

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	12/04/2005	0109	12/04/2005
2	14/03/2006	092	14/03/2006
3	11/05/2010	0142	11/05/2010
4	08/06/2010	0186	08/06/2010
5	09/06/2015	15/161	09/06/2015
6	13/12/2016	16/360	31/01/2017
7	24/09/2019	19/302	25/10/2019
8	22/03/2022	22/085	22/03/2022

2 Policy Objective

To provide guidelines on the responsibilities, functions and operation of Council committees and to clarify Council's role in this partnership.

3 Policy Statement

Griffith City Council values the contributions of individuals and community representatives who become members of Council committees.

Council has a number of committees that are constituted under the provisions of the Local Government Act 1993, Section 355 (b), to exercise some of the functions of Council. Council Committees are established as either Advisory Committees or Statutory Committees. This document refers to these committees.

Part 1 – Advisory and Statutory Committees

3.1 How Committees Are Established

Committees are established by a resolution of Council in accordance with section 355 (b) of the Local Government Act 1993.

Committees of Griffith City Council are established in an Advisory capacity, relevant to a nominated purpose and may include elected and community representatives.

Statutory Committees are Committees Council is required to have. The function and membership of Statutory Committees may be pre-determined by another authority and Council must form the Statutory Committee as directed. All other Committee procedures will apply to the functioning of a Statutory Committee.

3.2 Committee Membership

Following a Council election, Council will advertise membership for Committees. All nominations for appointment to a committee are to be formally submitted in writing or via online form to Council. Applicants will be reviewed against their expertise and experience and ability to contribute to the committee in relation to its objectives and terms of reference.

The Council must approve all members onto committees. Appointment must take place prior to a member being conferred the responsibilities and rights as set out in this document.

Committee membership will be as per the adopted Terms of Reference for that Committee. Council reserves the right to appoint one or more of its members to each committee and will elect a member Councillor as the Chair of the Committee (an exception will be the Chairperson of the Audit, Risk and Improvement Committee which requires an independent Chairperson). An additional Councillor may also be appointed as an “alternate” should a member Councillor be unable to attend a Committee meeting.

The Mayor, by virtue of holding the office of Mayor, is appointed as a member to all Committees established by Council and may exercise their right to Chair any Committee they attend.

Any amendments to the committee membership or Terms of Reference (TOR) must be approved by Council via the adoption of the Committee minutes or direct report to Council outlining any changes that have occurred.

3.3 Term of Office

The term of office for a Council Committee, except Statutory Committees, will be the same term as the current Council unless established as a sunset committee, i.e. with a finite time specified.

3.4 Dissolution

Council may dissolve a Committee at any time

3.5 Vacation of Office

The position of any member of a Committee will become vacant in the following circumstances:

- (a) Upon the death of the member; or
- (b) If the member 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 make an assignment of his or her remuneration for their benefit; or
- (c) If the member becomes a mentally incapacitated person; or
- (d) If the member resigns membership by notice in writing to the committee; or

- (e) If the member is absent for more than three consecutive meetings without leave of the committee; or
- (f) If the member ceases to be a member of the organisation which he/she represents, (representatives of organisations will be given preference) unless the committee otherwise resolves; or
- (g) While serving a sentence (whether or not by way of periodic detention) for a felony or any other offence, except a sentence imposed for a failure to pay a fine; or
- (h) If a member is found to be in breach of the Code of Conduct; or
- (i) If the committee is dissolved by Council.

3.6 Representation

Equal representation is recommended. Where there is a dispute on representation, a final determination will be made by Council

3.7 Committee Positions

The majority of Committees operate by having a Chairperson and Minute Secretary. Council does reserve the right to appoint the Chair from the member Councillors appointed to the Committee. The Mayor, by virtue of holding the Office of Mayor, is able to Chair any Committee Meeting attended if the Mayor wishes to do so.

3.8 Meeting Procedures

Meetings are to be conducted to standard guidelines as set out in Council's Code of Meeting Practice and include:

- (a) that a quorum be present (the quorum being a fixed number determined in the TOR by each Committee)
- (b) that appropriate notice of meetings and business is given
- (c) that business on the agenda is properly conducted
- (d) that minutes are recorded.

3.9 Quorum

This refers to the minimum number of members who must be in attendance to transact business. Each Committee will determine an appropriate quorum in their TOR. In calculating the initial required quorum, the Mayor will not be taken into account when determining a quorum as the attendance of the Mayor may vary from Committee to Committee.

If a Councillor is unable to attend a council committee meeting that they are a member of, they should contact the alternate Councillor as a replacement for the Councillor unable to attend.



If a quorum is not present at the appointed starting time, the meeting will be adjourned to a time fixed by the Chair; or those present can hold an information meeting only to discuss matters. This will be recorded as a Report of the Meeting only and will not be official Minutes for adoption by Council.

3.10 Agenda

A copy of the agenda should be distributed to all committee members at least three working days before the commencement of the meeting. Each item of business is to be discussed in the order in which it appears on the agenda.

3.11 Voting

Voting allows members to express their agreement or disagreement. Voting can be conducted in one of three ways:

- (a) Vote verbally
- (b) Vote by show of hands
- (c) Vote by secret ballot

For a vote to be carried it is necessary that a majority of participants vote for that matter. If a vote is tied, the chairperson shall have the casting vote. A member who is present but who abstains from voting on a motion is counted as having voted against the motion. Members who are not present may not vote by proxy or any other means.

Staff members on committees are appointed in an advisory role only and do not have the authority to move or second motions nor vote on issues

3.12 Staff Attendance

The General Manager is entitled to attend Committee meetings. The General Manager shall ensure that appropriate staff attend the meetings. The role of staff attending is to offer advice and to answer questions. Committee members have no authority to direct a Council staff member to undertake or complete any task.

3.13 Non-members entitled to attend Committee Meetings

Members of the public who are not members of a committee are entitled to attend Committee meetings as observers only if the Committee permits. Attendance is by invitation from the Committee. Such persons are not entitled to move or second a motion, vote at the meeting, address the meeting and/or table documents unless otherwise determined by the Chairperson. (Addresses are limited to a maximum of 3 minutes.)

3.14 Terms of Reference

Committees will be responsible for activities as determined when the committee is established. This responsibility will be conveyed to the committee in the Terms of Reference adopted by Council.

3.15 Limitation of Powers

The committee may not make decisions concerning the following:

- (a) Fixing of charges or fees (the committee may submit recommendations for approval by Council in relation to the fixing of charges and fees for use of the facility under its control).
- (b) Borrowing of any monies without the express written consent of Council on each such occasion.
- (c) The sale, lease or surrender of any land and or other property vested in its care under the provisions of the Local Government Act 1993 (as amended).
- (d) The acceptance of tenders which are required to be called by Council. (The committee may invite and accept quotations for minor works, goods and services covered within the scope of its authority or as agreed with Council).
- (e) The payment or making of any gift, to its members. This includes the payment of allowances or travelling expenses incurred whilst attending committee meetings.
- (f) The payment of any monies outside the scope of the committee's function.
- (g) The carrying out of any works on or to the facility including alterations, reconstructions or construction without the prior consent of Council. (This does not include minor maintenance works.)
- (h) Unreasonably withholding consent for the letting of the facility to any organisation which agrees to comply with and adhere to the rules adopted for use of the facility, providing an acceptable letting period is available.
- (i) Vote monies for expenditure on the works, services or operations of Council.

The exercise by the committee of its power and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the committee. The committee will observe any Rules and Regulations made by the Council, in relation to the facility/function under its management and control.

If at any time the committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the committee signed by the General Manager or his/her representative.

Recommendations made by Committees must be referred to Council for determination.

3.16 Code of Conduct

Griffith City Council has adopted a Code of Conduct that is applicable to elected Councillors, employed staff and committee members. The Code of Conduct sets out the principles to ensure the business of Council is carried out in an efficient, honest and impartial way. It is important for committee members to be aware of and abide by the Code of Conduct.

3.17 Induction

All Committee members will receive induction training at their first Committee and must acknowledge, complete, sign and return all provided policies and documents related to Committee membership.

3.18 Accountability

Committees need to be aware that accountability is required to Council, user groups and the general community. To facilitate this accountability, the committees are required to:

- (a) Provide reports and minutes to Council.
- (b) Ensure that affected persons are aware of the committee meeting details

3.19 Insurance

Committee members are classified as volunteers of Council and insurance is provided accordingly. All committee members will be required to complete requisite paperwork identifying them as volunteers of Council.

3.20 Purchasing

All purchasing undertaken by the Committee is to be done in accordance with Council's Procurement Policy by a staff member with appropriate financial delegations to do so.

3.21 Legal Issues

From a legal perspective it is important for committees of Council to be aware that they are in fact acting on Council's behalf. Legally, the committee is 'Council' and any action which the committee undertakes is Council's responsibility.

Council delegates its authority to the committee to act on Council's behalf. Council can withdraw this delegation if it is deemed to be necessary.

3.22 Records of Committees

Council Committee records should be retained in accordance with the State Records Act.

3.23 Conflicts of Interest

The Model Code of Conduct and the Procedures for the Administration of the Model Code of Conduct provide guidance on the management of conflicts of interest. There are obligations on Councillors, Council delegates (ie Committee members) and Council staff to

act honestly and responsibly in carrying out their functions. Conflicts of interests of Councillors, Council delegates and other people involved in making decisions or giving advice on Council matters must be publicly recorded and managed accordingly.

3.24 Pecuniary and Non-Pecuniary Interest

Clause 4.1 of the Model Code of Conduct states that a "pecuniary interest" is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or a person referred to in Clause 4.3 of the Code.

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in Clause 4.6 of the Code.

A Councillor or a member of a Committee who has a pecuniary interest in any matter before the Committee, and who is present at a meeting where the matter is being considered, must disclose the nature of the interest to the meeting as soon as practical (Clause 4.28 of the Code).

A Councillor or a member of a Committee must not be present at or in the sight of a meeting of the Committee at any time during which a matter to which they have declared a pecuniary interest is being considered (Clause 4.29 of the Code). This has been interpreted as excluding Councillors in both their official capacity and as a member of the public. Councillors barred from taking part in a discussion because of a pecuniary interest cannot escape this by addressing the meeting as a 'resident' or 'ratepayer'.

This exclusion is from all discussions on the matter, not just discussions on a formulated motion or a resolution on the matter.

Part 5.1 of the Model Code of Conduct states that a "non-pecuniary interests" are private or personal interests a Council official has that does not amount to a pecuniary interest as defined in Clause 4.1 of the Code.

Non-pecuniary interests must be identified and appropriately managed in accordance with the Code. Managing non-pecuniary interests depends on whether or not the conflict is significant. Significant non-pecuniary conflicts of interest must be managed in accordance with Clause 5.10 of the Code. Non-significant non-pecuniary conflicts of interest must be disclosed at the meeting, however do not require further action.

3.25 Correspondence

Correspondence from the committee is effectively correspondence from the Council as the committee acts on Council's behalf and should be recorded in Council's electronic document management system.

Usage of correspondence is limited to the following:

- provision and seeking of information for the Committee (not including quotations)

- extending of invitation to either an approved Council function or Committee Meeting
- thank you letters and certificates approved by the Committee

The signing of correspondence is limited to the Mayor, General Manager, a member of staff duly authorised by the General Manager, or a chairperson of the committee duly authorised by Council.

3.26 Clerical Support

Council will supply clerical support to a Committee. Clerical support and duties are defined in the accompanying Terms of Reference of a Committee.

3.27 Financial Matters

Committees are given authority to operate by Council and are subject to the same rules and regulations. These rules are set out in the Local Government Act, and Local Government Regulations and Accounting standards and must be adhered to.

Committees are established to benefit the community and are made up of members of the community. Any funds raised, received or spent are subject to public scrutiny, just the same as Council. The concept of public accountability involves a responsibility to ensure that committee funds are used in the manner for which they were intended and that a clear and full disclosure of the committee's financial activities is available.

3.28 Privacy

Council's Privacy Management Plan and Privacy Policy (GOV-CP-602) outline Council's commitment in relation to the protection of personal information and commercially sensitive information. All Committee members have a responsibility to ensure any information to which they may be privy in the conduct of the Committee business must not be used for any other purposed other than that for which it is collected in accordance with the Privacy and Personal Information Protection Act 1998 (PPIP Act) and the Health Records and Information Privacy Act 2020 (HRIP Act).

3.29 Child Safe Principles

Council Committees and their members must consider Child Safety Principles when deliberating matters and abide by Council's Child Safety Policy.

3.30 Giving Notice of Business to be raised at a Committee Meeting

Any Committee member may give notice of any business they wish to be considered by the Committee at its next meeting by way of a notice of motion. To be included on the Agenda of the meeting, the notice of motion must be in writing and must be submitted (via email or other) by 12 pm, five business days before the next meeting is to be held. This clause does not preclude a Committee member from raising a matter during the "General Business" section of the Meeting.

4 Legislation

Local Government Act 1993 - Sections 355, 377, 439-459
Local Government (State) Regulations

5 Related Documents

Committee Terms of Reference
Council Code of Conduct
Code of Meeting Practice
Guidelines for the Closure of Meetings to the Public

6 Directorate

Economic & Organisational Development

Appendix 1 – Committees & Working Groups for 2021-2024 Council Term

Committee

- (i) Community Opinion Group (COG) – open forum held quarterly
- (ii) Cultural Precinct Masterplan Committee
- (iii) Pioneer Park Museum Committee
- (iv) Memorial Park Gardens Embellishment Committee
- (v) Disability Inclusion & Access Committee
- (vi) New Cemetery Masterplan Committee
- (vii) Lake Wyangan and Catchment Management Committee

Statutory Committee

- (i) Floodplain Management Committee
- (ii) Traffic Committee
- (iii) Local Emergency Management Committee
- (iv) Audit, Risk & Improvement Committee