



CORANGAMITE  
SHIRE

# Council Policy

## Committees of Council

### Introduction

This policy has been developed for the guidance of Councillors and other members of Special Committees, Advisory Committees and any other committee established by Corangamite Council under section 86 of the *Local Government Act 1989* in respect of which Council resolves that this Policy is to apply.

### Purpose

To provide for appropriate and effective delegation of authority from Council to Committees of Council established pursuant to Section 86 of the *Local Government Act 1989*.

### Scope

This policy applies to all Committees established by Council Resolution. A Resolution establishing a Committee can be made at any time at either an ordinary or special meeting of Council. While an Instrument of Delegation is required to delegate Council's powers, functions or duties to a Special Committee, this is not appropriate for Advisory Committees. For Advisory Committees, a Schedule to the Resolution will set out the Committee's Terms of Reference and purpose.

### Definitions

Committees of Council comprise both Special Committees and Advisory Committees.

A 'Special Committee' is a committee established under section 86 of the *Local Government Act 1989 (the Act)* to which special functions and powers have been delegated by Council to assist in the management and operation of community assets and Council activities.

An 'Advisory Committee' is a committee established under section 86 of the Act to assist with advice on particular matters of Council activities. Council will **not** delegate any powers to an Advisory Committee and so no Instrument of Delegation is required for an Advisory Committee.

'Instrument of Delegation' is the tool which sets out the scope or limitations of the powers, functions or duties delegated by Council to a Special Committee.

## References

*Local Government Act 1989*

Local Governance Victoria Governance Practice Note No.9, August 2013

Maddocks C6 Instrument- Guidelines for Committee Delegations

## Policy Detail

### Special Committee

A Special Committee is established by Council resolution to perform Council's duties in relation to the management of a Council facility or asset. It will exercise its powers only in accordance with its Instrument of Delegation and guidelines or policies which Council from time to time adopts.

The delegation comes into force immediately the common seal of Council is affixed to the Instrument of Delegation and remains in force until Council resolves to vary or revoke it.

The powers, duties and functions set out in the Instrument are delegated to the Committee. 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 delegation under section 98 of the Act.

All delegations must be read in conjunction with this document and any other policies and guidelines that may be adopted by the Council from time to time

Council must endorse a Schedule to the Instrument of Delegation which may include:

- Purpose of Committee and scope of work
- Recommended membership
- Appointment of Chair
- Statutory responsibilities of members
- Frequency and schedule of meetings, including AGM
- Agenda and minuting procedure
- Reporting procedure

A Special Committee meeting must be called and conducted in a manner that complies with the provisions of the *Local Government Act 1989 (the Act)* and with the Council's meeting procedures local law.

All members of a Special Committee will have voting rights on the Committee, unless Council resolves NOT to confer voting rights.

All members of a Special Committee are expected to act in a voluntary capacity and will have protection under the Council's public liability and professional indemnity insurance.

Members of a Special Committee, who are not Councillors are exempted from being required to submit a primary return or ordinary return.

Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council.

### **Advisory Committee**

An Advisory Committee may be established by Council resolution to provide advice to Council on particular aspects of Council activities. An Advisory Committee has no delegated powers.

Council must endorse Terms of Reference for an Advisory Committee which may include:

- Purpose of Committee and scope of work
- Recommended membership
- Appointment of Chair
- Statutory responsibilities of members
- Frequency and schedule of meetings, including AGM
- Agenda and minuting procedure
- Reporting procedure

An Advisory Committee meeting must be called and conducted in a manner that complies with the provisions of the *Local Government Act 1989 (the Act)* and with the Council's meeting procedures local law.

All members of an Advisory Committee are expected to act in a voluntary capacity and will have protection under the Council's public liability and professional indemnity insurance

All members of the Committee will have voting rights on the Committee, unless Council resolves NOT to confer voting rights.

Members of an Advisory Committee, who are not Councillors are exempted from being required to submit a primary return or ordinary return

### **Charter of Human Rights Compliance**

It is considered that this Policy does not impact negatively on any rights identified in the *Charter of Human Rights Act (2006)*.

### **Review Date**

This policy will be reviewed in September 2016 or earlier if necessary.