INDEPENDENT LIVING UNIT DEVELOPMENT COMMITTEE

TERMS OF REFERENCE

1. ESTABLISHMENT

   The Committee shall be known as the Independent Living Unit Development Committee ("the Committee") and is established by Council pursuant to Section 5.8 of the *Local Government Act 1995*.

2. PURPOSE

   The purpose of the Committee is to provide strategic advice and recommendations to Council regarding the planning, development and delivery of the Shire's Independent Living Unit (ILU) Development Project.

   The Committee will act in an advisory capacity only and will not have delegated authority to make decisions on behalf of Council.

3. OBJECTIVES

   The objectives of the Committee are to:

   a) Provide strategic advice and recommendations to Council on matters relating to the Independent Living Unit Development Project.
   b) Assist Council in considering the long-term vision, objectives and desired outcomes of the development.
   c) Review strategic project milestones and provide feedback to Council on project progress.
   d) Consider opportunities for funding, partnerships and collaboration that may enhance project outcomes.
   e) Consider community and stakeholder perspectives relevant to the development.
   f) Support alignment of the project with Council's strategic objectives and community needs.
   g) Identify strategic risks and opportunities associated with the development and make recommendations to Council accordingly.

4. ROLE AND SCOPE

   The Committee's role is limited to strategic oversight and advice.

   The Committee may:

- Review strategic reports and project updates.
- Discuss project direction and long-term outcomes.
- Make recommendations to Council.
- Consider community needs and expectations.
- Consider strategic project risks and opportunities.

The Committee shall not:

- Approve expenditure.
- Approve contracts or procurement decisions.
- Appoint consultants or contractors.
- Direct staff, consultants or contractors.
- Attend or participate in technical project meetings unless specifically invited by the Chief Executive Officer.
- Become involved in day-to-day project management or operational matters.
- Exercise any delegated authority of Council.

5. PROJECT CONTROL GROUP

The Chief Executive Officer may establish an internal Project Control Group (PCG) to oversee the operational delivery of the Independent Living Unit Development Project.

The Project Control Group may comprise relevant Shire officers, consultants and specialist advisors as determined by the Chief Executive Officer.

The responsibilities of the Project Control Group may include:

- Project planning and delivery.
- Procurement and contract management.
- Engagement and management of consultants.
- Budget monitoring and financial management.
- Technical assessments and design coordination.
- Project scheduling and milestone management.
- Risk management and compliance requirements.
- Stakeholder coordination and operational reporting.

The Project Control Group shall report to the Chief Executive Officer.

The Independent Living Unit Development Committee shall not direct the activities of the Project Control Group and shall remain focused on strategic governance, oversight and recommendations to Council.

6. MEMBERSHIP

The Committee shall comprise:

- Shire President (Chairperson).
- Three (3) Councillors nominated by Council.
- Three (3) Community Representatives appointed by Council following a public Expression of Interest process.
- The Chief Executive Officer shall be a non-voting member and provide executive support to the Committee.
- Relevant Shire officers, consultants or subject matter experts may attend meetings by invitation to provide advice or information. MATTERS OUTSIDE THE COMMITTEE'S AUTHORITY

7. COMMUNITY REPRESENTATIVES

Council shall publicly advertise for expressions of interest from community members wishing to serve on the Committee.

The advertising period shall be no less than thirty (30) days.

Community representatives shall be appointed by Council for a term of two years and shall be eligible for reappointment.

8. VOTING

Only voting members may vote.

Each voting member shall have one vote.

The Chairperson shall have a casting vote where voting is equal.

9. QUORUM

A quorum shall consist of four (4) voting members.

10. MEETINGS

The Committee shall meet quarterly or as required.

Additional meetings may be convened by the Chairperson where strategic issues require consideration.

11. REPORTING

The Committee shall provide recommendations to Council through meeting minutes and recommendations presented to Ordinary Council Meetings.

All recommendations of the Committee shall be advisory only and shall not take effect unless adopted by Council.

12. REVIEW

These Terms of Reference shall be reviewed by Council every two years or as required.

Policy M10 – Code Of Conduct For Elected Members, Committee Members And Candidates

Schedule 1 — Model code of conduct

Division 1 — Preliminary provisions

1. Citation

This is the Shire of Boyup Brook Code of Conduct for Elected Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*.
candidate means a candidate for election as an Elected Member.
complaint means a complaint made under clause 11(1).
publish includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of Elected Members, committee members and candidates.

4. Personal integrity

(1) An Elected Member, committee member or candidate should —

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

(d) identify and appropriately manage any conflict of interest.

and

(e) avoid damage to the reputation of the local government.

(2) An Elected Member or committee member should —

(a) act in accordance with the trust placed in Elected Members and committee members; and

(b) participate in decision making in an honest, fair, impartial and timely manner; and

(c) actively seek out and engage in training and development opportunities to improve the performance of their role; and

(d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

(1) An Elected Member, committee member or candidate should —

(a) treat others with respect, courtesy and fairness; and

(b) respect and value diversity in the community.

(2) An Elected Member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

An Elected Member or committee member should —

(a) base decisions on relevant and factually correct information;

and

(b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and

(c) read all agenda papers given to them in relation to council or committee meetings; and

(d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

(a) requirements relating to the behaviour of Elected Members, committee members and candidates; and

(b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

(1) An Elected Member, committee member or candidate —

(a) must ensure that their use of social media and other forms of communication complies with this code; and

(b) must only publish material that is factually correct.

(2) An Elected Member or committee member —

(a) must not be impaired by alcohol or drugs in the performance of their official duties; and

(b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

An Elected Member, committee member or candidate —

(a) must not bully or harass another person in any way; and

(b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and

(c) must not use offensive or derogatory language when referring to another person; and

(d) must not disparage the character of another Elected Member, committee member or candidate or a local government employee in connection with the performance of their official duties; and

(e) must not impute dishonest or unethical motives to another Elected Member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a council or committee meeting, an Elected Member, committee member or candidate —

(a) must not act in an abusive or threatening manner towards another person; and

(b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and

(c) must not repeatedly disrupt the meeting; and

(d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings;

(e) must comply with any direction given by the person presiding at the meeting; and

(f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

(1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.

(2) A complaint must be made —

(a) in writing in the form approved by the local government;

(b) to a person authorised under subclause (3); and

(c) within 1 month after the occurrence of the alleged breach.

(3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

(1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.

(2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.

(3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.

(4) If the local government makes a finding that the alleged breach has occurred, the local government may —

(a) take no further action; or

(b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

(5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.

(6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —

(a) engage in mediation.

(b) undertake counselling.

(c) undertake training.

(d) take other action the local government considers appropriate.

(7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —

(a) its finding and the reasons for its finding; and

(b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

(1) The local government must dismiss a complaint if it is satisfied that —

(a) the behaviour to which the complaint relates occurred at a council or committee meeting; and

(b) either —

(i) the behaviour was dealt with by the person presiding at the meeting; or

(ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.

(2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

(1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.

(2) The withdrawal of a complaint must be —

(a) in writing; and

(b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

(1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as an Elected Member.

(2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Notes for this Division:

(1) Under Section 5.105(1) of the Act an Elected Member commits a minor breach if the Elected Member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the Elected Member was a candidate.

(2) A minor breach is dealt with by a standards panel under Section 5.110 of the Act.

16. Overview of Division

(1) This Division sets out rules of conduct for Elected Members and candidates.

(2) A reference in this Division to an Elected Member includes an Elected Member when acting as a committee member.

17. Misuse of local government resources

(1) In this clause —
electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the Electoral Act 1907 or the Commonwealth Electoral Act 1918.

resources of a local government include —

(a) local government property; and

(b) services provided, or paid for, by a local government.

(2) An Elected Member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

(1) An Elected Member must not make improper use of their office —

(a) to gain, directly or indirectly, an advantage for the Elected Member or any other person; or

(b) to cause detriment to the local government or any other person.

(2) Subclause (1) does not apply to conduct that contravenes Section 5.93 of the Act or The Criminal Code Section 83.

19. Prohibition against involvement in administration

(1) An Elected Member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.

(2) Subclause (1) does not apply to anything that an Elected Member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

(1) In this clause —

local government employee means a person —

(a) employed by a local government under Section 5.36(1) of the Act; or

(b) engaged by a local government under a contract for services.

(2) An Elected Member or candidate must not —

(a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or

(b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or

(c) act in an abusive or threatening manner towards a local government employee.

(3) Subclause (2)(a) does not apply to anything that an Elected Member does as part of the deliberations at a council or committee meeting.

(4) If an Elected Member or candidate, in their capacity as an Elected Member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the Elected Member or candidate must not orally, in writing or by any other means —

(a) make a statement that a local government employee is incompetent or dishonest; or

(b) use an offensive or objectionable expression when referring to a local government employee.

(5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

21. Disclosure of information

(1) In this clause —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under Section 5.23(2) of the Act.

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed.

document includes a part of a document.

non confidential document means a document that is not a confidential document.

(2) An Elected Member must not disclose information that the Elected Member —

(a) derived from a confidential document; or

(b) acquired at a closed meeting other than information derived from a non-confidential document.

(3) Subclause (2) does not prevent an Elected Member from disclosing information —

(a) at a closed meeting; or

(b) to the extent specified by the council and subject to such other conditions as the council determines; or

(c) that is already in the public domain; or

(d) to an officer of the Department; or

(e) to the Minister; or

(f) to a legal practitioner for the purpose of obtaining legal advice; or

(g) if the disclosure is required or permitted by law.

22. Disclosure of interests

(1) In this clause —

interest —

(a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and

(b) includes an interest arising from kinship, friendship or membership of an association.

(2) A Elected Member who has an interest in any matter to be discussed at a council or committee meeting attended by the Elected Member must disclose the nature of the interest —

(a) in a written notice given to the CEO before the meeting;

or

(b) at the meeting immediately before the matter is discussed.

(3) Subclause (2) does not apply to an interest referred to in Section 5.60 of the Act.

(4) Subclause (2) does not apply if an Elected Member fails to disclose an interest because the Elected Member did not know —

(a) that they had an interest in the matter; or

(b) that the matter in which they had an interest would be discussed at the meeting and the Elected Member disclosed the interest as soon as possible after the discussion began.

(5) If, under subclause (2)(a), an Elected Member discloses an interest in a written notice given to the CEO before a meeting, then —

(a) before the meeting, the CEO must cause the notice to be given to the person who is to preside at the meeting; and

(b) at the meeting, the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.

(6) Subclause (7) applies in relation to an interest if —

(a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or

(b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.

(7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to an Elected Member includes a requirement referred to in clause 12(6), the Elected Member must comply with the requirement.

Document Control		
Previous Policy Reference	New	
Related Legislation	*Local Government Act 1995, Sections 5.104, 5.105(1), 5.110, 5.93, 5.36(1), 5.23(2) and 5.60.*	
Related Documents		
Initial Adoption Resolution (Absolute Majority Required)	28 March 2024	Res 24/03/041
Amendment Record	27 March 2025	CM 25/03/046
Nil		

End