



Yarriambiack

SHIRE COUNCIL

TERMS OF REFERENCE WASTE, SUSTAINABILITY AND ENVIRONMENT

ADVISORY COMMITTEE TO YARRIAMBIACK SHIRE COUNCIL

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1 Background

- 1.1 By this Terms of Reference document, Yarriambiack Shire Council (**Council**) establishes the Waste, Sustainability and Environment Advisory Committee.
- 1.2 The Council will establish from time-to-time various Advisory Committees. The purpose of such committees is to provide advice to the Council with expertise in relevant matters to assist its decision making for the Yarriambiack Community.
- 1.3 The Committee has functions and responsibilities as set out in this Terms of Reference document. The Terms of Reference document sets out the structure and basis on which the Committee can make recommendations to the Council.
- 1.4 This Terms of Reference document is authorised by a resolution of the Council passed on 23 November 2022.

2 Purpose

- 2.1 The purpose of the Waste, Sustainability and Environment Advisory Committee (**Committee**) is to inform, provide advice and recommendations on:
 - 2.1.1 The development of the services and programs offered to the Yarriambiack Shire Community.
 - 2.1.2 Development and revision of the Resource Recovery and Waste Management Strategy and the Environment Strategy.
 - 2.1.3 Action Plans arising from the applicable Strategies.
 - 2.1.4 Opportunities to provide feedback into master planning for projects that impact waste, sustainability, and environmental activities across the Shire.
 - 2.1.5 Opportunities to enhance the coordinated delivery of waste, sustainability and environmental services across the Shire and Region.
 - 2.1.6 Funding applications to enhance waste, sustainability and environmental programs across the Shire and Region.
 - 2.1.7 Advocacy for services across the Shire, and wider region.

3 Role of the Committee

- 3.1 The role of the Committee is to:
 - 3.1.1 Establish clearer lines of communication between Council and residents to support future development and operational activities related to waste, sustainability, and environmental services.
 - 3.1.2 Provide feedback relating to the implementation of waste, sustainability and environmental initiatives identified by the Council.
 - 3.1.3 Provide advice regarding opportunities and hindrances impacting on waste, sustainability and environmental services and facilities across the Shire.
 - 3.1.4 Recommend the allocation of funding support to eligible waste, sustainability and environmental projects and initiatives. Recommendations will be limited to budget constraints and funding opportunities.

4 Finances

- 4.1 No funds will be held for or on behalf of this Advisory Committee.

5 Membership

- 5.1 The Committee will consist of members comprising of:
 - 5.1.1 One Councillor nominated by Council.
 - 5.1.2 The Chief Executive Officer (CEO) or their nominee (no voting rights).
 - 5.1.3 A Council Officer appointed by the CEO (no voting rights).
 - 5.1.4 Representatives from applicable Catchment Management Authorities (no voting rights).
 - 5.1.5 Representatives from the townships of Rupanyup, Murtoa, Minyip, Warracknabeal, Brim, Beulah, Hopetoun, Patchewollock, Woomelang, Speed/Tempy/Turiff, Lascelles and Yaapeet, that have a vested interest in waste, sustainability and environmental services across the Shire.
- 5.2 Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 5.3 Councillors, other than a Councillor appointed under clause 5.1.1, who attend a meeting are not to be classed as members of the Committee and do not have voting rights.
- 5.4 Membership is for a period of three (3) years.
- 5.5 Any Councillor can attend meetings of the Committee as an observer.
- 5.6 Appointment to the Committee may be decided by factors such as suitability, experience, expertise, and with a view to ensuring a diverse and well-balanced Committee.
- 5.7 People wishing to serve as an external independent member may nominate for successive terms without restriction.
- 5.8 Members of an Advisory Committee must abide by the Advisory Committee Conduct and Interest Provisions as outlined in Section 6.
- 5.9 Disqualification of a member:
 - 5.9.1 If the Council proposes to remove a member from the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard if that member so requests.
- 5.10 If the Councillor appointed under 5.1.1 cannot attend an Advisory Committee Meeting they can nominate another Councillor to attend the meeting on their behalf. The nominated Councillor will assume the voting rights at the applicable meeting they attend.

6 Conduct and Interest Provisions

In performing the role of Advisory Committee member, a person must:

- 6.1 Act with integrity.
- 6.2 Impartially exercise his or her responsibilities in the interests of the local community.
- 6.3 Not improperly seek to confer an advantage or disadvantage on any person.
- 6.4 Treat all people with respect and have due regard for the opinions, beliefs, rights and responsibilities of other persons.
- 6.5 Commit to regular attendance at meetings; and

- 6.6 Not make improper use of information acquired because of their position or release information that the member knows, or should reasonably know, is confidential in nature.

6.7 Confidential Information

During a member's tenure on the Advisory Committee, they may be exposed to information that must be treated confidentially. Except in the proper course of a member's duties, any unauthorised use or disclosure of information relating to the conduct of the Council is prohibited. In general, this includes:

- 6.7.1 Not disclosing information relating to proceedings at the Advisory Committee unless authorised to do so by the Chief Executive Officer.
- 6.7.2 Not to attempt to use confidential information gained by virtue of an official position for the purpose of securing a private benefit, whether directly or indirectly.
- 6.7.3 Proposals for the sale or purchase of land or the rezoning of land. Entering into contracts of any kind, if prior knowledge of those proposals could confer an unfair financial advantage on any person.
- 6.7.4 Information that is subject to legal obligations of confidence.
- 6.7.5 Information including the consideration of legal advice concerning litigation or which would otherwise be privileged from production in legal proceedings on the ground of a legal professional privilege.
- 6.7.6 The disclosure of information of which would prejudice the maintenance of the law.
- 6.7.7 Matters affecting the security of Council, Councillors, Council staff or Council property.

The Council operates under and complies with the *Privacy and Data Protection Act 2014*, *Health Records Act 2001* and other relevant legislation.

6.8 Conflict of Interest

A conflict of interest exists when someone can derive personal benefit from actions or decisions made whilst performing their professional duties. This includes being a member of an Advisory Committee.

6.8.1 General Conflict of Interest

A person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interest could result in that person acting in a matter that is contrary to their public duty or role.

6.8.2 Private Interest

Private Interest means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.

A private interest may relate to the relevant person themselves, such as:

- A financial gain or loss to the person, either directly or indirectly.
- An impact on their reputation or responsibilities, such as an award or promotion.

- A change to their personal circumstances, such as a change to their residential amenity.

A private interest may be indirect, relating to an impact on a person associated with the relevant person, such as:

- A matter affecting the interests of a relative, friend or work colleague.
- A cost or benefit to an organisation that financially supported a Councillor's election campaign, or
- A cost or benefit for an Advisory Committee member's immediate or past employer.

6.9 A Material Conflict of Interest

A relevant person has a Material Conflict of Interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

6.9.1 Affected Person

An affected person can be:

- the relevant person
- family member of the relevant person
- a businessperson of a relevant person
- a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee
- a person from whom the relevant person has received a gift
- a business partner of the relevant person
- an employer of the relevant person or a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body.

The Act states that a benefit or loss, for material conflicts of interest, includes benefits or losses that are:

- direct or indirect, and
- pecuniary or non-pecuniary.

6.9.2 Direct or Indirect

A direct benefit or loss includes where the affected person is the immediate recipient or suffers the loss themselves. An indirect benefit or loss includes where the affected person would gain a benefit or suffer a loss because of the impact on another person or body, or as an indirect effect of a process.

6.9.3 Pecuniary or Non-pecuniary

A benefit or loss does not have to be pecuniary. A pecuniary benefit or loss is one that can be measured in money.

Examples of non-pecuniary benefits or losses might include:

- an impact on a person's residential amenity (such as a proposed change in use of a nearby property that will impact on their enjoyment of their home or a change to parking arrangements in their street), or
- a permit allowing a person to conduct an activity.

6.9.4 Disclosure and Reporting

Advisory Committee members are required to comply with the conflict-of-interest provisions as set down in the *Local Government Act 2020*. When an Advisory Committee member declares a conflict of interest in relation to a matter in which the committee is concerned, they must disclose the interest to the committee before the matter is considered or discussed at the meeting.

Disclosure must include the nature of the relevant interest and be recorded in the minutes of the meeting. The member must leave the room while the matter is being considered and may return only after consideration of the matter and all votes on the matter have occurred.

7 Appointment of Community Representatives to Advisory Committees

- 7.1 Community representatives will be appointed to the Council through an expression of interest and selection process.
- 7.2 Expressions of interest will be sought by public notice in accordance with Council's Community Engagement Policy.
- 7.3 The Council will appoint the committee members to the Advisory Committee at the Council Meeting, via a resolution of Council.
- 7.4 Every effort should be made to ensure a representative cross section of people is elected to serve on the Advisory Committee.
- 7.5 The appointment to an Advisory Committee will be for a period of three (3) years.
- 7.6 A member of an Advisory Committee can resign at any time.

8 Chairperson

- 8.1 The Chairperson of the Committee will be the nominated Councillor.

8.2 Role of the Chairperson

- 8.2.1 The Chairperson will chair all meetings.
- 8.2.2 The Chairperson is the authorised spokesperson for the Committee.
- 8.3 If the Chairperson is absent from a Committee meeting, the Chief Executive Officer will chair the meeting.

9 Secretary

- 9.1 A Council Officer appointed by the Chief Executive Officer will be the secretary for the Committee.
- 9.2 The Secretary will maintain a Register of Committee members, their date of appointment, reappointment and official positions (if any) held as a Committee member.
- 9.3 The Secretary will advise Committee members of term completion dates and their eligibility for reappointment as relevant.
- 9.4 The Secretary will act as a contact point between Council and the Committee.

- 9.5 The Secretary will assist with meeting the Committee's reporting requirements, including being responsible for compiling and distributing the Agenda and Minutes.

10 Agenda and Minutes

- 10.1 For an item to be listed on the Agenda, the Secretary must be notified seven days prior to the meeting.
- 10.2 The Agenda is to be circulated to all Committee members four days prior to the meeting.
- 10.3 The Agenda format to be followed is to be consistent with Council's Agenda Template.
- 10.4 The Draft Minutes are to be reviewed by the Chairperson within three business days and circulated to the Committee for review and comment within ten business days.

11 Meetings

- 11.1 Unless the Council resolves otherwise, Committee meetings must be conducted in accordance with these Terms of Reference.
- 11.2 The Committee will meet a minimum of four (4) times per year.
- 11.3 The quorum of the Committee will be half the members plus one and must include one Councillor.
- 11.4 Voting will be by a majority of votes by a show of hands.
- 11.5 Only Committee members in attendance are entitled to vote.
- 11.6 The Chairperson shall have the casting vote in the event of an equality of votes.
- 11.7 Working Groups may be formed by the Committee and may meet between general meetings and as authorised by the Committee.
- 11.8 All Advisory Committee Meetings will be held in Warracknabeal at the Shire Office, which is the central location for all members.
- 11.9 Meetings may be held virtually or in a hybrid setting.

12 Resolutions

- 12.1 Resolutions that are made by the Committee become advice to Council which can be approved or denied.
- 12.2 Resolutions should read as follows and as applicable to the resolution:
- 12.2.1 *The Committee recommends that Council take the decision to support project XXX OR*
- 12.2.2 *The Committee recommends that Council take the decision to approve the [event] as a Council event.*

13 Reporting

- 13.1 A summary of the Advisory Committee meetings will be published on Council's Website and a link to the summary will be advertised in accordance with Council's Community Engagement Policy.

14 Creation and Dissolution

- 14.1 By the Terms of Reference, the Committee:
- 14.1.1 is established; and

14.1.2 has the responsibilities as set out in the Terms of Reference.

14.2 These Terms of Reference:

14.2.1 come into force immediately the resolution of Council adopting them is made;
and

14.2.2 remain in force until the Council determines to vary or revoke it.

14.3 The Committee may only be dissolved by the Council.

All Members of the Advisory Committee Acknowledge and confirm they will comply with this Terms of Reference

Member Name	Signature
Address	

SCHEDULE 1 MEETINGS

Meetings will be scheduled as follows:

Meeting 1	TBC
Meeting 2	TBC
Meeting 3	TBC
Meeting 4	TBC