

# Terms of Reference

**Committee:** Policy and Legislation

**Responsible Directorate:** Finance and Corporate Services

**Version:** PROPOSED

## 1. INTRODUCTION

- 1.1. The Policy and Legislation Committee (the Committee) is established under the powers given in Section 5.8 of the *Local Government Act 1995* (the Act).
- 1.2. The Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(b) of the Act, to determine the local government's policies, and its legislative function in accordance with Division 2 of Part 3 of the Act.
- 1.3. The Committee shall act for and on behalf of Council in accordance with the provisions of the Act, local laws and policies of the City of Busselton and these Terms of Reference.

## 2. OBJECTIVE

- 2.1. The objectives of the Committee are:
  - a. to assist the Council to determine the local government's policies and to carry out its legislative function;
  - b. to consider new and review existing policies and delegations of the City of Busselton;
  - c. to review local laws and other delegated legislation made by the City of Busselton;
  - d. to consider reports proposed to be put to the Council with significant policy or legislative implications; and
  - e. to review and advise the Council on specific matters relating to policy or legislation as directed by the Council.

## 3. MEMBERSHIP

- 3.1. The Council shall appoint five elected members to the Committee.
- 3.2. Council shall appoint four elected members as deputy members of the Committee.
- 3.3. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.
- 3.4. Council shall appoint new members to the Committee, in accordance with paragraphs 3.1 and 3.2, at the next ordinary Council meeting following the Council election.
- 3.5. The membership of a member may be ceased in accordance with the Act.

## 4. PRESIDING MEMBER

- 4.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

## 5. MEETINGS

- 5.1. The Committee shall meet at least six times per year.

- 5.2. The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders Local Law 2018*.
- 5.3. Notice of meetings shall be given to members at least five days prior to each meeting, with the agenda papers to be provided to members not less than 72 hours prior to the meeting.
- 5.4. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the Part 14 of the *City of Busselton Standing Orders Local Law 2018*.
- 5.5. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.
- 5.6. Where the Committee makes a recommendation to the Council, the Chief Executive Officer shall ensure that the recommendation is on the agenda of the next practicable ordinary Council meeting.

## 6. QUORUM

- 6.1. The quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

## 7. DELEGATED POWERS

- 7.1. Pursuant to section 5.17 of the Act, the Committee is delegated the powers to:
  - a. schedule and endorse the dates, times and locations of meetings to be held by the Committee;
  - b. to refer a policy back to the Chief Executive Officer, or the Chief Executive Officer’s nominee, with a request for further information or amendments to be made to the policy; and
  - c. to note an item that does not require a recommendation to Council or further action of Council.
- 7.2. Committee recommendations, other than those made in accordance with the delegated powers in paragraph 7.1, are not binding on Council and must be endorsed by Council to take effect.

## 8. EVALUATION OF COMMITTEE’S EFFECTIVENESS

- 8.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake review to evaluate its effectiveness, and as a guide the following should be determined:
  - a. are the Committee’s purpose and objectives being met?
  - b. should the purpose and objectives be amended?
  - c. is the Committee functioning effectively and as per the requirements of the Act?
  - d. are the Committee members regularly attending meetings?
  - e. review the Terms of Reference, including membership.

## 9. TERMINATION OF COMMITTEE

- 9.1. Termination of the Committee shall be by an absolute majority decision of Council.

## 10. APPROVAL

<b>Council Adoption</b>	<b>DATE</b>		<b>Resolution #</b>	
<b>Previous Adoption</b>	<b>DATE</b>	25 September 2019	<b>Resolution #</b>	C1909/191