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Policy Statement/Objectives

The purpose of this Policy is to ensure that Council forms committees which reflect the key functions and deliverables of the organisation.

The objectives of the policy are:

- That Council's committees reflect the key functions and deliverables of the organisation.
- That Council's committees operate in an open and transparent manner.
- That Council's committees operate in an efficient and consistent manner.
- That Council's advisory committees include community membership which are reflective of our community.
- That Council's advisory committees provide expert advice on the development, implementation, and monitoring on the Strategies contained within the Kiama Community Strategic Plan 2022-2032.

Scope

This policy applies to all committees and references groups formed by Council.

References

This document should be read in conjunction with the following:

- Environmental Planning and Assessment Act 1979
- Local Government Act 1993
- Community Strategic Plan 2022-2032
- Code of Meeting Practice
- Code of Conduct for Council committee members, delegates of Council and Council advisers

Consultations

- Executive Leadership Team
- Councillors

Definitions

Term	Definition
Advisory Committee	Committees which make recommendations to the governing body and who's membership may include experts, professionals, government employees, community representatives, Council staff and Councillors
Committee	A committee is either a Committee of Council or an Advisory Committee
Committee of Council	Committees which make decisions and who's memberships are made up entirely of Councillors

Term	Definition
Consultative body	A group of community members, which represent distinct sections of our community, formed to be provide feedback on Council programs, activities, strategies etc.
Governing body	The elected representatives (i.e. the Councillors) of the Kiama Municipal Council
Project Reference Group	A group of expert individuals formed by an Advisory Committee to assist in the preparation of a specific Strategy
Strategy	Strategies referenced by the Kiama Community Strategic Plan (CSP) 2022-2032 and demonstrate how the outcomes of the CSP will be achieved.

Variation and review

Council resolved in April 2023 to trial its new Committee Structure for a period of 12 months, to enable outcomes to be reviewed and functions considered.

Council reserves the right to review, vary or revoke this policy.

Date reviewed	Date adopted/ endorsed	Brief detail of amendments
	19 September 2023	New Policy

POLICY

1. Guiding principles

Section 8A of the Local Government Act 1993 (the LG Act) provides the guiding principles for councils in New South Wales (NSW). These guiding principles include the requirements that councils should:

- plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community, and
- apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.

Section 222 of the LG Act defines the elected representatives, called “councillors”, as the governing body of the council. The LG Act outlines that part of the role of the governing body is to:

- develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council, and
- keep under review the performance of the council, including service delivery.

In this respect, Council operates two types of committees, Committees of Council and Advisory Committees.

2. Committees of Council

Committees of Council make strategic decisions relating to the direction of the organisation. This includes the adoption of Strategies etc.

Council operates two Committees of Council:

1. Ordinary Council
2. Performance Review Committee.

Meetings of the Committee of Ordinary Council are generally open to the public. This includes the publication of the meeting agendas on Council's website, the streaming of the meetings on Council's website, the ability for members of the public to physically attend the meetings and the publication of the meeting minutes on Council's website. The exception to this are matters deemed to be confidential under the provisions of the *Local Government Act 1993*.

Given the nature of the matters discussed, the Performance Review Committee is held in confidential:

These committees are required to operate in accordance with the Code of Meeting Practice.

Committees use a Terms of Reference template (appendix 1) to outline the role, memberships and meeting schedule of these committees.

3. Advisory Committees

Advisory committees provide advice to Council relating to the direction of the organisation. This includes the adoption of Strategies etc.

All recommendations of an advisory committee need to be reported to an Ordinary Council meeting for formal decision making/ratification.

The Kiama Community Strategic Plan (CSP) 2022-2032 was adopted by Council in June 2022. The CSP contains five (5) pillars which reflect the aspirations of the community.

The committees contained in this Policy will provide expert on the development, implementation, and monitoring on the Strategies contained within each CSP pillar.

Kiama Council has seven (7) Advisory Committees:

1. Audit Risk and Improvement Committee
2. Blue Haven Advisory Committee
3. Tourism and Economic Advisory Committee
4. Finance Advisory Committee
5. Infrastructure and Liveability Committee
6. Kiama Local Traffic Committee
7. Sustainable Communities Advisory Committee.

These Committees are required to operate in accordance with the Code of Conduct for Council committee members, delegates of Council and Council advisers.

4. Project reference groups / Additional attendees and members of committees

The following advisory committees have the authority to form, and call for nominations for membership of, project reference groups:

1. Sustainable Communities Advisory Committee

2. Infrastructure and Liveability Advisory Committee
3. Tourism and Economic Advisory Committee
4. Finance Advisory Committee

Project reference groups are a group of expert individuals formed by an advisory committee to assist in the preparation of a specific strategy within the advisory committee's scope.

In forming a project reference group, the relevant advisory committee will elect one of its members to be the chair of the project reference group. In addition to the elected chair, the membership of a project reference group will include Council staff and expert community members, the number and composition to be determined by the relevant advisory committee.

When forming a project reference group, the relevant advisory committee is to publish the group's Terms of Reference, using the Project Reference Group Terms of Reference template (appendix 2), and the group's membership on Council's website. The term of membership for a project reference group is to be from the formation of the group until the adoption of the relevant strategy.

Advice provided by the project reference group is to be included in the relevant advisory committee's agendas.

Project reference groups have no delegated authority.

5. Consultative bodies/reference groups and other consultation

Council will undertake specific consultation with young people and our First Nations Community, that is tailored to their needs and supports input (rather than through a formal committee structure), such as the Youth Engagement Forum.

Consultative bodies are not Council committees but rather are used to engage with distinct sections of our community on Council programs, activities, strategies etc. Engagement with the respective consultative bodies will occur in accordance with the Community Engagement Strategy. Examples of consultative bodies are:

Feedback, either written or verbal, from consultative bodies will be used when planning Council programs, activities and events.

Meetings of consultative bodies are informal in nature and will occur on an as-needs-basis.

As consultative bodies are not Council committees they are not required to operate in accordance with the Code of Conduct for Council committee members, delegates of Council and Council advisers.

6. Conflicts of Interest

In accordance with section 4.8 of the 'Code of Conduct for Council committee members, delegates of Council and Council advisers' members of advisory committees are designated persons.

In accordance with clause 4.15 of the 'Code of Conduct for Council committee members, delegates of Council and Council advisers' designated persons must make and lodge with the Chief Executive Office a return in the form set out in schedule 2 to the Code, disclosing the designated person's interests as specified in schedule 1 to the Code within 3 months after:

- (a) becoming a designated person, and
- (b) 30 June of each year, and
- (c) the designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

Clause 4.12 of the 'Code of Conduct for Council committee members, delegates of Council and Council advisers' outlines that members of advisory committees are required to disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.

For the purposes of the Code, a member has a pecuniary interest in a matter if the pecuniary interest is:

- (a) their interest, or
- (b) the interest of their spouse or de facto partner, their relative, or their partner or employer, or
- (c) a company or other body of which they, or their nominee, partner or employer, is a shareholder or member.

The Code outlines that a person making a return under clause 4.15 of the Code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date. For the purpose of the Code and this Policy a property development has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*:

property developer for the purposes of this Division—

- (a) an individual or a corporation if—
 - (i) the individual or a corporation carries on a business mainly concerned with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit, and
 - (ii) in the course of that business—
 - (A) 1 relevant planning application has been made by or on behalf of the individual or corporation and is pending, or
 - (B) 3 or more relevant planning applications made by or on behalf of the individual or corporation have been determined within the preceding 7 years,
- (b) a person who is a close associate of an individual or a corporation referred to in paragraph (a).

7. External committees, organisations and groups

Council will continue to support Council membership and engagement with a number of external committees, organisations and consultation bodies that Council regularly participates in and has been established through previous resolutions of Council.

Examples of these external committees, organisations and consultation bodies include:

- South Coast Arts
- Illawarra Shoalhaven Interagency
- Library Cooperative
- Housing Trust
- Illawarra Shoalhaven Joint Organisation.

Council will also continue to support and value the contribution of the Precinct Groups and Community Associations in our Local Government Area. However, these groups no longer operate as precincts of Council. Minutes from these groups meetings will not be published in Council's Business Papers (Council Meeting Agenda), and Precinct Guidelines do not apply.

Examples of these groups include:

1. Central Precinct
2. South Precinct
3. Jamberoo Valley Ratepayers and Residents Association
4. Minnamurra Progress Association

8. Committees Framework

The membership, purpose/authority and meeting occurrence of each Committee is outlined in the following Committees Framework:

Committee name	Delegation / Authority	Meeting occurrence / Type
Ordinary Council	Full delegation	Monthly Open to the public, except for matters deemed to be confidential (refer to s10A of the <i>Local Government Act 1993</i>).
Audit, Risk and Improvement Committee	Refer to section 428A of the <i>Local Government Act 1993</i> .	Bi-monthly. Closed to the public as matters deemed to be confidential (refer to s10A of the <i>Local Government Act 1993</i>).
Local Traffic Committee	Refer to Part 5 of 'A guide to the delegation to councils for the regulation of traffic'	Monthly
Performance Review Committee	This committee deals with senior staff employment arrangements in closed session.	As required. Closed to the public as matters deemed to be confidential (refer to s10A of the <i>Local Government Act 1993</i>).
Sustainable Communities Advisory Committee	<p>This Committee provides expert advice on the development, implementation, and monitoring of the following:</p> <ul style="list-style-type: none"> • Arts and culture strategy • Youth Engagement Strategy and Action Plan • Open Space and Recreation Strategy • Companion Animals Management Strategy • First Nations Cultural Heritage Strategy • Heritage Review Projects • Catchment and Flood Risk Management Plans • Biodiversity Strategy • Town Centre Studies • Scenic Landscape Management Plan • Waste Strategy • Bushfire Prone Land Management Strategy • Coastal Management Plans • Net Zero Emission Strategies <p>Has the authority to form, and call for nominations for membership of project reference groups.</p>	Monthly

Committee name	Delegation / Authority	Meeting occurrence / Type
Tourism and Economic Advisory Committee	<p>This Committee provides expert advice on the development, implementation, and monitoring of the following:</p> <ul style="list-style-type: none"> • Regional Economic Development Strategy • Employment Zone Strategy • Tourism and Events Strategic Plan <p>Has the authority to form, and call for nominations for membership of project reference groups.</p>	Monthly
Infrastructure and Liveability Advisory Committee	<p>This Committee provides expert advice on the development, implementation, and monitoring of the following:</p> <ul style="list-style-type: none"> • Local Housing Strategy • Rural Landuse Strategy • Development Assessment Process Policy • Footpaths and Cycleways Program Project Group <p>Has the authority to form, and call for nominations for membership of, project reference groups</p>	Monthly
Finance Advisory Committee	<p>This Committee provides expert advice and acts in an advisory capacity to council on financial matters:</p> <ul style="list-style-type: none"> • encourage sound financial practice and reporting for Kiama Municipal Council • provide expert advice to Council and community on the long-term financial sustainability of Council • review the efficacy of Council's Long Term Financial Plan and strategies to sustainably deliver Council's financial objectives. • review action plans aimed at delivering financial performance • review service levels ensuring sustainable resourcing • review and monitor Council's financial performance 	Monthly Closed to the public as matters deemed to be confidential (refer to s10A of the <i>Local Government Act 1993</i>).

Committee name	Delegation / Authority	Meeting occurrence / Type
	<ul style="list-style-type: none"> review and investigate opportunities proposed by Council officers or other committee members. <p>Has the authority to form, and call for nominations for membership of, project reference groups.</p>	
Blue Haven Advisory Committee	<p>This Committee provides expert advice to assist Council to monitor the activities of Blue Haven (comprising Residential Aged Care, Community Services – Home Care, Commonwealth Home Support Packages, Community Transport, Retirement Villages) and to provide advice on any matter referred to the Committee by Council.</p> <p>The Committee and its members have no delegations to act (Sec. 377 LGA).</p>	Quarterly

Related forms/Documents

- Audit, Risk and Improvement Committee Charter
- Blue Haven Advisory Committee Terms of Reference
- Kiama Local Traffic Committee Terms of Reference
- Performance Review Committee Terms of Reference
- Tourism and Economic Advisory Committee Terms of Reference
- Finance Advisory Committee Terms of Reference
- Infrastructure and Liveability Advisory Committee Terms of Reference
- Sustainable Communities Terms of Reference.

Attachments

Appendix 1	Terms of Reference template
Appendix 2	Project Reference Group Terms of Reference template

Authorisation

Name: Council Resolution No: 23/250OC

Date: 19 September 2023

Appendix 1: Terms of Reference template

Committee name:	"{Enter name of committee}"
Status:	<p>Council committee <input type="checkbox"/></p> <p>Statutory committee <input type="checkbox"/></p> <p>Sunset committee <input type="checkbox"/></p> <p>(specify the end date)</p>
Purpose:	<p>Role of the Committee:</p> <ul style="list-style-type: none"> • {Insert Text}
Objectives:	<p>To provide:</p> <ul style="list-style-type: none"> • {Insert Text}
Committee Meetings:	Meetings are held {Insert Text}
Venue:	Meetings will be held at the Kiama Council Chambers or other suitable venues as required.
Membership:	"{Insert list of councillor, reps, officers, etc requirements}"
Term of membership	<p>Non-Councillor membership of the "{Insert name of committee}" Committee will be for the length of a Council term.</p> <p>NB: a specified term does not preclude an incumbent from reapplying to serve on consecutive terms.</p>
Meeting Quorum:	<p>A Quorum will be deemed to have been met under the following criteria:</p> <ol style="list-style-type: none"> i. minimum of 50% plus 1 ii. or per statutory requirements (if required).
Meeting Administration:	<ul style="list-style-type: none"> • Meetings are to be chaired by a Councillor or as elected by the committee and endorsed by Council. • Minutes will be taken by a representative of Council. • Minutes are required to be submitted for the next Ordinary Meeting of Council immediately following the committee meeting. • Minutes and agendas will be circulated no less than seven days prior to next scheduled meeting. • "{Add any other administrative requirements}"
Selection of members	<p>When positions become vacant the selection of new committee members will be undertaken:</p> <ol style="list-style-type: none"> i. through a public invitation for EOI by applicants ii. by consideration of applications by Council iii. by Council approval of successful applicants <p>The following factors will be taken into consideration when determining members:</p> <ol style="list-style-type: none"> i. the persons relevant experience and expertise

Committee name:	"{Enter name of committee}"
	<ul style="list-style-type: none"> ii. whether the person is a resident of the Kiama Local Government Area iii. there is a gender balance iv. there is representation from across the full Kiama geographical area v. cultural and age diversity is represented <p>committee members are able to demonstrate that they are connected and representative" of the community.</p> <p>"{Add any other requirements specific to this committee}"</p>
Responsibility	<p>Committee members will:</p> <ul style="list-style-type: none"> i. act in an advisory role to Council staff ii. provide strategic guidance on implementation of estuary and floodplain management programs and initiatives iii. provide important links to the communities they represent in promoting and delivering information relating to the estuary and floodplain management program iv. participate in working parties as needed v. at all times comply with Council's Code of Conduct vi. at all times contribute in a positive and respectful manner vii. avoid disruption, contrary conduct or being wasteful of time and resources.
Code of Conduct	At all times Councillors, employees and Council officials must comply with Council's Code of Conduct.
Termination of membership	<p>Non-Councillor member positions will be declared vacant/terminated when a member:</p> <ul style="list-style-type: none"> i. completes their designated term and retires from the committee ii. completes their term and is not re appointed iii. resigns their membership, in writing, to the Chairperson iv. fails to attend more than 75% of scheduled meetings unless granted special leave of absence by the Chairperson v. acts in a way that is contrary to their responsibility as outlined (above). <p>NOTE: Council on the recommendation of the committee chairperson reserves the right to terminate appointments in instances where behaviour is considered excessively disruptive and contrary, is a breach of the Code of Conduct, is deemed inappropriate or is regarded as failing to provide productive and valued input.</p>
Process for termination of membership	Where a (non-Councillor or staff) committee member's behaviour is considered unsatisfactory and contrary to their responsibilities (identified above), the Chairperson will draw this to the attention of the relevant committee member and reinforce the required level of conduct. The Chairperson will make a written record of this and provide to a relevant council officer for recording. The committee member will be able to sight and sign the written record.

Committee name:	"{Enter name of committee}"
	<p>Where there is re-occurrence of unsatisfactory behaviour the committee member will be warned formally in writing by the Chairperson. Counselling (to be provided by the General Manager or Public Officer) will reinforce the standard of conduct expected as well as the implications of the behaviour on the committee members and Council. In addition counselling will reinforce potential for termination from the committee should the behaviour continue. A written record shall be kept of the formal warning and counselling.</p> <p>If the committee member's behaviour does not improve after the formal warning and counselling, the committee member's appointment may, on the recommendation of the Chairperson, be terminated by Council resolution.</p>

Appendix 2: Project Reference Group Terms of Reference template

Committee:	Project Reference Group
Status:	Committee of Council <input type="checkbox"/> Statutory committee <input type="checkbox"/> Advisory committee <input checked="" type="checkbox"/> (specify the end date)
Purpose:	Role of the Project Reference Group is to assist in the preparation of a specific Strategy within the relevant Advisory Committee's scope.
Objectives:	Objectives of the Committee are to: <ul style="list-style-type: none"> •
Committee Meetings:	Meetings are held every xxx.
Venue:	Meetings will be held at the Kiama Council Chambers, other suitable venues as required or by Zoom.
Membership:	<ul style="list-style-type: none"> • xxx Councillor representatives • xxx Community representatives • xxx CEO/Staff representatives Councillors can attend meetings as an observer.
Term of membership	Non-Councillor membership of the Advisory Committee will be for the length of a Council term. NB: a specified term does not preclude an incumbent from reapplying to serve on consecutive terms.
Chairperson	Appointed by the Committee annually
Meeting quorum:	A Quorum will be deemed to have been met under the following criteria: <ol style="list-style-type: none"> 1. minimum of 50% plus 1 2. or per statutory requirements (if required).
Meeting administration:	<ul style="list-style-type: none"> • Meetings are to be chaired by the Chairperson or their alternate. • Minutes will be taken by a representative of Council. • Minutes are required to be submitted for the next Ordinary Meeting of Council immediately following the committee meeting. • Minutes and agendas will be circulated no less than seven days prior to a scheduled meeting.
Selection of members	When positions become vacant the selection of new committee members will be undertaken: <ol style="list-style-type: none"> 1. through a public invitation for EOI by applicants 2. by consideration of applications by Council 3. by Council approval of successful applicants.

Committee:	Project Reference Group
	<p>The following factors will be taken into consideration when determining members:</p> <ol style="list-style-type: none"> 1. the persons relevant experience and expertise 2. whether the person is a resident of the Kiama Local Government Area 3. there is a gender balance 4. there is representation from across the full Kiama geographical area 5. cultural and age diversity is represented 6. committee members are able to demonstrate that they are connected and representative” of the community.
Responsibility	<p>Committee members will:</p> <ul style="list-style-type: none"> • xxx <p>This committee has the authority to form, and call for nominations for membership of, project reference groups for specific advice on projects related to Pillar xxx of the Kiama Community Strategic Plan 2022-2032.</p>
Code of Conduct	<ol style="list-style-type: none"> 1. at all times committee members must comply with Council’s Code of Conduct for Council committee members, delegates of Council and Council advisers 2. at all times contribute in a positive and respectful manner 3. at all times avoid disruption, contrary conduct or being wasteful of time and resources.
Termination of membership	<p>Non-Councillor member positions will be declared vacant/terminated when a member:</p> <ol style="list-style-type: none"> 1. completes their designated term and retires from the committee 2. completes their term and is not re appointed 3. resigns their membership, in writing, to the Chairperson 4. fails to attend more than 75% of meetings scheduled in a 12-month period unless granted special leave of absence by the Chairperson 5. acts in a way that is contrary to their responsibility as outlined (above). <p>NOTE: Council on the recommendation of the committee chairperson reserves the right to terminate appointments in instances where behaviour is considered excessively disruptive and contrary, is a breach of the Code of Conduct, is deemed inappropriate or is regarded as failing to provide productive and valued input.</p>
Process for termination of membership	<p>Where a (non-Councillor or staff) committee member’s behaviour is considered unsatisfactory and contrary to their responsibilities (identified above), the Chairperson will draw this to the attention of the relevant committee member and reinforce the required level of conduct. The Chairperson will make a written record of this and provide to a relevant council officer for recording. The committee member will be able to sight and sign the written record.</p> <p>Where there is re-occurrence of unsatisfactory behaviour the committee member will be warned formally in writing by the Chairperson. Counselling (to be provided by the General Manager or Public Officer) will reinforce the standard of conduct expected as well as the implications of the behaviour</p>

Committee:	Project Reference Group
	<p>on the committee members and Council. In addition counselling will reinforce potential for termination from the committee should the behaviour continue. A written record shall be kept of the formal warning and counselling.</p> <p>If the committee member's behaviour does not improve after the formal warning and counselling, the committee member's appointment may, on the recommendation of the Chairperson, be terminated by Council resolution.</p>