

# SEPARATE COVER ATTACHMENT

ORDINARY MEETING OF COUNCIL

8 April 2019

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## **NOR-1 - NOTICE OF RESCISSION - WAGGA WAGGA CITY COUNCIL CRIME PREVENTION WORKING GROUP**

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**CITY OF WAGGA WAGGA**  
**CRIME PREVENTION WORKING GROUP**  
**TERMS OF REFERENCE**

**1. Status and Name**

- (1) The Committee shall be known as the "Crime Prevention Working Group" (hereinafter referred to as "the Working Group").
- (2) This Working Group is a Working Group of Wagga Wagga City Council (hereinafter referred to as "the Council") pursuant to and in accordance with provisions contained in the Local Government Act 1993 and the Local Government (General) Regulations 2005.

**2. Established**

The Working Group is established by Council Resolution No. \_\_\_\_\_ on \_\_\_\_\_ 2019 (date to be inserted).

**3. Purpose and Objectives**

The purpose and objectives of the Working Group are to consider various issues and initiatives that relate to crime and safety, and where appropriate make recommendations to the elected body of Council. Key objectives are:

- To provide advice to the Council on emerging crime trends and crime prevention issues based on relevant statistics and other stakeholder feedback
- To identify key strategic priorities or issues in relation to crime prevention
- To provide advice and feedback on the implementation of Council's Crime Prevention Plan 2021
- To promote shared community ownership and stakeholder partnerships for crime prevention across the Wagga Wagga and related regional area, and
- To provide advice on community and stakeholder engagement regarding crime prevention strategies

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### 4. Operational Support

The Working Group is nominated as a fully serviced group by the Council. This means that the Council is responsible for:

- Preparation of minutes, reports and agendas;
- Providing professional staff and minute taker to attend meetings if required;
- Providing training to Working Group members where required;
- Providing feedback on Council decisions to the Working Group;
- Provision of a meeting venue and refreshments as appropriate;
- Provision of insurance coverage for the Working Group as appropriate;
- Provision of a staff member to attend in an advisory capacity when required or requested;
- Placing agendas on the Council's website;
- Inclusion in the agenda an item for General Business. These items will only be recorded in the minutes should a resolution be required. These items will be subject to disclosures of interest where applicable;
- Responding where appropriate to requests from the Working Group to obtain from Council officers reports or recommendations related to an agenda item;
- Ensuring that agendas will be forwarded to Working Group members, all Councillors and the General Manager at least three working days prior to a meeting;
- Completing the Minutes, with an attached report including any recommendations of Council officers to the next Council meeting.

### 5. Function and Role

The role of the Wagga Wagga City Council Crime Prevention Working Group is to provide advice to the Council and support other key agencies on key strategic priorities or issues in relation to crime prevention. This role also includes advise and feedback on the implementation of Council's adopted Crime Prevention Plan 2021.

### 6. Membership

- (1) Membership of the Committee is determined by Council. Membership comprises of the following:

(a) Voting Members

- Representative from NSW Premier and Cabinet
- Representation from Department of Housing and Family and Community Services
- Representative from Department of Justice

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- Representative from Aboriginal Legal/Justice service sector area
  - NSW Police Wagga Wagga Local Area Command Superintendent and Senior Crime and Safety Police representative
  - The Mayor or the Mayor's delegated Councillor representative
  - The Local Member
  - Two (2) Community Members
- (b) Non-Voting Members
- Director Community and or staff representative
  - Council's Social Planner
  - Minute Taker - Executive Assistant to Director Community

(c) Alternate Representative

Where a Working Group member is a representative of an organisation, community or interest group, an alternate representative may be nominated to attend meetings of the Working Group in lieu of the nominated representative and when so attending shall have the same representation and voting rights of the nominated representative. The name of the alternate representative should be forwarded to a relevant Council staff member prior to the meeting.

(2) Selection of Members of the Working Group

Agency representation is by invitation and marries to key agencies and leadership roles identified to have a significant role, contribution and or reach to other stakeholders in addressing crime and safety preventative measures. The two community members will be appointed through an advertised expression of interest process and in line with POL 117 Appointment of Members to Council Committees.

- (3) The Working Group at its discretion, may co-opt additional members from time to time (referred to as co-opted members) to provide specialist advice or assistance in the Working Groups deliberations of any matter, but such co-opted members shall serve on the Working Group only for the period of time required by the Working Group, and will not, whilst serving as a co-opted member, have any voting rights.

(4) The Working Group may:

- (a) invite observers, citizens or other representatives to attend meetings of the Working Group for the purpose of clarifying any matters under consideration by the Working Group;
- (b) from time to time, invite people to attend meetings of the Working Group to make representations or provide expert advice on matters of interest to and under consideration by the Working Group provided that such invited persons shall not have any voting rights



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### 7. Authorities

The Working Group is appointed under the provisions of the Local Government Act (1993) and the Local Government (General) Regulations 2005, and the Working Group shall abide at all times with the terms of reference of this constitution.

Any authorities conferred upon the Working Group under this constitution may be varied or revoked by resolution of the Council at any time.

The Working Group has no power or authority, whether by delegation, agency or otherwise to exercise any function, right, duty or power of Council, whether under a statute or other law, or in any other capacity.

### 8. Terms of Office

- (1) The Working Group may be dissolved by resolution of the Council at any time but otherwise members shall cease to hold office at the next general election (scheduled for September 2020) of the Council following its appointment.
- (2) Committee members may be re-appointed by the Council following a general election at the Council's absolute discretion.
- (3) The Council reserves the right to determine the appointment of all members and member Organisations, Community or Interest Groups of the Working Group.

### 9. Vacation of Office

- (1) The office of an elected, appointed or representative member of the Working Group shall become vacant:
  - i. Upon his/her death.
  - ii. If she/he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit,
  - iii. If he/she becomes a medically confirmed mentally incapacitated person
  - iv. If he/she resigns his/her membership by notice in writing to the Working Group.
  - v. If he/she is absent for more than three (3) consecutive meetings without prior leave of the Working Group.
  - vi. If he/she ceases to be a member of the organisation which he/she represents.
  - vii. If he/she holds any office for profit with the Council.
  - viii. If he/she commits any breach of this Constitution.



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- ix. If he/she is convicted of any indictable offence or of any summary offence related to dishonesty,
  - x. If he/she is disqualified or dismissed from holding civic office
  - xi. If the committee is dissolved by the Council.
  - xii. If the position is used for any pecuniary interest of the individual.
  - xiii. On the retirement of the Council.
- (2) Where a person who ceases to be a member of the Working Group pursuant to paragraph (1) of this Clause was appointed by an Organisation, Community or Interest group as its representative, that Organisation Community or Interest Group shall, subject to the Council's approval of its nominee, fill the vacancy so created.
- (3) Where such person was directly appointed by the Council, the vacancy shall be filled by the Council.

### 10. Chairperson and Deputy Chairperson

- (1) The Mayor will be the Chairperson of the Working Group or in the absence of the Chairperson the Councillor representative appointed by the Mayor.
- (2) In the event that the Mayor or his/her appointed Councillor is unable to attend a meeting, the Working Group will appoint a Chairperson from the voting membership.

### 11. Voting at Meetings of the Committee

- (1) Voting on all matters shall be on the voices except where the Chairperson otherwise determines or a challenge to voting is made, in which case the voting shall be by show of hands.
- (2) Each member of the Working Group is entitled to vote, shall have one vote, provided that in the event of an equality of votes, the chairperson presiding at the meeting shall have a casting vote as well as an original (deliberative) vote.
- (3) A proposition which receives a majority of votes (i.e. more than half) of the voting members present shall be a decision of the Working Group
- (4) It shall be the duty of the chairperson at a meeting of the Working Group to receive and put to the meeting any lawful motion or amendment brought before the Working Group
- (5) The Minutes of the Working Group meeting shall record all decisions of the Working Group and shall record all decisions which are determined upon the casting vote of the chairperson.

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- (6) Any voting member of the Working Group may request that their name be recorded in the Minutes of a meeting as having voted against a recommendation of the Working Group, and such shall be recorded in the Minutes.

### 12. Quorum

- (1) A quorum shall comprise half plus one of the appointed voting members of Working Group
- (2) Should a quorum not be present at the start of, or during, any meeting, the voting members present may decide that the Agenda items continue to be discussed, however any agreement or decision so made shall be recorded in the Minutes as "No quorum - decision of the members present", and not as a recommendation of the Working Group.
- (3) The names of the Working Group members present, whenever a quorum is not present, shall be recorded in the minutes, and the reason as to why a quorum was not present.

### 13. Meetings

The Working Group is to meet quarterly, or as determined by the Working Group.

Working Group meetings will not normally be open to the general community; however, the Working Group may invite members of the community to attend meetings as observers or to provide relevant information as required as set out under clause 6 above.

### 14. Notice of Meetings and Agenda/Business Paper

- (1) A Notice of, and an Agenda and Business Papers for, every meeting of the Working Group shall be forwarded at least three (3) working days prior to the date of the meeting to:
- (a) each member of the Working Group both voting and non-voting
  - (b) the Mayor and all Councillors
  - (c) Council's General Manager and Directors
- (2) Items submitted for inclusion on the agenda by any of the Working Group members or representatives are to be lodged with the Working Group nominated secretary a minimum of two weeks prior to the meeting to allow time to prepare information and/or report on the matter.
- (3) Provision will be made on each agenda for General Business to be raised at each meeting.

### 15. Conduct of Proceedings



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- (1) The delegations outlined in this constitution confer powers upon the Working Group that effectively make the Working Group the Council in the specific areas outlined in the Functions and Roles of the Committee (see clause 4).
- (2) Proceedings at all meetings shall be conducted in accordance with the provisions of Council's Code of Meeting Practice applicable to meetings of committees of Council. This includes disclosures of pecuniary and non-pecuniary conflicts of interest interests (see clause 17).
- (3) The Working Group may determine other procedures for conduct of meetings so long as they are not inconsistent with this Terms of Reference.
- (4) Working Group Members will be required to comply with the Council's Code of Conduct.

### 16. Minutes

- (1) Minutes from each meeting shall be made containing details of all matters considered and the Working Group recommendations formulated.
- (2) The Minutes must specifically include all decisions made by the Working Group.
- (3) A copy of the minutes is to be circulated to all members of the Working Group.
- (4) The Minutes and recommendations of the Working Group will be submitted to the next available Council meeting.
- (5) The recommendations of the Working Group shall not be a resolution of Council until such time as it is adopted by Council and until that occurs a Working Group recommendation shall have no effect until such time as Council has adopted a recommendation of the Working Group.
- (6) The Minutes of all meetings shall record the names of:
  - (a) all voting members, including any alternate representative, present and their representation on the Working Group
  - (b) all non-voting staff members present
  - (c) any co-opted, or invited non-voting people who attend the meeting
- (7) The Minutes must be prepared in accordance with the Council's Code of Meeting Practice.

### 17. Reports and Correspondence for the Working Group

- (1) The Agenda for meetings shall include:
  - (a) acknowledgement of Country

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- (b) the Minutes of any previous meeting for confirmation as to accuracy of the proceedings and decisions of the meeting;
  - (c) reports from Council officers on matters and on correspondence received by the Working Group on matters the domain of the Working Groups function and role;
  - (d) any correspondence or matter submitted by a member of the Working Group under clause 13.
- (2) The agenda shall not include any business which is, or the implementation of the business would be, unlawful.
- (3) Any correspondence relevant to an item on the agenda under the Working Group's consideration may be included in the agenda as long as it is provided to the Working Group with the agenda and business papers.
- (4) The Chairperson shall determine whether any correspondence tabled otherwise than in accordance with clause 16(3) is to be considered by the Working Group and then require a motion confirming the urgency of the item tabled.
- (5) Any report, correspondence or material tabled and accepted at the meeting, which was not included in the agenda, must be recorded in the Minutes of the meeting and annexed to the minutes when distributed under clause 15.



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### 18. Disclosure of Interests

#### (1) Pecuniary Interests/Conflicts of Interest.

- (a) The first item on the agenda of all Working Group meetings, shall be the declaring of pecuniary interests/conflicts of interest.
- (b) A member of the Working Group shall not at meetings of the Working Group vote on, or take part in the discussion of, any matter in which that person or any relation of that person, has, personally or by their partner, any pecuniary interest. Such interest shall be declared to the meeting at the earliest opportunity, and any member declaring any such interest shall refrain from any discussion of or voting on the matter.
- (c) In declaring the nature of a pecuniary or conflict of interest at a meeting, the member, adviser, staff member or delegate must ensure that:
  - The details are sufficient to enable other Working Group members and the public to appreciate in general terms the connection of the person with this matter under consideration.
  - The disclosure does not reveal sensitive information which is not relevant to the matter before the Working Group.
  - The disclosure does not reveal information which may be unnecessarily damaging to the reputation of some person(s) with whom the person disclosing is associated.
  - The disclosure will not unnecessarily prejudice a sensitive commercial or legal situation.

#### (2) Disclosure to be Recorded.

A disclosure made at a meeting of a Working Group must be recorded in the Minutes of the meeting.

### 19. Dissolution

The Working Group may be dissolved by a resolution of Council at any time.

Signed by the General Manager this .... Day of ..... ..

..... General Manager.

Note: This is in draft form pending adoption by Wagga Wagga City Council. After adoption the General Manager will execute the document as the formally recognised Terms of Reference.

