

10.8 COUNCIL COMMITTEES POLICY - FOR PUBLIC EXHIBITION - ATTACHMENTS

Attachment Titles:

1. Draft Council Committees Policy - SVC-GOV-PO-110-02

Attachment 1 - ECM_3355982_v1_ECM_3221326_v9_20240726 - DRAFT - GOV - Council Committees Policy - SVC-GOV-PO-110-02



Policy Title	DRAFT Council Committees Policy
Policy Category	Public
Number & Version	SVC-GOV-PO-110-02
Policy Owner	Governance
Approval by	tba
Effective date	tba
Date for review	SEPT 2028

1. STRATEGIC PURPOSE

The establishment of a Council Committee (committee) reflects Snowy Valleys Council's (Council) commitment to involve the community in the provision of Council functions, with the aim of enhancing the opportunities for the towns and villages within the Local Government Area (LGA).

2. POLICY STATEMENT

A committee's primary role is to accept the responsibility for a function of Council through a delegation under the *Local Government Act 1993* (the Act). These functions can include the provision of services and/or management of Council-owned facilities, such as public halls or recreation reserves.

This Policy applies to all committees of the Council except:

- Committees of which all the members are Councillors ('Committee of the Council' as defined in Council's *Code of Meeting Practice*). These committees must conduct their meetings in accordance with Council's *Code of Meeting Practice*.
- Committees of which all the members are staff. These committees are operational and do not require Council adoption, although they may follow the *Council Committees Operations Manual* for guidance.

3. DEFINITIONS

Functions of Council	<p>Under Section 21 of the Act, Council's functions can be grouped into the following categories</p> <ul style="list-style-type: none"> • Non-Regulatory Functions (chapter 6) • Regulatory Functions (chapter 7) • Ancillary Functions (chapter 8) • Revenue Functions (chapter 15)
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	<ul style="list-style-type: none"> • Administrative Functions (chapters 11,12, and 13) • Enforcement Functions (chapters 16 and 17) <p>Council's <i>Information Guide</i> explains in more detail the functions of Council.</p>
Terms of Reference (ToFR)	Agreed purpose, objectives, and management of the committee formed in partnership with Council and adopted by Council.

4. CONTENT

4. Rules Governing the Appointment of a Committee

The following sections of the Act allow Council to delegate functions and appoint committees to manage those functions.

Section 24 - Provision of goods, services and facilities and carrying out of activities

Council may provide goods, services, and facilities, and carry out activities, appropriate to the current and future needs within -its local community and of the wider public, subject to the Act, the regulations and any other law.

Section 377 General power of the Council to delegate

Council may, by resolution, delegate some of its functions to a committee.

Section 355 How a Council may exercise functions

A function of Council may be exercised by a committee of the Council.

4.1 Establishment of a Committee

Committees are established by resolution of Council to manage a function on Council's behalf. Members of that committee are considered and appointed to the committee by Council in accordance with the committees adopted *Terms of Reference*. Members of committees are considered Council officials under Council's *Code of Conduct* and therefore may require some participants to become volunteers of Council.

In determining whether or not to appoint a committee, Council will consider the following:

- Is the activity being performed a Council function?
- In the absence of the committee, would Council still undertake the function?

Council will not appoint committees to overcome the inability of community groups to obtain insurance cover or any other factor inhibiting the functioning of the community group, such as financial distress or lack of volunteers.

4.2 Types of Committees

Advisory Committees whose membership may include experts, professionals, government employees, community representatives and Council employees as well as Councillors. Advisory committees are often used by Council to obtain advice on complex matters.

Community Committees (Section 355) are delegated by the Council to perform certain functions of the Council (such as managing a Council owned facility) and may have Councillors or Council employees as delegates. Membership consists of community members who must be registered and inducted volunteers of Council as per Council's *Volunteer Policy*. These members must be appointed to the committee by Council.

Volunteer Working Groups are groups of people that come together for a purpose including consultation and have a dedicated staff delegate. They are not required to follow a formal committee governance structure regarding reporting requirements, etc. There is no Councillor delegate required and no recommendations provided to Council via meeting minutes. Working Groups may be either Committee-based or volunteer-based.

4.3 Legal Status

From a legal perspective, it is important for committees to be aware that they are, in fact, acting on Council's behalf and all decisions and/or recommendations are made as if they were made by the Council. Legally, the committee is "Council" and any action which the committee undertakes is conducted under Council's authority.

A committee has no independent legal or operational standing in their own right. Council delegates its authority to the committee to act on behalf of the Council and can withdraw this delegation at its discretion.

The term of office for committees will be the same term as the current Council, with the addition of an extra three months after the general election of Councillors, unless established as a sunset committee, i.e. with a specified end date.

4.4 Council's Commitment to Committees

Council is committed to implementing a framework to ensure that committees are provided with:

- Best practice in committee management
- An opportunity to be involved in decisions that affect them or the function they are performing
- Clarity regarding roles and expectations
- Relevant policies & procedures and legislative requirements
- Appropriate resources to conduct their activities as per the committee's *Terms of Reference*
- Leadership and guidance to enable the committee to undertake their function
- Mechanisms for resolving disputes and grievances.

4.5 Committee Commitments

Committees are committed to ensuring they comply with Council requirements by:

- Complying with legislative requirements
- Complying with the relevant committee *Terms of Reference*
- Distributing agendas, taking minutes, submitting documentation and recommendations to Council in a timely manner
- Being accountable for effective financial management
- Complying with Council's *Code of Conduct*
- Complying with Council's *Council Committees Operations Manual*
- Complying with Council's policies and procedures

- Complying with any reasonable instruction given by designated Council employees
- Not bringing Council and its reputation into disrepute
- Not speaking on Council's behalf to the media
- Providing Council with copies of relevant documents when requested

4.6 Limitations of Power

There are a number of responsibilities that cannot, under legislation, be delegated to or enacted by a committee. These limitations and restrictions are set out under Section 377 of the Act.

Section 377 of the Act states

*"A council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, **other than the following:***

- (a) The appointment of a general manager,
- (b) The making of a rate,
- (c) A determination under section 549 as to the levying of a rate,
- (d) The making of a charge,
- (e) The fixing of a fee,
- (f) The borrowing of money,
- (g) The voting of money for expenditure on its works, services or operations,
- (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
- (i) The acceptance of tenders to provide services currently provided by members of staff of the council,
- (j) The adoption of an operational plan under section 405,
- (k) The adoption of a financial statement included in an annual financial report,
- (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
- (m) The fixing of an amount or rate for the carrying out by the council of work on private land,
- (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
- (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
- (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
- (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
- (r) A decision under section 234 to grant leave of absence to the holder of a civic office,

- (s) The making of an application, or the giving of a notice, to the Governor or Minister,
- (t) This power of delegation,
- (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.

In addition to this, committees are also subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of Council or notified in writing by the General Manager to committees.

5 ASSOCIATED LEGISLATION

Crown Lands Act 1989

Work Health and Safety Act 2011

Local Government Act 1993

Local Government Regulation 2021

6 ASSOCIATED COUNCIL DOCUMENTS

Code of Conduct - SVC-RP-STY-001

Council Committees Operations Manual - SVC-GOV-Gdl-028

Committee Terms of References (various)

Information Guide - SVC-EXE-Gdl-001

Public Interest Disclosure Policy – SVC-EXE-PO-039

Work Health and Safety Policy – SVC-WHS-PO-051

Volunteer Policy - SVC-GOV-PO-025

7 HISTORY

Date	Action	Name	Policy Number	Resolution Number	Resolution date
16.07.2020	Endorsed by Council for Public Exhibition	Council Policy Committees	SVC-GOV-PO-110-01	M154/20	16.07.2020
19.11.2020	Endorsed by Council for Public Exhibition for a further 56 days	Council Policy Committees	SVC-GOV-PO-110-01	M270/20	19.11.2020
18.02.2021	Adopted by Council	Council Policy Committees	SVC-GOV-PO-110-01	M02/21	18.02.2021
TBA	TBA	Council Policy Committees	SVC-GOV-PO-110-02		