



Road Safety Council

Governance Charter

October 2018

TOWARDS ZERO
getting there together



1. Establishment

The Road Safety Council (the Council) was formed on 1 February 1997. The Council is formally established under the Road Safety Council Act 2002 (the Act).

2. Functions

The Council's legislative functions are prescribed in section 5 of the Act¹, presented as follows.

- A) to identify measures
 - i. to improve the safety of roads in the State; and
 - ii. to reduce the deaths of people, the injuries to people, and the damage to property, resulting from incidents occurring on roads in the State; and
- B) to recommend to relevant bodies and persons the action that should be taken to implement those measures; and
- C) to coordinate the implementation of those measures by relevant bodies and persons; and
- D) to evaluate and monitor the effectiveness of those measures; and
- E) to evaluate and monitor the safety of roads in the State; and
- F) to recommend to the Minister how money standing to the credit of the Account should be spent to implement those measures and to facilitate the performance of the Council's functions; and
- G) to make recommendations to the Minister in compliance with directions given by the Minister under section 6A.

¹ Road Safety Council Act 2002 s 5

² Towards Zero 2008-2020, endorsed by WA State Government March 2009

3. Purpose

The Council's primary purpose is to implement an effective whole of government and community response to road safety within Western Australia (WA) consistent with its legislative functions and the directions of the state's road safety strategy.²

4. Role

The Council is the peak body within WA to shape and lead the implementation of the state's vision for road safety. A key part of this role is the development, implementation and monitoring of priority strategic initiatives which will eliminate road deaths or serious injuries resulting from road crashes.

5. Context

Members and their deputies (members) work as a collective to provide representation of whole of government and the community regarding road safety.

The Council's approach to road safety is bold and ambitious. Its primary regard is the commitment of its members to acting and achieving results. The Council's vision is for no road deaths or serious injuries. This vision requires a 'zero tolerance' approach to road trauma.

By framing its work through a 'zero tolerance' lens the Council aims to bring about a paradigm shift in road safety responses across government and the community. The Council also adopts international best practice principles for road safety performance.

² *Towards Zero 2008-2020*, endorsed by WA State Government March 2009

The principles are³:

- people make mistakes and will continue to make mistakes, which the road system must accommodate without resulting in death or serious injury;
- humans have limited physical ability to tolerate crash forces before harm occurs;
- a shared responsibility to prevent crashes resulting in death and serious injury exists amongst those who design, build, maintain roads and vehicles, those who use roads and those that provide post-crash care; and
- all parts of the system must be strengthened to multiply their effects, and if one part fails, road users are still protected.

The Council's decisions and initiatives are based on evidence where it is available. However, the Council is not limited only to evidence-based strategies. It will also challenge the status quo and new ideas against the Safe System principles to achieve the required step change to make progress.

6. Accountability



The Council is considered a government board. Therefore, whole of government accountability requirements of the Financial Management Act 2006 (FMA), Public Sector Management Act 1994 (PSMA), other relevant legislation, circulars and instructions apply.

The Council is accountable to the Minister and provides an annual report in accord with Section 13 of the Act detailing its activities for the previous financial year.⁴

Members are held to account under the Council's governance framework, which includes the Council's Code of Conduct (Code) and this Charter. The framework specifies principles for conduct for members, accountabilities and responsibilities.⁵

³Towards Zero: Ambitious road safety targets and the safe system approach, Organisation for Economic Cooperation and Development, 2008

⁴Road Safety Council Act 2002 s 13(1)

⁵Road Safety Council Code of Conduct, Principles for Conduct

7. Liability

The Act protects members from liability for acting in good faith in the performance of the functions of the Act.⁶

8. Minister's Role & Responsibilities

The Minister is responsible for:

- nomination and appointment of Council members including the duration and revocation of membership;⁷
- determining the remuneration allowance for members who are not public officers;⁸
- reporting to Parliament;⁹ and
- communicating the objectives of government.

The Act specifies how the Minister and the Council are to operate in respect of expenditure of funds from the Road Trauma Trust Account (the Account).¹⁰

9. Chairman's Roles and Responsibilities

9.1. The role of the Chairman is multifaceted. The Chairman's role:

- is the key link between the Council, the Minister and the Road Safety Commission (Commission);
- ensures that members, the Minister and the community have confidence in the leadership and functions of the Council;

⁶Road Safety Council Act 2002 s 14(1)

⁷Road Safety Council Act 2002 s 6, 7, 8, 9

⁸Road Safety Council Act 2002 s 10

⁹Road Safety Council Act 2002 s 6A and 13(2)

¹⁰Road Safety Council Act 2002 s 6A, s 12(5) and (6)

- is the first among equals, facilitating the fulfilment of the Council's role and responsibilities both strategically and administratively;
- provides strong and informed leadership for members; and
- establishes a collegiate culture which encourages independent and diverse thought, resists group think and demonstrates a commitment to appropriate accountability.

9.2. In carrying out this role, the Chairman is to consider:

- the government's policy objectives and the Council's contribution to government outcomes;
- the role of the Account;
- relevant Minister(s); and
- the interests of stakeholders of the road safety system.

9.3. The Chairman performs the following functions to facilitate the fulfilment of the Council's role and responsibilities.

9.3.1. Developing and maintaining effective working relationships with the Minister's office.

9.3.2. Facilitating Council members' understanding of and delivery in accord with the Ministerial Statement of Expectations.

9.3.3. Appropriate flow of information to and from the Council, seeking to ensure information provided is relevant, accurate, timely and sufficient for informed decisions to be made.

9.3.4. The effective functioning of the Council, including:

- managing the conduct, frequency and length of meetings;
- ensuring compliance with quorum, decision-making or voting requirements;
-
- raising members awareness of and requiring compliance with conflict of interest requirements;
- setting the agenda and ensuring accurate minutes are kept; and
- facilitating meeting agenda items to ensure that members views are sought and provided the appropriate consideration and respect from member colleagues.

- 9.3.5. Leading the shaping of priorities, goals, strategy and budget recommendations.
- 9.3.6. Setting expectations for commitment to the strategic direction for a safe road system and addressing gaps in member commitment or performance.
- 9.3.7. Communicating the views of the Council to primary stakeholders, such as the Minister, and general stakeholders such as the community, ensuring that communications are accurate and effective.
- 9.3.8. Enabling Council members access to and understanding of the financial position of the Account, strategic performance and risks.
- 9.3.9. Leading by example and motivating members.
- 9.3.10. Promoting team dynamics and setting the overall tone for the Council, including fostering behaviours which accord with the Code.
- 9.3.11. Retaining an effective board with the necessary skills, knowledge and experience, including oversight of requirements regarding succession planning and membership administration.
- 9.3.12. Causing the Council performance review process to be carried out.
- 9.4. For the performance of the Chairman's responsibilities it is recognised that these will be fulfilled using the Commission's staff and resources. As the key interface between the Council and the Commission the Chairman will:
- establish an effective and constructive relationship with the Road Safety Commissioner (the Commissioner) and work with relevant Commission staff;
 - facilitate open and constructive communications with the Commission; and
 - resolve any issues that arise which impact upon the Chairman or Council's ability to fulfil their responsibilities.
-

- 9.5. The Chairman may from time to time require another member to act on their behalf. When necessary, the Chairman will:
- nominate a primary member, not a delegate, of the Council who is an appointment from a government agency to temporarily perform the duties of the Chairman;
 - the nomination will be made with as much notice as practicable to the other members and the nomination will state the scope of the duties to be performed;
 - the nominated member will be known as the Chairman's nominee;
 - members can agree or object to the Chairman's nominee, with a quorum being required for the decision;
 - the Chairman's nominee will perform the role and responsibilities in accord with the specified scope; and
 - the Chairman's nominee will be responsible for briefing the Chairman regarding activities performed.

Council Role and Responsibilities



The Council is responsible for executing its functions as specified by the Act¹¹. These functions are given effect by the Council under three focus areas that will be fulfilled in the following way.

10.1. Develop a recommended strategic direction for road safety in WA

10.1.1 Coordinating the development of the next Road Safety Strategy for WA, which will occur during the period 2018-2020 ready for Ministerial endorsement early 2020.

10.1.2 Ongoing implementation of the current Road Safety Strategy (*Towards Zero 2008-2020*); reviewing and making recommendations to Government on results-based road safety policy and programs; contributing to and influencing national road safety objectives.

¹¹Road Safety Council Act 2002 s 5

10.2. Identify and implement priority road safety actions

- 10.2.1. Based on data and research outcomes, developing and progressing projects based on the assessment of priority crash problems and priority responses required consistent with the Strategy. The Council will consider crash data on an annual basis prior to the establishment of priorities for the next financial year and will be presented with research outcomes as they become available.
- 10.2.2. As a part of the annual process for the development of recommendations regarding RTTA funding allocation, develop, review and maintain a multi-year rolling plan to support the implementation of the Strategy
- 10.2.3. Consider deliverables and outcomes being achieved through multi-year projects and make recommendations to the Minister regarding funding allocation. In the main, this will occur as a part of the whole of government budget and mid-year review processes; however, some matters may be considered at other times of the financial year.

10.3. Evaluate and report on the implementation of the Road Safety Strategy for WA

- 10.3.1. Provide strategic direction for implementation of an appropriate reporting processes, including monitoring of project and program effectiveness.
- 10.3.2. Oversee monitoring of the government's road safety strategy and its effects on road safety performance in WA including an annual review of road trauma results.
- 10.3.3. Reporting annually and advising the Minister on the safety performance of the road transport system and the outcome of projects and programs undertaken.

10.4. In fulfilling their duty, member responsibilities are further explained as follows.

- 10.4.1. Members operate as part of a team to ensure that the responsibilities of Council are met.
- 10.4.2. Use ethical decision-making processes that reflects the balance and requirements of multiple stakeholders.¹²

¹²Further information on accountable and ethical decision making is available from the Public Sector Commission website and in the principles outlined in the Council's Code of Conduct

10.5. As representatives of their respective organisations, the role of members includes the duties outlined as follows.

10.5.1. Exercising the authority to act on behalf of their chief executive officer (CEO) with due diligence and care.

10.5.2. Demonstrating shared responsibility by leading and driving their agency's road safety portfolio.

10.5.3. Proactively committing and acting to implement their agency's road safety obligations consistent with the Council's strategic objectives.

10.5.4. Making decisions on the priorities and resources of their organisations, actively participating in and adding value to Council operations.

10.5.5. Delivering results for road safety issues, perspectives, policies and views of their organisation or those members that they represent.

10.5.6. Ensuring effective two-way communication with the Chairman and other members.

10.5.7. Ensuring relevant issues under deliberation are effectively communicated and considered within their organisation and the appropriate feedback provided back to Council.

11. Council Composition

The Act specifies the composition of the Council and how members and their deputies are nominated and appointed.¹³ This will be achieved as follows.

- 11.1. In respect to section 6(1)(b) the Minister will request the Commission seek at least three (3) nominations from non-government individuals or organisations that are established as representing road users in WA for the Minister's consideration.
- 11.2. In respect to section 6(1)(c) the Minister will request the Western Australian Local Government Association to nominate three (3) people for the Minister's consideration.
- 11.3. Ministers are to nominate officers for appointment in accordance with the Act¹⁴ and with consideration of whole of government objectives regarding diversity of membership on boards and committees. Member agencies should provide advice to their respective Ministers to enable suitably senior staff to be nominated.
 - 11.3.1. Members representing State government agencies must be senior officers with road safety related responsibilities within their respective portfolio areas.¹⁵
- 11.4. All members must have the delegated authority to act on behalf of their CEOs and be able to make decisions on priorities and resources on behalf of their organisations.

¹³Road Safety Council Act 2002 s 6, 7, 8, 9

¹⁴Road Safety Council Act 2002 s 6(2)

¹⁵Ibid.

12. Meetings

The Council is authorised by the Act to determine how it will convene and conduct meetings.¹⁶ Council meetings are presided over by the Chairman. To ensure Council meetings are effective, the Chairman, with input from members and support from the Commission, will ensure that meeting agendas are appropriate for Council requirements and focus discussion and decision making on matters relevant to its functions.

12.1. Meetings will be strategically structured to:

- provide members the opportunity to consider matters with appropriate care and propriety;
- support efficient and effective decision-making;
- incorporate important matters identified on the board planning calendar; and
- allow members to express their views.

12.2. An annual cycle of key activities will be established and maintained. This will:

- be reviewed at the commencement of each calendar year;
- inform a schedule of ordinary meetings for the year, including date, time and duration, proposed by the Chairman;
- provide the focus of each meeting to ensure the key activities are addressed; and
- be adjusted as required, including the rescheduling of meetings.

12.3. Meetings which form part of the annual cycle planned and agreed by the Council will be ordinary meetings.

12.4. Extraordinary meetings can be called. The Chairman will call such meetings. A quorum of members can require the Chairman to call a meeting. Such a quorum must have a majority of primary members, not deputies.

12.5. Virtual meetings can be called. Such meetings will be initiated by the Chairman or as agreed at an ordinary or extraordinary meeting.

¹⁶ Road Safety Council Act 2002 s 11(1)

- 12.6. Notice of all meetings, including rescheduling or adjustments to times, will be circulated to all members, including deputies.
- 12.7. The principle means of providing notices of meetings, issuing agenda and minutes will be electronic.
- 12.8. A quorum will be required for a meeting for a decision or resolution of any meeting type of the Council to be valid. At any meeting of the Council five (5) members in attendance will constitute a quorum.
- 12.9. At each ordinary meeting of the Council, it will consider the following as 'standing agenda items':
- declarations of conflict of interest;
 - the minutes of the previous meeting;
 - review actions;
 - a financial report regarding the RTTA;
 - a verbal report on progress of road safety activities, which may be supported by papers;
 - any specific proposals for new, amended or withdrawn expenditure if relevant; and
 - any major issues or opportunities for road safety.
- 12.10. In addition to standing agenda items, at intervals not more than one year, the Council will consider:
- strategic priorities and areas of focus;
 - orientation of current and proposed investments to strategic priorities and alignment to the State Strategy;
 - recommend the annual budget to the Minister;
 - recommend submissions for the Mid-Year Review; and
 - consider the performance of the Council.
-

12.11. In addition to standing agenda items, extraordinary meetings will consider:

- the matter which is the purpose of calling an Extraordinary meeting; and
- at the Chairman's discretion, any other matters submitted.

12.12. Virtual meetings may be conducted to consider:

- matters agreed to be circulated at a previous meeting; or
- at the Chairman's discretion, any other matters which are judged to require immediate attention and the decision making process will not be impaired by the process; and
- members will apply the same standards and provide the same level of declaration regarding conflict of interest as any other meeting; and
- decisions of virtual meetings are to be confirmed at the next ordinary or extraordinary meeting with any Council member input from the virtual meeting being communicated.

12.13. Decisions will be based on consensus wherever possible. Where consensus cannot be achieved:

- the Council will vote on the issue;
- each member of Council will have one vote;
- if required, the Chairman will have the casting vote;
- the majority vote will be recorded as the Council's decision; and
- any objections or abstentions will be recorded in the minutes.

12.14. Records of all meeting types will be kept in accord with State record keeping requirements. Meeting record types include but are not limited to agenda, meeting papers, minutes and correspondence including email correspondence in the case of a virtual meeting being held.

12.14.1. Records of meetings will be retained in the record keeping system of the Commission.

12.14.2. Ordinary and extraordinary meetings will have an agenda in the format agreed by the Council members. Virtual meetings may have the item/s listed in a covering email.

12.14.3. Whenever possible, meeting papers are to be circulated with the Agenda. When necessary, papers may be tabled at the meeting. Tabled papers may be in association with a listed agenda item, or as Other Business.

12.15. Accurate minutes are to be kept for all Council meetings.¹⁷

12.15.1. Minutes are to be circulated with the next ordinary or extraordinary meeting agenda and considered by the members at the meeting; to determine status as being a true and accurate record of proceedings.

12.15.2. Once accepted by the members, minutes are to be certified by the Chairman as a true and correct record of proceedings.

12.15.3. Outcomes of virtual meetings are to be ratified and incorporated into the record of proceeding of the next ordinary or extraordinary meeting.

12.15.4. If minutes require amendment before they can be accepted as a true and accurate record, the Council is to determine if the amended minutes can be circulated for consideration and acceptance, or if the nature of the amendments require the minutes to be resubmitted at the next ordinary or extraordinary meeting.

¹⁷Road Safety Council Act 2002 s 11(4)

13. Communication

Effective and united communication is the shared responsibility of members. Public comment by Council members is subject to the following.

- 13.1. The Chairman is the key spokesperson for the Council and will make public comments about the work and agreed positions of the Council.
- 13.2. Members from State government agencies can make public comment on their individual agency positions regarding road safety matters in accordance with their agencies PSMA section 74 agreements.
- 13.3. Members from non-State government agencies are subject to the requirements of their own organisation. Any commentary must be in accord with their role, responsibilities and commitments under the Public Sector Code of Ethics and Council Code of Conduct.
- 13.4. All members will ensure that the Council and/or the Chairman are appropriately briefed on any sensitive or important matters prior to any public comment. This includes where individual agency views may deviate from the position of the Council's.
- 13.5. The Commission will support the Chairman to ensure that Council messages are consistent, and timing is appropriate. To do this the Commission will:
 - coordinate the communication of Council deliberations including meeting papers and official media statements;
 - collaborate with the communications branch of each member agency; and
 - monitor and provide advice to the Chairman on contemporary issues, Ministerial statements and/or media statements to ensure key messages are harmonious and reliable.

14. Council Administration & Executive Support

The Commission is attached to the WA Police Force. This arrangement commenced the 1st July 2017 as part of machinery of government changes.¹⁸ As head of the Commission the Commissioner reports directly to the Minister regarding road safety matters.

Executive support for the Council is provided by the Commission. The relevant Commission staff will:

- prepare administrative papers, such as agenda and minutes, and correspondence;
- facilitate the induction of new Council members;
- coordinate professional development as required for the Council;
- assist the Chairman and Council members regarding governance processes and requirements;
- assist with the implementation of the Council's initiatives and activities, to give practical effect to the decisions of the Council.

For the purposes of the FMA and Auditor General Act 2006 the Account is managed and administered by the Commission as a part of the WA Police Force on behalf of the Minister.¹⁹

15. Governance

All members are subject to the governance requirements of the PSMA, the FMA, other relevant legislation, circulars and instructions.

All members are subject to the Public Sector Code of Ethics which requires that the Council have a Code of Conduct.²⁰ Whether or not they are public officers, members must adhere to these Codes. Specific matters are summarised as follows.

15.1. The public sector disciplinary process is set out in Part 5 of the PSMA and is given effect by Public Sector Commissioner's Instructions.²¹ Part 5 PSMA applies to members who are public officers.

¹⁸The Road Safety Commission is a Department of State pursuant to s 35(1)(a) of the Public Sector Management Act 1994

¹⁹Road Safety Council Act 2002 s 12(5)

²⁰Public Sector Commissioner's Instruction No.7 Code of Ethics

²¹Public Sector Commissioner's Instructions No. 3 and 4

- 15.2. Members are subject to the provisions of the PSMA and Public Sector Commissioner's Administrative Instruction Number 711 regarding the use of official information.²² The Code provides further information on the use of official information and confidentiality.
- 15.3. Sensitive information such as relating to Council and agency budget matters is to be treated as Cabinet in Confidence.
- 15.4. Council meeting papers will specify confidentiality provisions and/or relevant circulation protocols. Where agreed by the Chairman members may brief their CEO or senior executive 'in confidence' on road safety issues of relevance or those requiring attention or action by their agency.
- 15.5. Members will seek guidance from the Chairman where there is any uncertainty regarding the use of official information and/or issues of confidentiality.

16. Conflict of Interest



Conflicts of interest will be managed by the Council.

- 16.1. A standing item on the Council agenda requires members to declare any perceived, actual or potential conflicts of interest (conflict of interest) relating to the business of the Council. Council members will be aided with the 'six P' model for identifying conflicts of interest.²³
- 16.2. Declarations and the agreed management resolution(s) will be recorded in the Council meeting minutes. Council members will be guided by the 'six R' model for managing conflicts of interest.
- 16.3. Agreed resolution(s) will be identified based on the type of conflict identified.
- 16.4. Where appropriate and necessary the Chairman may ask members, or they may choose, to remove themselves from discussion on agenda items or issues where they believe that they have a conflict of interest.

²²Public Sector Management Act 1994 s 9(b) and Public Sector Commissioner's Instruction No. 711
Official Information

²³Good Governance Guide – Conflicts of Interest, Public Sector Commission

- 16.5. Where the Chairman has a conflict of interest that will prevent them from performing their role, the Chairman's nominee (as per nominee process) will chair the meeting until the matter relating to the conflict has been discussed and decided upon.
- 16.6. Where a conflict of interest has been identified, the Chairman or member may seek to involve an independent party or nominee to resolve the conflict or provide an organisational position.²⁴
- 16.7. The executive support provided by the Commission will include the registration of all declared conflicts of interest.

17. Gifts, Benefits & Hospitality



Understanding that accepting gifts, benefits or hospitality poses an integrity risk, the Council will operate in accord with the Gifts, benefits and hospitality – A guide to good practice produced by the Integrity Coordination Group.²⁵ Primary requirements are summarised as follows.

- 17.1. Council members will not elicit gifts, benefits or hospitality.
- 17.2. Gifts and benefits are to be declined.
- 17.3. Council members will only accept hospitality if required for conducting the business of the Council.
- 17.4. Council members are to declare any hospitality accepted by making a declaration at the first meeting after acceptance, or via email to the Chairman.
- 17.5. The executive support provided by the Commission will include the registration of all declared hospitality received.

²⁴ Additional guidance on how to manage conflicts of interest can be found on the Public Sector Commission website

²⁵ Integrity Coordination Group www.icg.gov.au Gifts, benefits and hospitality a guide to good practice 2016

18. Breaches of The Code of Conduct

- 18.1 Suspected breaches of the Code are to be reported to the Chairman. The Chairman will seek the assistance of the Executive Manager, Business Services, of the Commission.
- 18.2 Where the suspected breach involves the Chairman, the matter is to be reported to the Executive Manager, Business Services, of the Commission who will seek the assistance of the Public Sector Commission.
- 18.3 Matters will be managed in accordance with the requirements for reporting minor misconduct and serious misconduct²⁶, including corruption.²⁷

19. Probity of Funding Recommendations

As part of its annual budget cycle, and prior to recommendation to the Minister, the Council will commission an independent evaluation of priority projects recommended for funding.

The independent evaluation will consider the contemporary evidence, the mix of recommended priority projects and their contribution to achieving the targets of the government's road safety strategy.

²⁶<https://publicsector.wa.gov.au/conduct-integrity/minor-misconduct>

²⁷<https://www.ccc.wa.gov.au/reporting-corruption>

20. Council Performance

Led by the Chairman the Council will conduct an annual review of its performance to determine whether it is functioning effectively.

- 20.1. The review of Council performance will be based upon the principles of good corporate governance for public sector boards and committees.²⁸
- 20.2. It will examine all aspects of the Council set out in this Governance Charter and recommend any changes that will improve the Council's performance.
- 20.3. The Commission will facilitate the Chairman's development of a fit for purpose evaluation process.
- 20.4. Outcomes of the review will be recorded in the Council meeting minutes.

21. Remuneration & Allowances

Members who are not public officer are entitled to remuneration and allowances.²⁹

For members and their deputies who are not public officers:

- [Premier's Circular 2010/02 - State Government Boards and Committees](#) sets out the eligibility requirements for being paid sitting fees; and
- [Public Sector Commissioner's Circular 2009/20: Reimbursement of travel expenses for members of government boards and committees](#) sets out requirements for reimbursement of travel expenses related to Council business.

²⁸Good Governance for Boards and Committees, Public Sector Commission

²⁹Road Safety Council Act 2002 s 10

22. Review

The Council will review this Governance Charter annually or as required due to changes in governance requirements or administrative practices (and to be accepted and recorded through the minutes of the meeting).

Next review date: 1 October 2019

Produced and published
by The Road Safety Commission
Reference Number: N002

**If you would like this document in
another format please contact us.**

Office address:
Level 1, 151 Royal Street
EAST PERTH WA 6004

Postal address:
Road Safety Commission
PO Box 6348
EAST PERTH WA 6892

Telephone: (08) 1300 999 772
Fax: (08) 6552 0802
Email: info@rsc.wa.gov.au
Internet: www.rsc.wa.gov.au