6.1 REVIEW OF COUNCIL COMMITTEES AND COMMITTEES REQUIRING COUNCILLOR REPRESENTATION

Ward: (All Wards) (Governance)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

KEY ISSUES

- Committees of Council and other committees where Councillor representation is required was last reviewed in September 2013.
- It is an appropriate time to review all committees and this report considers the current status of all committees.

It is recommended that the Council remove and include committees as detailed in the report and recommendation.

BACKGROUND

Committees of Council and other committees where Councillor representation is required was last reviewed by Council at its meeting of 25 September 2013.

Prior to the local government elections to be held on 17 October 2015, a review is considered appropriate.

DETAILS

COMMITTEES OF COUNCIL

Tenders Review Committee

The Tenders Review Committee has been provided with delegated authority to assess and accept or decline tenders. The delegation to the Tenders Review Committee was reviewed in June 2015 and a Terms of Reference was introduced. Due to changes to the Local Government (Functions and General) Regulations 1996 which came into force on 1 October 2015, the delegation will be reviewed in the near future.
Audit Committee

The Audit Committee is a required Council Committee in accordance with the Local Government Act 1995 (the Act). It provides independent oversight of the financial systems on behalf of the Council. It operates to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to the City's financial reporting, audit and risk management responsibilities. The Committee makes recommendations to Council accordingly.

Governance Committee

The purpose of this committee is the review of City policies, local laws and Codes of Conduct. The Committee makes recommendations to Council accordingly.

CEO's Performance Review Committee

The purpose of the CEO’s Performance Review Committee is to conduct the CEO’s annual performance review and determine the CEO’s Key Performance Indicators.

Midland Oval and Commercialisation Committee

The primary objectives of this Committee are to consider and make recommendations in regard to the Midland Oval redevelopment, and commercialisation to generate revenue streams other than rates, grants, fees and charges.

The Committee will also act upon matters referred for consideration by Council resolution.

Midland Parking Strategy Implementation Advisory Committee

The function of the group is to plan and improve parking and associated intra-Midland transit including studies, physical improvements and partnerships. This includes the development of options and timing of proposals along with details of financial and management implications, priority and staging.

Events and City Relationships Committee

The purpose of this committee is to make recommendations on City functions and events, and relationship agreements.

Arts Committee

A major review of the City’s public art framework is scheduled to commence towards the end of 2015. This will include detailed review of the City’s contribution to public art, developer’s contribution to public art, and management of the City’s art portfolio. The potential role of an Arts Advisory Group or Committee will be explored as part of this framework review. If it is thought that an Arts Committee is required to strengthen the delivery of public art outcomes, a report recommending the establishment of this Committee and a Terms of Reference will be presented to an Ordinary Meeting of Council for endorsement.
RoadWise Committee

The RoadWise Program was founded in 1994 and works with local governments and the community to support the implementation of Towards Zero, the road safety strategy for WA 2008-2020. In 2001 the Council established its RoadWise Committee. The primary focus of the committee has been education and advocacy on public awareness programmes and initiatives for road safety.

There have been many benefits from the City's RoadWise activities. Projects and achievements include:

- Reggie's Road Rules campaigns
- Crash Trailer
- Participation in road safety events such as the annual Blessing of the Roads and White Ribbons™ for Road Safety

COMMITTEES REQUIRED UNDER OTHER LEGISLATION

Bushfire Advisory Committee (BFAC)

The Committee is a requirement under section 67 of the Bushfires Act 1954.

The key roles of the committee is to recommend and regularly review policies and procedures relating to the delivery of fire prevention, preparedness, response and recovery and to provide support and guidance to all Bush Fire Brigades within the City.

The Committee membership consists of Councillors, City staff, Bush Fire Control Officers, Brigade Captains, Department of Fire and Emergency Services staff and Department of Parks and Wildlife staff.

Local Emergency Management Committee (LEMC)

Under section 38 of the Emergency Management Act 2005 a local government is required to establish a local emergency management committee.

This committee comprises representatives of key authorities and agencies to ensure an efficient implementation and revision of the City's emergency management arrangements, deal with issues directly affecting the safety of the City and undertake planning to augment and coordinate the resources of the various statutory services.

The Chairperson of the LEMC is to represent the local government on the East Metropolitan District Emergency Management Committee. The function of a district emergency management committee is to assist in the establishment and maintenance of effective emergency management arrangements for the district for which it is constituted.
Recovery Planning Committee

A recovery planning committee is not mandatory. However a local government is required to ensure appropriate planning occurs in relation to the City's legislated responsibility under the *Emergency Management Act 2005* to manage recovery in its local government area following an emergency (section 41 of the *Emergency Management Act 2005*).

This committee operates as a working group and is, therefore, not bound by the functioning or representation of any other committee. A Councillor appointed to the Local Emergency Management Committee is invited to become a member of this Committee.

**STATUTORY BODIES REQUIRING COUNCILLOR REPRESENTATION**

**East Metropolitan Regional Council (EMRC)**

The East Metropolitan Regional Council (EMRC) was established via an Agreement in 1998 as a Regional Council under the *Local Government Act 1995* and comprises the Cities of Bayswater, Belmont, Swan, Town of Bassendean and Shires of Kalamunda and Mundaring. The Former Constitution Agreement was revoked with this Agreement. The EMRC provides services in waste management, environmental management and regional development.

As per the EMRC's Establishment Agreement, membership is two Councillors plus one Councillor as deputy from each member Council.

**Swan Valley Planning Committee**

This is a statutory planning committee established under the *Swan Valley Planning Act 1995*. The main function of the committee is to make recommendations to the City of Swan and Western Australian Planning Commission on land use and development matters in the Swan Valley. Most members of the committee are appointed by the Minister for Planning from nominations made by various industry and community groups. The City of Swan is represented by the Mayor (or his/her nominee) and a Councillor which represents the Swan Valley Ward nominated by the Council and appointed by the Minister.

**Midland Land Redevelopment Committee**

The Metropolitan Redevelopment Authority (MRA) was established with the *Metropolitan Redevelopment Authority Act 2011* to undertake redevelopment projects in suitable areas within the Perth metropolitan area. Under the Act, the MRA has the power to resume land, undertake environmental rehabilitation and plan, implement, promote and coordinate urban regeneration projects.

Each redevelopment area has a Land Redevelopment Committee enabling community and local government involvement in the development and delivery of redevelopment projects. When required, the Council nominates three persons for appointment to the Committee to the Minister for Planning. The Minister appoints one of the nominees.
Ordinary Meeting of Council
14 October 2015

Development Assessment Panels (DAPs)

On 1 July 2011 DAPs came into operation. Each DAP comprises five members: three specialist members, one of which is the presiding member, and two local government members.

The 2015 DAP Amendment Regulations introduced new monetary values for mandatory and optional DAP applications. All development applications in excess of $10 million in value and optional 'opt-in' (the choice of the applicant) applications between $2 million and $10 million in value are determined by the DAP. When required the Council nominates members for appointment to the Committee to the Minister for Planning. The Minister will appoint the members and alternate members.

North Swan Land Conservation District Committee (North Swan LCDC)

The Committee was established by the Soil and Land Conservation (North Swan Land Conservation District) Order 1997 under the Soil and Land Conservation Act 1945. The functions of a LCDC are set out in the Act. They are principally focused on land degradation and soil conservation.

When required the Council nominates one member for appointment to the Committee to the Commissioner of Soil and Land Conservation.

COMMITTEES REQUIRED UNDER LEGAL AGREEMENTS

Ellenbrook Community Advisory Group

This Group was established via a legal agreement, the Ellenbrook Community Facilities and Services Agreement. The Group has seven representatives in total including two representatives of the City (one Councillor and one relevant staff member), two representatives of LWP and three community representatives. The three community representatives shall be nominated by the City after the City has advertised.

The Agreement is currently being reviewed with one of the amendments proposed being the formal appointment of deputy members. In the interim the Agreement allows an alternate representative to act on a temporary basis in place of any representative.

Aveley Community Advisory Group

This Group was established via the Vale Community Facilities and Services Agreement. The Group has seven representatives in total including two representatives of the City (one Councillor and one relevant staff member), two representatives of Stockland and three community representatives. The three community representatives shall be nominated by the City after the City has advertised.

The Agreement is currently being reviewed with one of the amendments proposed being the formal appointment of deputy members. In the interim the Agreement allows an alternate representative to act on a temporary basis in place of any representative.
Bullsbrook Joint Use Library Management Committee

A Heads of Agreement was signed by the Minister for Education and the City of Swan in 1999. The purpose of the Agreement was to set out the principal terms upon which the Bullsbrook Community Library Resource Centre was to be funded and, the usage and management of the facility for the mutual benefit of the community of the City and the School. Three members are to be appointed by the City, one to be the Manager Library Services, three to be appointed by the Minister and the Principal (ex officio Chairperson).

Meetings are held regularly, once every school term. The majority of business discussed at meetings is operational in nature.

Councillors have not attended meetings for a number of years, as Place Managers were introduced and they commenced attending meetings as the City representatives. Place Managers relay information to and from Councillors and the Committee as required.

Further, the school has become an Independent Public School and have more autonomy over their expenditure. The agreements are with the Department of Education who do not have the structure to manage joint-use libraries.

The City will be withdrawing from the Bullsbrook Agreement when the Bullsbrook Place Hub is completed in approximately 2017.

It is recommended that this Committee be removed from the list of committees requiring Councillor representation.

Ellenbrook Community Library Management Committee

A Heads of Agreement was signed by the Minister for Education and the City of Swan in 2009. The purpose of the Agreement was to set out the principal terms upon which the Library Resource Centre - Ellenbrook Secondary College was to be constructed by the Minister on the land owned by the City and a licence of the Centre granted by the City to the Minister ensuring rights of access for the School’s requirements. The Ellenbrook Community Library Management Committee was established. The Agreement states that 50% of the members are to be appointed by the City and 50% of the members are the appointed by the Minister. The rules of the Committee were annexed to the Agreement.

Meetings are held regularly, once every school term. The majority of business discussed at meetings is operational in nature.

Councillors have not attended meetings for a number of years, as Place Managers were introduced and they commenced attending meetings as the City representatives. Place Managers relay information to and from Councillors and the Committee as required.

Further, the school has become an Independent Public School and have more autonomy over their expenditure. The agreements are with the Department of Education who do not have the structure to manage joint-use libraries. Renegotiation of the Agreement may be appropriate.

It is recommended that this Committee be removed from the list of committees requiring Councillor representation.
**OTHER**

**East Metropolitan Zone of the Western Australian Local Government Association**

This committee is membership based. Membership includes representatives from Bassendean, Bayswater, Belmont, Kalamunda, Mundaring and Swan and meets to consider regional issues and policy matters to present to Executive Committee of WALGA.

Three delegates are required which may include City staff. Two members as voted by the East Metropolitan Zone members are delegates of the WALGA State Council.

**Metropolitan Regional Road Group - Eastern Subgroup**

The role of regional road groups is recognised in the State Road Funds to Local Government Agreement 2011/12 to 2015/16.

Through regional road groups the State Government provides local government with a voice in how the State’s contribution to local roads is spent. The group is responsible for the assessment of road funding needs, the annual distribution of State funds to local government roads and monitoring and reporting on the effectiveness of the application of the State funds for local government roads in its region.

The City is a member of the Metropolitan Regional Road Group (MRRG). The MRRG has a number of subgroups. The City is a member of the Eastern Subgroup of the MRRG. The City has one elected member and one technical member of the Eastern Subgroup. Council may determine its members to the subgroup.

Each Subgroup nominates a councillor representative and one technical member to the MRRG.

**Perth Airports Municipalities Group Inc**

The Perth Airports Municipalities Group Inc (PAMG) is a not for profit association comprising of eleven local government members. It is a forum for local government representatives and stakeholders to discuss and resolve issues relating to airports which either directly or indirectly impact the community. This forum has provided an invaluable insight into the view of local residents, as well as assisting to keep councils informed of airport developments.

One Councillor delegate and one Councillor deputy delegate with the CEO as a technical officer is required.
**Perth Airport Community Forum (formerly Perth Airport Community Aviation Consultation Group)**

In 2012, Perth Airport established a Community Aviation Consultation Group to ensure the broader community is informed of any major issues and provided with an opportunity for appropriate input. This Group required Councillor delegates to be appointed.

In 2014, the format was revised and the Perth Airport Community Forum (PACF) emerged as the preferred model of consultation. The PACF is independently chaired by the Chair of the Perth Airports' Municipalities Group, and its role and purpose is to exchange information on issues relating to airport operations and their impacts, and enable issues to be raised and discussed. The PACF does not require any formal Councillor delegate.

It is recommended that the Perth Airport Community Aviation Consultation Group be removed from the list of committees requiring Councillor representation. The Councillor appointed to the PAMG will be invited to attend the PACF.

**Parks of the Darling Range - Community Advisory Committee**

This Committee was established by the Department of Environment and Conservation to provide a regular forum to hear public opinion and exchange advice on management issues affecting the parks of the Darling Range.

**Swan Community Care Advisory Committee**

Swan Community Care Services Inc. was established to provide, through volunteer members and in cooperation with City staff, services to frail, aged or at risk aged person or younger people with disabilities within the City of Swan to remain in their own homes.

The association established an Advisory Committee. The role of the Committee is to meet and act on all association business. The Committee consists of eight volunteer members. In addition to these members, City of Swan Councillors (as nominated by the Council of the City of Swan) are co-opted onto the Committee. A number of City staff can also be invited to serve as ex-officio observers.

**Swan Districts Senior Citizens Association Board**

The Swan Districts Senior Citizens Association Board promotes and assists in assistance for elderly people within Swan districts.

Each local government district who is a member of the Association is entitled to appoint an elected member or members of the Board (maximum two).

**CONSULTATION**

Relevant business units, state government agencies and organisations have been contacted to provide and clarify membership information where required.

**ATTACHMENTS**

Nil
STRATEGIC IMPLICATIONS

Committees deal with a range of subject matters that align with all key result areas of the City’s Strategic Community Plan 2012 - 2022.

A review of committees is considered important in order to ensure continued relevance, establish a uniform approach and ensure compliance with statutory obligations.

STATUTORY IMPLICATIONS

Section 5.3 through section 5.25 of the Local Government Act 1995

Other legislation as identified throughout the report

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That the Council resolve to:

1) Delete the following committees from the list of committees requiring formal Councillor representation:

   a. Arts Committee

   b. Bullsbrook Joint Use Library Management Committee

   c. Ellenbrook Community Library Management Committee

   d. Perth Airport Community Aviation Consultation Group

2) Submit the revised and updated list to the Special Meeting of Council following the local government elections.

   CARRIED