

COMMITTEE POLICY

1.0 Purpose

This policy is intended to provide a consistent basis for the establishment and operation of Council Committees and provide:

- Support and direction in the formation of Committees and distinction between the roles and responsibilities of different Committees; and
- Council with an opportunity to monitor the performance and relevance of all Committees against the Council Plan, the documented Terms of Reference and objectives of each Committee to ensure that Committees do not operate in perpetuity beyond achieving their purpose.

This policy intends to promote a collaborative environment with Council and the community; and it is expected that all members will contribute to the Committee on equal terms, openly, honestly and without fear of discrimination.

2.0 Scope

In accordance with Section 63 of the *Local Government Act 2020* (the Act), Council may establish Delegated Committees to provide forums for the community to engage with Council, present views and support Ballarat City Council on issues relevant to Council activities.

In accordance with Section 65 of the Act, Council may establish a Community Asset Community for the purpose of managing a community asset in the municipal district.

Councillors, Delegated Committee members, Community Asset Committee members and Council Officers are to comply with this policy to meet legislative requirements.

3.0 Policy Statement

3.1 Delegated Committees

In accordance with section 63 of the Act, Council may establish one or more Delegated Committees. Council defines the purpose and membership of a Delegated Committee as a formally appointed Committee established under section 63 of the Act. The Council may formally delegate decision-making powers and responsibility to Delegated Committee members through an Instrument of Delegation. This Instrument spells out the Committee member's roles and enables them to exercise functions and powers of Council, within certain constraints.

3.1.1 Terms of Reference

A standard Terms of Reference template creates a common ground for all Committees. The Terms of Reference will provide a framework within which the Committee operates. A template is available from the Risk & Compliance Team. The Terms of Reference for a Delegated Committee must:

- Be presented to Council for consideration and adoption;
- Include a clear statement of purpose and the Committee's objectives. Objectives should be supported by measurable outcomes that are reported to Council; and

- Be reviewed by the Committee as it sees fit. Any proposed changes to the Terms of Reference resulting from a review must be agreed on by the Committee and be presented to the Council for formal approval; and
- Be available on the Council's website and electronic record system.

The Terms of Reference are subject to Council resolution and are not effective until that approval through a resolution has been received.

3.1.2 Membership, Period of Membership and Method of Appointment

As per Council's Governance Rules, Councillors are appointed to Delegated Committees annually. Council Officers are appointed to Committees at the discretion of the Chief Executive Officer.

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

Council may appoint or remove members of the Delegated Committees at any time pursuant to section 63(1)(b) of the Act and in accordance with the Terms of Reference. Membership changes need to be adopted by Council.

Council Officers are there to provide advice and support to the Committee where appointed.

Delegated Committee members are obligated to lodge Returns of Interests that disclose information about personal circumstances that may give rise to conflicts of interests in certain circumstances to ensure compliance with section 81 of the *Local Government Act 1989*.

3.1.3 Delegated Authority and Decision Making

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

The Instrument of Delegation is not effective until approval through a resolution has been received and the document is signed and sealed with Council's Common Seal, however, the previous Instrument of Delegation will remain in force until the seal has been fixed on the approved Instrument of Delegation. The Risk & Compliance Team will arrange for Signing and Sealing.

3.1.4 Production of Agendas and Minutes

In accordance with Council's Governance Rules, an agenda must be prepared and distributed prior to each meeting of the Delegated Committee at least two business days before the meeting. The agenda serves to list the matters to be discussed at the meeting in order to keep the discussion focused and to assist with time management of the meeting. The agenda should address meeting formalities such as:

- Time, date, location, meeting name;
- Attendances and apologies;
- Declaration of conflicts of interests;
- Acceptance of minutes from the previous meeting;
- Note of actions from previous meeting;
- Reports (special projects, correspondence, etc.);
- Matters arising not on the agenda;
- Action items from this meeting; and

- Date of next meeting.

The Chairperson must prepare and circulate the minutes of all meetings and forward to the Committee members within 14 days of holding the meeting. The minutes of the Delegated Committee must:

- a) Contain details of the proceedings and resolutions made;
- b) Be clearly expressed;
- c) Be self-explanatory;
- 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; and
- e) Resolutions made at the meeting must clearly state the intention and effect of the resolution.

The Chairperson must arrange for minutes of each meeting to be kept. The Chairperson must submit the minutes of a Committee meeting to the next meeting of the Committee for confirmation and adoption. On adoption, the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.

In addition, the minutes must be provided to the Risk and Compliance Unit by post, email or by hand to:

City of Ballarat – Risk and Compliance
Governance@ballarat.vic.gov.au

PO Box 655
Ballarat, Vic 3353

Agendas and minutes are to be lodged in and made available on Council's electronic document management system and will be placed on Council's website unless the details on the decisions are confidential.

3.1.5 Dissolution

Delegated Committees may at any meeting agree to disband and return its responsibilities to Council. In this instance, Council requires immediate notification in writing of the Committee's intention before dissolution. Alternatively, if the Delegated Committee does not fulfil its obligations, Council may disband the Delegated Committee. In either case, the Chairperson is obliged to make the following arrangements within one month of disbanding:

- The Delegated Committee bank account must be closed, and the balance immediately forwarded to Council; and
- All keys to buildings must be returned to Council.

Dissolution requires a formal resolution of Council. In order for this to occur the Committee must pass a resolution to disband or change its status from a Delegated Committee to an Advisory Committee of Council. The Risk & Compliance Team will be able to provide assistance and the following is required:

- Recommendation to endorse that the Delegated Committee disband or change its status from a Section 63 Delegated Committee to an Advisory Committee;
- Recommendation to revoke the Instrument of Delegation; and
- If changing status, recommendation to endorse the Advisory Committee Terms of Reference.

3.1.6 Council expenses

In accordance with section 41 of the Act, Council must reimburse out of pocket expenses for Councillors and members of Delegated Committees.

3.1.7 Indemnity provision

In accordance with section 43 of the Act, Council must indemnify and keep indemnified each Councillor, member of a Delegated Committee and a member of a Community Asset Committee against all actions or claims whether arising during or after their term of office in respect of anything necessarily done or reasonably done or omitted to be done in good faith:

- In the performance of a duty or function or the exercise of power under this Act, the regulations or a local law or any other Act; or
- In the reasonable belief that the act or omission was in the performance of a duty or a performance or the exercise of a power under the Act, the regulations or a local law or any other Act.

3.2 Community Asset Committees

The main function of a Community Asset Committee is to assist the Council in managing a community asset in the municipal district. A Community Asset Committee lifespan should be aligned with and be focussed on the Council Plan and Strategy. The Chief Executive Officer may by Instrument of Delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer to members of the Community Asset Committee.

3.2.1 Terms of Reference

A standard Terms of Reference template creates a common ground for all Committees. The Terms of Reference will provide a framework within which the Committee operations. A template is available from the Risk & Compliance Team. The Terms of Reference for a Community Asset Committee must:

- Include a clear statement of purpose and the Committee's objectives. Objectives should be supported by measurable outcomes that are reported to the Council;
- Be reviewed by the Committee as seen fit. Any proposed changes to the Terms of Reference resulting from a review must be agreed on by the Committee and be presented to the Council for formal approval; and
- Be available on the Council's website and electronic record system.

The Terms of Reference are subject to Council resolution and are not effective until that approval through a resolution has been received.

3.2.2 Membership, Period of Membership and Appointment

In accordance with section 65(1) of the Act, Committee members are appointed by Council. Council Officers are appointed to Committees at the discretion of the Chief Executive Officer. The Chief Executive Officer may formally delegate decision-making powers and responsibility to Community Asset Committee members through an Instrument of Delegation. This Instrument spells out the Committee member's roles and enables them to exercise functions and powers of Council, within certain constraints.

All appointments to Community Asset Committees are subject to Council resolution and are not effective until that endorsement has been received via a report to Council.

Council may appoint or remove members in accordance with the Terms of Reference.

Council Officers are there to provide advice and support to the Committee where necessary and have no voting rights.

3.2.3 Delegated Authority and Decision-Making Powers

Community Asset Committee members have delegations from the Chief Executive Officer in accordance with section 47(1) of the Act. To comply with section 47(4) of the Act the delegation to the members of a

Community Asset Committee to be subject to the terms and conditions specified by the Chief Executive Officer, which must include the following:

- The specified limit on any financial delegation and the specified purpose for which the financial delegation may be used;
- Compliance with specified governance requirements to ensure appropriate standards of probity are met; and
- Specified monitoring and reporting of the activities and performance of the Community Asset Committee.

3.2.4 Production of Agendas and Minutes

Agendas and minutes must be prepared for each meeting of a Community Asset Committee. The agenda must be provided to members of the Committee at least two days before the time fixed for the holding of the meeting.

The Chairperson must arrange for minutes of each meeting to be kept. The minutes of a meeting of a Community Asset Committee must:

- Contain details of the proceedings and resolutions made;
- Be clearly expressed;
- Be self-explanatory; and
- 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 Chairperson before being published or distributed and then formally endorsed at a subsequent meeting.

The minutes, once adopted at the next meeting are to be submitted to Council via the Risk and Compliance Unit by post, email or by hand to:

City of Ballarat – Risk and Compliance
Governance@ballarat.vic.gov.au
PO Box 655
Ballarat, Vic 3353

The Chief Executive Officer must submit an annual report in relation to the activities and the performance of the established Community Asset Committees.

3.2.5 Dissolution

Community Asset Committees may at any meeting agree to disband. In this event, Council requires immediate notification in writing of the Committee's intention before dissolution. Alternatively, if the Community Asset Committee does not fulfil its obligations, Council may disband the Community Asset Committee.

Dissolution requires a formal resolution of Council. In order for this to occur, the Committee must pass a resolution to disband. The Risk and Compliance Unit will be able to provide assistance and the following is required:

- The record of the meeting disbanding needs to be forward to governance@ballarat.vic.gov.au;
- A Council report recommendation to endorse that the Community Asset Committee disband;
- A recommendation to revoke the Terms of Reference; and
- The Instrument of Delegation from the CEO would need to be revoked by the CEO.

4.0 Supporting documents and references

4.1 Legislation

- *Local Government Act 1989*
- *Local Government Act 2020*
- *Local Government (General) Regulations 2015*

4.2 Associated Documents

- Governance Rules
- Councillor Code of Conduct
- Employee Code of Conduct
- *The Role and Future of Citizen Committees in Australian Local Government 2013*

5.0 Policy owner

Executive Manager Safety, Risk and Compliance

6.0 Authorisation

Adopted by Ballarat City Council, 12 August 2020. R206/20.