

# Council Committees

## POLICY – GC-CP-402



Directorate	Executive Services	
TRIM Ref	14/15224	
Status	Current	Effective from: 31 Jan 2017
Council Meeting	13 Dec 2016	Minute No: 16/360

### Policy Objective

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

### 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 and this document refers to these committees.

## PART 1 – COMMITTEES

The Local Government Act 1993 Section 355 gives provision for a Council to appoint committees to exercise some of the functions of Council. Committees of Griffith City Council are generally of an advisory nature, relevant to a nominated purpose and may include elected and community representatives.

### 1.1 How Committees Are Established

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

### 1.2 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 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 will 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.

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

### 1.3 Term Of Office

The term of office for a Council Committee will be the same term as the current Council, with the addition of an extra three months after the General Election of Councillors, unless as a sunset committee, i.e. with a finite time specified.

### 1.4 Dissolution

Council may dissolve a Committee at any time

### 1.5 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.

### 1.6 Representation

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

### 1.7 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.

### 1.8 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.

### 1.9 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.

### 1.10 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.

### 1.11 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

### **1.12 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.

### **1.13 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.)

### **1.14 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

### **1.15 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.

### **1.16 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.

### **1.17 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

### **1.18 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.

### **1.19 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.

### **1.20 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.

### 1.21 Records of Committees

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

### 1.22 Conflicts of Interest

The Local Government Act 1993 and Regulation, 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.

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 (Section 442 of the Local Government Act).

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 section 448 of the Local Government Act.

### 1.23 Pecuniary Interest

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 and identify the nature of the interest to the meeting as soon as practical (s.451 of the Act).

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 (s.451(2) of the Act). 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.

### 1.24 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.

### **1.25 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.

### **1.26 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.

## **PART 2 – WORKING GROUPS AND “FRIENDS OF” GROUPS**

A Committee may appoint Working Groups and “Friends of” Groups to deliver a specific course of action under the auspice of the parent Committee.

Working Groups and “Friends of” Groups have no delegated authority. Any recommendations made by these Groups are referred to the parent Committee for recommendation to Council for adoption.

The role of Working Groups and “Friends of” Groups will be defined by the parent Committee.

### **2.2 How Working Groups and “Friends of” Groups are Established and Administered**

The parent Committee who will auspice the Working Group or “Friends of” Group must make recommendation to Council detailing reasons for and purpose of a Working Group or “Friends of” Group for adoption by Council.

It is not the normal practice of Council to provide clerical support to Working Groups and “Friends of” Groups. Clerical support for Working Groups and “Friends of” Groups should be provided from within the Working Groups and “Friends of” Groups. Council supports the principle that a Working Groups and “Friends of” Groups should be self-reliant.

### **2.3 Working Group and “Friends of” Group Membership**

Working Groups and “Friends of” Groups will invite community participation in the delivery of a specific event or function. Appointment must take place prior to a member being conferred the responsibilities and rights as set out in this document.



Membership will be coordinated by the member Councillor and the respective Manager of each facility or service seeking community members to an affiliated to Working Group or “Friends of” Group.

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

### **PART 3 – INTERNAL WORKING COMMITTEES**

Internal Working Committees are generally set up by Council for a specific decision/function that needs added resourcing over a short time frame. Internal Working Committees provide advice and recommendations to Council on a specific issue/project.

#### **3.1 Delegation of Function for Internal Working Committees**

Internal Working Committees have no delegated authority. Any recommendations made by the Committee are required to be adopted by Council. The role of the Internal Working Committee is set out in its Terms of Reference.

#### **3.2 How Internal Working Committees Are Established**

Written application must be made to Council detailing reasons for and purpose of an Internal Working Committee for adoption by Council.

#### **3.3 Internal Working Committee Membership**

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

Internal Working Committee membership will be as per the adopted Terms of Reference for that Committee.

### **PART 4 –STATUTORY COMMITTEES**

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

#### **Legislation**

Local Government Act 1993 - Sections 355, 377, 439-459

Local Government (State) Regulations

#### **Related Documents:**

Committee Terms of Reference

Council Code of Conduct

Code of Meeting Practice

Guidelines for the Closure of Meetings to the Public



## Council Committees

### POLICY – GC-CP-402



#### Policy History

Date of Adoption/Amendment	Minute Number
12/04/05	0109
14/03/06	092
11/05/10	0142
08/06/10	0186
09/06/15	15/161
13/12/2016	16/360

### **APPENDIX 1 – COMMITTEES, WORKING GROUPS AND “FRIENDS OF” GROUPS FOR 2016-2020 COUNCIL TERM**

#### **Committee:**

- (i) Business, Development & Major Projects**
- (ii) Tourism & Events**
- (iii) Transport**
- (iv) Environment, Health and Sustainability**
- (v) Utilities**
- (vi) Lake Wyangan Development Committee**
- (vii) Communities**
- (viii) Audit, Risk and Improvement**
- (ix) General Managers Review**
- (x) General Facilities**
- (xi) Cultural Facilities**
- (xii) Griffith Private Community Hospital**
- (xiii) Disability Inclusion and Access**

#### **Statutory Committee**

- (i) Floodplain Management**
- (ii) Traffic**
- (iii) Local Emergency Management**

#### **Working Group or “Friends of” Group**

- (i) CBD Upgrade**
- (ii) Australia Day**
- (iii) Pioneer Park**
- (iv) Festival of Gardens**
- (v) Tidy Towns**
- (vi) Build More Dams**
- (vii) Cemetery**
- (viii) Saleyards**
- (ix) Dalton Park**
- (x) Senior Citizen’s Centre**
- (xi) Friends of GRALC**
- (xii) Friends of the Theatre**
- (xiii) Friends of the Gallery**
- (xiv) Friends of the Library**