

SECTION 41 COMMITTEES OF COUNCIL



COUNCIL POLICY - S41 COMMITTEES OF COUNCIL	
Reference Number	714548
Responsible Business Unit	Office of CEO
Responsible Officer	Chief Executive Officer
Legislation	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013
Relevant Delegations	Chief Executive Officer
Related Policies Management Guidelines Frameworks	<ul style="list-style-type: none"> • Good Public Administration Framework - 741628 • Risk Management Framework - 765895 • Code of Practice – Access to Council meetings and Committees - 676270 • Behavioural Management Framework • Behavioural Management Policy • Code of Conduct – Independent Members - 685233 • Elected Member Allowance & Benefits Policy - 714478
Link to Strategic Plan	Our Performance
Council resolution	13.5
Date Adopted	21 November 2022
Review Date	During a Council term
Previous Revisions	14 June 2022 – item 108.7 9 June 2020 – item 100.7 14 April 2020 – item S64.1 19 November 2018 – item 200.6 9 May 2016 item 85.4 24 November 2014 item 204.10 22 November 2010 item G2 9 March 2010 item 1095.1.4 10 June 2008 item 493.1.2 24 September 2007 item 2763.1.3 23 March 2007 item 94.1.1 20 November 2006 item 10.1

POLICY STATEMENT

This policy has been developed to assist in the establishment, management and dissolution of Section 41 (S41) Committees, both legislative and discretionary under the Local Government Act 1999. This policy should be read in conjunction with the Code of Practice – Access to Council and Committee Meetings.

OBJECTIVES

- Ensure all S41 Committees have a well-defined purpose, membership, reporting requirements and powers
- The membership of S41 Committees is appropriate to the achievement of the committee's objectives and where-ever possible and practical harness the involvement, skills, expertise and interest of the community.

The electronic version accessible on Council's website and Council's electronic record system is the controlled version. Printed copies are considered uncontrolled – before using a printed copy verify that is the current version.

SECTION 41 COMMITTEES OF COUNCIL



- Promote effective and efficient communication processes are in place to foster open channels of communication between Council, the S41 Committee and Community.

SCOPE

Council is required to establish an Audit Committee under Sections 126 and 41 of the Local Government Act 1999

Council also the opportunity the opportunity to create other Committees of Council under Section 41 of the Local Government Act 1999 to assist Council perform it duties.

This policy does not apply to Council's Assessment Panel or Building Fire Safety Committee which are required to be established under the Planning Development and Infrastructure Act 2016.

PRINCIPLES

- **Terms of Reference** are required to be endorsed by Council and will be required by each S41 Committee and reviewed at least once during the Council term-
- **Membership** will be endorsed by the Council and consist of Elected Members and suitably qualified Independent Members, as required by legislation.
- **Powers** - S41 Committees of Council will not be provided with powers to make decisions but will provide recommendations to the Council for consideration.
- **Meeting Procedures** will be varied in relation to Regulation 2 of the Local Government (Procedures of meetings) Regulations in relation to the ability of Members to speak more than once during debate and the ability participate in S41 Committees virtually provided that members of the public can hear the discussion between all Committee members. (refer Code of Practice – Access to Council and Committee meetings)
- **Minutes of S41 Committees** will be reported to the next appropriate meeting of Council for consideration and debate.

TERMS OF REFERENCE

The Terms of Reference will include:

- A statement of purpose, legislative requirements, along with timeframes and specific tasks.
- The required quota of members attendance.
- A statement relating to the Committee being advisory in nature only.
- The makeup of the membership of the Committee
- Appointment of Chair by the Council with preference being given to an Independent Member.
- Meeting times and locations, with ability to be varied by the Chair and Chief Executive Officer, as required.

COUNCIL RESPONSIBILITIES

In establishing a S41 Committee, Council will

- Foster open channels of communication between the Council, S41 Committee and the Community.
- Communicating any key issues relating to access and planned developments which may impact upon or be of interest to the S41 Committee.
- Provide executive and facilitation support to the S41 Committee.

Provide appropriate training on legislative and meeting procedures associated with the S41 Committee.

S41 COMMITTEE MEMBER RESPONSIBILITIES

In accepting a position on S41 Committees, members will:

- Commit to undertaking training provided by Council on legislative and meeting procedures associated with the S41 Committee.
- Acknowledge and accept responsibilities regarding Conflict of Interest provisions and Code of Conduct requirements.
- Assist in fostering open channels of communication.
- Promote Council in a positive way.

MEMBERSHIP

- Membership of S41 Committees will include both Elected Member and Independent members, as required by legislation.
- Elected Members will be appointed for the Council term, commencing with the first meeting of Council.
- Independent Members will be sought through general advertisement and their appointment will be made by the Council based on their skills and experience measured against the membership requirements for the S41 Committee.
- Appointment terms for S41 Committee will generally be for the Council term however can be varied by Council and will be included in the terms of reference.
- Member are entitled to renominate following the expiration of their term.
- The Mayor will have ex-officio membership on non legislative required S41 Committee only.
- Staff will not be provided with voting rights.
- The Chair of the S41 Committee will be appointed by Council, with the S41 Committee appointing a deputy Chair as required.

S41 COMMITTEES OF COUNCIL MEETING PROCEDURES

Parts, 1, 3 and 4 of the Local Government (Procedures at Meetings) Regulations 2000 apply to all meetings of S41 Committees.

Part 2 has been varied in relation to Motions and Amendments to Motions.

- Only one amendment may be moved in relation to any motion.
- Any motion or amendment may be varied where the mover and the seconder agree and the meeting consents.
- Only the mover of a motion has a right of reply
- A member may speak up to twice to Motion.

Any member except the mover or seconder of a motion may move an amendment to a motion provided that if they have already spoken in the debate the consent of the Chair or the consent of the meeting has been obtained.

Council has resolved to vary R19 – Adjourned Business in relation to Council and Committee meetings to allow any adjourned business item to be listed at an appropriate place on the next available agenda by the Chief Executive Officer.

PARTICIPATION IN MEETINGS

Council has acknowledged the potential for independent members of statutory S41 Committees to experience conflict between personal work commitments and Committee responsibilities. While attendance in person at meetings is preferred, Council has provided the ability of S41 Committee

members to participate in meetings virtually. Committee members should attend at least 50% of formal meetings in person.

ORDER OF S41 COMMITTEE MEETINGS

The S41 Committee agenda will include:

- **Apologies**
Will include Members on leave of absence and as registered with the Executive Assistant
- **Chair's Communications**
- **Confirmation of Minutes**
- **Conflict of Interest Provision declaration**
Elected Members and Staff will identify their conflict of interests in relation to reports before the Council In accordance with
 - Sections 73-74 – Material conflicts of Interest
 - Section 75 – Actual and perceived conflicts of interest

A member of a council who has an interest in a matter before the Council must disclose the interest to the Council by

 - Describing the nature of the interest, and
 - The manner in which the member dealt with the actual or perceived conflict of interest, and
 - If the Member voted on the matter and how they voted, and
 - The manner in which the majority at the meeting voted.
 - This information will be recorded within the minutes of the meeting.
- **Notice of Motion**
Provided in writing (email is acceptable) to the Executive Officer by an Elected Member prior to close of agenda in accordance with Regulation 12 of the Local Government (Procedures at Meetings) Regulations 2013
- **Officers Reports**
These reports form the basis for discussion at the meeting and based on Strategic Themes.
 - Valued Environment
 - Great People and Lifestyle
 - Dynamic Economy
 - Connected Communities
 - Our Performance
- **Urgent late items approved by Chair**
Elected Member to provide written request (email is acceptable) to the Chair prior to 5 pm on the day of meeting. The Chair has discretion to allow items requested by Chief Executive Officer or delegate.