

Council Committees

Policy Number:	2006/13	Directorate:	Customer and Performance
Approval by:	Council	Responsible Officer:	Manager Governance and Risk
Approval Date:	26 September 2022	Version Number:	5
Review Date:	26 September 2026		

1. Purpose

The purpose of this policy is to provide a consistent approach to the establishment of Council Committees on which there is Councillor representation. Participation by interested parties and affected stakeholders assists Council in making decisions that incorporate the interests and concerns of the community. This policy governs the operation of Advisory Committees, Specific Purpose Committees, Strategic Project Committees and Working Groups.

Generally, the purpose of Council Committees is to provide advice on the development, implementation, monitoring, review and/or evaluation of programs or activities specified in the Knox Community Plan and Council Plan.

2. Context

Each year Council appoints Councillor representation to various Council Committees. Their role in relation to these committees can range from representation to advocacy and consultation. This policy provides support and direction in the formation and operation of Council committees and defines the roles and responsibilities of different committee types on which there is Councillor representation.

This policy governs the establishment of Council Committees and the ongoing review of existing committees giving Council the opportunity to monitor the performance and relevance of all committees against the Community Plan and Council Plan. This structured approach articulates the role of each different committee type and allows for a review of the relevance and the performance against documented Terms of Reference and annual objectives for each committee. This approach will ensure that Council Committees do not operate in perpetuity beyond achieving their purpose.

3. Scope

This policy applies to the formation, development, general operation and review of Council endorsed committees that do not have delegated powers, including Advisory Committees, Specific Purpose Committees, Strategic Project Committees and Working Groups. Therefore, this policy applies to Councillors, committee members and members of staff.

Committees not covered by this policy are the Information Communication Technology Committee, Committees with delegated powers and those established in accordance with the Local Government Act 2020 (including the Audit and Risk Committee).

4. References

4.1 Community Plan 2021-2031

4.2 Council Plan 2021-2025

Key Direction 5: Civic engagement and integrity - Knox Council is a trusted and respected leader in our community, acting appropriately and ensuring all voices are heard.

4.3 Relevant Legislation

- Local Government Act 2020
- Meeting Procedure and Use of Common Seal Local Law 2018

4.4 Charter of Human Rights

- This policy has been assessed against and complies with the Charter of Human Rights.

4.5 Related Council Policies

- Knox City Council Governance Rules
- Acknowledgement of Traditional Custodians Policy
- Meeting Structures and Cycle Policy
- Councillor Code of Conduct
- Councillor Media Policy
- Councillor Child Safe Policy
- Councillor Support Policy and Procedure
- Fraud and Corruption Control Framework
- Interaction Between Councillors and Staff Policy
- Staff Code of Conduct
- Staff Media Policy
- Volunteer Management Policy
- Volunteer Code of Conduct
- Volunteer Engagement Policy

4.6 Related Council Procedures

- Fraud and Corruption Control Procedure
- Councillor Media Procedure
- Councillor Child Safe Procedure
- Staff Media Procedure
- Managing Volunteers Procedure Manual

4.7 Other Related Documents

- Conflict of Interest Guidelines – Local Government Victoria
- Terms of Reference Templates
- Conflict of Interest Form – Councillors and Members of Committees/Staff
- Councillor Appointments to Committees

5. Definitions

Detail any definitions within the policy.

Advisory Committees

An advisory committee is any committee established by the Council, that provides advice to –

- (a) the Council; or
- (b) a special committee; or
- (c) a member of Council staff who has been delegated a power, duty or function of the Council under the Act.

The main function of an Advisory Committee is to enable stakeholder engagement that provides input and guidance to support quality decision making and in turn, the achievements of Council’s goals and strategies under the Community Plan and Council Plan. Advisory Committees facilitate access to independent advice from external stakeholders and collaboration with the community on a range of matters. Advisory Committees generally have a lifespan beyond one year and are aligned with a Council plan or strategy.

Conflict of Interest

As defined in the Local Government Act 2020.

Council Committee

Includes an Advisory Committee, Specific Purpose Committee, Strategic Projects Committee or Working Group.

Delegated Committee

Committees appointed by Council that have delegated powers and must operate in accordance with the Act. These committees are not covered by this policy.

Specific Purpose or Strategic Purpose Committee

Specific or Strategic Purpose Committees are created for a pre-determined purpose and their role is to oversee a designated task or activity generally on an ongoing basis and report back to Council annually.

Working Groups

Working Groups are created to oversee the delivery of a specified project which would generally be location based and report back to Council (development of or oversee the delivery of a Masterplan, for example). These committees sunset at the delivery of the project brief.

6. Council Policy

General Provisions

This Policy sets out the high level objectives for Council’s Committees and aims to create a common ground for them to begin from whilst providing a framework within which each Council Committee shall operate.

6.1 Council Committees

The following sections prescribe a foundation for the operation of the terms of reference for each Council Committee.

6.1.1 Terms of Reference

Standard Terms of Reference templates will be developed and regularly reviewed by Council's Governance team to ensure compliance with this Policy, the Local Government Act 2020, Council's Governance Rules and other relevant Council policies. The Terms of Reference templates will include information about the purpose and objectives of a Council Committee, appointment of members, information about meetings, recommendations and reporting. This Policy will form the basis for the development of Terms of Reference for any new Council Committee, as well as the review of Terms of Reference for existing Council Committees.

Terms of Reference must be presented to Council for consideration and adoption at the inception of the Council Committee. The Terms of Reference must include a clear statement of purpose and the committee's objectives and where relevant, the timeframe for completion. Objectives shall reference the goal within the Community Plan and Council Plan that is relevant to the Council Committee and should be supported by measurable outcomes where applicable.

The Terms of Reference and objectives of a Council Committee are to be reviewed by the committee and Council at least once in any Council term. Unless the Terms of Reference provide for Administrative Updates to be approved by the Chief Executive Officer, changes to the Terms of Reference resulting from a review must be presented to Council for formal approval. A copy of the Terms of Reference are to be made available on the Council Intranet and Internet.

6.1.2 Membership, Period of Membership and Method of Appointment

Membership and Method of Appointment

- Council values diversity and aims to ensure that Council Committees feature a broad cross-section of the community. To ensure this, recruitment practices for Council Committees should be open and transparent. Positions should be advertised broadly and eligibility criteria should be developed and made available for potential applicants.
- Applicants should address eligibility criteria as part of the application process. This may be in writing or by another means, if appropriate, to meet the needs of applicants.
- The most appropriate mix of membership will be determined by Council. They will generally comprise:
 - **Councillor(s)** – appointed annually by Council.
 - **Community representative(s)** – appointed by Council through a registration of interest and selection process. Every effort should be made to ensure a representative cross section of people from the municipality are appointed to the Council Committee.
 - **Industry or professional representatives** – appointed by Council through a registration of interest and selection process or via request depending on expertise and need.

Typically staff will not be members of Council Committees, but may be appointed or assigned by the Chief Executive Officer or relevant Director to provide administrative support and advice.

Special arrangements may also be made for ongoing membership for a specific office holder, such as the President of a management committee, or a relevant local community organisation. Such arrangements will be covered in the individual Terms of Reference for a Council Committee and approved by Council.

Period of Membership

- To ensure diverse community representation, ongoing turnover of committee members is preferred, whilst ensuring that continuity is maintained. Council Committees should consider:
 - Two year initial terms; and
 - The ability for members to re-apply for appointment for another term.

Continuous membership for longer than four years is discouraged except in special circumstances that may be relevant to individual Council Committees, and approved by Council.

- The CEO is authorised to approve short-term membership extensions where the purpose is to align recruitment activities across multiple Council committees.

Casual Vacancies

Casual vacancies which arise due to community members being unable to complete the full term of their appointments may be filled by co-opting suitable candidates from a previous selection process for the remainder of the previous incumbents' terms.

If there is no suitable candidate from the previous selection process, the Council Committee may appoint by another method, as approved by the CEO.

The selection panel will make a recommendation to the CEO, who will have the authority to appoint the recommended candidate to the Council Committee for the remainder of the previous incumbent's term.

6.1.3 Delegated Authority and Decision Making

Council Committees act in an advisory capacity only and do not have delegated authority to make decisions as if they were the Council. Council Committees provide advice or make recommendations to Council and staff to assist them in their decision making.

Recommendations may be implemented by a staff member who has the appropriate delegation and level of authority, where they support the recommendation. In accordance with the Local Government Act 2020, a Councillor must not improperly direct or influence a member of Council staff in the exercise of any power or in the performance of any duty or function.

A Council Committee cannot make recommendations for matters outside its agreed scope as detailed in its Terms of Reference.

6.1.4 Meeting Procedures

Meetings

Meetings are to be held at a time and place determined by the Council Committee. Council Committees are not required to give public notice of their meetings and meetings are not required to be open to the public.

Meetings will:

- Commence on time and conclude by the stated completion time;
- Be scheduled and confirmed in advance with all relevant papers distributed (as appropriate) to each member;
- Encourage fair and respectful discussion;
- Focus on the relevant issues at hand; and
- Provide advice to Council, as far as practicable, on a consensus basis.

Quorums

There will be no designated quorum for Council Committees. A Council Committee can proceed if Councillor nominee/s are not present at the meeting.

Joint Committee Meetings

From time to time, Council Committees may decide that a joint meeting of two or more Council Committees will be beneficial for progressing the work of a Council Committee or for sharing ideas and providing updates on key issues of relevance in progressing the work of the Council Plan.

Such committee meetings will only occur where requested and agreed by two or more Council Committees and will follow the principles set out in this Policy.

6.1.5 Chair

Typically, the position of Chairperson shall be held by a Councillor. The Chairpersons responsibilities includes ensuring all Council Committee members have the opportunity to participate/contribute at meetings.

6.1.6 Agendas and Meeting Notes

Agendas and meeting notes must be prepared for each meeting of the Council Committee in accordance with the Terms of Reference.

The Council Committee may through its Terms of Reference, provide guidance regarding the public availability of agendas and minutes, having regard to Council's Public Transparency Policy and the requirement that Council Information be publicly available, unless:

- a) the information is confidential by virtue of the Act or any other Act; or
- b) public availability of the information would be contrary to the public interest.

6.1.7 Voting

As Council Committees are advisory in nature, voting on issues is not required. Any recommendations will generally be developed through consensus. Where a matter cannot be agreed the differing opinions should be clearly expressed in the notes of the meeting.

6.1.8 Conflict and Interest Provisions

In performing the role of a Council Committee member, a person must:

- Act with integrity;
- Impartially exercise their responsibilities in the interests of the local community;
- Not improperly seek to confer an advantage or disadvantage on any person;

- Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other persons;
- Commit to regular attendance at meetings; and
- Not make improper use of information acquired because of his or her position or release information that the member knows, or should reasonably know, is confidential information.

Meetings of Committees will typically constitute a Meeting Conducted under the Auspices of Council pursuant to Council's Governance Rules and Councillors are consequently required to comply with the conflict of interest provisions as set down in the Local Government Act 2020 and Chapter 5 of the Council's Governance Rules.

Councillors must:

- Disclose that conflict of interest by explaining the nature of the conflict of interest to those present immediately before the matter is considered;
- Absent themselves from any discussion of the matter; and
- As soon as practicable, provide the CEO with a written notice recording the nature of the conflict.

Typically, where a member of staff or a community member has a conflict of interest or perceived conflict of interest in relation to a matter before the Council Committee, they must disclose the matter to the Council Committee before the matter is considered or discussed. Disclosure must include the nature of the interest and be recorded in the meeting notes. It will be at the discretion of the Chairperson if the staff and/or community member remains or leaves the room whilst the matter is discussed, and this must also be recorded in the notes of the meeting.

All members of a Council Committee must agree to participate in training on the Conflict and Interest provisions. Training shall be provided in consultation with Council's Governance team.

6.1.9 Planning and Reporting

Annual Work Plan

Council Committees are required to formulate an annual work plan that aligns with Council's Community Plan and Council Plan. From time to time Council Committees may be requested to include training, or other business in their agendas that is outside their agreed Work Plan, on matters such as:

- Occupational Health and Safety;
- Child Safe Standards;
- Conflict of Interest and relevant governance matters;
- First Nations matters;
- Emergency Management; and
- Other topics that may be of relevance to individual Council Committees.

Council Committees will need to accommodate such requests, particularly where there are statutory obligations. However, every endeavor should be made to minimise the impact of such matters on the ongoing business of the Committee.

Annual Report

Council Committees are required to prepare a formal report on an annual basis in line with their stated objectives. The report must be adopted by the Council Committee and should directly reflect the objectives and the performance measures of the committee as set out in its Terms of Reference. Once adopted by the Council

Committee, the report will be distributed as provided for within the Terms of Reference.

6.1.10 Administration Support

Administration support is provided to Council Committees by the directorate whose functions are most aligned to the committee's objectives.

6.1.11 Contact with the Media

Contact with the Media by Councillors or staff shall be undertaken in accordance with the Councillor and Staff Media Policies. External committee members, should they have contact with the media in relation to a Council Committee, shall liaise with Chairperson in the first instance and then the Council Communications team, if deemed necessary, and must not at any stage purport to be a spokesperson for Council or the Council Committee.

6.1.12 Review Clause

Council Committees must be reviewed on a regular basis, with a review date generally not exceeding a 4 year period. If the committee has a relevant function at the end of the standard review period, a report must be presented to Council including a review of the committee's Terms of Reference and seeking endorsement from Council to continue to act for a further period.

6.1.13 Meals

Council will provide reasonable meals for Council Committee meetings at times that immediately precede, follow or extend through normal meal times. The provision of meals will be determined by the CEO or delegate, and be within the capacity of the relevant department's budget.

7. Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively and approved by the Chief Executive Officer. Examples of minor administrative changes include changes to names of Council departments or positions, , changes to Federal or State Government department names or legislation; or other minor amendments that do not have material impact on the provisions or intent of the Policy. Where any change or update is considered to be a material change, it must be considered by Council or a relevant Delegated Committee.

