

Committees of Council Policy

Corangamite Shire

August 2024

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Council Policy

Committees of Council

Introduction

Corangamite Shire recognises the significant contribution made by committees of Council. In particular, the work of volunteer committee members, which strengthen the sense of community within the Shire and is integral to the liveability of our towns.

Purpose

This policy provides guidance on the establishment, membership, powers and obligations of committees established by Council.

Scope

This policy applies to all committees established by Council, as well as Councillors, community members appointed to the committees, and Council staff involved in the management of the committees.

Definitions

Advisory Committee or Reference Group

are committees established by Council to provide advice to Council on particular matters relating to Council activities. These committees do not have delegated powers so no Instrument of Delegation is required.

Audit and Risk Committee

is a statutory Committee established by Council under section 53 of the *Local Government Act 2020*.

Community Asset Committee

is a committee established by Council under section 65 of the *Local Government Act 2020* 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

is a committee established by Council under section 63 of the *Local Government Act 2020* to which powers, functions and duties have been delegated by Council, and membership includes at least two Councillors.

Instrument of Delegation

is 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 is a committee established by two or more councils under section 64 of the *Local Government Act 2020*, and includes at least one Councillor member from each council.

References

Local Government Act 2020

Policy Detail

Advisory Committees or Reference Groups

Although Advisory Committees or Reference Groups are not specified in the *Local Government Act 2020*, Council may establish an Advisory Committee or Reference Group by Council resolution to provide advice to Council on particular aspects of Council activities. An Advisory Committee or Reference Group has no delegated powers or decision-making responsibilities.

Council must endorse Terms of Reference for an Advisory Committee or Reference Group 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.

With the exception of Councillors and Council Officers membership of an Advisory Committee or Reference Group other than Councillors or Council Officers is voluntary.

Nominations for membership are reported to Council and appointments are made by Council resolution.

Community Asset Committee

A Community Asset Committee is established by Council resolution for the purposes of managing a Council facility or asset. Membership is appointed by Council resolution and Council may endorse a Terms of Reference.

The Committee's powers, duties and functions are set out in an Instrument of Delegation by the Chief Executive Officer to the Committee. The delegation comes into force immediately when signed by the Chief Executive Officer and remains in force until the Chief Executive Officer varies or revokes it.

The Instrument of Delegation includes a schedule which outlines:

- Any specified financial limit and purpose for funds.
- Governance requirements to ensure appropriate standards of probity are met.
- Requirements for monitoring and reporting of Committee activities and performance.

The Committee must only exercise its powers in accordance with its Instrument of Delegation, and any guidelines or policies which Council from time to time adopts. The Committee can only act under delegation when sitting in a formal meeting. Delegations do not extend to individual members of the Committee in so far that members are unable to act independently of the Committee, unless the Committee member is a member of Council staff and subject to a separate delegation under the Act or some other Instrument.

The Chief Executive Officer will report annually to Council on the activities and performance of Community Asset Committees in accordance with section 47 of the *Local Government Act 2020*.

A Community Asset Committee meeting must be called and business conducted in a manner that complies with the provisions of the *Local Government Act 2020* and relevant Council policies, including Council's Procurement Policy and Risk Management Policy.

All members of a Community Asset Committee appointed by Council will have voting rights on the Committee unless Council resolves not to confer voting rights.

All members of a Community Asset Committee, with the exception of Councillors and Council Officers, are expected to act in a voluntary capacity and will have protection under the Council's public liability and professional indemnity insurance in accordance with section 43 of the *Local Government Act 2020*.

Audit and Risk Committee

Council's Audit and Risk Committee must be established and function in accordance with the *Local Government Act 2020* and the Audit and Risk Committee Charter, as approved by Council under section 54 of the Act.

Membership of the Committee must not include Council staff. The majority of Committee members must not be Councillors and are therefore independent members. Independent members must collectively have expertise in financial management and risk, and experience in public sector management. The Chair of the Committee must be an independent member (not a Councillor).

Independent members of the Committee may be entitled to the reimbursement of out-of-pocket expenses as provided in the Council Expenses Policy and may be paid a fee set by Council.

Delegated Committees

A Delegated Committee is established by Council resolution. Membership is appointed by Council resolution but must include at least two Councillor members. The Chair may be appointed by Council or the Mayor but must be a Councillor.

The Committee's powers, duties and functions are set out in an Instrument of Delegation by Council. The delegation comes into force when the common seal of Council is affixed to the instrument and remains in force until Council varies or revokes it.

The Committee will exercise its powers only in accordance with the *Local Government Act 2020*, its Instrument of Delegation, and Council's policies. The Committee can only act under delegation when sitting in a formally constituted meeting. Delegations do not extend to individual members of the Committee unless the Committee member is a member of Council staff and subject to a separate delegation under the Act or another Instrument.

A Delegated Committee meeting must be called and conducted in a manner that complies with the *Local Government Act 2020*, Council's Governance Rules and other relevant Council policies.

All members of a Delegated Committee will have voting rights on the Committee unless Council resolves not to confer voting rights.

All members of a Delegated Committee, with the exception of Councillors and Council Officers, are expected to act in a voluntary capacity and will have protection under the Council's public liability and professional indemnity insurance in accordance with section 43 of the *Local Government Act 2020*.

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

Joint Delegated Committees

Joint Delegated Committees may be established by two or more councils under section 64 of the *Local Government Act 2020*. *A Joint Delegated Committee must have at least one Councillor from each Council and must be chaired by a Councillor from one of the represented Councils. Each Council must by resolution agree to take part in a Joint Delegated Committee.*

Conduct of Committee Members

Committee members are expected to support the objectives of the committee, act in the best interests of the community, and participate in meetings in a positive and constructive manner. Committee members may have diverse views and are not expected to agree with all decisions of the committee, however, members are required to actively listen to contrary arguments and be open to different interpretations and suggestions, express any divergent views in a respectful manner, and abide by any code of conduct provisions in the Committee's Terms of Reference. Code of conduct

provisions will include a dispute resolution process and process for removal of members.

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 *Local Government Act 2020*.

Confidential Information

Confidential information is defined under section 3 of *Local Government Act 2020*. Committee members and past Committee 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 *Local Government Act 2020*.

Penalties may apply to members of Delegated Committees who breach the confidential information provisions in the *Local Government Act 2020*.

Conflict of Interest

Members of all committees of Council are subject to conflict of interest provisions in the *Local Government Act 2020*.

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.

Delegated Committee members must also comply with conflict of interest procedures in the Governance Rules.

Personal Interest Returns

Members of Advisory Committees, Reference Groups, and Community Asset Committees, who are not Councillors are exempt from completing personal interest returns.

Delegated Committee members and independent members of the Audit and Risk Committee are required to submit personal interest returns within 30 days of being appointed to the committee and then twice yearly in accordance with the *Local Government Act 2020*.

Disbanding

Council may disband (dissolve) any Committee of Council, other than the Audit and Risk Committee which Council is required to be established under the *Local Government Act 2020*.

Related Policies

Audit and Risk Committee Charter
Council Expenses Policy
Governance Rules

Gender Impact Assessment

It is considered that this policy does not adversely impact community members or employees of different genders and has been developed in accordance with the *Gender Equality Act 2020*.

Human Rights

It is considered that this policy does not impact negatively on any rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Review Date

This policy will be reviewed in August 2028, or earlier if necessary.