed by the Shire in accordance with the Bush Fires Act 1954) from each Brigade.</i>	<i>Twice Annually 7 March 2024 3 October 2024</i>	<i>1 - 2 hours</i>

Carried 7/0**For: Cr. Hickey, Cr. Jacobs, Cr. Weguelin, Cr. Dickinson, Cr. Fare, Cr. Filinski and Cr. Leach****Against:**

COUNCIL RESOLUTION**128/2023 Moved: Cr. Weguelin****Seconded: Cr. Fare**

4. That Council Appoint the following elected members to Shire of Corrigin Advisory Committees in accordance with the Instrument of Appointment and Delegation s 5.10 and 5.11A Local Government Act 1995:

Advisory Committees	Members	Meetings	Approx Duration
Corrigin Recreation and Events Centre Advisory Committee	Cr Dickinson Representatives from: Corrigin/Babakin Cricket Club; Corrigin Football Club; Corrigin Hockey Club; Corrigin Netball Club; and Corrigin Squash Club.	As required	1 hour

Carried 7/0

For: Cr. Hickey, Cr. Jacobs, Cr. Weguelin, Cr. Dickinson, Cr. Fare, Cr. Filinski and Cr. Leach

Against:

COUNCIL RESOLUTION**129/2023 Moved: Cr. Jacobs****Seconded: Cr. Filinski**

5. That Council disband the Tourism and Economic Development Advisory committee due to our involvement with Roe Tourism and Roe Regional Organisation of Councils.

Carried 7/0

For: Cr. Hickey, Cr. Jacobs, Cr. Weguelin, Cr. Dickinson, Cr. Fare, Cr. Filinski and Cr. Leach

Against:



CORRIGIN LOCAL EMERGENCY MANAGEMENT COMMITTEE

TERMS OF REFERENCE

Instrument of Appointment and Delegation

1.0 NAME

The Committee shall be known as the Corrigin Local Emergency Management Committee (Committee).

2.0 ROLE OF THE COMMITTEE

To collaborate with local support organisations, hazard management agencies and industry representatives to collectively build a resilient community that is prepared to respond and recover from an emergency.

3.0 OBJECTIVES OF THE COMMITTEE

- To advise and assist the Shire of Corrigin in ensuring that local emergency management arrangements are established for its district.
- To liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements.
- To assist with the preparation and approval of the Corrigin Local Emergency Management Plan and submit such plans to the Office of Emergency Management (OEM) for approval.
- To review at least annually the Corrigin Local Emergency Management Plan.
- To assist in the preparation of emergency management operating procedures for application in the Shire of Corrigin.
- To ensure appropriate testing and exercising of the local emergency management plan.
- To prepare an annual report of the activities of the Committee for submission to the OEM.
- To provide assistance to the Local Emergency Coordinators and Lead Combat Authorities during emergency management operations.
- To carry out such other emergency management functions as directed by OEM.

4.0 MEMBERSHIP

The Council appoints to the Committee those ex-officio representatives whose titles appear below. Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term.

Membership of the Committee shall be:

- President of the Shire of Corrigin
- Deputy Shire President
- Officer in Charge of the Corrigin Police District or delegate(s)
- Officer in Charge of the Fire and Rescue Service in Corrigin or delegate
- Chief Bush Fire Control Officer
- SES Area Manager or delegate

- Officer in Charge of the St John Ambulance Corrigin or delegate
- Representative from the Corrigin Hospital
- Department for Communities
- Representatives from other agencies as required

5.0 PRESIDING MEMBER

The President takes the role of Presiding Member. The members of the Committee shall elect a Deputy Presiding Member to chair in the absence of the Presiding Member at the first meeting after the local government election to satisfy the requirements of the *Local Government Act 1995*.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Corrigin Standing Orders.

The minutes of the advisory committee are to be submitted to the next ordinary meeting of the committee for confirmation. The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

The *Local Government Act 1995* places responsibility for speaking on behalf of Council with the President, or the CEO if the President agrees. The Presiding Member, if not the Shire President, as well as individual members of the Committee are to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the Shire President.

6.0 CONDUCT OF MEETINGS

Ordinary meetings of the Committee shall be held on a day as determined by the Presiding Member generally in February, May, August and ~~November-December~~ each year. Written notice shall be given to all Committee members, at least 14 days prior to the meeting. Special meetings of the Committee may be convened:

- By the Presiding Member
- By written notice to all Committee members, such notice being signed by at least four members of the Committee, giving not less than 7 days notice and stating purpose of the meeting.
- By the Council

The time and venue of meetings will be determined by the Presiding Member or the Council having due regard to the general convenience of the Committee members.

Each meeting of the Local Emergency Management Committee (LEMC) should consider, but not be restricted to, the following matters, as appropriate:

Every meeting:

- Confirmation of local emergency management arrangements contacts details and key holders;
- Review of any post-incident reports and post exercise reports generated since last meeting;
- Progress of emergency risk management process;
- Progress of treatment strategies arising from emergency risk management process;
- Progress of development or review of local emergency management arrangements; and
- Other matters determined by the local government.

First quarter:

- Development and approval of next financial year LEMC exercise schedule (to be forwarded to relevant DEMC);
- Begin developing annual business plan.

Second quarter:

- Preparation of LEMC annual report (to be forwarded to relevant DEMC for inclusion in the SEMC annual report);
- Finalisation and approval of annual business plan.

Third quarter:

- Identify emergency management projects for possible grant funding.

Fourth quarter:

- National and State funding nominations.

The Committee is established by the Council of the Shire of Corrigin under the powers and given in *section 5.8 of the Local Government Act 1995* and under *section 67 (Advisory Committees)* of the *Bush Fires Act 1954*.

Notice of meetings, quorum requirements of 50% of members and all other matters pertaining to the conduct of the committee shall be carried out in accordance with the *Local Government Act 1995*.

7.0 DELEGATED POWERS

The Committee has no delegated powers and is an advisory committee to Council only.

Recommendations of committees meetings are to be presented to Council by Shire staff for noting or for consideration as soon as practicable after unconfirmed minutes of Committee meetings are available.



CORRIGIN BUSH FIRE ADVISORY COMMITTEE

TERMS OF REFERENCE

Instrument of Appointment and Delegation

1.0 NAME

The Committee shall be known as the Corrigin Bush Fire Advisory Committee (Committee).

2.0 ROLE OF THE ADVISORY COMMITTEE

To formulate for Council's consideration, recommendations and policy on matters relating to bush fire prevention, control and extinguishment.

3.0 OBJECTIVES OF THE ADVISORY COMMITTEE

- To advise Council on all matters relating to the operations of the *Bush Fires Act 1954*.
- To advise Council on the best and most efficient means of maximising fire control resources in the district.

4.0 MEMBERSHIP

The Council appoints to the Committee those ex officio representatives listed in the categories of membership outlined below. Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term.

Council may dismiss members who miss two consecutive meetings without reasonable cause.

Membership of the Committee shall be the:

- President of the Shire of Corrigin.
- Chief Bush Fire Control Officer (CBFCO).
- Deputy Chief Bush Fire Control Officer (DBFCO).
- One Bush Fire Control Officer (appointed by the Shire in accordance with the *Bush Fires Act 1954*) from each Brigade.
- One Councillor nominated by the Council.

Chief Executive Officer and other Shire staff members will provide advice and administrative support to the Committee.

A representative from Department of Fire and Emergency Services (DFES) Great Southern Region and any other agency as determined by the Presiding Member will be invited to attend and provide reports on their respective agencies.

5.0 PRESIDING MEMBER

The President takes the role of Presiding Member. The members of the Committee shall elect a Deputy Presiding Member to chair in the absence of the Presiding Member.

The election of the Presiding Member and the Deputy shall also be required to be repeated at

the first meeting after the local government election to satisfy the requirements of the Local Government Act.

This can be facilitated by the CEO or the CEO's representative conducting the election calling for a motion to confirm the election of the CBFCA and the Deputy Chief Bush Fire Control Officer.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Corrigin Standing Orders.

The minutes of the Committee are to be submitted to the next ordinary meeting of the committee for confirmation. The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

The *Local Government Act 1995* places responsibility for speaking on behalf of Council with the President, or the CEO if the President agrees. The Presiding Member if not the Shire President as well as individual members of the Committee are to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the Shire President.

6.0 CONDUCT OF MEETINGS

Ordinary meetings of the Committee shall be held on a day as determined by the Presiding Member generally in April or May and October or November each year. Written notice shall be given to all Committee members, at least 14 days prior to the meeting. Special meetings of the Committee may be convened:

- By the Presiding Member
- By written notice to all Committee members, such notice being signed by at least four members of the Committee, giving not less than 7 days notice and stating purpose of the meeting.
- By the Council

The time and venue of meetings will be determined by the Presiding Member or the Council having due regard to the general convenience of the Committee members.

The Committee is established by the Council of the Shire of Corrigin under the powers and given in *section 5.8* of the *Local Government Act 1995* and under *section 67* (Advisory Committees) of the *Bush Fires Act 1954*.

Notice of meetings, quorum requirements of 50% of members and all other matters pertaining to the conduct of the committee shall be carried out in accordance with the *Local Government Act 1995*.

7.0 DELEGATED POWERS

The Committee has no delegated powers and is an advisory committee to Council only.

Recommendations of committee meetings are to be presented to Council by Shire staff for noting or for consideration as soon as practicable after unconfirmed minutes of Committee meetings are available.



CORRIGIN RECREATION AND EVENTS CENTRE ADVISORY COMMITTEE

TERMS OF REFERENCE

Instrument of Appointment and Delegation

1.0 NAME

The Committee shall be known as the Corrigin Recreation and Events Centre Advisory Committee (Committee).

2.0 ROLE OF THE ADVISORY COMMITTEE

- To advise Council on the effective, efficient, economic and equitable means of operating the Corrigin Recreation and Events Centre.
- To provide a forum for the dissemination and consideration of information regarding sport and recreation issues with particular reference to operating the Corrigin Recreation and Events Centre.

3.0 OBJECTIVES OF THE ADVISORY COMMITTEE

- To make recommendations to assist Council in its decision making regarding the Corrigin Recreation and Events Centre.
- To assess proposals and make recommendations to Council in relation to the development, operation and utilisation of the Corrigin Recreation and Events Centre.

4.0 MEMBERSHIP

The Council appoints to the Advisory Committee those categories of membership outlined below. Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term. Membership of the Committee shall be:

- One Councillor.

The following representatives of sport and recreation clubs operating within and comprising members based in the Shire of Corrigin:

- Corrigin/Babakin Cricket Club
- Corrigin Football Club;
- Corrigin Hockey Club;
- Corrigin Netball Club; and
- Corrigin Squash Club.

Representatives of sport and recreation clubs are required to have a letter of authorisation from their club, appointing the person as a representative to the committee.

Authorised representatives of sport and recreation clubs who are not appointed to the Committee may attend meetings and participate as a "proxy" at the discretion of the Presiding Member. Club representatives that are acting as a proxy have full voting rights at the meeting.

Council staff members will provide advice and administrative support to the Committee.

5.0 PRESIDING MEMBER

The members of the Committee shall elect a Presiding Member to chair committee meetings and also, a Deputy Presiding Member to chair in the absence of the Presiding Member.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Corrigin Standing Orders.

The minutes of the Committee are to be submitted to the next ordinary meeting of the committee for confirmation. The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation. The Local Government Act 1995 places responsibility for speaking on behalf of Council with the President, or the CEO if the President agrees.

The Presiding Member if not the Shire President as well as individual members of the Committee are to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the Shire President.

6.0 CONDUCT OF MEETINGS

The Committee is established by the Council of the Shire of Corrigin under the powers given in *section 5.8* of the *Local Government Act 1995*. Meetings are to be held every twice per year on a date to be determined by the Presiding Member in consultation with the Advisory Committee Members.

Notice of meetings, quorum requirements of the members and all other matters pertaining to the conduct of the committee shall be carried out in accordance with the Local Government Act 1995.

7.0 DELEGATED POWERS

The Committee has no delegated powers and is an advisory committee to Council only.

Recommendations of Committee meetings are to be presented to Council by Shire officers for noting or for consideration as soon as practicable after unconfirmed minutes of Committee meetings are available.



CORRIGIN TOURISM AND ECONOMIC DEVELOPMENT ADVISORY COMMITTEE TERMS OF REFERENCE Instrument of Appointment and Delegation

1.0 NAME

The Committee shall be known as the Corrigin Tourism and Economic Development Advisory Committee (Committee).

2.0 ROLE OF THE ADVISORY COMMITTEE

To assist the Shire of Corrigin to work towards a future that offers a diverse range of jobs and career opportunities, high standards of services and vibrant community life.

Provide direction for the Shire of Corrigin to become a vibrant regional service hub that attracts and retains skilled and professional workers, residents and visitors to work, live in and visit Corrigin.

Attract investment, create jobs and encourage higher local visitation and spending by building upon its unique strengths.

3.0 OBJECTIVES OF THE ADVISORY COMMITTEE

- Provide advice and guidance to the Shire and other partners in positioning local businesses and industry to capitalise on global and emerging industry trends that facilitate new markets and investment.
- Assist in the formation of strategic partnerships and communication to facilitate new and developing industry initiatives across sectors to ensure ongoing and sustained economic growth.
- To provide an avenue of communication/consultation between Council and the community.
- To promote the existing attractive tourism and economic development opportunities in Corrigin and the region.
- Assist the Shire of Corrigin to Identify and develop new tourism opportunities based on arts and culture, heritage, nature and physical activity.
- Assist the Shire of Corrigin to monitor, review and implement actions identified in plans including: Strategic Community Plan, Economic and Tourism Development Strategy, and, Aged Friendly Community Plan.
- To assess proposals and make recommendations to Council in relation to tourism and economic development activities, events, programs and initiatives.

4.0 MEMBERSHIP

The Council appoints to the Advisory Committee those categories of membership outlined below. Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term.

Membership of the Advisory Group shall consist of representation from the Local Government and various industries as listed below:

- Councillor x2
- Retail/ Business Representative
- Agriculture Representative
- Tourism Industry Representative
- Community Representative x5

The Chief Executive officer and other shire staff members will provide advice and administrative support to the committee.

5.0 PRESIDING MEMBER

The members of the Committee shall elect a Presiding Member to chair committee meetings and also, a Deputy Presiding Member to chair in the absence of the Presiding Member.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Corrigin Standing Orders.

The minutes of the Committee are to be submitted to the next ordinary meeting of the committee for confirmation. The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation. The *Local Government Act 1995* places responsibility for speaking on behalf of Council with the President, or the CEO if the President agrees.

The Presiding Member if not the Shire President as well as individual members of the Committee are to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the Shire President.

6.0 CONDUCT OF MEETINGS

The Committee is established by the Council of the Shire of Corrigin under the powers given in *section 5.8* of the *Local Government Act 1995*. Meetings are to be held every quarter on a date to be determined by the Presiding Member in consultation with the Advisory Committee Members.

Notice of meetings, quorum requirements of the members and all other matters pertaining to the conduct of the committee shall be carried out in accordance with the *Local Government Act 1995*.

Committee members are to declare any interests and are to maintain a standard of professionalism and confidentiality applicable to any material or documentation of a sensitive nature either marked or declared confidential by the Chairperson of the Working Group

7.0 DELEGATED POWERS

The Committee has no delegated powers and is an advisory committee to Council only.

Recommendations of Committee meetings are to be presented to Council by Shire officers for noting or for consideration as soon as practicable after unconfirmed minutes of Committee meetings are available.

10 APPOINTMENT OF COUNCILLORS TO EXTERNAL ORGANISATIONS OR COMMITTEES

Applicant:	Shire of Corrigin
Date:	10/10/2023
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	NIL
File Ref:	GOV.0021
Attachment Ref:	Attachment 10.1 - Roe Regional Health Scheme MOU 2023 Attachment 10.2 - RoeROC MOU signed 2023

SUMMARY

Council is requested to appoint members to the respective external organisations and committees.

BACKGROUND

Following the Local Government elections in October 2021 Council appointed members to the following external organisations and committees:

- *WALGA Central Country Zone*
- *Roe Regional Organisation of Councils including Roe Health (2 positions)*
- *Wheatbelt South Regional Road Group (2 positions)*
- *Roe Tourism Association (1 position)*
- *Edna Stevenson Trust (1 position)*
- *Wheatbelt South Aged Housing Alliance (1 position)*
- *Central Agcare Financial and Family Counselling (1 Position)*
- *Corrigin Senior Citizen's Committee*

Some external organisations do not have terms of reference.

COMMENT

The CEO and staff are able to represent the Shire of Corrigin on external committees and councillors may still attend external committee meetings on request.

Representatives from community clubs, groups and external committees are extended an open invitation to attend Council meetings at any time to address the Council or meet with the CEO as required.

The Wheatbelt South Aged Housing Alliance has not met since 2018. Former Councillor Janeane Mason has represented the Shire of Corrigin on the Central Agcare committee.

STATUTORY ENVIRONMENT

NIL

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Budgeted expenditure for cost associated with providing representatives to external organisations and committees.

COMMUNITY AND STRATEGIC OBJECTIVES

Shire of Corrigin Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025:

Objective: Governance and Leadership Strong Governance and leadership

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
4.4	Provide informed and transparent decision making that, meets our legal obligations, and the needs of our diverse community	4.4.3	Regular reviews of Council's Long Term Financial Plan to ensure the long term financial stability of the Shire
		4.4.4	Provide Council adequate and appropriate financial information on a timely basis

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION

130/2023 Moved: Cr. Weguelin

Seconded: Cr. Dickinson

1. That Council appoint Councillors to the following external organisations and committees.

ORGANISATION	REQUIRED	MEETINGS	APPROXIMATE DURATION
WALGA Central Country Zone	Cr Hickey Cr Jacobs	Quarterly	Full day (depending on location of meeting)
Roe Regional Organisation of Councils including Roe Health	Cr Hickey Cr Jacobs	Quarterly	Half day (depending on location of meeting)

Carried 7/0

For: Cr. Hickey, Cr. Jacobs, Cr. Weguelin, Cr. Dickinson, Cr. Fare, Cr. Filinski and Cr. Leach

Against:

COUNCIL RESOLUTION

131/2023 Moved: Cr. Jacobs

Seconded: Cr. Fare

2. That Council appoint Councillors to the following external organisations and committees.

Wheatbelt South Regional Road Group inc Wheatbelt Secondary Freight Network	Cr Hickey Proxy – Cr Jacobs Observer – Cr. Fare	Quarterly	Half day (depending on location of meeting usually Wickepin) Generally March and August
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Carried 7/0

For: Cr. Hickey, Cr. Jacobs, Cr. Weguelin, Cr. Dickinson, Cr. Fare, Cr. Filinski and Cr. Leach

Against:

COUNCIL RESOLUTION**132/2023 Moved: Cr. Jacobs****Seconded: Cr. Fare**

3. That Council appoint Councillors to the following external organisations and committees.

Edna Stevenson Trust	Cr Hickey	Quarterly 12 February 2024 13 May 2024 12 August 2024 11 November 2024	1 hour
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Carried 7/0

For: Cr. Hickey, Cr. Jacobs, Cr. Weguelin, Cr. Dickinson, Cr. Fare, Cr. Filinski and Cr. Leach

Against:**COUNCIL RESOLUTION****133/2023 Moved: Cr. Weguelin****Seconded: Cr. Fare**

4. That Council appoint Councillors to the following external organisations and committees.

Roe Tourism Association	Cr Jacobs Proxy – Cr Leach	Quarterly	half day (depending on location of meeting)
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Carried 7/0

For: Cr. Hickey, Cr. Jacobs, Cr. Weguelin, Cr. Dickinson, Cr. Fare, Cr. Filinski and Cr. Leach

Against:**COUNCIL RESOLUTION****134/2023 Moved: Cr. Leach****Seconded: Cr. Weguelin**

5. That Council appoint Councillors to the following external organisations and committees.

Corrigin Senior Citizen's	Cr Filinski	Monthly Third Wednesday of month	1-2 hours
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Carried 7/0

For: Cr. Hickey, Cr. Jacobs, Cr. Weguelin, Cr. Dickinson, Cr. Fare, Cr. Filinski and Cr. Leach

Against:**11 NEXT MEETING**

Ordinary Council Meeting 23 October 2023

12 MEETING CLOSURE

The President Cr. Hickey closed the meeting at 6:58pm

Roe Regional Environmental Health Services Scheme – renewal of the MOU

The Roe Regional Organisation of Councils (RoeROC) was established in October 2006 to facilitate voluntary cooperation and resource sharing between the Shires of Corrigin, Kondinin, Kulin and Narembeen.

Since its establishment RoeROC has worked to deliver a number of shared services to its member Councils. The Roe Regional Environmental Health Services Scheme (RREHSS) provides an environmental health service that also includes the Shire of Lake Grace. RREHSS operates under a Memorandum of Understanding (MOU) between the Councils commencing 1 July 2023 and expiring on the 30 June 2028. The MOU can be extended by the Member Councils in writing.

Member Councils are asked to consider the extension of the MOU.

ROE REGIONAL ENVIRONMENTAL HEALTH SERVICES SCHEME

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made the First day of July 2023

BETWEEN:

the **SHIRE OF CORRIGIN** of 9 Lynch Street, **CORRIGIN, WA;**

the **SHIRE OF KONDININ** of 11 Gordon Street, **KONDININ, WA;**

the **SHIRE OF KULIN** of Johnston Street, **KULIN, WA;**

the **SHIRE OF LAKE GRACE** of 1 Bishop Street, **LAKE GRACE, WA;** and

the **SHIRE OF NAREMBEEN** of 1 Longhurst Street, **NAREMBEEN, WA.**

collectively known as the (**Member Councils**)

BACKGROUND

- A. Each of the Member Councils are local government authorities established under the *Local Government Act 1995*.
- B. Each of the Member Councils is required to provide Environmental Health Services within its council area in accordance with the *Health Act 1911*.
- C. The Member Councils currently have an arrangement with each other with respect to the employment of Environmental Health Officers and the provision of Environmental Health Services. (the Scheme).
- D. Each of the Member Councils agrees that the Scheme shall be collectively known as **Roe Regional Environmental Health Services Scheme (RREHSS)**. The Scheme will operate under the shortened title of **Roe Health**
- E. The Member Councils desire to formalise their agreement and understanding in relation to the Scheme and have agreed to enter into this MOU in this regard. However, the Member Councils agree that this Memorandum shall not create any legal obligations and whilst recognising that there are no enforceable obligations between them the Member Councils agree to perform their obligations pursuant to this Memorandum in good faith and to the best of their abilities.

AND THE MEMBER COUNCILS AGREE:

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

- 1.1.1 **Act** means the Local Government Act 1995;
- 1.1.2 **Scheme Costs** means all costs incurred by the Host Council including, but not limited to, the employment of the Environmental Health Officers (salary, training costs, sick leave, annual leave, long service leave and reimbursement of expenses), costs for time incurred by any other staff member or consultant, hardware, software licences, vehicle costs, communication costs, stationery, and any other resources associated with operating the Scheme;
- 1.1.3 **Billing Period** means the quarterly periods of each financial year when Tax invoices are issued by the Host Council;
- 1.1.4 **Costs Schedule** means Schedule 1 attached to this Memorandum;
- 1.1.5 **Host Council** means the **Shire of Corrigin**;
- 1.1.6 **Environmental Health Services** means the services outlined in Schedule 1 attached to this Memorandum;
- 1.1.7 **Committee** means the group of representatives appointed by each of the Member Councils in accordance with Clause 4.1 of this Memorandum;
- 1.1.8 **Scheme** means the Roe Regional Environmental Health Services Scheme;
- 1.1.9 **Memorandum** means this Memorandum of Understanding;
- 1.1.10 **Operating Guidelines** means the guidelines (as amended from time to time) referred to in Clause 6 and Schedule 1 of this Memorandum;
- 1.1.11 **Other Member Councils** means the Member Councils that are not the Host Council.

1.2 Interpretation

Unless the contrary intention appears:

- 1.2.1 Words noting the singular shall include the plural and vice versa.
- 1.2.2 Reference to any gender shall include every other gender and words denoting individuals shall include corporations and vice versa.
- 1.2.3 Reference to any Act of Parliament, statute or regulation shall include any amendment currently enforce at the relevant time and any Act of Parliament, statute or regulation enacted or passed in substitution therefore.
- 1.2.4 Headings are for convenience of reference only and do not affect the interpretation or construction of this Memorandum.
- 1.2.5 A requirement in this Memorandum for liaison and consultation is a requirement for full and frank discussion and includes a requirement where necessary and appropriate, for full disclosure of relevant information and material.

2. **TERM**

- 2.1 The term of this Memorandum shall be five (5) years commencing 1 July 2023 and expiring on the 30 June 2028, unless otherwise agreed or extended by the Member Councils in writing.
- 2.2 The term shall be reviewed by the Member Councils not more than twelve (12) months and not less than six (6) months prior to the expiration of the term subject to the term being reviewed prior to this period.

3. **NEGOTIATE IN GOOD FAITH**

The Member Councils agree that they will cooperate with each other and at all times act in good faith and with the joint objective of successfully and expeditiously concluding and carrying out all of the arrangements and agreements contemplated in this Memorandum.

4. **THE MEMBER COUNCILS OBLIGATIONS**

The Member Councils agree that each of them shall have the following obligations in respect of **Roe Regional Environmental Health Services Scheme**.

4.1 **Host Council**

On behalf of the Other Member Councils, the Host Council agrees **with the following arrangements:**

4.1.1 **Administration**

- 4.1.1.1 to administer the Scheme in accordance with this Memorandum and the Operating Guidelines; and
- 4.1.1.2 to be accountable to the Other Member Councils in a manner determined for the administration of the Scheme and the facilitation of the Scheme.

4.1.2 **Membership of the Committee**

- 4.1.2.1 to appoint the Chief Executive Officer or delegated officer to the Committee.
- 4.1.2.2 to appoint a proxy for each of the representatives in Clause 4.1.2.1.
- 4.1.2.3 to delegate such powers to the representatives as are required and necessary to give effect to this Memorandum, the Operating Guidelines and the Scheme.
- 4.1.2.4 to delegate such powers to the Chief Executive Officer of the Host Council as are required and necessary to give effect to the preparation, amendment and implementation of the Operating Guidelines.

4.1.3 **Finances**

- 4.1.3.1 to administer and account to the Other Member Councils in accordance with the method set out in the Cost Schedule for the Scheme Costs and the Administration Costs and to issue to the Other Member Councils on a quarterly basis a tax invoice specifying the amount of the Scheme Costs and Administration Costs that each of the Other Member Councils are responsible for during that Billing Period. An adjustment will be made in the following July invoice to reflect the actual expenditure for the previous year.
- 4.1.3.2 to prepare with the assistance from the Other Member Councils, in accordance with this Memorandum, the budgets for the Scheme; and
- 4.1.3.3 to meet all auditing requirements for all monies received and paid for in relation to the Network.

4.1.4 **Environmental Health Officers**

- 4.1.4.1 to enter into, on behalf of the Other Member Councils, an enterprise agreement (EA) or other employment or contractual arrangements with the Environmental Health Officers on terms and conditions that the Host Council determines appropriate.
- 4.1.4.2 to instruct the Environmental Health Officers in accordance with directions given to it by the Committee (if any).

- 4.1.4.3 to provide the Environmental Health Officers with office facilities, office equipment and resources, (including but not limited to stationery, postage resources, and telephone facsimile and photocopying facilities) and any other administrative assistance or resources required to be provided to enable the Environmental Health Officers to effectively carry out their duties.
- 4.1.4.4 to nominate a representative (which at the commencement of the Memorandum shall be the Chief Executive Officer) to;
 - (a) liaise with the Environmental Health Officers in relation to the terms, conditions and operation of the Scheme; and
 - ~~(b)~~ supervise the conduct of and compliance of Environmental Health Officers. ~~Administrator with the EA;~~
- 4.1.4.5 not to terminate the Environmental Health Officers without the approval of the Other Member Councils. For the purposes of this clause, approval means the written approval of a majority of the Other Member Councils received after a request has been made by the Host Council to the Other Member Councils requesting their vote.

4.2 The Other Member Councils

The Other Member Councils agree;

4.2.1 Finance

to pay to the Host Council within fourteen (14) days of having received a tax invoice the amount specified in the tax invoice (GST inclusive) given during each Billing Period in accordance with Clause 4.1.3.1 for its share of the Scheme Costs and the Administration Costs.

4.2.2 Membership of the Committee

- 4.2.2.1 to appoint the Chief Executive Officer or delegated officer and to the Committee;
- 4.2.2.2 to appoint a proxy for each of the representatives in Clause 4.2.2.1;
- 4.2.2.3 to delegate such powers to the representatives as are required and necessary to give effect to this Memorandum, the Operating Guidelines and the Scheme;
- 4.2.2.4 to delegate such powers to the Chief Executive Officer of the relevant Member Council as are required and necessary to give effect to the preparation, amendment and implementation of the Operating Guidelines.

4.3 **All Member Councils**

The Member Councils agree:

4.3.1 **Reporting**

To consider reports and recommendations from its respective representatives on the Committee in relation to the administration of the Scheme.

5. **SCHEME COMMITTEE**

5.1 The Member Councils agree to establish a Committee for the purposes specified below.

5.1.1 The Committee representatives shall meet at the times and places determined by the Committee (but in any case at least quarterly) for the purposes of;

5.1.2 considering the strategic direction of the Scheme;

5.1.3 considering any major policy issues in relation to the Scheme; and

5.1.4 reviewing, discussing and preparing budgets for the Scheme.

5.2 Each Member Council representative on the Committee shall be responsible for exercising their delegated authority and for the reporting back to their respective Council upon the exercise of those powers.

5.3 In the event of a conflict arising between the representatives of the Committee or if the Committee is divided in its votes on a decision required to be made by it, then the Committee will be required to report to their respective Councils for their determination.

5.4 The Member Councils agree that their respective Chief Executive Officer shall have delegated to them the necessary powers to make such decisions on behalf of the respective Member Council with respect to the Scheme.

5.5 The Committee shall at its first meeting (and annually thereafter) appoint amongst the representatives a Chairperson who shall hold office for a term of one (1) year but is eligible for reappointment for a further term, unless he/she resigns in which case the Committee shall appoint a new Chairperson to chair the meetings.

5.6 In the event that the appointed Chairperson is absent from a Committee meeting the representatives present shall appoint an acting Chairperson, who shall preside over that meeting or until the Chairperson is present.

6. **OPERATIONAL GUIDELINES**

6.1 Upon execution of this Memorandum, the Chief Executive Officer or delegate of each of the Member Councils shall prepare and implement Operational Guidelines which the Chief Executive Officers or delegates shall be capable of amending from time to time as the Chief Executive Officers or delegates see fit.

- 6.2 Notwithstanding the provisions of this Memorandum, the Member Councils agree that the Operational Guidelines shall be the operative document that facilitates the operational management of the Scheme.
- 6.3 The Member Councils shall delegate to their respective Chief Executive Officers such powers as are required and necessary to prepare and amend the Operational Guidelines and to manage the network in accordance with the Operational Guidelines.
- 6.4 The Councils agree to negotiate and cooperate with each other at all times and to act in good faith in the operation of the Operational Guidelines and to comply with its terms.

7. **VARIATION**

The Member Councils agree that the terms and conditions of this Memorandum may be varied upon written agreement of the proposed variation by **all** the Member Councils.

8. **WITHDRAWAL**

- 8.1 If a Member Council of **Roe Regional Environmental Health Services Scheme** wishes to no longer participate, that Council may upon giving twelve (12) months written notice (the Notice Period) to the other Member Councils withdraw from this Memorandum and the Network in which event that Council, as at and from the expiration of the Notice Period, shall no longer be a part of this Memorandum or the Scheme.
- 8.2 Notwithstanding withdrawing from the Network that Council shall still be liable for its contribution to all costs as per the Cost Schedule for the duration of the Notice Period.

9. **ADDITIONAL MEMBERS**

- 9.1.1 If another council wish to join the Scheme, subject to the unanimous agreement of the Member Councils, that council may join in this Memorandum and the Scheme, provided that the council agrees;
- 9.1.2 to be bound by the terms and conditions of this Memorandum;
- 9.1.3 to contribute a share of the initial Scheme Costs and Administration Costs, with the contribution and use thereof to be determined by the Member Councils.

10. **NO PARTNERSHIP**

This Memorandum does not create or evidence a partnership between the Member Councils.

11. **ACKNOWLEDGEMENT**

The Member Councils acknowledge and agree that each of the Member Councils may in its own right engage the other Member Council staff for their services, however any agreed costs incurred by the Council in doing so shall be borne solely by the respective Council.

12. WINDING UP

- 12.1 Subject to the Member Councils extending or otherwise entering into a new agreement, at the expiration of this Memorandum, each of the participating Member Councils at that time shall be provided with the following:
- 12.1.1 a readable copy of all records (hard copy or otherwise), in an appropriate format, associated with the Scheme; and
 - 12.1.2 a share of the proceeds in accordance with the percentages specified in the Cost Schedule upon the realisation of any of the assets forming part of the Scheme (as opposed to those owned by the individual Councils) after the payment of all liabilities (outstanding or contingent) if any.
- 12.2 If upon winding up the liabilities (outstanding or contingent) exceed the assets forming part of the Scheme (as opposed to those owned by the individual Councils) each Member Council shall contribute a share towards the payment of the liabilities in accordance with the formula specified in the Cost Schedule.

13. DISPUTES BETWEEN MEMBER COUNCILS

- 13.1 The Member Councils agree to work together in good faith to resolve any matter requiring their direction or resolution.
- 13.2 In the event of any dispute or difference ('dispute') arising between the Member Councils or any of them at any time as to any matter or thing of whatsoever nature arising under or in connection with this Memorandum of Understanding, then a Member Council may give to the other Member Council/s (as the case may be) notice in writing ('dispute notice') adequately identifying the matters, the subject of the dispute and the giving of the dispute notice shall be a condition precedent to the commencement by any Member Council of proceedings (whether by way of litigation or arbitration) with regard to the dispute as identified in the dispute notice.
- 13.3 At the expiration of 35 days from the date of receipt of the dispute notice by the persons to whom it was sent, the person giving the dispute notice may notify the others in writing ('arbitration notice') that it requires the dispute to be referred to arbitration and the dispute (unless meanwhile settled) shall upon receipt of the arbitration notice by the recipients then be and is hereby referred to arbitration under and in accordance with the provisions of the Commercial Arbitration Act 1985.
- 13.4 The costs (if any) of arbitration shall be borne equally by the Member Councils involved in the arbitration.

EXECUTED as a Memorandum of Understanding

THE COMMON SEAL of SHIRE OF CORRIGIN)
was hereunto affixed in the presence of:)

President

Chief Executive Officer

THE COMMON SEAL of SHIRE OF KONDININ)
was hereunto affixed in the presence of:)

President

Chief Executive Officer

THE COMMON SEAL of SHIRE OF KULIN)
was hereunto affixed in the presence of:)

President

Chief Executive Officer

THE COMMON SEAL of SHIRE OF LAKE GRACE)
was hereunto affixed in the presence of:)

President

Chief Executive Officer

THE COMMON SEAL of SHIRE OF NAREMBEEN)
was hereunto affixed in the presence of:)

President

Chief Executive Officer

SCHEDULE 1

ROE REGIONAL ENVIRONMENTAL HEALTH SERVICES SCHEME (ROEHEALTH) OPERATIONAL GUIDELINES

These Operational Guidelines have been prepared in accordance with Clause 6 of the Roe Regional Environmental Health Services Scheme Memorandum of Understanding (MOU). The Scheme will operate under the shortened title of Roe Health.

Role of the Scheme

Governance

The members of the scheme agree to work together to ensure that the provision of environmental health services are provided in an effective and accountable manner under the statutory authority of each local government.

Services Schedule

The following Environmental Health Services will be provided by (but not limited to) the Scheme:

Environmental Health Services
Undertake the effective delivery of environmental health services to Councils within the Roe Region including: <ul style="list-style-type: none">• General health application enquiries;• Caravan park and camping grounds compliance and licensing;• Effluent disposal applications;• Food premises inspections, enforcement and general enquiries;• Hairdressing premises compliance;• Liquor licencing compliance in relation to environmental health requirements;• Investigation of notifiable diseases;• Pest control licencing and enforcement;• Public building inspections and enforcement;• Boarding house licenses;• Tobacco products compliance;• Unauthorised discharge issues;• Waste management coordination;• Wastewater reuse scheme compliance;• Water sampling;• Pool fence inspections• Compliance and enforcement of Health (Miscellaneous Provisions) Act 1911, Public Health Act 2016 and subsidiary legislation;• Training of administrative staff in Environmental Health administration; and• Any other services broadly consistent with Environmental Health Services.
Implement and maintain environmental health programs within Council policies and guidelines.
Ensure a customer focused quality service is provided to the community in relation to all environmental health matters.
Undertake submission of statutory and statistical reports as required.
Council Support
Prepare reports and summaries of activities in a written format for presentation to Council in the monthly Council meeting agenda as required.
Attend Committee and Council Meetings as required.
Develop and maintain strong relationships with key stakeholders.
Bendering Landfill Site
Oversee waste contract for Bendering Landfill site.

Ensure annual waste received at facility is collated.
Report to Roe ROC on management of Bending Landfill site.
Liaise with Local Government staff, contractors and community members regarding access to the Bending Landfill site, waste permits and waste volumes.

Visitation Schedule

The following service schedule is agreed by the scheme members as a general principle but may be varied from time to time:

Local Government	Percentage of Scheme Time/Costs	Equivalent Days Per Fortnight
Shire of Corrigin	23.08%	3
Shire of Kulin	15.38%	2
Shire of Kondinin	23.08%	3
Shire of Lake Grace	23.08%	3
Shire of Narembeen	15.38%	2

Scheme members agree that in the interests of effectiveness, some services may be provided remotely or that the EHOs may provide services to other scheme members during the normal round of visits to local governments so long as generally each local government receives their equivalent share of services each year.

Scheme Equipment and Resources

Scheme costs include the purchase and replacement of motor vehicles. In the event of winding up, the value of any motor vehicles will be distributed in accordance with the Clause 12 of the MOU.

Role of the EHO

Service Delivery

The Scheme Environmental Health Officers will endeavour to provide environmental health services in a fair and equitable manner in accordance with the general principle of the Visitation Schedule.

Record Keeping

Environmental Health Officers will ensure that appropriate records are created and maintained and are made available to the relevant local government for retention in their records management system.

Role of Member Councils

Flexibility in visitation

Member Councils agree to be flexible in their expectation of visitation and the method of service delivery so long as generally each local government receives their equivalent share of services each year.

Office space

Member Councils agree to provide an appropriate workstation and office space for Environmental Health Officers whilst visiting their local government.

Access to Information Technology Networks

Member Councils will provide reasonable access for Environmental Health Officers to Information technology networks and the internet.

Record Keeping

Member Councils will establish appropriate records management systems for environmental health related records.

Administrative Support

Member Councils agree to provide reasonable administrative support to Environmental Health Officers in the conduct of their normal duties.

Nominated Liaison Person

Each Member Council will nominate a Staff Member to be the contact person for their local government to liaise with Environmental Health Officers to ensure regular two way communication, continuity of service and expectations.

Role of the Member Council CEO

The CEO of each Member Council agrees to take an active interest in the Scheme and the services provided by the Environmental Health Officers to ensure that:

- a. The services provided are within the scope and expectation of each Council;
- b. The local government is represented at all Scheme Committee Meetings; and
- c. The role of the Environmental Health Officers is appropriately supported.

Role of the Host Council**Financial records and reporting**

The Host Council will ensure that appropriate financial records are kept for all Scheme income and expenditure and financial reports are presented at the end of each quarter to Member Councils.

Human Resource Management

The Host Council will apply contemporary human resource management practices to the employment and management of employees providing services to the Scheme.

Record Keeping

The Host Council is responsible for creating and maintaining records in relation to the administration, financial management and human resources management of the Scheme.

RoeROC

Roe Regional Organisation of Councils

SHIRE OF CORRIGIN

and

SHIRE OF KONDININ

and

SHIRE OF KULIN

and

SHIRE OF NAREMBEEN

MEMORANDUM OF UNDERSTANDING

July 2023 to June 2028

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AGREEMENT

This Memorandum of Understanding (MOU) dated 1 July 2028 between

the **SHIRE OF CORRIGIN** of Lynch Street, CORRIGIN, Western Australia, and

the **SHIRE OF KONDININ** of Gordon Street, KONDININ, Western Australia, and

the **SHRE OF KULIN** of Johnston Street, KULIN, Western Australia, and

the **SHIRE OF NAREMBEEN** of 1 Longhurst Street, NAREMBEEN, Western Australia.

(the Member Councils)

OPERATIVE PART

1 NAME

The name of the regional organisation of councils is the Roe Regional Organisation of Councils (RoeROC).

2 REGIONAL PURPOSES

The regional purposes for which RoeROC is established are to:

- a) Undertake the activities defined as projects and services in accordance with Clause 7:
- b) Provide a means for the Member Councils, through voluntary participation and the integration and sharing of resources, where requirements of clause 7.1 are met, to:
 - (i) Assess the possibilities and methodology of facilitating a range of services and facilities on a regional basis including, without limitation, the services and facilities described in Schedule 2;
 - (ii) Promote, initiate, undertake, manage and facilitate the services and facilities described in Schedule 2;
 - (iii) Promote productive effectiveness and financial benefit to the Member Councils where there are common and shared community of interest linkages;

3 OBJECTIVES

The objectives of RoeROC shall be:

- a) To carry out the Regional Purposes in a manner which enhances and assists in the advancement of the Region,
- b) To form a strategic alliance for the retention of infrastructure, community services and population, increased funding for development and maintenance/improvement of local road network, economic development initiatives, promotion and marketing initiatives, retention of health services, salinity and environment and general local government industry issues,
- c) To encourage cooperation and resource sharing on a regional basis
- d) Not to detract from the relationships an individual shire holds within its community, with the state and federal governments and other entities it interacts with in the course of usual business.

4 DEFINITIONS

In this MOU unless the context requires otherwise;

Act means the Local Government Act WA 1995 and associated regulations;

Project means the undertaking of any activity for a Regional Purpose described in clause 2(b);

Proposal means the proposal to undertake a Project;

Region means the districts of the Member Councils;

Regional Purposes means any regional purpose referred to in clause 2.

RoeROC means the Roe Regional Organisation of Councils;

Secretariat means and employee of the host Member Council who provides secretarial support to the RoeROC.

5 THE ORGANISATION

5.1 Appointment of members

- a) The President and Chief Executive Officer of a Member Council are members of RoeROC.
- b) A Member Council may appoint one elected member and one Officer as a deputy from the Council of the Member Council who are able to attend the RoeROC meetings.
- c) A Member Council may appoint a nominee in lieu of the Shire President or Chief Executive Officer under sub-clause 5.1(a).

Footnote: Deputy Chief Executive Officers or similar positions as well as Councillors from each of the Member Councils are encouraged to attend meetings.

5.2 Tenure of members of RoeROC

A member of RoeROC shall hold office until either:

- a) The member ceases to be a member of the Council or CEO of the Member Council or
- b) The member is removed by the Member Council.

5.3 Election of Chairperson and Deputy Chairperson

- (1) The members of the RoeROC shall elect a Chairperson, Deputy Chairperson and secretariat on a rotational basis as decided by Member Councils following the bi-annual local government elections.

If the office of Chairperson or Deputy Chairperson becomes vacant or are absent from meetings then the members of RoeROC shall elect a new Chairperson or Deputy Chairperson, as the case requires.

5.4 Tenure of Chairperson and Deputy Chairperson

- (1) The Chairperson and Deputy Chairperson should hold those offices until the election of a new chairperson and deputy chairperson pursuant to clause 5.3 (1).
- (2) The Chairperson and Deputy Chairperson in office at time of extension or renewal of this MOU shall continue in office until an election is held as required by clause 5.3 (1)

5.5 Role of Chairperson

The Chairperson:

- a) Presides at meetings of RoeROC;
- b) Carries out civic and ceremonial duties on behalf of RoeROC;
- c) Speaks on behalf of RoeROC; and
- d) Liaises with the Secretariat on RoeROC's affairs and the performance of its functions.

5.6 Role of Deputy Chairperson

- (1) The Deputy Chairperson performs the functions of the Chairperson, when authorised to do so, under this clause.
- (2) The Deputy Chairperson may perform the functions of Chairperson if;
 - a) The office of Chairperson is vacant; or
 - b) The Chairperson is not available or is unable or unwilling to perform the functions of Chairperson,

5.7 Role of Members of Roe Regional Organisation of Council

A member of RoeROC:

- a) Represents the interests of the electors and residents of the Region;
- b) Facilitates communication between the community of the Region and RoeROC;
- c) Participates in the RoeROC's decision-making processes at meetings of the RoeROC and its committees; and
- d) Performs such other functions as are given to the member.

6 FINANCIAL CONTRIBUTIONS

6.1 Annual or Capital Contributions

Member Councils are required to make an annual financial contribution towards the operations of RoeROC as determined by RoeROC, the contributions to be in equal shares, and may also be requested to contribute towards specific projects or initiatives of RoeROC.

6.2 Manner of Payment

The contributions referred to in clauses 6.1 shall be paid by each Member Council to RoeROC in the manner determined by RoeROC.

7 PROJECTS OR SERVICES

7.1 Requirements

RoeROC shall only undertake a Project or Service in accordance with this clause and provided that:

- a) RoeROC is satisfied that any services and facilities that it will provide:
 - i) Integrate and coordinate, so far as practical, with any provided by the Commonwealth, State or any public body;
 - ii) Within the district of a Member Council, do not duplicate, to an extent that the Member Council consider inappropriate, services or facilities provided by the Commonwealth, the State or any body or person, whether public or private; and
 - iii) Are managed efficiently and effectively;
- b) The requirements for the preparation of a business plan under section 3.59 of the Act, if applicable, are complied with.

Note:

In certain circumstances, a proposal to undertake a Regional Purpose may require the preparation of a business plan under the Act – see section 3.59.

Nothing prevents RoeROC or Member Councils providing a financial contribution to regional projects and services at any time.

7.2 Project Plan to be Prepared

Where RoeROC is considering a proposed Project or Service it shall prepare a Project Plan.

7.3 Contents of a Project Plan

A Project Plan should include:

- a) A clear definition of the proposed Project or Service;
- b) Details of the expected cost and benefits for the Member Councils;
- c) A project time-line with performance milestones clearly outlined;

- d) The proportion (and the basis of its calculation) in which the Project Member Councils will make contributions towards:
 - i) The acquisition of any asset of a capital nature required for the Project or Service;
 - ii) The operating expenditure, including administrative expenses, relating to the Project or Service.
- (e) The manner of payment of the contributions referred to in paragraph (d);
- (f) The proportion entitlement or liability, as the case may be (and the basis of its calculation) of the Project Member Councils in the event that the Project or Service is wound up;
- (g) The manner of payment of the entitlement or liability referred to in paragraph (i);
- h) The procedure for the giving of notice by a Project Member Council wishing to withdraw from the Project or Service including the period of notice;
- i) The proportional entitlement or liability, as the case may be (and the basis of its calculation), of a Project Member Council when withdrawal of that Project Member Council from the Project or Service takes effect;
- j) The amount, if any, of interest payable where contributions are not made on the due date for payment; and
- k) The entitlement, if any, of a Member Council which is not a Project Member Council to join a Project or Service and the procedure to be followed including the period of notice given by that Member Council.

7.4 Member Councils to be Given Project Plan

Upon completion of the Project Plan RoeROC shall give a copy of the Project Plan to each of the Member Councils.

7.5 Election to Participate in Project

Each Member Council shall, within a reasonable period determined by RoeROC, elect whether to participate in the New Project or Service by giving notice of its election to RoeROC.

7.6 Project Member Councils

The Member Councils, which elect to participate in a Project or Service, are the Project Member Councils in respect of that Project or Service.

7.7 Review of Project Plan

- (1) As soon as practicable after the period referred to in clause 7.5, RoeROC shall:
 - a) Review the Project Plan and its viability having regard to the number of Member Councils who have elected to participate;
 - b) Decide whether to proceed with the Project or Service; and
 - c) Give notice to each of the Project Member Council of its decision.
- (2) Where the number of Member Councils which have elected to participate is less than the number, if any, specified in the Project Plan or less than all of the Member Councils where no number is specified, then RoeROC will give the Member Councils an opportunity to withdraw their election before the RoeROC decides to proceed under clause 7.7(b).

7.8 Project Member Councils to be Bound

Where RoeROC decides to proceed with a Project or Service and gives notice of its decision to each of the Project Member Councils in accordance with clause 7.7, then each of the Project Member Councils shall be bound by the terms of the Project Plan as if those terms were set out in this Agreement.

7.9 Winding Up of Project or Service

The RoeROC Council may resolve to wind up a Project or Service. An absolute majority vote will be required by the RoeROC Council to resolve to wind up any project or service.

7.10 Division of Assets

- (1) Subject to sub-clause (2), if a Project or Service is to be wound up and there remains, after satisfaction of all its debts and liabilities, any property and assets of the Project or Service then the property and assets shall be realised and the proceeds along with any surplus funds shall be divided among the Project Member Councils in the proportions referred to in the Project Plan.
- (2) Sub-clause (1) shall not apply where the Project Member Councils advise RoeROC that a realisation of the property and assets is not necessary.

7.11 Division of Liabilities

If a Project or Service is to be wound up and there remains any liability or debt in excess of the realised property and assets of the Project or Service then the liability or debt is to be met by the Project Member Councils in the proportions referred to in the Project Plan.

7.12 Indemnification by Project Member Councils of the RoeROC

If a Project or Service is wound up then the Project Member Councils shall indemnify RoeROC (in the proportions referred to in the Project Plan) with respect to that liability or debt.

7.13 Current Projects

All current projects and services are listed in schedule 3 as updated from time to time

8 TERM AND TERMINATION

8.1 Term of Agreement

Unless otherwise wound up or extended, this Agreement will terminate on 30 June 2028.

8.2 Winding up by Agreement

The Member Councils may, by agreement, wind up RoeROC.

8.3 Division of Assets

If the RoeROC is to be wound up and there remains, after satisfaction of all its debts and liabilities, any property and assets of RoeROC then the property and assets shall be realised and the Proceeds along with any surplus funds shall be divided among each of the Member Councils in the same proportions as the contributions of a particular Member Council to RoeROC.

8.4 Division of Liabilities

If RoeROC is to be wound up and there remains any liability or debt in excess of the realised property and assets of RoeROC then the liability or debt is to be met by each of the Member Councils in the same proportions as the contributions of a particular Member Councils to the assets of RoeROC bear to the total of such contributions by all Member Councils.

9 WITHDRAWAL OF A MEMBER COUNCIL

9.1 Withdrawal

A Member Council may, at any time between 1 July and 31 December in any year, give to RoeROC notice of its intention to withdraw from RoeROC.

9.2 When Withdrawal to Take Effect

The withdrawal of a Member Council shall take effect from the end of the financial year, in which notice of withdrawal under clause 9.1 is given.

9.3 Entitlement or Liability of Withdrawing Member Council

As soon as practicable following the withdrawal of a Member Council, RoeROC shall:

- a) Distribute to the Member Council an amount equal to the proceeds and any surplus funds which would have been payable if RoeROC was wound up; or
- b) Be entitled to recover from the Member Council an amount equal to the liability or debt which would be payable by the Member Council if the RoeROC was wound up, as the case may be.

9.4 Member Councils May be Required to Pay Distribution

If the RoeROC is unable to meet the distribution referred to in clause 9.3(a) from funds on hand then, unless the RoeROC decides otherwise, the Member Council (other than the Member Council that has withdrawn) shall pay the distribution in the proportions equal to their respective equities in the RoeROC.

10 ADMITTING NEW MEMBERS

- (1) Section 3.65 of the *Local Government Act 1995* is to apply if a Regional Local Government is established.
- (2) Prospective new members may be admitted and shall be required to;
 - a) Submit a project plan to RoeROC that responds to the guidelines described in section 7.3 – Contents of a Project Plan
 - b) On entry a new member shall be required to contribute to RoeROC a sum that is described in the project plan as the entry sum and in addition a sum equal to the current year's contribution schedule as described in section 6.1 or a discretionary sum agreed to by the RoeROC.

note:

1. Part 3 Division 4 Section 3.65 (2) of the *Local Government Act 1995* describes the process of amending the Establishment Agreement.

11 DISPUTE RESOLUTION

11.1 Dispute

In the event of any dispute or difference arising between the Member Councils and RoeROC or any of them at any time as to any matter or thing of whatsoever nature arising under or in connection with this MOU, then a Member Councils or RoeROC or the Member Councils (as the case may be) may give to the other Member Councils and RoeROC (as the case may be) notice in writing (Dispute Notice) adequately identifying the matters, the subject of the dispute and the giving of the dispute notice shall be a condition precedent to the commencement by any Member Council or RoeROC of proceedings (whether by way of litigation or arbitration) with regard to the dispute as identified in the dispute notice.

11.2 Arbitration

At the expiration of 35 days from the date of receipt of the dispute notice by the persons to whom it was sent, the person giving the dispute notice may notify the others in writing ('arbitration notice') that it requires the dispute to be referred to arbitration and the dispute (unless meanwhile settled) shall upon

receipt of the arbitration notice by the recipients then be and is hereby referred to arbitration under and in accordance with the provisions of the *Commercial Arbitration Act 1985*.

11.3 Legal Representation

For the purposes of the *Commercial Arbitration Act 1985*, the Member Councils consent to each other and to ROEROC being legally represented at any such arbitration.

12 INTERPRETATION

12.1 Interpretation

In this MOU unless the context requires otherwise:

- a) Words importing the singular include the plural and vice versa;
- b) Words importing any gender include the other genders;
- c) References to persons include corporations and bodies politic;
- d) References to a person include the legal personal representatives, successors and assigns of that person;
- e) A reference to a statute, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them (whether of the same or any other legislative authority having jurisdiction);
- f) References to this or any other document include the document as varied or replaced, and not withstanding any change in the identity of the parties;
- g) References to writing include any mode of representing or reproducing words in tangible and permanently visible form, and includes telex and facsimile transmission;
- h) An obligation of two or more parties shall bind them jointly and severally;
- i) If a word or phrase is defined cognate words and phrases have corresponding definitions;
- j) References to a person which has ceased to exist or has been reconstituted, amalgamated, reconstructed or merged, or the functions of which have become exercisable by any other person or body in its place, shall be taken to refer to the person or body established or constituted in its place or by which its functions have become exercisable;
- k) An obligation incurred in favour of two or more parties shall be enforceable by them jointly and severally;
- l) Reference to any thing (including, without limitation, any amount) is a reference to the whole or any part of it and a reference to a group of things or persons is a reference to any one or more of them;
- m) Reference to a month and cognate terms means a period commencing on any day of a calendar month and ending on the corresponding day in the next succeeding calendar month but if a corresponding day does not occur in the next succeeding calendar month the period shall end on the last day of the next succeeding calendar month;
- n) References to this MOU include its schedules.

12.2 Headings and Footnotes

Headings and footnotes shall be ignored in construing this MOU.

12.3 Time

- a) References to time are to local time in Perth, Western Australia;
- b) Where time is to be reckoned from a day or event, such day or the day of such event shall be excluded.

13 AMENDMENT OF MEMORANDUM OF UNDERSTANDING

- (1) The Member Councils may amend this MOU by unanimous agreement of the Member Councils.
- (2) This MOU can be amended to include another local government as a party to the amending agreement.

Schedule 1 – Execution

EXECUTED by the Parties

THE COMMON SEAL of SHIRE OF CORRIGIN)
was hereunto affixed in the presence of:)

President

Chief Executive Officer

THE COMMON SEAL of SHIRE OF KONDININ)
was hereunto affixed in the presence of:)

President

Chief Executive Officer

THE COMMON SEAL of SHIRE OF KULIN)
was hereunto affixed in the presence of:)

President

Chief Executive Officer

THE COMMON SEAL of SHIRE OF NAREMBEEN)
was hereunto affixed in the presence of:)

President

Chief Executive Officer

Schedule 2 – Regional Purposes

1. Cooperation

To provide a strong and cohesive regional group that has the capacity to provide leadership and practical projects that will enhance the region.

2. Tourism and Event Coordination

To maximise the potential of tourism and community events in the region through the coordination of tourism and marketing activities, individual events, staging of major events and promotions including, but not limited to;

- The marketing and development of the Roe Regional Tourism Strategy.
- The marketing and promotion of events and attractions.
- Coordinating and/or staging events in the South Eastern Wheatbelt region to maximise community benefit.

3. Resource Sharing

To promote inter-council cooperation and resource sharing opportunities where these add value and do not diminish the way individual councils provide services to their communities. These opportunities can include but are not limited to the following;

- Enhance the finance/compliance capability of individual councils.
- Joint purchasing of plant items.
- Facilitate resource sharing of technical/professional officer positions for two or more local governments by creating the blue print for successful joint arrangements.
- Establish a central facility for local government functions such as rating, accounting and records management.
- Develop the capacity as a group to tender for and undertake major and minor works.

4. Economic and Community Building

To implement strategies relating to issues of regional significance that foster and promote development opportunities that benefit the region. These opportunities can include, but are not limited to;

- Developing and implementing alternative power systems in the region using renewable resources.
- Lobby for tax incentive schemes for new industries.
- Lobby for the delivery of tertiary and further education to regional areas.
- Lobby for a regional tourist drives and routes.
- Facilitating niche marketing and branding for the region.

5. Health and Community Services

To act as a catalyst to promote the well-being of the regional community and undertake activities including, but not limited to;

- Lobby government for continued stability and incentives for the provision of doctors.
- Lobbying government for education of nurses to meet the needs of rural areas.
- Lobbying for changes to accident, emergency and hospital care in the region.
- Facilitating improved health resources for the vulnerable members of the RoeROC community.

6. Environment

To provide leadership, coordination and information on regional natural resource management practices and undertake activities including, but not limited to;

- Achieving improved control and utilisation of surface and sub-surface water resources.
- Achieving improved land management practices across the region.
- Ensure the long-term economic future of the region through sustainability practices.
- Implementing progressive Natural Resource Management initiatives.
- Reporting on the state of the environment in the RoeROC region.

7. Recreation

To provide planning and leadership in the coordination and development of recreational activities and facilities in the region including, but not limited to;

- Regional Recreational planning
- Improving participation in and awareness of various sporting and recreational activities (ie supporting be-active coordinators).

8. Transport

To provide representation, planning and input into the coordination and development of transport networks in the region including, but not limited to;

- Obtaining Federal and State funding for road networks.
- Lobbying for further input into MRWA road maintenance programs.
- Lobbying for greater input into the regulation of transport operators ie: school bus, heavy haulage, etc.
- Liaise on regional transport issues.

Schedule 3 – Existing Projects and Services

Regional waste site agreement (Bendering Tip)
Licence to use land
Regional Environmental Health Services Scheme