



## APPOINTMENT TO COMMITTEES OF COUNCIL POLICY

Responsible Officer: <b><u>Governance and Risk Advisor</u></b> <b><u>Governance and Reporting Advisor</u></b>	Adoption Date:	<del>October 2017</del> <u>July 2020</u>
	Approved By:	Council
Authorising Officer: <b>Director Corporate Services</b>	Review Date:	<del>October 2021</del> <u>July 2024</u>
	Policy Type	Major Council Policy

### INTRODUCTION

Community representatives on Council committees provide valuable advice and assistance to the Council.

This policy recognises the important role that committees play in providing advice and services to Council and establishes the guiding principles for the appointment of committees.

### CONTEXT

There is a growing expectation by stakeholders and communities that they will have an opportunity to influence or become involved with government decisions that affect their lives.

Council committees are one of a number of ways of enabling public participation in decision making. The appointment of committees allows and encourages:

- Resource sharing between people working towards a common goal;
- Strengthening the sense of community;
- Encouraging channels of communication; and
- Delegation of functions, duties and powers to the community, providing direct community involvement, accountability and ownership for projects and properties.

Such committees may be established to provide strategic level input into a broad area of Council's operations. They may also be set up for a specific time-limited project, such as a review of a Local Law. They also provide for direct involvement of community members in management of council assets or interests.

It is appropriate that appointments to committees are conducted with appropriate levels of probity.

### SCOPE

This policy applies to all Councillors, Council employees and agents of Council.

Agents of Council extend to include contractors working in-house, staff on exchange, members of Special Committees, members of Advisory Committees, volunteers, work experience students or graduate placements who perform work for Council as well as external suppliers and other contractors and subcontractors.

This policy applies to Council committee appointments including Special-Delegated Committees, Community Asset Committees, Advisory Committees and Statutory Committees.

## PURPOSE

The purpose of this policy is to set out the principles and requirements for the appointment of appropriately skilled individuals to Council committees.

## POLICY

### DEFINITIONS

**Special-Delegated Committee** means a committee created under section 86-63 of *Local Government Act 1989-2020* (the Act), ~~or a~~ planning committee established under section 188 of the *Planning and Environment Act 1987* is also a special-delegated committee.

Community Asset Committee means a committee established under section 25 of the Act.

**Advisory Committee** means a committee appointed by Council to provide advice to Council which has no delegated powers and is not a legal entity in its own right.

**Instrument of delegation** means the governing instrument that outlines ~~the a~~ committee's powers, duties, functions, and objectives.

**Statutory Committee** means a committee that Council is required to have in place under the Act or any other act. Any guidelines for statutory committees provided by a relevant Minister or government body will be applied. They are mostly advisory in nature. Current examples include the:

- ~~Audit Advisory Committee~~Audit and Risk Committee required under section 139-53 of the Act;
- Municipal Emergency Management Planning Committee required under section 24-59 of the *Emergency Management Act 1986*;

### COMMITMENT

Council is committed to making appointments to committees that:

- are devoid of bias and free from political influence and personal favouritism thereby removing any claim of political patronage;
- are consistent;
- are transparent;
- promote diversity;
- are in accordance with the requirements established by any applicable legislation, Council policies and a relevant committee governing instrument;.

## **Precedence**

Where the requirements for committees established by the Act or any other Act including any related Ministerial guidelines differ from the provisions of this policy, those requirements take precedence over the provisions of this policy.

## **Term**

A person appointed to a committee to represent the community or to represent an organisation continues as a member of the committee until:

- that persons term expires;
- the committee is dissolved by Council;
- the committee completes its purpose in accordance with its governing instrument;
- a person appointed to a committee to represent an organisation or interest group is replaced by such an organisation or interest group;
- the member resigns from the committee;
- the death of the member;
- a member acts in such a way that may warrant dismissal from the committee; or
- a member fails to meet any minimum attendance requirements of the committee outlined in the governing instrument of the committee.

## **Qualifications**

Any person appointed to a Committee must meet the relevant compliance requirements of that committee

Particular consideration must be given to child safety requirements. Where this is an important requirement members nominated to such Committees must submit to any relevant working with children checks.

Prospective committee members must complete a nomination form to qualify to be a member of the Committee. Each nominee membership will be required to confirm that they:

- Have not been convicted of any indictable offence;
- Have not been convicted of fraud;
- Have not been disqualified from acting as a director or acting in the management of a company; and
- Are not facing court proceedings for any criminal proceedings, including bankruptcy.

Where an organisation, community group or facility user is represented on any committee the following requirements apply:

- An organisation must be a registered Company or otherwise legally incorporated;
- A community group must have a written constitution and current office bearers;
- A facility user must be a person, class or group who is a regular user or hirer of the facility;
- The organisation, community group or facility user must nominate its representative in writing. The written nomination is to be made, as appropriate, by a duly authorised office bearer or office holder of the organisation, community group or facility user.

### **Refusal of Nominations**

Council has the discretion to refuse any nomination.

### **Council Delegates**

Council delegates may be appointed by Council from time to time on terms determined by Council.

### **Council Appointees**

Each committee will be supported by a Council contact officer.

Council officers are non-voting and are not able to hold a committee office.

### **Non-members**

Non-members may be invited to present or provide specialist advice.

Non-members do not have a vote on committee deliberations and must not be involved in the development of recommendations to Council.

### **Ordinary Vacancies**

The Chief Executive Officer will undertake an expression of interest process for the appointment of new members except in any case where a specific appointment process is established by a committee governing instrument.

Nominations for new committee members will be called for prior to the completion of the term of the retiring committee members.

Information related to each committee, a copy of the committee governing instrument and a nomination form will be provided to prospective nominees.

Selection criteria representing the specific mix of member skills or representation will be used for selecting members as set out in committee governing instruments. Selection of community representatives will be based on the following criteria:

- Willingness to make an active contribution to discussion;
- Strong community networks and linkages;
- Current involvement in the community in the interest area that relates to the purpose of the committee; and
- A capacity to commit to the committee for the required term.

A Business Paper Report will be provided to Council recommending that Council determine the appointment of new members.

With regard to ~~Special C~~delegated committees and community asset c committees, where there are more nominations than vacancies and the nominees address the requirements of the relevant ~~Special C~~committee, Council may at its discretion, appoint members to the ~~Special C~~committee in excess of that specified in the committee governing instrument.

All nominees will be notified by a letter from Council as to the outcome of the appointment process.

### **Extraordinary Vacancies**

If a vacancy arises during the term of the committee Council will call for a nomination for a replacement committee member in line with the process for ordinary vacancies.

Members appointed in response to extraordinary vacancies will serve the remaining term of the committee member they are replacing.

### **Removing a Committee**

Council may determine to remove an existing committee.

Reasons for removal could include:

- Council deems that it would be more beneficial to the community to have Council staff manage directly the role previously undertaken by the Committee;
- Council is unable to manage the risks associated with the activity being undertaken by the Committee;
- the Committee is not performing the required function or adhering to the reporting requirements;
- an incorporated body approaches Council about undertaking the role of the Committee;
- the function previously undertaken by the Committee is no longer required;
- the term specified in a committee governing instrument expires.

### **Removing a Committee Member**

Council may remove individual members of the Committee at any time for reasons including if it is deemed they are acting outside the best interests of the Committee, or outside the powers that have been delegated to the Committee.

## **REVIEW**

Any change or update which materially impacts and alters this policy must be by Council approval following review by the Corporate Management Team. This policy will be reviewed in ~~October 2021~~July 2024 or if there has been a material change to any relevant laws.

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.