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Terms of Reference:
Capital Works Working
Group 2022

INFORMATION ABOUT THIS DOCUMENT

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Related Legislation	<i>Local Government Act 1993 (NSW)</i> <i>Local Government (General) Regulation 2021 (NSW)</i>
Related Policies	Uralla Shire Council Code of Conduct Uralla Shire Council Code of Meeting Practice Enterprise Risk Management Framework Policy 2020
Related Procedures/ Protocols, Statements, documents	

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1. Establishment

- 1.1 The Capital Works Working Group (hereafter “the Working Group”) is established pursuant to Council resolution 09.03/22 made 22 March 2022.
- 1.2 The Working Group reports to the Finance Advisory Committee.

2. Purpose and Objectives

- 2.1 The Working Group has a strategic focus on issues and opportunities that are relevant across the Shire. It:
 - 2.1.1 Provides advice on the development of strategies for the effective maintenance and enhancement of Council’s infrastructure;
 - 2.1.2 Provides information for the Asset Management Plans (AMP) so that the AMPs align with the community’s needs; and
 - 2.1.3 Provides advice on Council’s Plant Replacement Program to align with the Operational Plan, Delivery Program and Long Term Financial Plan.

3. Term of Working Group

- 3.1 The term of the Working Group will be reviewed within twelve months of its establishment.

4. Delegations

- 4.1 4.1 The Working Group cannot make decisions on functions as set out in Section 377(1) of the Local Government Act 1993. The Council has not delegated any of its powers to the Working Group. Accordingly, all decisions of the Working Group will constitute recommendations to Council through the Finance Advisory Committee.

5. Functions and Duties

- 5.1 The functions of the Working Group are to:
 - 5.1.1 Review the AMP and relevant strategies so that the Shire’s community is well serviced with essential services (*CSP: We drive the economy to support prosperity*)

6. Membership

- 6.1 The membership shall consist of:
 - 6.1.1 Three Councillors
 - 6.1.2 The General Manager
- 6.2 Through the General Manager, key staff may be invited.

7. Roles and Responsibilities

- 7.1 The Working Group has no executive powers, except those expressly provided by Council.
- 7.2 The responsibilities of the Members of the Working Group are outlined below:
 - 7.2.1 Understand the relevant legislative and regulatory requirements appropriate to Council;
 - 7.2.2 Contribute the time needed to study and understand the relevant documentation and briefing materials provided;
 - 7.2.3 Apply good analytical skills, objectivity and good judgment;
 - 7.2.4 Express opinions frankly and respectfully, ask questions that go to the fundamental core of issues; and
 - 7.2.5 Comply with Council's Code of Conduct.

8. Meeting Procedure

- 8.1 Meeting will be held at least quarterly. The date, time and scheduling is to be agreed by the members.
- 8.2 A meeting will be limited to a maximum of two hours' duration unless the Working Group resolves to continue the meeting until a later time or the completion of business.
- 8.3 The General Manager is responsible for keeping notes as a record of the meeting.
- 8.4 Recommendations arising at Working Group meetings are to be submitted to the Finance Advisory Committee for consideration.

9. Presiding Member

- 9.1 The role of the Chairperson shall be undertaken by a Councillor. At the first meeting of the Working Group's term, the Working Group shall elect one of its members as Chairperson. The method of election shall be decided by the Working Group.
- 9.2 The Chairperson shall preside at all Working Group meetings at which he or she is present.
- 9.3 In the absence of the Chairperson at a meeting or in the event of a conflict of interest in which the Chairperson has recused him or herself from discussion, the Working Group shall elect a temporary Chairperson.

10. Quorum

- 10.1 The quorum required for a meeting to commence will be a majority of current voting members (ie two members). A Working Group meeting will be adjourned and rescheduled if there is no quorum present within 15 minutes.

11. Voting

- 11.1 A question arising for decision at a meeting of the Working Group will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- 11.2 A voting member of the Working Group present at any meeting shall have one (1) vote on any matter.
- 11.3 In the event of an equality of votes, the Chairperson shall have the casting vote.

12. Code of Conduct and Conflict of Interest

- 12.1 The Uralla Shire Council Code of Conduct applies to all Working Group members.
- 12.2 Working Group members are to declare conflicts of interest when any such interest arises.
- 12.3 Declarations of conflict of interest shall be recorded in the minutes and Working Group members shall abstain from voting on any matter relating to the declared conflict of interest unless the conflict is a non-pecuniary insignificant conflict of interest.

13. Limitation of Powers

- 13.1 The Working Group must not do anything or allow any person acting under its direction to do anything contrary to the interest of Council. For the purposes of this sub-clause, this includes but is not limited to, prohibiting the following:
 - 13.1.1 Acting contrary to any direction from Council, which includes a direction from the General Manager;
 - 13.1.2 Acting contrary to Council's policies;
 - 13.1.3 Advising any person that they may have a legal right or action against Council or any Council Official;
 - 13.1.4 Making any admission of liability or accepting liability on behalf of Council or the Working Group;
 - 13.1.5 Acting contrary to Council's Code of Conduct;
 - 13.1.6 Acting outside the limits of the Working Group's delegation; and
 - 13.1.7 Acting or presenting the Working Group as independent of Council.

14. Operational Support

- 14.1 Uralla Shire Council will support the Working Group through the provision of:
 - 14.1.1 A meeting place; and
 - 14.1.2 Secretariat support.

15. Alteration of Terms of Reference and Working Group Dissolution

- 15.1 These Terms of Reference may only be altered by Council resolution.
- 15.2 The Council may, at any time and either at its own initiative or upon request of the Working Group, alter, delete, or add provisions to these Terms of Reference.
- 15.3 The Council may, by resolution, terminate the term of the Working Group at its discretion.

16. Interpretation

- 16.1 Any ambiguity or difficulty in interpretation of these Terms of Reference shall be referred to the Council for direction.

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