



MINUTES

SPECIAL MEETING OF COUNCIL

23 OCTOBER 2013
Commencing at 5pm

Council Chambers
28 Yougenup Road, Gnowangerup WA 6335

NOTICE OF A SPECIAL MEETING OF COUNCIL

Dear Council Member

The next Special Meeting of the Shire of Gnowangerup will be held on Wednesday 23 October 2013, at the Council Chambers 28 Yougenup Road Gnowangerup, commencing at 5.00pm.



.....
S Pike
CHIEF EXECUTIVE OFFICER

18 October 2013

Meaning of and CAUTION concerning Council's "In Principle" support:

When Council uses this expression it means that:

- (a) Council is generally in favour of the proposal BUT is not yet willing to give its consent; and*
- (b) Importantly, Council reserves the right to (and may well) either decide against the proposal or to formally support it but with restrictive conditions or modifications.*

Therefore, whilst you can take some comfort from Council's "support" you are clearly at risk if you act upon it before Council makes its actual (and binding) decision and communicates that to you in writing.

Disclaimer:

"Warning - Verbal Information & Advice:

Given the inherent unreliability and uncertainty that surrounds verbal communication, the Shire strongly recommends that, if a matter is of importance to you, then you should NOT act upon or otherwise rely upon any VERBAL information or advice you receive from the Shire unless it is first confirmed in writing."

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DECLARATION OF INTEREST FORM

To: Chief Executive Officer
Shire of Gnowangerup
28 Yougenup Road
GNOWANGERUP WA 6335

I,(1) _____ wish to declare an interest in the following item to be considered by Council at its meeting to be held on (2) _____

Agenda Item(3) _____

The type of Interest I wish to declare is (4).

- Financial pursuant to Section 5.60A of the Local Government Act 1995
Proximity pursuant to Section 5.60B of the Local Government Act 1995
Indirect Financial pursuant to Section 6.51 of the Local Government Act 1995
Closely Associated Persons pursuant to Section 5.62 of the Local Government Act 1995
Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is (5) _____

The extent of my interest is (6) _____

I understand that the above information will be recorded in the minutes of the meeting and placed in the Disclosure of Financial and Impartiality of Interest Register.

Yours sincerely

Signed _____

Date _____

- Notes:
1. Insert your name (print).
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE)

A Member who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting that will be attended by the Member, must disclose the nature of the interest:

- a) In a written notice given to the Chief Executive Officer before the Meeting or;
- b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- c) Preside at the part of the Meeting, relating to the matter or;
- d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (NOTES FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. These notes will be included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc.), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
- 4. If in doubt declare.**
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The only exceptions are:
 - 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'. A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY CLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote. With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

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AGENDA

1. OPENING OF MEETING

The Chief Executive Officer declared the meeting open at 5pm and acted as temporary chair.

2. SWEARING IN OF COUNCILLORS

The Chief Executive Officer is to swear in the newly elected Councillors.

Each newly elected person is required to make a declaration before they can act in the capacity of a Councillor.

The declaration of the office states that the Council member will faithfully perform their duties and will obey the *Local Government (Rules of Conduct) Regulations 2007*.

The declaration is also made verbally and a document signed in front of an Authorised Person as prescribed by the *Oath, Affidavits and Statutory Declarations Act 2005* who will witness the signature of the Council member.

The Chief Executive Officer called the following people forward to take the declaration of office;

Sue Lance, Bronwyn Gaze, Richard House, Lex Martin, Keith House, Frank Hmeljak

The newly elected Councillors then took their assigned places in the Council Chamber

3. ATTENDANCE/APOLOGIES

3.1 ATTENDANCE

Cr Keith House AM JP

Cr Bronwyn Gaze

Cr Sue Lance

Cr Brenton Hinkley

Cr Fiona Gaze

Cr Shelley Hmeljak

Cr Richard House

Cr Frank Hmeljak

Cr Lex Martin

Shelley Pike - Chief Executive Officer

Vicki Morris - Executive Manager Corporate Services and Community Development

Garry McGraw - Executive Manager Infrastructure

Jeni Anning - Executive Manager Finance

Kim Schleicher - Executive Assistant

Diane Spence - Executive Assistant

3.2 APOLOGIES

NIL

4. PUBLIC QUESTION TIME

The temporary Chairperson called for questions from the Public in relation to the Special Meeting of Council

Mr Ken Pech questioned whether the term of the President was contained in the Agenda.

Mr Pech was advised that the term of the President was contained in the Agenda.

5. DECLARATION OF INTEREST

The temporary Chairperson called for any declarations of interest from members present
No declarations were declared.

6. ELECTION OF SHIRE PRESIDENT

The Council is required to elect the Shire President from among the Councillors, as required in Section 2.15 of the Local Government Act 1995 and as detailed in Schedule 2.3 of Division 2 of the Act.

The Chief Executive Officer is to call for nominations for the position of Shire President for a two (2) year term expiring October 2015.

A Councillor may nominate a candidate or candidates to be elected as Shire President. If only one candidate is nominated they are then declared elected.

The Local Government Act 1995 specifies:

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.

5. Votes may be cast a second time

(1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.

(2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.

(3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.

(4) The votes cast under subclause (3) 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

The Chief Executive Officer advised that she had received one written nomination for the position of Shire President. The Chief Executive Officer then called for any other nominations. None were received.

The Chief Executive Officer asked Cr K House if he would accept the nomination. Cr K House accepted.

As only one nomination was received the Chief Executive Officer announced Cr Keith House AM JP as the Shire President for the Shire of Gnowangerup for the period of October 2013 to October 2015.

Cr K House then took the Chair and addressed the meeting.

7. ELECTION OF DEPUTY PRESIDENT

The Shire President called for nominations for the position of Deputy. The term of the Deputy is for two (2) years until October 2015.

A Councillor may nominate a candidate or candidates to be elected as Deputy. If only one candidate is nominated they are then declared elected.

The Local Government Act 1995, Section 2.15 states;

The deputy mayor or deputy president is to be elected by the council from amongst the councillors under Schedule 2.3 of Division 2.

The relevant sections of the Act are:

Schedule 2.3, Section 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.

9. Votes may be cast a second time

(1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.

(2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.

When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.

(4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

The Shire President called for nominations for the position of Deputy President.

Cr B Hinkley nominated Cr S Hmeljak

Cr F Gaze nominated herself

The Shire President asked Crs Hmeljak and Gaze if they would accept the nomination. Both Councillors agreed.

As there were two nominations received, a secret ballot was conducted.

The Chief Executive Officer declared that Cr F Gaze had received the majority of votes as a result of the secret ballot.

The Shire President announced that Cr F Gaze was to be the Deputy President for the Shire of Gnowangerup for the period October 2013 to October 2015.

Councillor Gaze then addressed the meeting.

8. APPOINTMENT OF ELECTED MEMBERS TO COMMITTEES OF COUNCIL COMMITTEES FOR THE 2013/2015 COUNCIL TERM

Location: Shire of Gnowangerup
Business Unit: Strategy and Governance
Officer: S Pike - Chief Executive Officer
Disclosure of Interest: Nil

PURPOSE: To establish and appoint elected members to a number of Committees of Council for the 2013-2015 Council term.

The following are the Committees, including their purpose and a brief history.

Audit Committee

With the purpose, membership, scope of activity and delegated authority as detailed in the respective Terms of Reference Committee attached to this report as Appendix A. The Council is required to have an Audit Committee as part of the legislative requirements of Council.

Chief Executive Officer Performance Review Committee

With the purpose of reviewing the Chief Executive Officers performance in accordance with the Chief Executive Officers employment contract.

Strategic Financial Management Committee

With the purpose of overseeing the strategic financial management within the Shire and to advise Council of the financial impact of the Strategic Community Plan and to align strategic financial management issues with the levels of agreed service and best industry practice. The Committee also has the responsibility to oversee the implementation of outcomes of the review of Council's 10 year financial plan.

LEMC

With the purpose of advising and assisting the local government in ensuring that local emergency management arrangements are established for the Shire and to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements and to carry out other emergency management activities as directed by the State Emergency Management Committee (SEMC) or as prescribed by legislation and regulations.

BACKGROUND

In accordance with Section 5.8 of the Local Government Act 1995, Council may convene Committees of 3 or more persons, for the purposes of assisting the Council and to exercise the powers and discharge of the duties of the local government that

can be delegated to committees. In addition, Council may be compelled or may determine to convene a Committee for the purpose of fulfilling obligations prescribed by other statutes relevant to the operations of a local government.

A Committee convened by the Council of the Shire of Gnowangerup as a committee for the purposes of Section 5.8 of the Local Government Act 1995, shall operate in accordance with the relevant requirements of:

- Local Government Act 1995, part 5, division 2;
- Local Government (Administration) Regulations 1996;
- Local Government (Rules of Conduct) Regulations 2007;
- Shire of Gnowangerup Local Law (Standing Orders) 2007 and
- Shire of Gnowangerup Code of Conduct.

In the past Council have had the following committees; Audit, Finance and Risk Committee, Health and Development Committee and the Plant and Works Committee. Over time, many of these committees terms of reference have been eroded by changes in State legislation and the functions of the Committees have subsequently been “for noting only” in nature. The role of the Committees was always advisory and recommendations arising from the committees were presented to Council. Given the changes in legislation, the terms of reference for committees required by Council under legislation (such as the Audit Committee) have been reviewed and rewritten in line with the current legislative requirements. This is to bring the role of Council Committees in line with the *Local Government Act 1995* and other statutes. The functions of the Health and Development Committee and the Plant and Works Committee (whose primary roles were to investigate, plan and make recommendations) under a number of Council functional headings are now obsolete. The new Strategic Financial Management Committee has, as part of its terms of reference, the issue of quality standards in line with current best practice and focuses Council attention on looking at the bigger picture for the Shire of its services.

The Committees of Council are required to be appointed by an absolute majority of Council.

The Committees and the purpose of each are listed in more detail below.

8.1 AUDIT COMMITTEE

PURPOSE: A Special Committee appointed to assist Council in decision making on audit, finance and risk matters in accordance with the Local Government Act and any other relevant Acts or Regulations. The Terms of Reference for the Audit Committee are attached as Appendix A.

Membership	All Councillors
Quorum	Five Elected Members
Meeting Frequency	At least quarterly every financial year commencing with a meeting on 30 th October 2013
Reporting	The Committee has decision making powers delegated by Council. The Committee reports periodically to Council on decisions made under delegated authority.
Responsible Officer	Chief Executive Officer

8.2 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE

PURPOSE: The purpose of this committee is to review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officers employment contract. In addition the Committee is to review the key performance indicators to be met by the Chief Executive Officer, review the Chief Executive Officer's remuneration package in accordance with the appropriate provisions within the Chief Executive Officer's Employment contract, and review the Chief Executive Officer's contract and make recommendations to Council in relation to varying the contract as and when necessary. The Committee will prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment contract to the Council at a Council meeting for consideration and actioning.

Membership	The Shire President & four Elected Members
Quorum	Four (4) Elected Members
Meeting frequency	As required
Reporting	The Committee reports as required to a subsequent Ordinary meeting of the Council. There is no delegated power attached to this committee.
Responsible Officer	Chief Executive Officer

8.3 STRATEGIC FINANCIAL MANAGEMENT COMMITTEE

PURPOSE: A Committee appointed to assist Council in promoting and advocating sound financial management within the Shire and provide advice to Council on strategic financial management issues. In particular advise Council on:

- How funding can be achieved for any major capital works project or program before Council makes a commitment to a project,
- Levels of service delivery in determining which services are to be provided and the standards of service with reference to best industry standards where applicable and internally agreed standards which will be determined by local expectations,
- Review of the Strategic Plan with a high priority being given to ensure that the Plan is achievable in the long term,
- Consideration of any public submissions to the Strategic Plan
- Final acceptance of the Strategic Plan by Council and
- Policy development and review of policies with financial implications for the Shire.

Membership	All Elected Members
Quorum	Five (5) Elected Members
Meeting Frequency	At least bi-annually or as required
Reporting	The Committee has no decision making powers delegated by Council. The Committee reports periodically to Council on recommendations.
Responsible Officer	Chief Executive Officer

8.4 LOCAL EMERGENCY MANAGEMENT COMMITTEE

PURPOSE: A Committee that is established in accordance with section 38 of the Emergency Management Act 2005 which obligates local governments to establish this committee. The operational requirements for the Local Emergency Management Committee are not prescribed within this legislation and the requirements of the Local Government Act 1995 do not apply.

The Shire will therefore manage the operations of the Local Emergency Management Committee in general accordance with the following requirements:

- Meetings to be called and convened by the Shire of Gnowangerup
- Quorum to be a minimum of 5 members
- Decisions to be made by simple majority
- Notice of meeting, agenda and minutes to be distributed in a timely matter to members. There is no requirement for publication in accordance with the Local Government Act 1995 s.5.25, Admin Regulations 13 & 14.
- Declarations of Interest to accord with Local Government Act 1995, s.5.60 – s5.73.

- Council’s Code of Conduct shall apply.
- The Local Emergency Management Committee has no decision making authority and may only make recommendations to Council.

Membership	The Shire President (as Chairperson)
Quorum	Five (5) members of the Committee as made up of all Committee Members & representatives
Other Committee Members	Emergency Services representatives such as SES, WA Police, Fire Brigade rep, State Government Department of Child Protection. The Executive Manager Infrastructure
Meeting Frequency	Four times per year in the months of December, March, June and September. Other meetings are called as required.
Reporting	The Committee shall report to the next available Ordinary Meeting of Council with recommendations arising from the LEMC meeting for Council consideration.
Responsible Officer	Executive Manager Infrastructure

RECOMMENDATION

That Council appoint the following Councillors as members of the following Committees by absolute majority decision of Council:

Name of Committee	Delegate	Deputy
Audit Committee	All Elected Members	N/A
Chief Executive Officers Performance Review Committee	The Shire President Cr Cr Cr Cr	Cr
Strategic Financial Management Committee	All Elected Members	N/A
Local Emergency Management Committee (LEMC)	The Shire President Cr	Deputy Shire President

COUNCIL RESOLUTION:

1013.164 Moved Cr F Gaze Seconded Cr S Hmeljak

That Council lay this item on the table for further review.

CARRIED 9/0

9. APPOINTMENT OF COUNCIL REPRESENTATIVES TO STATEWIDE & REGIONAL BASED ORGANISATIONS FOR THE 2013/2015 YEAR

Location: Shire of Gnowangerup
Business Unit: Strategy and Governance
Officer: S Pike - Chief Executive Officer
Disclosure of Interest: Nil

PURPOSE: to appoint members to a number of statewide and regional based organisations for the 2013 - 2015 years. In many cases such appointments to these committees are because the Shire has a financial interest, pays a subscription, or is required under State legislation to have such as representative. These organisations are generally not local or community based organisations and have terms of reference that relate specifically to the organisation. Generally such organisations are auspiced by other organisations such as Main Roads WA etc. and form part of a wider regional and state wide perspective.

Membership is based on subscription or by invitation or by Ministerial appointment.

State wide or Regional organisations	
WALGA – Great Southern Zone Region	The Shire President + 2 Elected Members
Regional Road Group	2 Elected Members
Great Southern Recreation Advisory Group	1 Elected Members
Hidden Treasures of the Great Southern	1 Elected Member
Great Southern Development Commission	Cr Fiona Gaze (as appointed by the Minister)
Great Southern – Joint Development Assessment Panel Representatives (JDAP) (also known as Development Assessment Panel representatives for the Shire of Gnowangerup)	2 Elected Members 2 Elected Members (as alternatives) (Elected Members must be appointed by the Minister)

Councillors appointed to these State wide or Regional organisations have a requirement to report periodically to Council on the activities of these organisations and to bring recommendations and issues relating directly to the Shire of Gnowangerup at the next Ordinary Council meeting.

WALGA

Cr F Gaze nominated Cr Lance and Cr Martin as proxy – seconded by Cr S Hmeljak

REGIONAL ROAD GROUP

Cr F Gaze nominated Cr B Hinkley and Cr F Hmeljak – seconded by Cr S Hmeljak

GREAT SOUTHERN RECREATION ADVISORY GROUP

Cr B Hinkley nominated Cr R House and Cr B Gaze – seconded by Cr S Hmeljak

HIDDEN TREASURES OF THE GREAT SOUTHERN

Cr S Hmeljak nominated Cr S Lance – seconded by Cr F Gaze

Cr B Hinkley moved that Cr B Gaze be the Proxy member – seconded Cr S Hmeljak

GREAT SOUTHERN – JOINT DEVELOPMENT ASSESSMENT PANEL REPRESENTATIVES

Cr K House nominated Cr B Gaze – seconded Cr S Lance

Cr S Hmeljak nominated herself – seconded by Cr B Hinkley

The nominees accepted the nominations to the organisations.

COUNCIL RESOLUTION:

1013.165 Moved Cr B Hinkley

Seconded Cr S Hmeljak

That Council appoint the following Councillors as members of the following Organisations:

State wide or Regional organisations	
WALGA – Great Southern Zone Region	Cr K House Cr S Lance Proxy: Cr L Martin
Regional Road Group	Cr B Hinkley Cr F Hmeljak (Proxy)
Great Southern Recreation Advisory Group	Cr R House Proxy: Cr B Gaze
Hidden Treasures of the Great Southern	Cr S Lance Proxy: Cr B Gaze
Great Southern Development Commission	Cr Fiona Gaze (as appointed by the Minister)
Great Southern – Joint Development Assessment Panel Representatives (JDAP) (also known as Development Assessment Panel representatives for the Shire of Gnowangerup)	Cr K House (as Member 1) Cr S Lance (as Member 2) Cr Fiona Gaze (Alternate Member 1) Cr S Hmeljak (Alternate Member 2)

9/0 CARRIED

10. APPOINTMENT OF DELEGATES TO SHIRE BASED ORGANISATIONS FOR THE 2013-2015 TERM

Location: Shire of Gnowangerup
Business Unit: Strategy and Governance
Officer: S Pike - Chief Executive Officer
Disclosure of Interest: Nil

PURPOSE: To appoint elected members as delegates to various advisory groups and committees run or managed by external organisations or organisations where the Shire has a social, economic or financial interest.

The Shire is requested to appoint Councillors to represent the Shire on a range of groups and committees run by external organisations. The Shire appoints Councillors as delegates to these external groups and committees by way of membership or invitation.

A Councillor appointed as a delegate of an external or advisory committee is required to adhere to the record keeping requirements as set out in the State Records Act 2000 and Councillors are required to report to Council on a regular basis about the activities of the committee.

Community Advisory Committees	Delegates required
Yongernow Inc.	1 Councillor
Bush Fire Advisory Committee	1 Councillor
Gnowangerup Sporting Complex Management Committee	1 Councillor
Ongerup Sports Complex Committee	1 Councillor
Borden Pavilion Committee Inc.	1 Councillor
North Stirlings Pallinup Natural Resources Inc.	1 Councillor
Shire of Gnowangerup Tourism Working Party	1 Councillor
Gnowangerup Swimming Pool Project Advisory Group	1 Councillor

BACKGROUND: Council has established and has been a member of a number of Community or external Advisory Committees, based within the Shire, to facilitate community participation into policy and service development, or to assist with facility, project and event management. Such Committees are generally known as Shire based Committees or Community Advisory Committees and typically comprise community members or representatives, one or more Councillors and Council officers. The community representatives can be local residents or stakeholders appointed in their own right or representatives of service authorities, support agencies or community organisations.

The progress, advice and recommendations of Shire based Community Advisory Committees are to report to Council through formal officer's reports, supplemented from time to time by verbal reports by Councillors.

COMMITTEE INFORMATION & TERMS OF REFERENCE

Yongernow Inc.

Required Councillors	1 Councillor
Meeting Frequency	As required.
Reporting & Delegation	As required. There is no delegation to this Committee.
Terms of References	To manage the Council's obligations with respect to the care, management and control of the Reserve 47024 and in accordance with the Lease and Agreement dated 12 May 2004 between Council and Yongernow Inc. and the Management Plan dated 7 February 2005.
Responsible Officer	N/A

Bush Fire Advisory Committee

Required Councillors	1 Councillor
Other Committee Members	Volunteer members of the Bush Fire Brigades across the Shire.
Meeting Frequency	As required.
Reporting & Delegation	The Committee has no delegated authority. To report to the next available Ordinary Council meeting on matters referred to the Committee from Council and recommendations and any outcomes from the Advisory Committee.
Terms of Reference	<p>To recommend and review Council policies relating to the delivery of fire prevention, preparedness, response and recovery.</p> <p>To provide support and guidance to all Bush Fire Brigades within the Shire of Gnowangerup and to assist those Brigades to fulfill their objectives.</p> <p>To establish and maintain an operational command and control structure by developing procedures to enhance the ability of the Brigades to carry out activities, training and operations in the most efficient and effective way.</p> <p>To advise Council regarding all matters relating to prosecutions for breaches of the</p>

	Bush Fires Act 1954 To review the Bush Fire Advisory Charter
Responsible Officer	Executive Manager Infrastructure

Gnowangerup Sporting Complex Management Committee Inc.

Required Councillors	1 Councillor
Other Committee Members	Representatives of the various sporting bodies located within the Shire such as the Gnowangerup Football Club, the Gnowangerup Netball Club and so on.
Meeting Frequency	Monthly
Reporting & Delegation	The Committee has no delegated authority from Council. The Councillor is required to report on a regular basis to Council on the activities of the Committee.
Terms of References	To provide an advisory and liaison link between the Management Committee and Council on matters that affect the Gnowangerup Sporting facility and reserve. To ensure that Council obligations with respect to the care, management and control of the facility and land are in accordance with the principles of the provision of quality recreational programs and facilities and to report on Council activities or programs that could impact on the future activities of the facility and reserve.
Responsible Officer	Community Development Officer

Ongerup Sports Complex Committee Inc.

Required Councillors	1 Councillor
Other Committee Members	Representatives of the various sporting bodies located within the Shire such as the Ongerup Bowling Club, the Tennis Club and other associated and affiliated sporting clubs and groups.
Meeting Frequency	Every 6 months unless otherwise advised by the Committee
Reporting & Delegation	The Committee has no delegated authority from Council. The Councillor is required to report on to Council on the activities of the

	Committee after each meeting of the Committee.
Terms of References	To provide an advisory and liaison link between the Complex Committee and Council on matters that affect the Ongerup Sports Complex facility and reserve. To ensure that Council obligations with respect to the care, management and control of the facility and land are in accordance with the principles of the provision of quality recreational programs and facilities and to report on Council activities or programs that could impact on the future activities of the facility and reserve.
Responsible Officer	Community Development officer

Borden Pavilion Committee Inc.

Required Councillors	1 Councillor
Other Committee Members	Representatives of the various sporting bodies located within the Shire such as the Borden Football Club, the Bowling Club and other associated recreation clubs and groups.
Meeting Frequency	Monthly
Reporting & Delegation	The Councillor is required to report on a monthly basis to Council on the activities of the Committee. The Committee has no delegated authority from Council.
Terms of References	To provide an advisory and liaison link between the Pavilion Committee and Council on matters that affect the Borden Pavilion facility and reserve. To ensure that Council obligations with respect to the care, management and control of the facility and land are in accordance with the principles of the provision of quality recreational programs and facilities and to report on Council activities or programs that could impact on the future activities of the facility and reserve.
Responsible Officer	Community Development Officer

North Stirlings Pallinup Natural Resources Inc.

Required Councillors	1 Councillor
Other Committee Members	Representatives of the various land care and environmental groups
Meeting Frequency	Monthly
Reporting & Delegation	The Councillor is required to report on a monthly basis to Council on the activities of the Committee. The Committee has no delegated authority from Council.
Terms of References	The Committee was formerly known as the Land Conservation District Committee. The aim of the group is to inspire current and future generations to undertake sustainable management of the regions natural resources through coordination, education and implementation programs. In addition, the group seeks to encourage the viability of land owners within the Shire by forging connections with other environmentally related filed to benefit the social, economic and environmental status of the North Stirlings Pallinup areas. Council has contributed financial support to the Committee to support the administration and finance officer.
Responsible Officer	N/A

Gnowangerup Tourism Working Party

Required Councillors	1 Councillor
Other Committee Members	Representatives of the various community groups
Meeting Frequency	As required
Reporting & Delegation	The Councillor is required to report on a regular basis to Council on the activities of the Committee when the committee has been convened. The Committee has no delegated authority from Council.
Terms of References	To investigate and advise Council on tourism opportunities within the Shire and to source, where appropriate, funding to support tourism initiatives.
Responsible Officer	N/A

COUNCIL RESOLUTION:

1013.167 Moved Cr F Hmeljak

Seconded Cr B Hinkley

That Council appoint the following Councillors as members of the following Organisations:

Community Advisory Committees	Delegates required
Yongernow Inc.	Cr S Hmeljak
Bush Fire Advisory Committee	Cr F Hmeljak
Gnowangerup Sporting Complex Management Committee Inc.	Cr R House
Ongerup Sports Complex Committee	Cr K House
Borden Pavilion Committee Inc.	Cr B Gaze
North Stirlings Pallinup Natural Resources Inc.	Cr L Martin
Shire of Gnowangerup Tourism Working Party	Cr B Gaze
The Gnowangerup Swimming Pool Project Advisory Group	Cr S Lance

9/0 CARRIED

11 ADOPTION OF COUNCIL MEETING SCHEDULE FOR ORDINARY COUNCIL MEETINGS FOR THE 2013/2014 PERIOD.

Location: Shire of Gnowangerup
Business Unit: Strategy and Governance
Officer: S Pike - Chief Executive Officer
Disclosure of Interest: Nil

PURPOSE: To establish a schedule of meetings for the Council for the 2013/2014 period.

BACKGROUND: Council are required to set meeting dates for the Ordinary meetings of Council and to subsequently advertise these in order that members of the public may attend.

The Ordinary meetings of Council will still be held on the 4th Wednesday of the month however the commencement time of the meeting is proposed to change from 3.00pm to 6.30pm. Council encourages a greater participation from members of the public and the fact that the meetings commenced at 3.00pm meant that many members of the public (and some former Councillors) had to take time off work to attend meetings. Given that the time of the Ordinary Meeting is proposed to be changed from 3.00pm to 6.30pm, this will mean that many members of the public will be able to attend, especially those that work during the day and cannot afford to take the time off work.

It is also recommended that the Council review the times and dates of the Ordinary meetings of Council at the June 2014 Ordinary meeting to assess the changes and to make recommendations for the remainder of 2014.

COUNCIL RESOLUTION:

1013.168 Moved Cr F Gaze

Seconded Cr S Lance

That Council:

- 1. adopts the schedule of Ordinary Council Meetings for the period 1 November 2013 until 30 June 2014**
- 2. Commence the Ordinary Meetings of Council at 3.30pm in the Council Chamber, Shire of Gnowangerup, 28 Yougenup Road, Gnowangerup, Western Australia**
- 3. Review the Meeting schedule at the Ordinary Meeting of Council to be held on 25 June 2014,**
- 4. Advertise the meeting schedule for the period November 2013 until June 2014 in accordance with the requirements of the *Local Government Act 1995*.**

ORDINARY MEETING OF COUNCIL SCHEDULE

November 27, 2013 3.30pm	December 18, 2013 3.30pm	February 26, 2014 3.30pm	March 26, 2014 3.30pm	April 30, 2014 3.30pm	May 28, 2014 3.30pm	June 25, 2014 3.30pm
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5/4 CARRIED

12. SCHEDULE OF COUNCIL STRATEGIC & INFORMATION BRIEFING SESSIONS FOR THE PERIOD NOVEMBER 2013 – JUNE 2014

Location: Shire of Gnowangerup
Business Unit: Strategy and Governance
Officer: S Pike - Chief Executive Officer
Disclosure of Interest: Nil

PURPOSE: To establish a schedule of strategic and information briefing sessions for Council for the period November 2013 until June 2014 period.

BACKGROUND:

Council have, over a number of years, held information sessions for Councillors to keep them advised of any relevant information pertaining to their role as a representative of the Shire of Gnowangerup and for the exchange of information between Council and management.

As part of this, Council have an information briefing session just prior to every Ordinary Council meeting to discuss and bring forward any general information arising from both

community concerns and from Council officers. It should be noted that this meeting does not discuss any agenda items currently before Council for consideration but is more of an information exchange between the Council and the staff especially in relation to issues of a general nature or concern.

This briefing session has been working well and it is not proposed to change the format of the briefing session or the type of information that is presented to this session.

The Information Briefing session is scheduled to commence 1 hour 30 minutes (1.5 hours) before the Ordinary Meeting of Council.

It is proposed and recommended to Council that Council introduce Strategic Briefing Sessions in addition to the Information Briefing sessions.

Council have noted that there is a large volume of strategic information that requires more time and discussion with Council staff before decisions are made or where Councillors have expressed an interest in pursuing a more robust and vigorous debate on the merits of issues to come before Council.

The aim of the Strategic Briefing sessions is to provide a forum for both Councillors and staff to present more complex strategic matters to Council and for the opportunity for both Council and staff to ask questions and to clarify issues relevant to Council. It is also anticipated that this would also be forum for staff to present strategic information to Council for consideration on issues of a wide ranging Shire nature such as road infrastructure or financial planning. In addition, guest speakers or experts may also present information to Councillors at this session.

It is also anticipated that this briefing session would allow Councillors to put forward future agenda items and to ask for research and information to be provided on items of interest or concern.

It is proposed that the Strategic Briefing sessions be held from 5.00pm – 7.00pm on the following dates: 13 November 2013, 4 December 2013, 12 February 2014, 13 March 2014, 16 April 2014, 14 May 2014 and 11 June 2014.

The strategic briefing session schedule shall be reviewed at the Ordinary Meeting of Council in June 2014.

COUNCIL RESOLUTION:

1013.169 Moved Cr B Hinkley

Seconded Cr S Hmeljak

That Council adopts the schedule of Strategic Briefing sessions for the period November 2013 until June 2014 when the meeting schedules shall be reviewed. All briefing sessions will be held in the Council Chamber, Shire of Gnowangerup, 28 Yougenup Road, Gnowangerup.

STRATEGIC BRIEFING SESSION SCHEDULE

November 13, 2013 5.00pm – 7.00pm	December 4, 2013 5.00pm – 7.00pm	February 12, 2014 5.00pm – 7.00pm	March 13, 2014 5.00pm – 7.00pm	April 16, 2014 5.00pm – 7.00pm	May 14, 2014 5.00pm – 7.00pm	June 11, 2014 5.00pm – 7.00pm
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5/4 CARRIED

COUNCIL RESOLUTION

1013.170 Moved Cr F Gaze

Seconded Cr S Lance

That the Council adopts the Schedule of the Information Briefing Sessions for the period November 2013 until June 2014 when the meeting schedules shall be reviewed. All briefing sessions will be held in the Council Chamber, Shire of Gnowangerup, 28 Yougenup Road, Gnowangerup.

INFORMATION BRIEFING SESSION SCHEDULE

November 27, 2013 2.30pm – 3.30pm	December 18, 2013 2.30pm – 3.30pm	February 26, 2014 2.30pm – 3.30pm	March 26,2 2014 2.30pm – 3.30pm	April 30, 2014 2.30pm – 3.30pm	May 28, 2014 2.30pm – 3.30pm	June 25, 2014 2.30pm – 3.30pm
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9/0 CARRIED

13. NEXT MEETING

The next Ordinary Meeting of Council is 30 October 2013 commencing at 3.00pm

14. THE PRESIDENT CLOSED THE MEETING AT 6.45PM AND EXTENDED AN INVITATION TO SUPPER.

APPENDIX A



SHIRE OF GNOWANGERUP

AUDIT COMMITTEE TERMS OF REFERENCE

The Audit Committee is a formally appointed committee of the Shire of Gnowangerup, pursuant to a number of specific pieces of legislation. These include; The Local Government Act 1995, The Local Government (Audit) Regulations 1996, the Local Government (Financial Management) Regulations 1996. The Local Government Act 1995, Section 7 deals specifically with the audit and process.

The Audit Committee does not have executive powers or authority to implement actions in areas where management has the responsibility and does not have any delegated financial responsibility. The Audit Committee does not have any management functions and is therefore independent from management.

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

1. MEMBERSHIP

- 1.1. Members of the Audit Committee are appointed by Council. The Committee shall consist of all Elected Members. The Shire President is the Chairperson and Presiding Officer.
- 1.2. Only members of the Audit Committee are entitled to vote in Committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Committee for decision.
- 1.3. Proxy members may be appointed to the Audit Committee by the Council. When all members of the Audit Committee are present, proxy members attend in an observer capacity only. A proxy member will have a vote when a member of the Audit Committee is not present.
- 1.4. The Chief Executive Officer, Senior Management and other administration staff may attend any meeting as observers or be responsible for preparing papers for the Audit Committee.
- 1.5. In accordance with the principles of open, transparent and informed decision making, Audit Committee Meetings must be conducted in a place open to the public, being the Council Chamber, Shire of Gnowangerup, Yougenup Road, Gnowangerup.

- 1.6. The agenda and minutes of the Audit Committee meetings, subject to any items that are discussed in confidence under Sections 5.22 and 5.23 of the Act and subsequently retained as confidential under Section 5.23 of the Act, are also required to be made available to the public.
- 1.7. The Councils External auditors may be invited to attend meetings of the Audit Committee.
- 1.8. The Shire President shall be the Presiding member for this committee.
- 1.9. For the purposes of continuity, the appointment of the Presiding Member (the Shire President) will be for the term of office of the Shire President. Reappointment of the Presiding Member will occur when the Shire President's term of office concludes.
 - 1.9.1. Appointment of all members of the Audit Committee shall be for a term of two (2) years at the commencement of each Council term after a Council Election
 - 1.9.2. Audit Committee members are paid meeting attendance fees in accordance with the requirements of the Local Government Act. The Shire of Gnowangerup has elected to pay all elected members an annual allowance of which meeting a fee for committees is included.

2. SECRETARIAL/ADMINISTRATIVE RESOURCES

- 2.1. The Chief Executive Officer shall provide sufficient administrative resources to the Audit Committee to enable it to adequately carry out its functions.

3. QUORUM

- 3.1. The quorum necessary for the transaction of business shall be five (5) members of the Audit Committee. A duly convened meeting of the Audit Committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercised by the Audit Committee.

4. FREQUENCY OF MEETINGS

- 4.1. The Committee shall meet quarterly at a minimum, as determined by the Committee.
- 4.2. A quarterly schedule of meeting will be developed and agreed by the members at the first meeting of the Audit Committee.
- 4.3. The Chief Executive Officer is delegated the authority to vary the quarterly meeting schedule after liaison with the Audit Committee Chair.
- 4.4. The Chief Executive Officer is delegated not to call a meeting of the Audit Committee with the quarterly meeting schedule should the Committee have no matters for consideration.

5. NOTICE OF MEETINGS

- 5.1. Ordinary meetings of the Audit Committee will be held at times and places determined by Council.
- 5.2. A Special Meeting of the Audit Committee may be called with the approval of all the Audit Committee members.
- 5.3. Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Audit

Committee and members of the public, no later than three (3) clear days before the date of the meeting. Supporting papers shall be issued at the same time.

6. MINUTES OF MEETINGS

- 6.1. The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Audit Committee, including the recording of the names of those present and in attendance are minuted and the minutes otherwise comply with the requirements of the Act.
- 6.2. Minutes of the Audit Committee shall be circulated within five (5) days after a meeting to all members of the Audit Committee and to all members of Council and will (as appropriate refer 1.6) be available to the public.

7. ROLES OF THE AUDIT COMMITTEE

7.1. Financial Reporting

The Audit Committee shall monitor the integrity of the financial statements of the Council, including its annual report, reviewing significant financial reporting issues and judgments which they contain.

The Audit Committee shall review and challenge where necessary:

- The consistency of, and any changes to, accounting policies both on a year on year basis;
- The methods used to account for significant or unusual transactions where different approaches are possible;
- Whether the Council has followed appropriate accounting standards and made appropriate estimates and judgments, taking into account the views of the external auditors;
- The clarity of disclosure in the Councils financial reports and the context in which statements are made; and
- All material information presented with the financial statement such as the operating and financial review and any corporate governance statement (in so far as it relates to audit and risk management).

7.2 Internal Control & Risk Management Systems

The Audit Committee shall:

- Keep under review the effectiveness of the Councils internal controls and risk management systems;
- Review and recommend the approval, where appropriate, of statements to be included in the annual report concerning internal controls and risk management;
- Receive and review reports from the Chief Executive Officer on the activities of the Strategic Risk Management Plan and the Operational Risk Management Plan.

7.3 Whistle Blowing

The Audit Committee shall review the Councils arrangements for employees to raise concerns, in confidence, about possible wrongdoings in financial reporting and other matters. The Audit Committee shall ensure these arrangements allow independent investigation of such matters and appropriate follow-up.

7.4 Strategic Management Plans and Annual Business Plans

The Audit Committee shall propose and provide information relevant to a review of the Council Strategic Management Plans or Annual Business Plan.

7.5 Other Investigations

The Audit Committee shall, when necessary, propose and review the exercise of Councils powers under the Act, in relation to the conduct of audits that would not otherwise be addressed or included as part of an annual external audit.

7.6 Internal Audit

7.6.1 The Audit Committee shall monitor and review the effectiveness of Councils internal audit function in the context of the Councils overall risk management system. The Audit Committee shall consider and make recommendations on the program and the adequacy of resources and access to information to enable it to perform its functions effectively and in accordance with the relevant professional and legislative requirements and standards.

7.6.2 The Audit Committee shall receive executive summary reports on all internal audits and shall review and monitor managements responsiveness to the findings and recommendations of any such internal audit.

7.6.3 The Audit Committee shall meet with Management and any internal auditors at least once per year to discuss any issue arising from any internal audits carried out.

7.6.4 The Audit Committee shall monitor and review the selection process for the External Auditor and any internal auditor (if appointed). Appointment of any internal auditor is the responsibility of management.

7.7 EXTERNAL AUDIT

7.7.1 The Audit Committee shall monitor and review guidelines on the supply of non-audit services by the External Auditor, taking into account any relevant ethical guidance on the matter.

7.7.2 The Audit Committee shall consider, and make recommendations to the Council, in relation to the appointee, reappointment and removal of the Council External Auditor. The Committee shall oversee the selection process for a new External Auditor and if the External auditor resigns, the Audit Committee shall investigate the issues leading to the resignation and decide whether any action is required.

7.7.3 The Audit Committee shall oversee the relationship with the External Auditor, including, but not limited to:

- Recommending the approval of the external auditors remuneration, whether fees for audit or non-audit services, and recommending whether the level of fees is appropriate to enable an adequate audit to be conducted;
- Recommending the approval of the external auditors terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit;
- Assessing the external auditors independence and objectivity taking into account relevant professional and regulatory requirements and the extent of

Councils relationship with the auditor; including the provision of any non-audit services;

- Satisfying itself that there are no relationships (such as family, employment, investment, financial or business) between the external auditor and the Council (other than in the ordinary course of business);
- Monitoring the external auditors compliance with legislative requirements in the rotation of audit partner's and
- Assessing the external auditors qualifications, expertise and resources and the effectiveness of the audit process (which shall include a report for the external auditor on the audit committees own internal quality procedures).

7.7.4 The Audit Committee shall meet as needed with the External auditor. The Audit Committee shall meet the External auditor at least once per year, without management being present, should it so desire, to discuss their remit and any issues arising for the external audit.

7.7.5 The Audit Committee shall review and make recommendation to the Annual Audit Plan and ensure that it is consistent with the scope of the engagement and relevant legislation and standards.

7.7.6 The Audit Committee shall review the findings of the External Audit with the External Auditors. This shall include, but not be limited to, the following:

- A discussion of any major issues which arose during the audit;
- Any accounting and audit judgments; and
- Levels of errors identified during the audit.

7.7.7 The Audit Committee shall also review any representation letter(s) requested by the External Auditor before they are signed by management; and

7.7.9 The Audit Committee shall review the report to the Chief Executive Officer and management's response to the External auditor's findings and recommendations.

8. REPORTING RESPONSIBILITIES

8.1. The Audit Committee shall report to the Council after every meeting to identify and present advice and recommendations. The Shire President shall present the report and talk on these matters as and when required.

8.2. The Chief Executive Officer will identify matters, further to those matters covered elsewhere in these Terms of Reference, to be reported to the Audit Committee in details where those matters are considered to be of material affect, have a material impact on the operations of Council as an elected body (e.g. impact on polices relating to elected Members) or have significant impact on Councils operations.

8.3. The Audit Committee Chair shall report annually to Council summarizing the activities of the Committee during the previous financial year.

9. OTHER MATTERS

The Audit Committee shall

9.1. Have access to, at the Councils expense, legal or other professional advice on any matter within its Terms of Reference.

9.2. Be provided with appropriate and timely training, both in the form of an induction program for new members and on an on-going basis for all members.

- 9.3. Give due consideration to laws and regulations of the Local Government Act 1995.
- 9.4. Oversee any investigation of activities which are within its Terms of Reference.
- 9.5. Oversee action to follow-up on matters raised by the External Auditor and
- 9.6. At least once per year, review its own performance, membership and Terms of Reference to ensure it is operating at a maximum effectiveness and recommend changes its considers necessary to the Council for approval.