



HUON VALLEY COUNCIL

Committees Policy

GOV-CORP 017

| Version Number | Approval Date |
|----------------|-------------------|
| 1 | 26 September 2018 |

| Authority and Other Information | |
|--|---|
| Date of approval | 26 September 2018 |
| Reviewed | Not applicable |
| Source of approval | Council by Resolution No. 15.034/18* |
| Date of commencement | 26 September 2018 |
| Source of authority | Sections 23 and 24 of the <i>Local Government Act 1993</i> |
| Legislative Reference | Sections 23 and 24 of the <i>Local Government Act 1993</i> |
| Delegations | Not applicable |
| Strategic Plan Reference | 5 |
| Date of review | At least once every 4 years but not later than September 2022 |
| Previous policies withdrawn or amended | Not applicable |
| Department responsible for policy | Legal and Governance Services |
| Department responsible for implementation | Legal and Governance Services |
| Publication of policy | A copy of the Policy be placed on Council's website and copies made available for inspection at and free of charge from the Customer Service Centre. |

1. Purpose and Background:

1.1 Background

The Huon Valley Council has historically utilised committees that have been established, particularly as Special Committees, under the provisions of the *Local Government Act 1993* (the Act).

Over the years these committees have taken many forms, Advisory Committees, Township Committees, Councillor Committees and Management Committees.

Other less formal Committees, that is not under the Act, have also been established from time to time including streetscape reference groups.

Committees are established under Terms of Reference which set out the role of the committee along with the structure of the committee and how it is to operate.

Committee membership, how a committee is constituted is determined by the Council as part of the Terms of Reference.

Traditionally membership has been broad depending upon the nature of the Committee. Some committees have been made up solely of community representatives who have nominated as a member. Some committees may be made up solely of stakeholder representative whilst other committees include a mix of community and specific stakeholder representatives.

1.2 Legislative Context

Committees may be established in accordance with relevant legislative provisions which include general powers to establish a Council Committee under section 23 of the *Local Government Act 1993* and a Special Committee under section 24 of the Act.

Council is also required to establish, manage or participate in Committees established for a specific purpose under legislation. The Council's Audit Panel established under section 85A of the Act and the Municipal Emergency Management Committee established under the *Emergency Management Act 2006* are examples of these.

1.3 Purpose

The purpose of this Policy is to establish principles for the Council to consider when establishing, reviewing a Committee or undertaking alternative forms of engagement and to ensure effective decision making by the Councillors as a collective.

2. Definitions:

In this Policy:

“Act” means the *Local Government Act 1993*;

“Committee” means a Council Committee, Special Committee or Statutory Committee;

“Council Committee” means a Committee established under section 23 of the *Local Government Act 1993*.

“Councillor Committee” means any Committee, whether a Council Committee or Special Committee that is made up solely of Councillor Members.

“Management Committee” means a Special Committee established for the purpose of managing Council land, building or facility;

“Meeting Procedures Regulations” means the *Local Government (Meeting Procedures) Regulations 2015* or any replacement thereof;

“Special Committee” means a Committee established under section 24 of the *Local Government Act 1993*;

“Statutory Committee” means a Committee, Panel, Group or other type of body that is established and managed by Council under any legislation;

“Terms of Reference” means a document approved by the Council setting out the purpose, scope, objectives, limitations and operational structures of a Committee and, for the purposes of this Policy includes a Charter, Acts, Regulations or similar authority that provides for the particular Committee.

3. Policy Statement:

3.1 Special Committees

3.1.1 Policy Statement

The Council acknowledges that Special Committees may be established for specific purposes that the Council may require including, but not limited to, for:

- delegated decision making;
- provision of advice on development or implementation of a strategy, plan or project;
- undertaking action on a strategy, plan or project;
- management of Council land or facilities; and,
- actively engaging with the Huon Valley community.

The Council also acknowledges that the formality of a Committee is not the only effective means of engagement with the Huon Valley community.

It is therefore key principle of this Policy that the Council will only establish a Committee in where one or more of the following circumstances occur:

- Membership of a group or body proposed to be established by the Council requires a formal structure and protection under the *Local Government Act 1993*; and/or
- There is a statutory requirement for the Council to establish and maintain a particular Committee; and/or
- There is a need for the Committee to be able to undertake decision making on behalf of the Council under delegation; and/or
- It is reasonable to conclude that there are no alternative forms of engagement available to effectively address the issue, activity or matter under consideration other than by a Committee;

In all other circumstances the Council will consider alternative forms of groups or bodies as part of engagement which does not require establishment of a formal committee.

Committees must be provided with appropriate budget and resourcing to ensure that they are operated in an effective manner.

3.1.2 Life of a Committee

In establishing a Special Committee the Council is to consider the time period necessary for the Committee to carry out its purpose.

A Special Committee, other than a Councillor Committee or a Management Committee, may only be established for a defined period of time and, upon expiration of the defined period may only be continued following a review of that Committee for its purpose and relevance being undertaken.

3.2 Councillor Committees

Except as set out below, when establishing a Councillor Committee it will be established as a Council Committee to be open to the public except when dealing with matters that are properly considered in Closed Council under Regulation 15 of the Meeting Procedures Regulations.

The Council will only establish a Councillor Committee as a Special Committee where the entirety of the matters to be discussed and dealt with by that Committee are matters that are properly considered in Closed Council under Regulation 15 of the Meeting Procedures Regulations. In these circumstances only, the meetings will be entirely closed to the public.

3.3 Statutory Committees

The Council will establish, manage or participate in Statutory Committees in accordance with the relevant legislative requirements.

3.4 Committee Membership

3.4.1 Membership Composition

Each Committee will be comprised of such numbers and representation as determined by the Council at the time of establishment of the Committee and as reviewed from time to time.

3.4.2 Councillor Membership

Except in the case of Councillor Committees, Councillor membership is not required for a Special Committee.

When establishing a Committee the Council is to consider and determine whether or not a Councillor member is required on the Committee and the reason and purpose for that membership.

Councillor Members of any Committee will be appointed in accordance with the process set out in the Governance Framework or the Terms of Reference for the relevant Committee.

3.4.3 Non- Councillor Membership

Non-Councillor members of any Committee will be appointed in accordance with the process set out in the Terms of reference for the Relevant Committee.

3.4.4 Chairperson

Where a Councillor is a member of a Special Committee, not being a Councillor Committee, the Councillor will be Chairperson of the Committee unless otherwise determined by the Council.

The Chairperson of a Special Committee being constituted by all non-Councillor Members, will be elected from the Members and by the Members in accordance with the Terms of Reference for that Committee.

3.5 Delegations

A Committee may be delegated such functions and powers as determined by the Council from time to time in accordance with the requirements of the *Local Government Act 1993* or other relevant legislation.

4. Application:

This Policy applies to all decisions of the Council when considering establishing and reviewing a Committee.

Other than to acknowledge the mandatory requirement, this Policy does not otherwise apply to Statutory Committees to the extent that it is inconsistent with any Act, Regulation, or statutory Charter required for that Committee.

5. Procedures:

5.1 Terms of Reference

Each Committee established under this Policy will operate in accordance with Terms of Reference as determined by the Council at the time of establishment of the Committee and as reviewed from time to time.

5.2 Committee Review

Each Committee will be reviewed at least once every 4 years unless in accordance with the Terms of Reference for that Committee.

5.3 Councillor Attendance

Any Councillor who is not a Member of a Committee is entitled to attend and observe a meeting of any Committee unless otherwise provided in the Terms of Reference for that Committee, relevant statutory requirement.

As an observer to a meeting a Councillor attending may not contribute to the meeting, or ask a question unless invited to do so by the Chairperson of the meeting in accordance with the Terms of Reference for that Committee.

5.4 Public Access to Special and Statutory Committees

A meeting of a Special Committee or a Statutory Committee is not open to the public unless in accordance with the Terms of Reference for that Committee or a relevant statutory requirement or the Committee resolves to allow the meetings to be open to the public for a specific purpose.