

**PLANT COMMITTEE  
TERMS OF REFERENCE  
(Adopted 24 February 2023)**

<b>Name</b>	Plant Committee
<b>Definitions</b>	<b>Committee</b> means the Plant Committee <b>Shire</b> means the Shire of East Pilbara <b>The Act</b> means the <i>Local Government Act 1995</i>
<b>Purpose</b>	To assist Council with respect to the Shire of East Pilbara's plant and machinery assets.
<b>Functions</b>	To ensure the Shire's plant and machinery assets are managed with due regard to Council's key objectives and goals as specified in the Strategic Plan. To provide input into Council's budget forward planning through the development program covering heavy vehicle replacements, and relevant plant and machinery including (where relevant) identification of significant maintenance cost points.
<b>Membership</b>	<ol style="list-style-type: none"> <li>1. The Committee shall consist of the following members: <ol style="list-style-type: none"> <li>a. Four (4) Councillors appointed by an absolute majority of the Council [s.5.10(a)(1) of the Act]; <ol style="list-style-type: none"> <li>i. Should the Shire President inform the local government of his or her wish to be a member of the committee, the local government is to appoint the Shire President to be a member of the committee [s.5.10(4) of the Act].</li> <li>ii. At any given time each Councillor is entitled to be a member of at least one committee of the Council (where either only Councillors or only Councillors and employees are members of such a committee) and if a Councillor nominates themselves to be a member of the Committee and is not a member of any other committee (constituted only by Councillors or by Councillors and Shire employees), Council must appoint that Councillor to the Committee as one of the four (4) members [s.5.10(2)].</li> </ol> </li> <li>b. The Chief Executive Officer [s.5.10(5)(a)];</li> <li>c. Employees of the Shire as nominated by the Chief Executive Officer from time to time [s.5.10(5)(b)];</li> </ol> </li> <li>2. Council may appoint by an absolute majority up to four (4) Councillors to be deputy members of the Committee. Any deputy member may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause. A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member [ss.5.11A(2)(a),(3) and (4) of the Act].</li> <li>3. Deputy members are not deputies to specific members. In the circumstances of more than one deputy member being present at a meeting of the Committee, the Committee shall vote to determine</li> </ol>

	<p>the deputy member entitled to exercise the functions of the absent member.</p> <ol style="list-style-type: none"> <li>4. The Chief Executive Office may appoint a deputy to attend a meeting in their absence. [s.5.11A(2)(b) of the Act].</li> <li>5. Only Councillors appointed as members (or deputies in accordance with (3)) of the Committee by Council shall have voting rights [s5.9(2)(a) of the Act].</li> <li>6. The Chief Executive Officer and employees of the Shire as nominated by the Chief Executive Officer shall attend meetings only in an advisory capacity and do not have voting rights.</li> <li>7. Committee membership continues until which ever the first of the following circumstances arise: <ol style="list-style-type: none"> <li>a. the term, as set by Council of the person’s appointment as a committee member expires; or</li> <li>b. Council removes the member from office or the office of committee member otherwise becomes vacant; or</li> <li>c. the committee is disbanded; or</li> <li>d. the next ordinary elections day [s.5.11(2)].</li> </ol> </li> <li>8. The Shire President (where the Shire President is appointed in accordance with (1)(a)(i) of these Terms of Reference) and the Chief Executive Officer are ex officio members of the Committee.</li> <li>9. Members must comply with the <i>Shire of East Pilbara Code of Conduct for Council Members, Committee Members and Candidates</i>.</li> </ol> <p>The Committee has authority to second individuals from outside of the Committee, on a voluntary basis, for their expert advice.</p>
<p><b>Operating Procedures</b></p>	<ol style="list-style-type: none"> <li>1. Presiding Member: <ol style="list-style-type: none"> <li>a. The members of a Committee are to elect a presiding member and deputy presiding member from amongst themselves at the first meeting of the Committee and in accordance with Schedule 2.3, Division 1 of the Act [s.5.12 of the Act].</li> <li>b. The CEO or delegated nominee will attend the first meeting to conduct the election of the Presiding Member and Deputy Presiding Member.</li> <li>c. The Presiding Member will preside at all meetings.</li> <li>d. In the absence of the Presiding Member, the Deputy Presiding Member will assume the chair, and in their absence, a person is to be elected by the Committee members present to assume the Chair.</li> <li>e. The Presiding Member is responsible for the proper conduct of the Committee in accordance with the <i>Shire of East Pilbara Meeting Procedures Local Law 2019</i> and the Code of Conduct for Council Members, Committee Members and Candidates.</li> </ol> </li> </ol> <p>Meetings:</p> <ol style="list-style-type: none"> <li>a. The Committee shall meet as required, but must hold a minimum of two (2) meetings in any one calendar year.</li> </ol>

	<p>b. Additional meetings may be scheduled by decision of the Council or the Committee, or at the request of the President, the Presiding Member of the Committee or any two (2) members of the Committee [cl.3.4 <i>Shire of East Pilbara Meeting Procedures Local Law 2019</i>].</p> <p>c. A Notice of Meeting, including an Agenda, will be circulated to the Committee members (including deputy members) at least 72 hours prior to each meeting, and must be published on the Shire’s website.</p> <p>d. The Chief Executive Officer shall ensure that detailed minutes of all meetings are kept.</p> <p>e. All Committee meetings will be conducted in accordance with the <i>Shire of East Pilbara Meeting Procedures Local Law 2019</i> and the Act.</p> <p>2. Quorum: The quorum for a meeting shall be at least 50% of the number of appointed (councillor)members or deputy member in the absence of a member.</p> <p>3. Reporting: a. The Minutes of each Committee meeting will be reported to Council and published on the Shire’s website. b. Any Committee resolution or recommendation requiring consideration by Council will be reported to Council as soon as practicable. c. The Committee’s Terms of Reference will be published on the Shire’s website.</p>
<b>Legislative reference</b>	The Committee is established under section 5.8 of the <i>Local Government Act 1995</i> .
<b>Delegated Authority</b>	The Committee is an advisory committee appointed by and reports to Council. The Committee provides appropriate advice and recommendations to the Council on matters relevant to its Terms of Reference. This is in order to facilitate informed decision making by the Council in relation to legislative functions and duties of the local government that have not been delegated to the CEO.

<b>References:</b>	Nil		
<b>Authorised by:</b>	Council		
<b>Date:</b>	24 February 2023	<b>Item No.</b>	11.1.3
<b>Review/Amendment Date</b>		<b>Item No.</b>	
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<b>Next Review</b>	Following each ordinary local government election		
<b>Responsible Directorate</b>	Office of the Chief Executive Officer		
<b>Responsible Officer</b>	Manager Governance, Risk and Procurement		
<b>File No.</b>			