

## COUNCIL POLICY

<b>Council Policy Title:</b>	<b>Council Committees</b>
<b>Council Policy ref. no:</b>	18.8
<b>Responsible Department:</b>	Corporate and Community Services
<b>Date of adoption/review:</b>	24 July 2013

### 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. Council Committees are an important tool for engaging the community in Council decision making. Participation by interested parties and affected stakeholders assists Council in making decisions that incorporate the interests and concerns of affected stakeholders. This policy governs the operation of Special Committees, Advisory Committees, Specific Purpose Committees and External Committees.

Each year Council appoints Councillor and officer representation to a number of committees. Their role in relation to these committees can range from delegated authority to representation, advocacy and consultation. The policy provides support and direction in the formation of committees and distinction between the roles and responsibilities of different committees on which there is Councillor representation.

This policy governs the establishment of committees and the ongoing review of existing committees giving the Council the opportunity to monitor the performance and relevance of all committees against the Annual Plan. This structured approach clearly 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 committees do not operate in perpetuity beyond achieving their purpose.

### 2. SCOPE

This policy applies to the formation, development and sunsetting of Council endorsed committees including:

- Special Committees – comprising only Councillors
- Special Committees – other S86 committees who manage facilities on behalf of Council
- Advisory Committees
- Specific Purpose Committees
- Youth Council
- and where detailed in the policy involvement in External Committees.

This policy applies to Councillors, public members of committees and staff members of committees.

### 3. REFERENCES

- *Local Government Act 1989*
- Processes of Municipal Government Local Law No 4
- Conflict of Interest Guidelines

### 4. DEFINITIONS

#### (a) Special Committees

Formally appointed committee under section 86-88 of the Local Government Act 1989. Council may formally delegate decision making powers and responsibilities to a Special Committee.

The first category of Special Committees are those which comprise only Councillors. Council currently has 1 special committee in this category:

- Planning Committee of Council

The second category of Special Committees are other S86 Committees who manage facilities on behalf of Council.

Current special committees in this category are:

Alvie Recreation Reserve  
Barongarook Public Hall and Tennis Reserve  
Barwon Downs Hall  
Beech Forest Hall  
Beech Forest Recreation Reserve  
Birregurra Hall  
Carlisle River Recreation Reserve  
Chapple Vale Hall  
Colac Municipal Aerodrome  
Cororoake Public Hall  
Cressy Hall  
Eurack Hall and Tennis Reserve  
Irrewillipe Public Hall and Reserve  
Kennett River Tennis Reserve  
Larpent Recreation Reserve  
Lavers Hill Public Hall  
Lavers Hill Waterhole Reserve  
Old Beechy Rail Trail  
Pennyroyal Hall and Tennis Reserve  
Pirron Yallock Recreation Reserve  
Stoneyford Hall  
Swan Marsh Hall and Tennis Club  
Tirrengower Drainage  
Warncoort Tennis Reserve  
Warrion Public Hall  
Yeo Recreation Reserve

### **How Council Assists S86 Special Committees? What are our Responsibilities?**

- Recognition of the important role played by Committees of Management in the efficient operation and management of facilities.
- Delegate powers to the committee.
- Provide support and assistance to committees in matters regarding maintenance, grants, facility development etc.
- Provide guidance to committees to ensure they have adequate information to continue their operation and management of the facility.
- Maintain effective communication links between the Shire and the various groups utilising the facilities.
- Undertake information forums as required to provide information to committees and user groups of relevant changes to Council policy or provide information on issues of importance.
- Provide reminders to committees re annual returns, financial information, copies of minutes etc.

### **Section 86 Special Committees Policy**

There is a separate Council Policy for Section 86 Special Committees – Management of Council Owned and Controlled Properties – Policy No 15.2.

#### **(b) Advisory Committees**

The main function of an Advisory Committee is to assist Council in the consultative process and provide valuable information to support the decision making of Council and in turn the achievements of its objectives under the Community and Council Plan. Furthermore, Advisory Committees allow Council to access independent external advice that may be available in the community. These committees would generally have a lifespan beyond one year and be focused in conjunction with a Council Plan or Strategy.

The Council has a number of Advisory Committees including the Audit Committee which is established in accordance with section 139 of the *Local Government Act* 1989 and will operate generally in accordance with the Act and any Ministerial guidelines.

#### **(c) Specific Purpose Committees**

Specific Purpose Committees are created for a discrete and specific purpose and their role is to review an issue or undertake a project and report back to Council. These committees sunset at the delivery of the project brief. The committee may be ongoing in that it performs an annual function.

#### **(d) Youth Council**

The Colac Otway Shire Youth Council has the following objectives:

- To provide a forum for the Colac Otway Shire Council to consult with and receive advice from youth in order to ensure the provision of high quality, affordable and flexible youth program.
- To promote and encourage the involvement of youth in the planning, development and implementation of matters associated with young people in the community.

- To ensure that the views of youth are canvassed and conveyed to Council.
- To provide advice to Council on appropriate youth programs.

#### **(d) External Committees**

Community and 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. Current examples of External Committees are:

- Barwon Regional Waste Management Committee
- Corangamite Regional Library Corporation
- Geelong Otway Tourism Board
- Great South West Municipalities Group
- Municipal Association of Victoria
- G21

#### **(e) Committees of Management – Crown Land**

Council has been appointed under the *Crown Land (Reserves) Act 1978* to manage a number of reserves on behalf of the Minister and have responsibility and authority to manage, improve, maintain and control the reserve.

Appendix 1 provides a summary of “What are Council’s Responsibilities where Council is the Committee of Management?”

## **5. COUNCIL POLICY**

### **General Provisions**

Although the different types of Council, Special, Advisory, Specific Purpose and External Committees have different roles within and relationships with Council, a standard Terms of Reference template must be used to create a common ground for all committees to begin from.

The Terms of Reference provides a framework within which the Committee operates. Included in the Terms of Reference is information about the purpose and objectives of the committee, appointment of members, information about meetings, minutes, voting and reporting. A template to assist with the development of a Terms of Reference document is referenced at the end of this document.

Councillors are appointed annually to the various committees.

The term of a Councillor on a committee depends on their appointment at the Statutory meeting of Council or another Council meeting. If a Councillor is not appointed to a committee or a Councillor’s term ends, they would no longer be the Council representative on a committee.

The following sections specifically prescribe operating expectations for each committee type.

## **5.1 SPECIAL COMMITTEES**

This section refers only to Special Committees which comprise only Councillors. Other S86 Committees which manage Council owned and controlled properties come under policy No. 15.2.

### **5.1.1 Formal Appointment**

In accordance with section 86 of the *Local Government Act 1989*, Council may establish one or more Special Committees.

### **5.1.2 Membership, Period of Membership and Method of Appointment**

A Special Committee may comprise solely of Councillors, Council staff or other persons or any combination thereof. The most appropriate mix of membership for each Special Committee will be determined by Council at the formation of the Special Committee.

Council may, by resolution, appoint members to a Special Committee and may at any time remove a member from a Special Committee.

Councillors are appointed annually to Special Committees.

The Mayor is, by virtue of the Office, ex-officio member of any incidental committees which may be established by Council from time to time. It is important that whilst the Mayor may not chair these meetings, appropriate recognition should be given to the presence of the Mayor if in attendance. The Mayor has no voting rights as an ex-officio member of the committee.

### **5.1.3 Delegated Authority and Decision Making**

Council must keep a register of delegations to Special Committees.

The Council must review any delegations to a Special Committee within the period of 12 months after a general election.

Except as provided below, Council may, by Instrument of Delegation, delegate any of its functions, duties or powers under the *Local Government Act* or any other Act to a Special Committee:

- (a) this power of delegation
- (b) to declare a rate or a charge
- (c) to borrow money
- (d) to enter into contracts for an amount exceeding an amount previously determined by Council
- (e) to incur any expenditure exceeding an amount previously determined by Council
- (f) any prescribed power

The formal Instrument of Delegation provides a Special Committee with the delegated authority to make decisions as if it were the Council. The Instrument of Delegation will define the Special Committee's Terms of Reference/Purpose. A decision of a Special Committee which does not relate to a matter delegated to that Special Committee cannot be given effect to until formally approved by Council.

Subject to section 93A of the *Local Government Act 1989*, Council's Pre-Election Caretaker Policy and the Code of Conduct, a Special Committee acting under a delegation given by the Council, must not make a major policy decision during the election period for a general election.

#### **5.1.4 Notification of Meetings**

- (a) The Chief Executive Officer must give notice to the public of any meeting of a Council Special Committee, by placement of advice as to the date, time and place of such meeting in the local newspapers at least 7 days before the meeting in accordance with the Local Government Act
- (b) If urgent or extraordinary circumstances prevent the Council from complying with the 7 days notice, the minutes must specify the urgent or extraordinary circumstances which prevented the Council from complying.

#### **5.1.5 Meeting Procedures**

Special Committee meetings shall be conducted in accordance with Processes of Municipal Government Local Law No 4 where Council has resolved that the provisions of the Local Law are to apply.

A meeting of a Special Committee must be held at a time and place determined by the Special Committee.

Meetings are open to the public unless the committee resolves to close the meeting in accordance with section 89(2) of the *Local Government Act 1989*.

#### **5.1.6 Chair**

The Mayor will be the chair of the Planning Committee of Council. The position of Chairperson of other Special Committees comprised solely of Councillors shall be reviewed annually immediately following Councillor appointments to committees.

#### **5.1.7 Agendas and Minutes**

Agendas and minutes must be prepared for each meeting of a Special Committee. The agenda must be provided to members of a Special Committee not less than 48 hours before the time fixed for the holding of the meeting.

Where a Special Committee has delegated powers, the Chief Executive Officer must ensure that all agendas for meetings of that committee are provided to all Councillors (whether or not they are members of the committee).

The Chairperson must arrange for minutes of each meeting of the committee to be kept.

The minutes of a meeting of a Special Committee must:

- (a) contain details of the proceedings and resolutions made;
- (b) be clearly expressed;
- (c) be self-explanatory; and
- (d) in relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process.

The Chairperson must submit the minutes of a committee meeting to the next meeting of the committee for confirmation. If the minutes are confirmed, the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.

Agendas and minutes are available to the public excluding any confidential reports and attachments.

### **5.1.8 Voting**

Each member of a Special Committee present at a meeting of the Special Committee who is entitled to vote is entitled to one vote.

All members of a Special Committee have equal voting rights unless otherwise stated. Council may specify in the Instrument of Delegation to the Special Committee that a member of a Special Committee who is a member of the public or of Council staff does not have voting rights.

In the event of an equality of votes the Chairperson has a second vote.

### **5.1.9 Conflict of Interest Provisions**

Members of a Special Committee are required to comply with the Conflict of Interest provisions contained in Division 1A of the *Local Government Act 1989*.

Council may, by resolution, exempt a member of a Special Committee, who is not a Councillor, from being required to submit a Primary Return or an Ordinary Return.

With the above exception, all other Conflict of Interest provisions contained in Division 1A that relate to members of a Special Committee shall apply.

Where a member of a Special Committee has an interest or conflict of interest in a matter that is likely to be discussed, the member must declare that interest immediately prior to the matter being considered by the Special Committee.

Disclosure must include the nature of the relevant interest and be recorded in the minutes of the meeting.

- (a) Where a member has declared a conflict of interest they are to leave the room while any discussion or any vote is taken in relation to the matter.
- (b) The member is to remain outside the room or other area in view or hearing of the matter.
- (c) The member may return to the room after consideration and all votes on the matter.
- (d) If a member is not intending to be at the meeting where he/she is aware that they have a conflict of interest in an agenda item they are to inform the chairperson of their conflict of interest before that meeting is held.

### **5.1.10 Administrative Support**

Administrative support is provided to Special Committees comprised solely of Councillors by the department whose functions are most aligned to the committee.

### **5.1.11 Sunset Clause**

Council is required to consider the continuation of the special committee and its formal Instrument of Delegation within 12 months following a general election. Whilst this is not a legal requirement, it is considered appropriate as a good governance practice.

## **5.2 ADVISORY COMMITTEES**

### **5.2.1 Terms of Reference**

The Terms of Reference must be presented to Council for consideration and adoption at the inception of the committee. The Terms of Reference must include a clear statement of purpose and the committee's objectives. Objectives should be supported by measurable outcomes that will be reported to Council.

The Terms of Reference and objectives of an Advisory Committee are to be reviewed by the committee biennially and by Council within twelve (12) months after a general election. Any proposed changes to the Terms of Reference resulting from a review must be agreed on by the committee and be presented to Council for formal approval.

See Appendix 2.

### **5.2.2 Membership, Period of Membership and Method of Appointment**

The most appropriate mix of membership will be determined by Council. The committee may comprise:

- **Councillor(s)** - appointed annually by Council
- **Community Representative(s)** – appointed by Council through a registration of interest and selection process for a period of up to (3) years. Every effort should be made to ensure a representative cross section of people from the municipality are elected to the committee, as appropriate.
- **Staff** – appointed for a time period specified by the Chief Executive Officer or relevant Director to provide administrative support and advice to the committee. Staff do not have voting rights (refer to section 6.2.7) unless specified in the Terms of Reference.

The Mayor is, by virtue of the Office, ex-officio member of any committees which may be established by Council from time to time. It is important that whilst the Mayor may not chair these meetings, appropriate recognition should be given to the presence of the Mayor if in attendance. The Mayor has no voting rights in their capacity as an ex-officio member of the committee.

### **5.2.3 Delegated Authority and Decision Making**

Advisory Committees act in an advisory capacity only and have no delegated authority to make decisions as if they were the Council. Advisory Committees provide advice to Council and staff to assist them in their decision making.



#### **5.2.4 Meeting Procedures**

Advisory Committee meetings shall be conducted generally in accordance with Processes of Municipal Government Local Law No 4 where Council has resolved that the provisions of the Local Law are to apply.

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

#### **5.2.5 Chair**

The position of Chairperson shall be reviewed annually immediately following Councillor appointments to committees.

Where there is one Councillor representative on the committee that Councillor stands as chair. Where there is more than one Councillor the chair is to be agreed upon between Councillors. When this cannot be achieved, the Mayor of the day shall determine the chair.

A committee may determine, with consent of the Councillor representative/s, to appoint another member other than the Councillor representative/s as Chairperson.

If the Chairperson is not present at a meeting, any other Councillor representative shall be appointed Chairperson. In the absence of any other Councillor representative/s, the committee members shall appoint a Chairperson for the purpose of conducting the meeting.

#### **5.2.6 Agendas and Minutes**

Agendas and minutes must be prepared for each meeting of an Advisory Committee. The agenda must be provided to members of the committee not less than 48 hours before the time fixed for the holding of the meeting.

The Chairperson must arrange for minutes of each meeting of the committee to be kept.

The minutes of a meeting of an Advisory Committee must:

- (a) contain details of the proceedings and resolutions made;
- (b) be clearly expressed;
- (c) be self-explanatory; and
- (d) in relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process.

Minutes must be approved by the chair before being published or distributed and then formally endorsed at the subsequent meeting.

The committee must determine through its Terms of Reference whether minutes are to be made available to the public. As a general rule, committees are encouraged to provide this information to the public, with the exception of reports and attachments that are confidential in nature. Where it is determined that minutes will be made available to the public, a copy should be placed on the Internet.

### **5.2.7 Voting**

Councillor and community members have voting rights unless otherwise stated in their Terms of Reference. Staff provide support and advice to the committee and have no voting rights unless specified in the Terms of Reference.

In the event of an equality of votes the chairperson has a second vote.

### **5.2.8 Conduct and Interest Provisions**

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

- act honestly;
- exercise reasonable care and diligence;
- not make improper use of their position; and
- not make improper use of information acquired because of their position.

A number of Advisory Committees established by Council come under the classification of assemblies of Councillors.

Section 80A of the Act describes procedures that must apply to Councillors at an assembly of Councillors. This has the effect of applying conflict of interest requirements to certain informal meetings, committees and briefings of Councillors and is designed to minimise the risk of a Councillor with a conflict of interest improperly influencing a matter through such meetings.

A record must be kept of an assembly of Councillors which lists the Councillors attending, the matters discussed and any disclosures of conflict of interest. Comprehensive minutes are not required

Part 4.4 describes the rules for disclosing conflicts of interest in an assembly of Councillors.

### **Definition**

An “assembly of Councillors” is a defined term under section 3(1) of the *Local Government Act 1989* (the Act).

It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of a delegated authority and which is either of the following:

- A meeting of an advisory committee where at least one Councillor is present; or
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

If a meeting fits either of these types, the procedures applying to an assembly of Councillors must be complied with, irrespective of any name or description given to the committee or meeting.

Not all gatherings or meetings at which Councillors are present will constitute an assembly of Councillors. Assemblies of Councillors do not include change meetings of Councillors and Council staff that are not planned or scheduled. Nor do they

include meetings of other organisations, such as clubs, associations, peak bodies or political parties.

Section 80A states that Councillors have to follow conflict of interest rules in any meeting classified as an “assembly of Councillors”.

A Councillor who has a conflict of interest at an assembly of Councillors must:

- Disclose to the meeting that he or she has a conflict of interest; and
- Leave the meeting while the matter is being discussed.
- Return to the room after consideration and all votes on the matter.

### **Disclosure**

The disclosure should be made immediately before the matter is considered.

It is not necessary to disclose the type or nature of the interest at an assembly of Councillors. It is sufficient to just state that you have a conflict of interest in the matter.

As formal agendas and reports are not necessarily available prior to the meeting, there may be times when a Councillor only realises that he or she has a conflict of interest after the discussion has commenced. In this case, the Councillor should disclose that he or she has a conflict of interest immediately upon becoming aware of the conflict.

### **5.2.9 Reporting**

As a minimum, Advisory Committees are required to prepare a formal report on an annual basis in line with their stated objectives. The report must be formally adopted by the committee and should directly reflect the objectives and the performance measures of the committee as set out in the Terms of Reference. The report will be presented to Council for noting under the relevant department heading. The committee’s Terms of Reference may stipulate more frequent reporting.

### **5.2.10 Administration Support**

Administration support, where required, is provided to Advisory Committees where required by the department whose functions are most aligned to the committee’s objectives.

### **5.2.11 Review of Committee**

Advisory Committees will be reviewed as part of the annual Council Statutory meeting.

### **5.2.12 Audit Committee**

Section 139 of the *Local Government Act* provides details on the Audit Committee which is an advisory committee.

*“139 Audit Committee*

- (1) *A Council must establish an audit committee.*
- (2) *An audit committee is an advisory committee.*

- (3) *An audit committee must be constituted in the prescribed manner.*
- (4) *An audit committee has the functions and responsibilities prescribed for the purposes of this section.*
- (4A) *Sections 76D, 79 and 81 apply to members of an audit committee as if they were members of a special committee of the Council.*
- (5) *The Minister may make guidelines for the purposes of this section.*
- (6) *Guidelines made under subsection (5) must be published in the Government Gazette.*
- (7) *A Council may pay a fee to a member of an audit committee who is not a Councillor or member of Council staff.”*

### **5.3 SPECIFIC PURPOSE COMMITTEES**

#### **5.3.1 Terms of Reference**

The Terms of Reference must be presented to Council for consideration and adoption at the inception of the committee. Clear objectives for the committee need to be included in the Terms of Reference. The Terms of Reference shall include a project outcome/deliverable and stipulate the timeframe for completion.

For committees that are ongoing in nature, Terms of Reference and objectives are to be reviewed biennially by the committee. Any proposed changes to the Terms of Reference must be presented to Council for formal approval.

#### **5.3.2 Membership, Period of Membership and Method of Appointment**

Membership of a Specific Purpose Committee is not prescribed. The most appropriate mix of membership will be determined by Council at the inception of the committee and may include any combination of the following:

- **Councillor(s)** - appointed annually by Council
- **Community Representative(s)** – appointed by Council through a registration of interest and selection process for a period of two (2) years. Every effort should be made to ensure a representative cross section of people from the municipality are elected to the committee, as appropriate.
- **Staff** – appointed for a time period specified by the Chief Executive Officer or relevant Director to provide administrative support and advice to the committee. Staff do not have voting rights (refer to section 5.3.7) unless specified in the Terms of Reference.

The Mayor is, by virtue of the Office, ex-officio member of any committees which may be established by Council from time to time. It is important that whilst the Mayor may not chair these meetings, appropriate recognition should be given to the presence of the Mayor if in attendance. The Mayor has no voting rights in their capacity as an ex-officio member of the committee.

#### **5.3.3 Delegated Authority and Decision Making**

Specific Purpose Committees have no delegated authority to make decisions as if it were the Council.

The Committee's Terms of Reference, as adopted by Council, may provide that the committee has the capacity to make a decision/s in relation to the project brief. In making decisions, the committee must comply with Council policies, procedures and guidelines, particularly in relation to Occupational Health and Safety.

Decisions will be implemented by a staff member who has the appropriate delegation and level of authority.

The committee cannot make decisions outside the agreed scope detailed in its Terms of Reference.

#### **5.3.4 Meeting Procedures**

Meeting procedure of a Specific Purpose Committee is not prescribed. As a guide, committees may consider conducting their meeting generally in accordance with Processes of Municipal Government Local Law No 4.

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

#### **5.3.5 Chair**

The position of Chairperson shall be reviewed annually immediately following Councillor appointments to committees.

Where there is one Councillor representative on the committee that Councillor stands as chair. Where there is more than one Councillor the chair is to be agreed upon between Councillors. When this cannot be achieved, the Mayor of the day shall determine the chair.

A committee may determine, with consent of the Councillor representative/s, to appoint another members other than the Councillor representative/s as Chairperson.

If the chairperson is not present at a meeting, any other Councillor representative shall be appointed Chairperson. In the absence of any other Councillor representative/s the committee members shall appoint a chairperson for the purpose of conducting the meeting.

#### **5.3.6 Agendas and Minutes**

Agendas and minutes must be prepared for each meeting of an Specific Purpose Committee. The agenda must be provided to members of the committee not less than 48 hours before the time fixed for the holding of the meeting.

The Chairperson must arrange for minutes of each meeting of the committee to be kept.

The minutes of a meeting of a Specific Purpose Committee must:

- (a) contain details of the proceedings and resolutions made;
- (b) be clearly expressed;
- (c) be self-explanatory; and

- (d) in relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process.

Minutes must be approved by the chair before being published or distributed and then formally endorsed at the subsequent meeting.

The committee must determine through its Terms of Reference whether minutes are to be made available to the public. As a general rule, committees are encouraged to provide this information to the public, with the exception of reports and attachments that are confidential in nature.

### **5.3.7 Voting**

Councillor and community members have voting rights unless otherwise stated in their Terms of Reference. Staff provide support and advice to the committee and have no voting rights unless specified in the Terms of Reference.

In the event of an equality of votes the chairperson has a second vote.

### **5.3.8 Conflict and Interest Provisions**

In performing the role of a Specific Purpose committee member, a person must:

- act honestly; and
- exercise reasonable care and diligence; and
- not make improper use of their position; and
- not make improper use of information acquired because of their position.

Where a member of the committee has an interest or conflict of interest in relation to a matter in which the committee is concerned, or is likely to be considered or discussed, the member must disclose the interest to the committee before the matter is considered or discussed at the meeting. Disclosure must include the nature of the relevant interest and be recorded in the minutes of the meeting.

- (a) Where a member has declared a conflict of interest they are to leave the room while any discussions or any vote is taken in relation to the matter.
- (b) The member is to remain outside the room or other area where meetings are being conducted so that they are both out of view or hearing of the matter.
- (c) The member may return to the room after consideration and all votes on the matter.
- (d) If a member is not intending to be at the meeting where he/she is aware that they have a conflict of interest in an agenda item they are to inform the chairperson of their conflict of interest before that meeting is held.

### **5.3.9 Reporting**

Specific Purpose Committees are required to prepare a formal report on an annual basis and also at the completion of its project as stated in their Terms of Reference. The report must be formally adopted by the committee and should directly reflect the objectives and performance measures of the committee as set out in the Terms of Reference.

A report will then be presented to Council detailing the outcomes of the committee and any recommendations to Council.

### **5.3.10 Administration Support**

Administration support where required, is provided to Specific Purpose Committees by the department whose functions are most aligned to the committee's objectives.

### **5.3.11 Sunset Clause**

All Specific Purpose Committees will sunset at the conclusion of the project they were created to undertake. If the committee considers that there is a need for its existence to be ongoing beyond the life of the project, the committee must dissolve and seek Council approval to create an appropriate Advisory Committee for the new purpose. A Specific Purpose Committee may be ongoing in that it undertakes a project on a regular basis, for example annually.

## **5.4 YOUTH COUNCIL**

The operations of the Youth Council is governed by the Colac Otway Shire Youth Council Charter which is adopted by Colac Otway Shire Council.

The Youth Council Charter includes:

- Preliminary statements on expectations, performance and confidentiality
- Objectives of the Youth Council
- Membership
- Term of Appointment
- Meetings
- Quorum
- Administration
- Office Bearers
- Finances
- Insurances
- Review

The Youth Council is required to recommend any changes to the Charter on an annual basis. All changes to the Charter will be subject to approval of the Colac Otway Shire Council.

## **5.5 EXTERNAL COMMITTEES**

Council does not have any power to enforce operating expectations on External Committees. There are however still some areas that are important to note regarding External Committees, these include:

### **5.5.1 Membership**

Councillors are appointed to External Committees annually. Staff are appointed to External Committees at the discretion of the Chief Executive Officer or their General Manager.

### 5.5.2 Conflict and Interest Provisions

In performing the role of External Committee member a person must:

- act honestly; and
- exercise reasonable care and diligence; and
- not make improper use of their position; and
- not make improper use of information acquired because of their position.

Where a member of the committee has an interest or conflict of interest in relation to a matter in which the committee is concerned, or is likely to be considered or discussed, the member must disclose the interest to the committee before the matter is considered or discussed at the meeting. Disclosure must include the nature of the relevant interest and be recorded in the minutes of meeting.

## 6. RELATED DOCUMENTS

- Policy No 15.2 “Section 86 Special Committees - Management of Council Owned and Controlled Properties”.

## 7. APPENDIX

- Council’s Responsibilities where Council is the “Committee of Management” – Appendix 1.
- Terms of Reference Template – Appendix 2.
- Current Committee Listing – Appendix 3.

### ADOPTED/AMENDMENT OF POLICY

<b>Policy Review Date</b>	<b>Reason for Amendment</b>
25 November 2008	Adopted by Council
28 October 2009	Review
24 July 2013	Review



## **WHAT ARE COUNCIL'S RESPONSIBILITIES WHERE COUNCIL IS THE "COMMITTEE OF MANAGEMENT?"**

### **INTRODUCTION**

A Crown Land Reserve is public land that has been set aside for public purposes for the enjoyment and benefit of the people of Victoria.

Council has been appointed under the Crown Land (Reserves) Act 1978 to manage a number of reserves on behalf of the Minister and have responsibility and authority to manage, improve, maintain and control the reserve.

Committees of Management can also consist of locally elected or appointed people, statutory bodies of trustees.

### **COMMITTEES OF MANAGEMENT RESPONSIBILITIES**

The powers given under the Crown Land (Reserves) Act 1978 enable committees to:

- Manage and develop the reserve;
- Undertake financial transactions including borrowing money and entering contracts;
- Enter tenure arrangements, such as leasing and licensing, for part or all of the reserve, subject to Minister's approval;
- Employ people;
- Enforce regulations.

### **POWER TO MANAGE THE RESERVE**

The main guiding principle in managing the reserve is that it is public land for the use and enjoyment of all.

Council must manage the reserve and its assets. May also develop and enhance them.

A Committee (Council) can:

- Set fees and charges
- Limit access
- Establish sub-committees

### **MANAGEMENT DOCUMENTS**

Committees are strongly recommended to prepare plans, for example:

- Management plan
- Works schedule

### **RISK MANAGEMENT**

Committees are required to:

- Undertake a formal risk assessment
- Develop a risk management plan
- Conduct an annual review

## **EMPLOYMENT POWER**

Council can utilise five categories of people who might work on our reserves:

- Volunteers
- Contractors
- Employees
- Tenants
- Other agencies

## **FINANCIAL POWER**

Committees of Management can enter into contracts, set fees and charges and spend revenue for the purposes of the reserves.

- Revenue received by a committee must be directed to activities associated with the reserve.

## **POWER TO DEVELOP THE RESERVE**

All proposed new developments are subject to the same approvals process as any other building or development on private land.

- For all developments on Crown land, prior to seeking any approvals a committee will need to consult with their local DSE office (Ballarat) as landowners consent is required.
- If consent is obtained, still subject to planning and building approvals.
- The Crown, not the committee, will become the owner of any development works on the reserve.

## **LEASING AND LICENSING POWER**

Committees can grant leases or licences for their reserve subject to Minister's consent.

- Before entering into any lease or licence negotiations, contact should be made with the local DSE office.

### **LEASES**

- Lease proposals require the approval of the Minister before entering into negotiations.
- Leases must comply with the requirements of DSE.
- Leases can only be issued up to the maximum term of 21 years.
- Must use standard DSE lease documents.

### **LICENCES**

- Licences are for non-exclusive use of part or all of a reserve.
- Licence proposals require the approval of the Minister and must comply with the requirements of DSE.
- A licence can be issued for up to 3 years.
- Must use standard DSE licence documents.

## TERMS OF REFERENCE

Committee Name:

Directorate	
Responsible Officer	
Committee Type	

### 1. PURPOSE

Briefly outline the purpose of the committee.

### 2. OBJECTIVES

Provide a brief explanation of the objectives of the committee including performance measures.

### 3. MEMBERSHIP, PERIOD OF MEMBERSHIP AND METHOD OF APPOINTMENT

Membership, period of membership and method of appointment will be determined in accordance with the committee types defined in the Council Committee Policy.

### 4. DELEGATED AUTHORITY AND DECISION MAKING

Delegated authority and decision making will be determined in accordance with the committee types defined in the Council Committee Policy.

### 5. MEETING PROCEDURES

Meeting procedures will be determined in accordance with the committee types defined in the Council Committee Policy.

### 6. CHAIRPERSON

The Chairperson will be determined in accordance with the committee types defined in the Council Committee Policy.

### 7. AGENDAS AND MINUTES

Preparation, distribution and availability of minutes will be determined in accordance with the committee types defined in the Council Committee Policy.

### 8. VOTING

Voting rights of committee members will be determined in accordance with the committee types defined in the Council Committee Policy.

### 9. CONDUCT AND INTEREST PROVISIONS

Conduct and interest provisions will be determined in accordance with the committee types defined in the Council Committee Policy.

**10. REPORTING**

Minimum reporting requirements will be determined in accordance with the committee types defined in the Council Committee Policy.

**11. ADMINISTRATION SUPPORT**

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

**12. SUNSET CLAUSE**

The committee will sunset in accordance with the committee types defined in the Council Committee Policy.

APPENDIX 3

**LIST OF COUNCIL COMMITTEES (as at March 2013)**

**(A) SPECIAL COMMITTEES (COUNCILLORS)**

- Planning Committee

**(B) OTHER S86 COMMITTEES**

- Alvie Recreation Reserve
- Barongarook Public Hall and Tennis Reserve
- Barwon Downs Hall
- Beech Forest Hall
- Beech Forest Recreation Reserve
- Birregurra Hall
- Carlisle River Recreation Reserve
- Chapple Vale Hall
- Colac Municipal Aerodrome
- Cororooke Public Hall
- Cressy Hall
- Eurack Hall and Tennis Reserve
- Irrewillipe Public Hall and Reserve
- Kennett River Tennis Reserve
- Lavers Hill Waterhole Reserve
- Larpent Recreation Reserve
- Lavers Hill Public Hall
- Old Beechy Rail Trail
- Pennyroyal Hall and Tennis Reserve
- Pirron Yallock Recreation Reserve
- Stoneyford Hall
- Swan Marsh Hall and Tennis Club
- Tirrengower Drainage
- Warncoort Tennis Reserve
- Warrion Public Hall
- Yeo Recreation Reserve

**(C) COUNCIL ADVISORY COMMITTEES**

- Audit Committee
- Australia Day Advisory Committee
- Central Reserve Advisory Committee
- Chief Executive Appraisal Committee
- Colac Livestock Selling Centre Advisory Committee
- Festival and Events Support Scheme Advisory Committee
- Friends of the Botanic Gardens Advisory Committee
- Grants/Community Funding Advisory Committee
- Lake Colac Co-ordinating Committee
- Municipal Emergency Management Planning Committee (MEMPC)
- Small Town Improvement Program Advisory Committee