Committees Policy

1. Purpose

This policy explains the types of committees Council may establish, including their role and structure.

2. Scope

This policy applies to:

a) All committees established by Council, including Advisory Committees, Community Asset Committees, and Delegated Committees; and

b) Councillors, community members appointed to committees, and Council staff either as committee members or with the responsibility for management of the committees.

3. Definitions

Act
Local Government Act 2020

Advisory Committee
Committees, including reference groups, established to provide advice to Council and to Council officers on particular aspects of Council activities. An Advisory Committee has no delegated powers or decision-making responsibilities.

Community Asset Committee
A committee established by Council under section 65 of the Act to which special functions and powers have been delegated by the Chief Executive Officer to assist in the management and operation of community assets.

Delegated Committee
A committee established by Council under section 63 of the Act to which powers, functions and duties have been delegated by Council, and membership includes at least two councillors.

Instrument of Delegation
A document which sets out the scope and limitations of the powers, functions or duties delegated by Council or the Chief Executive Officer to a committee.

Joint Delegated Committee
A committee established by two or more councils under section 64 of the Act, and which includes at least one councillor from each council.

Statutory committee
A committee that Council is required to have in place under the Act or any other act. Any guidelines for statutory committees provided by a relevant Minister or government body will be applied. They are mostly advisory in nature. Current examples include the:

- Audit and Risk Committee, required under section 53 of the Act;

- Municipal Emergency Management Planning Committee. required under section 59 of the *Emergency Management Act 2013*

4. Policy

4.1 Types of committees

4.1.1 Advisory committees (including reference groups)

Although advisory committees are not specified in the Act, Council may establish an advisory committee, along with its membership, through a resolution at a Council meeting.

These committees provide advice to Council and / or Council officers on particular aspects of Council activities. An advisory committee has no delegated powers or decision-making responsibilities.

Council must endorse Terms of Reference for an advisory committee, which may include:

- Purpose of the committee
- Objectives of the committee and/or scope
- Membership details, including term of membership, voting rights and resignation of members
- Appointment of Chair
- Code of conduct for members
- Any statutory responsibilities of members
- Frequency and schedule of meetings
- Agenda and minuting procedures
- Administrative support to be provided by Council
- Reporting procedure or method for making recommendations.

The minutes of all meetings of advisory committees will be reported to Council.

4.1.2 Community asset committees

Council may establish a Community Asset Committee (CAC), along with its membership, through a resolution at a Council meeting.

The powers, duties and functions will be set out in an Instrument of Delegation by the Chief Executive Officer to committee members.

The Instrument of Delegation will include a schedule outlining:

- Any specified financial limit and purpose for funds.
- Governance requirements to ensure appropriate standards of probity.
- Requirements for monitoring and reporting of the CAC's activities and performance.

A CAC must only exercise its powers in accordance with the Act, its Instrument of Delegation, and any guidelines or policies Council from time to time adopts. It can only act under delegation when sitting in a formally constituted meeting. Delegations do not extend to individual members, unless the member is a member of Council staff and subject to a separate delegation under the Act.

The Chief Executive Officer will report annually to Council on the activities and performance of all CAC's.

All members of a CAC appointed by Council will have voting rights.

All members of a CAC will have protection under the Council's public liability and professional indemnity insurance in accordance with section 43 of the Act.

The minutes of all meetings of CAC's will be reported to Council.

4.1.3 Delegated committees

Council may establish delegated committees, and this cannot be delegated. Membership must include at least two councillors. The Chair may be appointed by Council or the Mayor, but must be a councillor.

The powers, duties and functions of a delegated committee must be set out in an Instrument of Delegation from Council.

A delegated committee must only exercise its powers in accordance with the Act, its Instrument of Delegation, and any guidelines or policies Council from time to time adopts. It can only act under delegation when sitting in a formally constituted meeting. Delegations do not extend to individual members, unless the member is a member of Council staff and subject to a separate delegation under the Act.

A delegated committee meeting must comply with the Act and Council's Governance Rules.

All members of a delegated committee will have voting rights.

All members of a delegated committee will have protection under the Council's public liability and professional indemnity insurance in accordance with section 43 of the Act.

Delegated committee members may be entitled to the reimbursement of out-of-pocket expenses as provided in the Council Expenses Policy.

Joint delegated committees may be established by two or more councils under section 64 of the Act.

The minutes of all meetings of delegated committees will be reported to Council.

4.1.4 Other committees

a) Planning Committee
In addition to the power to establish a delegated committee under the Act, s.188 of the *Planning and Environment Act 1987* provides that Council may by instrument delegate any of its powers, discretions or functions to a committee.

b) Audit and Risk Committee (statutory committee)
Section 53 of the Act requires Council to establish an Audit and Risk Committee (ARC). The ARC is to function in accordance with the Audit and Risk Committee Charter (s.54 of the Act).

The minutes of all meetings of the Audit and Risk Committee will be reported to Council.

c) Municipal Emergency Management Planning Committee *(statutory committee)*

Council is required to establish this committee under s.59 of the *Emergency Management Act 2013*.

The minutes of all meetings of the Municipal Emergency Management Planning Committee will be reported to Council.

4.2 Conduct of Committee Members

Committee members are expected to:

- Adhere to the terms of reference / instrument of delegation for the committee
- Support the objectives of the committee
- Abide by any code of conduct provisions in the committee's Terms of Reference

Delegated committee members (including past members) must not intentionally misuse their position to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person, or to cause, or attempt to cause, detriment to the Council or another person. Penalties may apply to past or present members of a delegated committee who breaches the misuse of position provisions under section 123 of the Act.

4.3 Confidential Information

Delegated committee members and past members must not intentionally or recklessly disclose information that they know, or should reasonably know, is confidential information unless Council has determined that the information should be made available to the public or is exempt in accordance with section 125(3) of the Act.

Penalties may apply to members of delegated committees who breach the confidential information provisions in the Act.

4.4 Conflict of Interest

Members of all committees of Council are subject to the conflict of interest provisions in the Act and the disclosure requirements under the Governance Rules.

If a committee member has a general or material conflict of interest regarding an item to be considered or discussed by the committee, the member must disclose this to the Chairperson at the beginning of the meeting, or immediately before the matter is to be discussed. At the time the matter is discussed during the meeting, the member must leave the room and remain outside until the conclusion of the relevant discussion. The time the member leaves the meeting room and the time they return must be recorded in the minutes or notes of the meeting.

4.5 *Personal Interests Returns*

Members of advisory committees and community asset committees, who are not Councillors, are exempt from completing personal interests returns.

Delegated committee members and independent members of the Audit and Risk Committee are required to submit personal interests returns within 30 days of being appointed to the committee and then twice yearly in accordance with the Act.

4.6 Disbanding

Council may dissolve an advisory committee or delegated committee.

5. Attachments

Nil.

6. Related policies

Audit and Risk Committee Charter
Community Engagement Policy
Council Expenses Policy
Governance Rules

7. Related legislation

Local Government Act 2020
Local Government Act 1989
Victorian Charter of Human Rights and Responsibilities Act 2006

Where the requirements for committees established by the Act or any other Act including any related Ministerial guidelines differ from the provisions of this policy, those requirements take precedence over the provisions of this policy.

8. References

Not applicable

9. Review

Council may review this policy at any time but unless otherwise requested at least every four years from date of adoption. Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy eg: typographical errors, a change to the name of a related policy, or a change to the name of legislation.

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