

Council Committees, Reference Groups and External Committees Policy



11 May 2022

This policy was adopted by Council to set governing principles in place that align with the Strategic Community Plan 2040: Focus Area Performance: Outcome PF.1: Responsible planning and ownership of outcomes.

Objectives

To provide for the governance of Council Committees, Operational Reference Groups, Community Project Reference Groups and External Committees, inclusive of requirements for establishment, appointment and reporting.

Application

This policy applies to Council Committees, Operational Reference Groups, Project Reference Groups and External Committees / Groups. Responsibility for the implementation of this policy rests with the President, Councillors, Council delegates and Chief Executive Officer.

Definitions

Council Committee means a Committee established under the Section 5.8 of the *Local Government Act 1995*, or Section 38 of the *Emergency Management Act 2005*, or Section 67 of the *Bush Fires Act 1954*. The purpose of the Council Committee is directly linked to a statutory function of Council.

Operational Reference Group means a group created for the sole purpose of providing technical advice on operational matters in a manner that complements staff competencies. An Operational Reference Group has no direct tie to a statutory function of Council.

Community Project Reference Groups means a group convened in relation to a specific policy development, planning process, capital project or other time limited project and provide a mechanism to engage with the community to achieve specific pre-determined objectives. These groups are established for a fixed period only.

External Committees / Groups means groups that are operated by organisations external to the Shire of Augusta Margaret River and are not subject to this policy even if they have as members, elected members or officers appointed to represent the interests of the Shire.

Committee Member means a person appointed to a Council Committee and includes Councillors, Community Members and/or Organisational Representatives.

Community Members means a person appointed to represent their own views.

Organisational Representative means a person appointed to represent views of the organisation, community group or club.

Policy

Council and the Shire will promote and facilitate diverse participation in Council committees and Reference groups, to be inclusive of community members from a diverse range of backgrounds. Committees and Reference Groups will strive for gender balance and for the inclusion of people of diverse ages, races, sexualities and abilities.

1. Council Committees

Under Section 5.8 of the *Local Government Act 1995*, the Council may establish Committees to assist the Council and to exercise the powers and discharge the duties of the Council that can be delegated to a Committee. Committees report to the Council and can be established for a particular purpose, with a completion date, or can be ongoing. Committees assist good governance when they share the workload and responsibilities of the Council as a whole.

1.1 Purpose

Council Committees make recommendations for consideration by members of the Council or may have delegated functions based on their Terms of Reference which would have been adopted by Council. The Council has the right to amend these Terms of Reference or alter/disband or establish any new Council Committees at any time.

A Council Committee either discharges the duties or exercises the statutory powers of the Council under delegation or assists Council in its performance of those powers and duties by directly advising Council.

The objectives of a Council Committee must relate to the statutory functions of Council, be strategic in nature and must not relate to the operational function of the Shire.

1.2 Establishment / Terms of Reference

The Terms of Reference of each Council Committee must set out the terms of membership to cease at the date of the local government elections, after which time members may be appointed for a further term. Appointment of members can only be made by way of a formal decision of the Council by absolute majority.

A biannual review of each Council Committee's purpose (and delegation if applicable) must be undertaken prior to the local government elections to determine whether they are relevant and whether the Council Committee is still required.

The Terms of Reference should include:

- a) The objectives of the committee;
- b) The number of Council members and other persons (community members or organisational representatives) to be appointed to the committee;
- c) Details of the delegation of any powers or duties to the committee under section 5.16 of the LG Act.
- d) Details of officers responsible for providing assistance to the committee.
- e) Appointment of Presiding and Deputy Presiding Member.

1.3 Meeting Procedure

Meeting will be convened, conducted and recorded in accordance with the Shire's Standing Orders Local Law and *Local Government (Administration) Regs 1996*.

Council Committee members are bound by the Code of Conduct for Councillors, Committees Members and Candidates and financial interest obligation under the LG Act.

1.4 Reporting Information to Council

Officers are to ensure that all recommendations listed in the Council Committee minutes are referred to Council (as a written report) for consideration at the next Ordinary Council Meeting, where practicable.

2. Operational Reference Groups

2.1 Purpose

An Operational Reference Group may be established to provide advice on operational matters in a manner that complements staff competencies. An Operational Reference Group will provide opportunity for community members, organisational representatives or technical experts to provide comment, advice, local knowledge, information and feedback regarding plans, services and programs

The objective of Operational Reference Groups must be operational in effect with the aim to merely provide advice to officers in the performance of their roles.

2.1 Establishment / Terms of Reference

To establish an operational reference group, the CEO must prepare a Terms of Reference which:

- a) Set the purpose and objective of the group in alignment with the Community Strategic Plan
- b) Determine the length of the group's term and any extensions
- c) Endorse the criteria for membership and composition of the group
- d) Reporting requirements

2.2 Meeting Procedure

Meetings will be conducted in an informal manner leading to greater opportunities for discussion.

- Meetings do not require quorum;
- Meetings to be convened on an as needs basis;
- Potential for members with conflicts of interest to participate in discussion .

2.3 Reporting information to Council

To ensure Council are aware of Operational Reference Groups, their purpose and topics of discussion and meeting outcomes:

1. Meeting minutes are to published on the Councillors electronic sharing platform;
2. Councillors are to be invited to attend a session to meet and engage with group members once per year.

3. Community Project Reference Groups

3.1 Purpose

Community Project Reference Groups specifically relate to policy development, planning processes, capital projects or other time limited projects and provide opportunity for community members, organisational representatives and/or technical experts to collaborate and deliberate in order to develop meaningful feedback, advice, and to share local knowledge and information on a specific topic and for a fixed period of time.

3.2 Establishment / Terms of Reference

A Community Project Reference Group may be established throughout the year as an engagement mechanism to develop community consensus on matters that have broad competing needs. Each group will be formed for a fixed period of time and with a bespoke Terms of Reference which ensures balanced membership depending on the specific pre-determined project objectives. These groups are coordinated and led by Shire Officers and membership does not include Councillors.

3.3 Meeting Procedure

Meeting structure, duration and style will be determined for each group as part of the engagement design process and depends on the specific pre-determined project objectives. Meetings will generally be conducted in an informal manner, in some cases more of a workshop style, and in a way that fosters a safe space for discussion. This may include:

- Sharing of meeting hosting and facilitation, which may involve industry experts or independent coaches where necessary;
- Meetings not requiring a quorum;
- Meetings convened on an as needs basis;
- Potential for members with conflicts of interest to participate in discussion;
- Customised reporting to Councillors depending on the matter at hand and project context.

4. External Committees / Groups

Being a Council Delegate representing the Shire of Augusta Margaret River is an important role and carries with it a high level of responsibility. It is important to ensure that the most appropriate person is appointed for a delegate position and that clear guidance is given as to the obligations of the role.

Council will only consider the appointment of a delegate/s to an external committee or group in the following circumstances:

- a) Where the body/group/organisation represents state or regional interests that are likely to impact upon the Shire of Augusta Margaret River;
- b) Where the body/group/organisation represents local interests and the Council has a direct financial interest in the affairs of that group; or
- c) Where the body/group/organisation represents local interests and the group occupies Council property.

5. Councillor Delegates

5.1 Method for Appointing Councillors to Council Committees or External Committees / Groups

At a meeting of the Council where a Councillor is to be appointed to a Council Committee or external committee / group and there are more nominations than vacancies, the Chief Executive Officer is to conduct a secret ballot using the first past the post system to establish the preferred delegate or delegates to fill the position. In the event of a tied vote for a position, lots will be drawn by the Chief Executive Officer to determine the preferred delegate.

The Shire President or Presiding Member is then to call for a resolution of Council for the preferred delegate or delegates to be appointed to the vacant position and for the next preferred delegate to be appointed the deputy for the position to carry out the duties of the appointed Councillor in his or her absence when required.

Where a Councillor has indicated their desire to nominate for a delegate position and the time for acceptance of nominations closes prior to the next available Council meeting, the Chief Executive Officer is to forward the relevant nomination and subsequently advise Council of the nomination, so that it can be considered and ratified through the normal process. Where the number of nominations from Councillors exceed the number of vacant positions, the Chief Executive Officer will consult with the Shire President to determine an order of preference based on experience in the position of Councillor and interest and merit in the vacant position.

5.2 Delegate Roles and Responsibilities

Where a Councillor has been endorsed as Council's delegate for a Council Committee or external committee / group the delegate shall:

- a) Understand that their appointment / membership is as a representative of the Council and is by right of their position with Council;
- b) Ensure their availability to attend scheduled meetings, and where they are unable to do so, provide prior apology to the respective Presiding Member. The delegate must also provide timely notice of anticipated absences to any deputy delegate where one is appointed;
- c) Ensure that in participating and contributing to decision making of the external committee, body or organisation the delegate communicates and is cognisant of Council's determined position on matters before the external organisation;
- d) Perform the functions and duties of a delegate in accordance with the standards set out in the Shire's Code of Conduct for Councillors, Committee Members and Candidates; and
- e) Keep Council informed of the activities and achievements of the external committee, body or organisation in a timely manner.

Where a delegate has failed to attend three successive external organisation meetings, with or without apology, during a period where leave of absence has not been granted, the Council shall consider appointing a replacement delegate to ensure that the purpose and integrity of Council's participation in the external organisation is maintained.

If a delegate is unable to fulfil their commitment to an external organisation then the delegate must advise the Chief Executive Officer so that Council's consideration of appointing a replacement delegate can be facilitated and subsequent formal advice to the external organisation attended to.

Relevant legislation

Local Government Act 1995

Local Government (Administration) Regulations 1996

Shire of Augusta Margaret River Standing Orders Local Law

Related documents

Code of Conduct for Councillors, Committees Members and Candidates.

Document and version control table			
Responsible Directorate		Office of the CEO	
Contact officer		Governance Officer / Council Support	
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