



Council Policy

18.8 - COUNCIL COMMITTEES

PURPOSE

To provide a framework for:

- Assessing, establishing, managing and reviewing Committees formed by Colac Otway Shire.
- Representation on external Committees and appointment.

SCOPE

This policy:

- Sets out the framework and arrangement of committees across Colac Otway Shire Council.
- Defines the requirements for committees established by Council.
- Defines the requirements for appointing Councillors to committees (both internal and external).

DEFINITIONS

Agenda	An agenda sets out the items to be discussed at a meeting.
CEO	Chief Executive Officer
Delegated Committee	A committee established by a Council under section 63 of the <i>Local Government Act 2020</i> or, a joint delegated committee established by two or more Councils under section 64, or a committee, other than a Community Asset Committee, exercising any power of a Council under this Act or any other Act delegated to the committee under this Act or any other Act.
Community Asset Committee	Means a Community Asset Committee established by a Council under section 65 of the <i>Local Government Act 2020</i> .
Audit and Risk Committee	Means the Audit and Risk Committee established by a Council under section 53 of the <i>Local Government Act 2020</i> .
Advisory Committee	Means any committee established by the Council, other than a delegated committee, that provides advice to the Council; or a delegated committee; or a member of Council staff who has been delegated a power, duty or function of the Council under section 47 of the <i>Local Government Act 2020</i> .

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CM reference	D22/150812	Date of adoption	29 June 2022
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Specific Purpose Committee	Means any committee created for a discrete and specific purpose to review an issue or undertake a project and report back to Council or Chief Executive Officer. This type of committee may also facilitate networking among the membership on a subject of mutual benefit.
Non-discretionary Committee	Means any committee created to comply with a statutory obligation.
Committee of Management	Means a committee where council has been appointed under the <i>Crown Land (Reserves) Act 1978</i> to manage a reserve on behalf of the Minister.
External Committees	Means a committee established by another entity (not Council).
Committee Member	A person appointed to a committee. A committee member could be a Councillor, community member, an organisational representative or an officer (or a combination of these).
Crown Land Reserve	Public land that has been set aside for public purposes for the enjoyment and benefit of the people of Victoria under the <i>Crown Land (Reserves) Act 1978</i> .
Instrument of Delegation	An instrument, in writing, which delegates certain powers and duties and any restrictions, conditions or exceptions entrusted to a delegate by a delegator.
Minutes	Minutes are a written record of what happened at a meeting.
Terms of Reference	Terms of reference provide a framework within which a committee operates. Included in the Terms of Reference is information about the purpose and objectives of the committee, appointment of members, meeting frequency, minutes, voting and reporting requirements.

REFERENCES

Local Government Act 2020
Crown Land (Reserves) Act 1978

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STATEMENT OF POLICY

Committees are established by Colac Otway Shire to assist the Council in fulfilling its obligations. The various types of committees have different roles and relationships with Council.

The Committee structure at Colac Otway Shire includes:

Committees established by Colac Otway Shire

- Delegated and Joint Delegated Committees
- Community Asset Committees
- Audit and Risk Committee
- Advisory Committees
- Specific Purpose Committees
- Non-discretionary Committees

Committees established by other bodies

- Committees of Management – Crown Land Reserves
- External Committees

Assessment

Prior to establishing any type of committee, or joining an external committee, an assessment needs to be undertaken. Key points to consider, include:

- Purpose and the outcome required (which will determine the appropriate committee type)?
- Current landscape (eg is there another committee that currently exists that serves the same function)?
- Will the proposed committee or Councillor appointment give rise to a significant benefit?
- Is there a cost (monetary or staff time) involved?
- What is Council's level of control and/or influence?

Establishment of Committees

The following committee types must be established by Council resolution:

- Delegated and Joint Delegated Committees
- Community Asset Committees
- Audit and Risk Committee
- Advisory Committees
- Non-discretionary Committees (unless otherwise specified).

As a minimum governance requirement, Specific Purpose Committees with external appointments, a strategic focus or where a Memorandum of Understanding is required, must be approved by the Executive Management Team. However, specific circumstances may require resolution of Council.

Uncontrolled when printed

CM reference	D22/150812	Date of adoption	29 June 2022
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Appointment to Council Committees and External Committees

While conflicts of interest may arise periodically, no committee member with a general or material conflict of interest relating to the objectives of the Committee, will be appointed.

Appointment of Councillors to committees must be by resolution of Council.

Operation and Review of Committees

Operation and review of the various committees will be detailed in the operational procedure.

Any Occupational Health and Safety issues are to be reported to the Executive Management Team.

APPENDICES

APPENDIX 1: Council Committees Summary Table

RELATED DOCUMENTS

Council Committees Operational Procedure

DOCUMENT CONTROL

Policy owner	Manager Governance and Communications	Division	Executive
Adopted by Council	29 June 2022	Policy Number	18.8
File Number	D22/150812	Review date	June 2026

Uncontrolled when printed

CM reference	D22/150812	Date of adoption	29 June 2022
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Council Committees summary table

Committees Established by Colac Otway Shire									
Committee	Purpose	Establishment	Reporting/Review required	Committee member appointment and length of term	Indemnity	Informal Meeting of Councillors Record and Conflict of Interest	Personal Interest Return requirement	Administration support	Term of committee
Delegated Committee	To exercise statutory functions/powers on behalf of Council. Delegated Committees and Joint Delegated Committees are prescribed by the <i>Local Government Act 2020</i> .	Established by a Council resolution with an Instrument of Delegation adopted by Council.	In accordance with s11 of the Local Government Act 2020, the delegation must be reviewed within 12 months after a general election.	Resolution of Council. Minimum two Councillor-members. Chair must be a Councillor who is appointed by either Council or Mayor.	Council must keep all members indemnified. (Indemnity provisions (s43 <i>Local Government Act 2020</i>))	All members must disclose Conflict of Interest at meetings, pre-meetings and briefings. Informal records to be kept for pre-meetings.	Members must complete a biannual return.	Governance team.	No expiry, however delegation must be reviewed every four years.
Joint Delegated Committees	To exercise statutory functions/powers on behalf of Council. Delegated Committees and Joint Delegated Committees are prescribed by the <i>Local Government Act 2020</i> .	Resolution of Councils.	In accordance with s11 of the Local Government Act 2020, the delegation must be reviewed within 12 months after a general election.	Resolution of Council. At least one Councillor from each Council. Must be chaired by a Councillor.	Council must keep all members indemnified. (Indemnity provisions (s43 <i>Local Government Act 2020</i>))	All members must disclose Conflict of Interest at meetings, pre-meetings and briefings. Informal records to be kept for pre-meetings.	Members must complete a biannual return and submit to each Council represented on the joint delegated committee.	Determined by the Councils.	As per delegation, however delegation must be reviewed every four years.
Community Asset Committees	Established by Council to manage a community asset in the municipal district.	Resolution of Council. Members by Council resolution or CEO under delegation.	CEO must submit Annual Report to Councillor on Community Asset Committee activities and performance.	No Councillor representation.	Council must keep all members indemnified. (Indemnity provisions (s43 <i>Local Government Act 2020</i>))	All members must disclose Conflict of Interest at meetings.	Not required. Community members not 'specified persons' pursuant to the <i>Local Government Act 2020</i>	Member of Community Asset Committee	No term, unless specified in the instrument of delegation.
Audit and Risk Committee	Monitor the compliance of Council policies and procedures, financial and performance reporting, monitor and provide advice on risk management and fraud prevention systems and controls and oversee internal and external audit functions. The Audit and Risk Committee is required under the <i>Local Government Act 2020</i> .	Resolution of Council. Audit and Risk Committee Charter also resolution of Council.	Annual assessment of its performance against the Audit and Risk Committee Charter and provide to CEO for tabling at Council meeting. Prepare biannual Audit and Risk Committee report that describes the	Audit and Risk Committee must comprise: - Councillors - Majority of members who are not Councillors of Council and collectively have expertise in financial management and risk and	Independent members not indemnified for decisions – because not a delegated committee. Only make recommendation. Independent members paid a fee.	Bound by Conflict of Interest provisions of the <i>Local Government Act 2020</i> .	Not required. Independent members not 'specified persons' pursuant to <i>Local Government Act 2020</i> .	Governance team.	No expiry term.

Committees Established by Colac Otway Shire									
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			<p>activities of the ARC and includes its findings and recommendations and provide to CEO for tabling at Council meeting.</p> <p>Audit and Risk Committee minutes tabled at Council meetings.</p>	<p>experience in public sector management.</p> <ul style="list-style-type: none"> - Not include any person who is a member of Council staff of Council. - The Chair cannot be a Councillor. - Councillors appointed annually by Council resolution. - Independents initial term three years, maximum term nine years. 					
Advisory Committees	<p>Provide valuable information and provide advice in order to facilitate decisions of significance made by Council and in turn support achievements under the Council Plan.</p> <p>Advisory committees are not delegated committees</p> <ul style="list-style-type: none"> • Chief Executive Officer Employment Matters Advisory Committee. • Submissions Committee. • Portfolio Advisory Committees. • Project Advisory Committees. • Program or grant advisory committee. 	Resolution of Council.	<p>Annual review (in line with annual appointment of Councillors to committees).</p> <p>With the exception of the Chief Executive Officer Employment Matters Advisory Committee, at a minimum advisory committees to report annually to Councillor Briefing (For Information Only).</p>	<p>All members appointed by Council resolution.</p> <p>Community representatives appointed following public EOI process for a defined period.</p> <p>Councillor representative appointed annually.</p> <p>Chief Executive Officer Employment Matters Advisory Committee - Independent member (non-voting) appointed by Council and paid a fee.</p>	Community members not indemnified for decisions - because not a delegated committee. Only make recommendation.	<p>If a Councillor is at the meeting then Informal Meeting of Councillors Record required</p> <p>All voting members must disclose any Conflicts of Interest.</p>	<p>Not required.</p> <p>Independent members not 'specified persons' pursuant to <i>Local Government Act 2020</i>.</p>	<p>Chief Executive Officer Employment Matters Advisory Committee - Manager People and Culture.</p> <p>All others provided by the department whose functions are most aligned to the committee's objectives.</p>	<p>Chief Executive Officer Employment Matters Advisory Committee – no expiry specified in Terms of Reference.</p> <p>All others will depend on purpose.</p>

Committees Established by Colac Otway Shire									
Committee	Purpose	Establishment	Reporting/Review required	Committee member appointment and length of term	Indemnity	Informal Meeting of Councillors Record and Conflict of Interest	Personal Interest Return requirement	Administration support	Term of committee
Specific Purpose Committees	<p>Created for a discrete and specific purpose and their role is to review an issue or undertake a project and report back to Council or Chief Executive Officer. They may also facilitate networking among the membership on a subject of mutual benefit. This group of committees includes</p> <ul style="list-style-type: none"> • Interest Groups. • Working Groups. • Reference Groups. • Steering Committees. • Partnership Groups. • Project Consultative Committees. • Project Control Groups. • Community Reference Groups. • Friends Groups. <p>These are not delegated committees.</p>	<p>As a minimum governance requirement, Specific Purpose Committees with external appointments, a strategic focus or where a Memorandum of Understanding is required, must be approved by the Executive Management Team. However, depending on required outcome, may require resolution of Council.</p>	<p>Frequency of reporting and review aligned to the purpose/objective.</p> <p>Executive Management Team, Councillor Briefing or General Manager.</p>	Based on purpose and objectives.	Committee specific.	<p>Where Councillors are appointed to Specific Purpose Committees established by Colac Otway Shire, Informal Meeting of Councillors Record will be required (under auspices of Council).</p> <p>Required to declare any Conflicts of Interest.</p>	Not applicable.	<p>Provided by the department whose functions are most aligned to the committee's objectives</p>	<p>Depends on type of committee and purpose.</p> <p>Fixed term or time specific or project based.</p>
Non-Discretionary Committees	<p>To comply with a statutory obligation.</p> <p>(<i>Planning and Environment Act 1987</i> – maybe more under other legislation such as Water Act etc)</p>	Established by Council resolution unless otherwise specified.	In line with established terms (ie planning permit).	Where Councillor representation required, appointment by Council resolution.	Not applicable.	Required to declare any Conflicts of Interest.	Not applicable.	<p>Provided by the department whose functions are most aligned to the committee's objectives.</p>	Term of committee will depend on statutory obligations.

Committees Established by Other Bodies									
Committee	Purpose	Establishment	Reporting/Review required	Committee member appointment and length of term	Indemnity	Informal Meeting of Councillors Record and Conflict of Interest	Personal Interest Return requirement	Administration support	Term of committee
Committees of Management – Crown Land Reserves	Council is appointed under the <i>Crown Land (Reserves) Act 1978</i> to manage a number of reserves on behalf of the Minister and has responsibility and authority to manage, improve, maintain and control the reserve.	Established by DELWP under <i>Crown Land (Reserves) Act 1978</i>	Required to report damage to a building or facility and any serious breach of a lease.	No Councillor appointment.	Determined by establishing body.	Not applicable.	Not applicable.	Committee of Management.	Determined by DELWP.
External Committees	These are community or industry based committees that operate with their own Terms of Reference or mandate where Council has been invited to participate in partnership or as a community advocate.	Determined by the founding body.	Updates provided verbally at Councillor Briefing where a Councillor is a member.	Determined by founding body. Appointments by Council resolution. Frequency depends on committee.	Not applicable.		Not required.	Not provided by Council.	Determined by the founding body.