

POLICY

TITLE:	Council Committee Terms of Reference Policy		
ADOPTED BY:	Chief Executive Officer (CEO): OMC-24/350		
DATE OF ADOPTION:	29 Nov 2024	DATE OF REVIEW:	29 Nov 2026
POLICY NUMBER:	105		
LEGISLATIVE REF:	<i>Local Government Act 2019; Part 5-6 (The Act) Assembly Members and Statutory Officers (Remuneration & Other Entitlements) Act 2006</i>		

1. INTRODUCTION

1.1. Purpose

The purpose of this Policy is to ensure consistency across the formation and operation of Council Executive and Advisory Committees.

1.2. Scope

This Policy applies to all elected members, employees and community members who are appointed to or involved in Council's Executive and Advisory Committees established from time to time by resolution of Council.

Committees to Council may not consist of Elected Members.

1.3. Definitions

Council Committee means a committee established by Council for a set purpose and set period.

Advisory Committee refers to a committee formed by resolution of Council, and which is appointed to give considered advice and recommendations on assigned functions.

Advisory Committees are made up from members of the public and Council staff. Power to make recommendations is undertaken at the commencement of each Council term.

Advisory Committees report to Council.

Audit and Risk Committee refers to a committee formed by resolution of Council, and which is established to monitor and review the integrity of Council's financial management and internal controls, and to make recommendations to the Council about any matters the committee considers require the Council's consideration as a result of the committee's functions.

The Audit and Risk Committee consists of the persons appointed, by resolution, by the Council to be members of the Committee. The members of this Committee may consist of or include persons who **are not** Elected Members. However, the Chairperson of this Committee must not be a member of the Council, or a member of the Council's staff.

Committee Member means an individual or organisation represented by a delegated person who is appointed to the committee for a defined term.

Committee Secretariat/Secretary means the Council officer(s) appointed by the CEO as having responsibility for committee meeting process.

1.4. Responsibilities

All persons within scope of this Policy are required to adhere to this Policy and its associated procedures. The CEO is accountable for the overall management of this Policy.

1.5. Policy Objectives

To ensure consistent practices are followed for the establishment, operation and administration of Council Committees.

2. MEETING ETIQUETTE

Committees shall make every effort to make members or presenters feel welcome and to extend courtesy to them.

Questions shall be framed and asked in a polite manner.

When addressing a Committee, presenters shall, at all times, be polite and shall keep the presentation as brief as possible, in observance of the following guidelines:

- Keep the presentation as brief as possible and avoid, wherever possible, repeating what has already been provided in writing;
- Be clear and precise as to what you are seeking;
- Provide advance copies of materials or handouts.

It is requested that all attendees at Committee meetings refrain from the use and operation of mobile telephones. Should there be a need to receive urgent calls, phones must be turned to silent mode and the person must leave the room.

3. CALLING FOR NOMINATIONS

Council will seek nominations for Council Committees by:-

- Posting the call for nominations on Council's website
- Posting notice on community notice board
- Writing to various organisations and Government bodies requesting them to nominate their representatives to the Committee

Elected members on suspension are not permitted to join advisory committees and continue to contribute towards the development of their committees.

4. ESTABLISHING COMMITTEES OF COUNCIL

- 1) Council may, by resolution establish one or more Council Committees upon receipt of a report from the CEO providing reasons necessitating the need to establish the committee/s, how long the committee's term should last, the number of members needed, where any allowances funds will come from, and the nature of Authority of the committee.
- 2) Council **must**, by resolution, establish and maintain an Audit committee, and in accordance with any guidelines the Minister may make.
- 3) Committee Members must be appointed by a resolution of Council. The terms and conditions on which a person holds office as a member of a Council committee are determined by Council.
- 4) Once Council approves the report recommending establishment of a new committee, the CEO will appoint a secretary to administer the committee. The secretary will coordinate with relevant personnel to draft committee terms of reference, as well as all related committee processes.
- 5) Subject to any direction by the Council, a Council committee may determine its own procedures.
- 6) Where the terms of reference contradict the Act, the provision of the Act will supersede the provision under the committee terms of reference.
- 7) The Council may, by resolution, abolish a Council or audit committee.

3.1 Committee Chairperson

The Chairperson of a Council committee is:

- a. for a Council Committee – a member appointed by Council to be the Chairperson; or

- b. for a Local Authority – a member appointed by the Local Authority to be the Chairperson; or
- c. for a Council Committee or Local Authority, if the Chairperson is not present (or no one is appointed to the position of the Chairperson at the time of the meeting) – a member chosen by the members present at the meeting to chair the meeting.

A quorum at a Council committee consists of a majority of its members holding office at the time of the meeting.

3.2 Committee Authority

Unless where Council has delegated a specific authority, Council committees and local authority committees cannot make decisions or form Policy on behalf of Council, nor can they direct Council Officers in the discharge of their responsibilities, nor are they responsible for expenditure.

3.3 Transparency

In order to maintain transparency of Committee operations, the following information is to be published on Council's website in respect of each Council Committee:

- a. the terms of reference
- b. the names of all members
- c. adopted minutes of each meeting

3.4 Committee Submissions to External Parties

From time to time, opportunities will arise to make submissions to other organisations in relation to the subject matter of the Committee. In these circumstances, Council may request a Committee to provide advice in relation to the development of a Council submission. While the Committee may provide significant advice, any final Council submission must be approved by the Council, or Council Officer under delegation, and must not be submitted by the Committee itself.

3.5 Committee Submissions Report

- a. As the appropriate mechanism for a committee to provide advice to Council, after the Council committee meeting, the Secretary in coordination with the Chairperson must send a committee report containing the committee recommendation to the CEO to be included in the agenda for the next Council meeting.
- b. Alternatively, following each meeting of the Committee, the committee may decide that the Chairperson present the report at a subsequent Ordinary Meeting of Council.
- c. While the Responsible Officer may assist in providing material to support the development of the Report, responsibility for its preparation and submission rests with the Chairperson.

5. COUNCIL COMMITTEES

Council has adopted by resolution, the following Council Committees:

a. Audit and Risk Committee

The role and functions of the Audit and Risk Committee is to:

- monitor and review the integrity of the Council's financial management;
- monitor and review internal risk control mechanisms;
- make recommendations to the Council about any matters the committee considers require the Council's consideration as a result of the committee's functions.

b. Finance Committee

The role and functions of the Audit and Risk Committee is to:

- monitor and review the integrity of the Council's financial management;
- monitor and review internal controls;

- make recommendations to the Council about any matters the committee considers require the Council's consideration as a result of the committee's functions.

c. Animal Management Committee

The role and functions of the Animal Management Committee is to:

- Compile an animal management plan for council approval;
- monitor and review the animal management plan;
- make recommendations to the Council surrounding funding opportunities.

6. CERTAIN MEETINGS TO BE OPEN TO THE PUBLIC

- 1) Members of the public are welcome to attend meetings of Council committees. The capacity of Council's Chamber will allow a maximum number of 10 members of the public.
- 2) Under the Regulations, a Committee meeting may be closed while confidential business is being considered. The confidential section follows the open section of the meeting.
- 3) If confidential business is considered at a meeting, the Agenda for the meeting must identify the type of matter that is to be considered at the meeting.
- 4) Members of the public attending committee meetings must adhere to the conditions of entry before entering Council meetings areas, both on and off Council premises.
- 5) Visitors and guests are required to sign the visitors log and provide photo identification to the Authorised Officer.
- 6) Despite the above requirement, if all members of the committee are attending a meeting by means of an audio or audiovisual conferencing system, the meeting must be accessible to the public by means of the audio or audiovisual conferencing system, and in accordance with Council's *Remote Attendance at Meetings (Members) Policy*.

7. ADVISORY COMMITTEE MEMBERSHIP

6.1 General Terms

Committee members of Advisory Committees will be representative of the diversity of needs and issues relating to the specific topic of the Committee and will include Councillors and members of the community (both individual members and/or member organisations).

Members may also include representatives from relevant State or Commonwealth Government agencies, and other Local Governments.

Organisations, agencies, professional or industry bodies represented on an Advisory Committee must nominate one delegate from the organization to represent them in the Committee.

The Chairperson will be a person appointed by Council to be the Chairperson of the committee.

- 1) Each year on the twelve-month anniversary of the establishment of an Advisory Committee, Council may resolve to provide the opportunity to rotate the existing members (including Councillor/s) of that Advisory Committee with other Councillor/s and members.
- 2) The membership of an Advisory Committee will be as stated in the Advisory Committee Terms of Reference.
- 3) The external membership selection process for an Advisory Committee will include an Expressions of Interest sought through a range of channels as decided by the Mayor, Councillors, Chief Executive Officer, or relevant Director.
- 4) Committee members will be approved through Council resolution at an Ordinary Meeting of Council.
- 5) The Committee may co-opt additional members on a temporary basis for specific matters

6.2 Authority

An Advisory Committee is a consultative Committee to Council that is designed to discuss key issues, engage with the community, and make recommendations to Council as it pertains to the stated purpose of the Advisory Committee.

An Advisory Committee and members of the Committee may provide input on a specific topic or the strategic management of a facility, but it does not hold decision making powers concerning the operations of Council, nor can it commit Council resources or be delegated any powers.

6.3 Members Roles And Responsibilities

The following roles and responsibilities are conferred to each member of an Advisory Committee:

- All members are responsible for ensuring the Committee Terms of Reference and this Policy are adhered to; and
- All members of the Committee must ensure there is no conflict or possible conflict between the member's private interests and the honest performance of the member's role of advising or making a recommendation to Council, in accordance with relevant Codes of Conduct and Council's *Conflict of Interest Policy*.

A member of an Advisory Committee will not:

- improperly use information acquired as a member of the Committee to gain, directly or indirectly, a financial advantage for that person or someone else
- improperly use information acquired as a member of the Committee to damage Council's reputation
- release information that the member knows or should reasonably know is information that is confidential to Council
- release information that the member knows or should reasonably know is information that Council wishes to keep confidential
- make public or media comment on behalf of Council, unless the Member is authorised to do so by Council or the CEO

6.4 Operations And Administration

The CEO (or authorised delegate) will provide appropriate advice and administrative support to assist all Council Committees to meet their obligations. Meeting administration and protocols for an Advisory Committee will be in accordance with the requirements of the Act, and as stated in the Terms of Reference for the Committee.

The following key meeting protocols must be adhered to for each Advisory Committee meeting:

- a quorum for an Advisory Committee meeting shall be half the number of members of the Committee plus one
- the Chairperson will preside at Committee meetings. However, if the Chairperson is absent or unavailable, a member of the Committee chosen by the members present at will preside
- a non-member may attend an Advisory Committee meeting as an observer only
- a member of an Advisory Committee (whether or not they are a Councillor) may vote on business before the Committee except Council employees, who are not allowed to Move, Second or Vote on recommendations, and
- recommendations of Advisory Committees will be by majority voting of members only. An Advisory Committee must determine the dates, times, and places for its meetings, however, must meet a minimum of four (4) times per year or as otherwise deemed necessary.

Minutes of each Advisory Committee meeting will be submitted to the next Ordinary Meeting of Council and will be publicly available unless Council has exempted the Advisory Committee to keep minutes of its proceedings in accordance with Council's Privacy Policy or Confidential Information Policy.

If any committee member is absent for three (3) consecutive meetings without having obtained leave of absence from the Committee, the member's continued membership of that Committee will be referred to Council for determination.

8. REMUNERATION

Eligible Advisory Committee Members may receive attendance of meeting allowance as determined by the Council resolution following the NT Government Statutory bodies classified remuneration structure.

9. CHANGES TO THE TERMS OF REFERENCE

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to a Committee's Terms of Reference.

Where such update does not result in material change, such change may be made administratively. Examples include a change to the name of government department, an alteration to reflect an endorsed change to a Council policy, a change resulting from a Council resolution and an update to legislation which does not have a material impact. Any proposed change which materially alters the Terms of Reference must be made by resolution of Council.

10. CARETAKER

The operation of Council Committees shall be suspended upon the commencement of the election period ahead of a general Council election. During that period, Council Committee meetings will not be held, although any outstanding Committee Reports may still be reported to an Ordinary Meeting of Council held during this period.

Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

11. RELEVANT POLICIES

Policies to be read in conjunction with this policy are:

- 1) Codes of Conduct
- 2) Privacy Policy
- 3) Confidentiality Policy
- 4) Council Committee Terms of Reference Policy
- 5) Local Authority Policy
- 6) Remote Attendance at Meetings (Members) Policy
- 7) Confidential Information & Business (Council Meetings) Policy
- 8) Conflict of Interest Policy
- 9) Gifts & Benefits (CEO and Staff)

12. IMPLEMENTATION AND REVIEW

12.1. Implementation

Relevant personnel will be made aware of this Policy, and it will be published on the Barkly Regional Council website in addition to the notices and minutes of Committee and Local Authority meetings.

12.2. Review

This Policy will be reviewed on or before 29 November 2026.


13. VARIATIONS, REVOCATIONS AND/OR CHANGES

Barkly Regional Council reserves the right to revoke and/or amend this policy from time to time as is considered necessary to better manage its business and/or to comply with any legislative requirements. Employees will be given sufficient notice of any such revocations, amendments, or changes.

14. APPROVAL

This policy is approved.

Chris Kelly
Chief Executive Officer


Signature

29 Nov 2024
Dated

END