



# Council Advisory / Reference Committees Guideline

## INTRODUCTION

As a body politic, Councils can form committees and determine their functions, powers, membership and voting rights. Membership of a council committee is not restricted to councillors.

A council committee can be either;

- a committee with decision-making powers as delegated by the council. A committee may exercise a council function and a council may delegate to the committee any of its functions other than those outlined in s.377 of the Local Government Act 1993 (the Act). However a committee can exercise a council's regulatory functions under Chapter 7 of the Act only if all its members are either councillors or council employees, or
- a committee which only has the capacity to 'advise' or 'refer' matters to council for a decision. These committees are common and only have the delegated authority to make recommendations but not to make decisions. Such committees often consist of experts, professional persons, government employees, community representatives and council staff. The recommendations of this sort of committee can assist a council in making informed decisions on complex matters. At Ku-ring-gai Council, these committees are referred to as 'Advisory' or 'Reference' committees.

The conduct of meetings of councils and committees of council of which all members are councillors must conduct its meetings in accordance with the adopted Code of Meeting Practice in accordance with section 360 of the Act. However references in the Act or Local Government (General) Regulation 2005 (the Regulation) to 'committees of council' do not refer to advisory / reference committees that include members of the public. If a committee includes people who are not councillors the committee's meeting procedure is determined by the council. It may, but does not have to, follow the procedure outlined in the Act and Regulation.

The Office of Local Government have advised that these advisory / reference Committees should be provided with guidelines on how to conduct their meetings and related issues. This guide has been written to provide this guidance to council's committee members.

Ku-ring-gai Council values the contributions of individuals and community representatives who become members of advisory / reference committees. The primary purpose of these committees is to advise Council on the needs or issues of a particular community and to inform Council's decision making relating to this community. Typically the committee will provide advice and recommendation to Council that relate to the particular community or issue that the committee is concerned with.

## Ku-ring-gai Council

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This document provides a guideline on the responsibilities of committee members in advisory / reference committees at Ku-ring-gai. The appointed committee members are required to observe and adhere to these guidelines.

A list of Council's advisory / reference committees is attached (**see Attachment 1**).

Members of advisory / reference committees who require clarification on any matter included in these guidelines should contact Ku-ring-gai Council's Governance Team on 9424 0600.

The guideline is divided into five sections, namely:

**Purpose, objectives and scope:** Provides details of purpose, objectives and scope of advisory / reference committees.

**Membership:** Details how appointments are made and vacancies are filled in advisory / reference committees.

**Meeting procedures:** Outlines procedures for the management of advisory / reference committee meetings.

**Miscellaneous issues:** Includes induction, insurance and pecuniary interest related matters.

**Reference committee charters:** outlines the terms of reference, representation, meeting frequency and other related matters.

## SECTION 1: PURPOSE, OBJECTIVES AND SCOPE OF COMMITTEES

### 1.1 WHY DOES COUNCIL HAVE ADVISORY / REFERENCE COMMITTEES?

Advisory / reference committees provide a mechanism by which interested residents and experts can play an active role in the formulation of council policy, direction and practice. Advisory / reference committees are an important link in council's communication strategy with the community and are supported via other community consultative methods.

### 1.2 OBJECTIVES

Advisory / reference committees are established by Ku-ring-gai Council to:

- Harness the views and expertise of the wider community
- Assist council in its understanding of, and approach to, specific or localised issues, initiatives or community assets
- Provide a structured approach to the ongoing involvement of community members in council affairs and the democratic process

### 1.3 SCOPE AND LIMITATION OF POWERS

The scope of each advisory / reference committee is outlined in its charter. As advisory / reference committees are established by council – they do not have the authority to instruct staff or to make decisions on council's behalf.

The advisory / reference committees will observe any rules and regulations made by the council.

### 1.4 DELEGATION OF FUNCTIONS AND DECISION MAKING

Under the *Local Government Act 1993*, council is able to delegate some of its functions to a committee of council. However all of the advisory / reference committees as outlined in this guideline have not been granted any delegated authority and therefore they serve to provide recommendations and advice for council. In other words, advisory / reference committees do not have the power to make a final determination on any matter referred to them.

### 1.5 HOW ARE REFERENCE COMMITTEES ESTABLISHED?

Advisory / reference committees are established by a resolution of council in accordance with clause 260 of the Regulation.

The committees referred to in this document were either established by council at its meeting on 10 December 2013, or were already previously established at that time. These include:

- Heritage Reference Committee;
- Ku-ring-gai Traffic Committee;
- Audit and Risk Committee;
- Flood Risk Management Committee.

Prior to establishing an advisory / reference committee, Council will set out the following criteria:

- the terms of reference for the committee;

- the expertise or relevant background which community members should possess;
- the size (minimum and maximum) of the committee;
- quorum requirements;
- frequency of meetings (minimum and regularity);
- any specific interest groups that are to be represented on the committee (e.g. government departments, community organisations etc); and
- its term and tenure of members.

This Guideline serves to address these elements.

Supporting these committees are other decision making bodies established under other legislation. These are listed in section 6 of this guide.

### 1.6 TERMS OF REFERENCE

The advisory / reference committee will be responsible for providing advice to council in accordance with the committee's terms of reference. Details of the terms of reference of each committee are presented in part 5 of this guide.

### 1.7 CODE OF CONDUCT

Ku-ring-gai Council has adopted a code of conduct that is applicable to all council officials – that is Councillors, administrators, staff, members of council committees and delegates of the council. This code sets the minimum requirements of conduct for council officials in carrying out their functions.

Breaches of the code by advisory / reference committee members may result in:

- censure
- requirement to apologise
- prosecution
- dismissal from committee membership

As council committees are operating in conjunction with council, it is important for committee members to be aware of and comply with the contents of the code. Your obligations as an advisory / reference committee member are outlined in the adopted code (**see Attachment 2**). Training on the code will be provided as part of the induction process for all advisory / reference committee members.

It is the responsibility of the chair of the meeting to inform and take necessary action with respect to the members in relation to this code.

### 1.7 COUNCIL OBLIGATIONS

In constituting an advisory / reference committee, council agrees to:

- give due and proper consideration to all recommendations and suggestions put forward;
- give members feedback on how their recommendations have been used;
- encourage member participation and meeting attendance;
- respond within a reasonable timeframe to requests for relevant information;
- provide administrative resources to assist in the smooth operation of the committee; and
- accurately record and represent the views of the committee.

## 1.8 MEMBER OBLIGATIONS

As a member of the committee, members agree to:

- attend meetings and participate in discussions;
- adequately review any agenda attachments or documents as required prior to meetings;
- report their views and, where known, those of the Ku-ring-gai community;
- give feedback from meetings to the wider community where possible;
- allow all committee members to present their views and opinions;
- suggest agenda items;
- make suggestions regarding improvements to reference and consultative committees;
- work within the timeframe of the committee charter and structure;
- clearly declare any conflict of interest regarding any issue under discussion;
- maintain confidentiality where appropriate;
- not speak publicly such as to the media on behalf of Council; and
- only maintain membership to one committee at any time.

Your obligations as a Council Committee member are outlined in the Office of Local Government's publication titled "Your obligations as a council committee member" dated March 2013 **(see Attachment 3)**.

## **SECTION 2: MEMBERSHIP - ADVISORY / REFERENCE COMMITTEES**

### **2.1 TERM**

The term for advisory / reference committees will typically be four (4) years or until the end of the council term (unless the committee is previously dissolved by council resolution).

Should the chairperson wish to change the membership at any time, this would then be a matter for council consideration and resolution.

At the time of the general election of councillors at the local government elections, all advisory / reference committee members will cease to hold office.

### **2.1 COUNCILLOR MEMBERSHIP**

Councillors will be appointed to advisory / reference committees at the first council meeting following the local government elections.

Two (2) councillors are to be appointed to each of the advisory / reference committees. Appointments are to be made every 12 months at the same time as the mayoral election. This would typically include a chairperson and deputy chairperson for each committee (with the exception of the Audit and Risk Committee).

All other councillors are able to attend advisory / reference committee meetings in an observation only capacity.

### **2.2 COMMUNITY MEMBERSHIP**

Community membership will vary according to the committee and its terms of reference / charter, as outlined in section 5. Representatives shall reflect areas such as the objectives and terms of reference of the charter such as expertise, experience, demographics, special interest groups that exist within or are able to contribute to the committee and relevant government authorities.

Council must appoint all advisory / reference committee members. Appointment must take place prior to a member being conferred the responsibilities and rights as set out in this document.

Council may release individual members from the committee at any time by a resolution of council.

Council may also appoint any new members to a committee at any time by a resolution of council.

All nominations for appointment to committees are formally submitted in writing to council. Applicants will be reviewed against their expertise and experience and ability to contribute to the committee in relation to its objectives and terms of reference.

### **2.3 DISSOLUTION OF COMMITTEE**

The council may dissolve a committee at any time by a resolution of council.

All committee members are eligible for re-appointment. Council will advertise for and receive nominations, unless otherwise decided by council.

## 2.4 VACATION OF OFFICE

Membership of the committee will become vacant in the following circumstances:

- if the member resigns membership by notice in writing to the committee;
- if the member is absent for more than three (3) consecutive meetings without prior leave of absence or an apology being accepted by the committee, subject to confirmation by the elected Council of the resignation;
- if the member ceases to be a member of the organisation which he/she represents;
- upon the death of the member;
- if the member becomes a mentally incapacitated person; and
- if a member is found to be in breach of the Code of Conduct.

Council shall advertise for nominations for vacancies, unless otherwise decided by council.

## 2.5 CHAIRPERSON

There are two formal positions on committees – chairperson and deputy chairperson. These roles are appointed by council resolution on an annual basis.

The chairperson is usually the spokesperson for the committee and therefore needs to be certain that the committee is running smoothly and achieving its aims and objectives.

If the chairperson is not present at the time designated for the meeting, the deputy chairperson shall take the responsibilities of the chairperson.

If neither the chairperson, nor deputy chairperson, of a committee is able to preside at a meeting, the committee must elect a member of the Committee to act as the Chairperson for that meeting only in accordance with clause 267 of the Regulation (subject to committee membership and quorum requirements).

### 2.5.1 RESPONSIBILITIES OF THE CHAIRPERSON

The chairperson generally has the following specific duties, which make up the major part of their responsibility:

- (i) Before a meeting:
  - prepares the agenda in consultation with the relevant director or manager, setting out the terms of business to be considered, and
  - ensures the meeting is properly convened in accordance with the organisation's rules, such as proper notice of meeting is given and that a quorum is present.
- (ii) During the meeting:
  - chairs all meetings, opens meeting, welcomes and introduces members and guests; keeps individuals and the meeting focused on the topics being discussed and encourages all members to participate, ensure adequate opportunity is given to members who wish to speak;
  - ensures correct meeting procedures are followed and control of the meeting is maintained, keeping track of time; makes sure members are aware of decisions being made and that the minute taker has recorded decisions of the meeting.

- acts impartially and uses discretionary powers in the best interests of members and in accordance with the meeting practices
- ensures all statutory regulations and organisation's rules (such as Code of Conduct) are observed; and
- closes meetings after business at hand has been properly concluded.

(iii) Other responsibilities:

- be aware of certain issues and procedures and the importance of establish and maintaining a working relationship with the Council;
- approve the meeting minutes prior to them being reported to Council
- advise and report to Council on the ongoing suitability of current and potential members;
- speak on behalf of the committee where appropriate.

## **SECTION 3: MEETING PROCEDURES FOR ADVISORY / REFERENCE COMMITTEES**

The Office of Local Government takes the view that council committees that have members who are not councillors (that is council staff and/or community representatives), the committee's meeting procedure is to be determined by the council. It may, but does not have to, follow the procedure outlined in the Regulation. Therefore meeting procedures for advisory / reference committees are not officially bound by the Regulation.

However as the Regulation (in relation to meetings) contains many essential elements to what is considered good meeting practices, this guide to committee meeting procedures therefore has used the Regulation as a basis for its development. Elements of the Regulation that have been included in this guide for the purpose of facilitating committee meetings are;

- due notice of meetings to committee members
- entitlement to attend meetings
- voting
- minutes
- audio recording of meetings

Although not specifically bound by the Regulation in relation to meeting procedures, the chair may find it useful to use the Regulation as a guide to good meeting practice.

### **3.1 NOTICE OF MEETINGS**

Notice of advisory / reference committee meetings will be provided to members, along with all councillors, at least 3 days prior to the meeting. The notice will specify the time, place and date of the meeting and the business proposed to be transacted. Notice of less than 3 days may be given of a meeting in an emergency.

### **3.2 NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS**

Councillors who are not members of the advisory / reference committee are entitled to attend a committee meeting. However such councillors are not entitled to add items to the meeting agenda, move or second a motion or vote at the meeting.

### **3.3 QUORUM/STARTING TIME FOR MEETINGS**

Meetings are to commence at the time designated for the meeting. The quorum for an advisory / reference committee will be as resolved by council at the time that the committee is established. If a quorum is not present within 30 minutes of the designated commencement time then the meeting must be adjourned.

### **3.4 AGENDA**

The agenda is an organised list of the business, in order, that will be transacted at the meeting. A copy of the agenda will be distributed to all the committee members at least three (3) days before the commencement of the meeting.

Each item of business to discuss at the meeting needs to be placed on the agenda.

If any items on the agenda are not discussed due to limitations of time, they are carried over to the next meeting agenda.

### **3.5 CONDUCT OF BUSINESS**

Each item of business is discussed in the order in which it appears on the agenda. Adequate time is to be allowed for discussion on important issues.

For some matters, it will be necessary to attach other relevant information to the agenda to inform and direct discussion. Such information is to be circulated with the agenda to all members and councillors with the approval of the chairperson.

### **3.6 VOTING**

Voting can be used as a mechanism through which members can express their agreement or disagreement on an item. The chairperson can determine what matters require voting.

At the first meeting of an advisory / reference committee, the committee must decide whether the chairperson of the committee is to have a casting vote in the event of equal voting.

Voting can be conducted in two ways, verbally or by show of hands. For a vote to be carried it is necessary that a majority of participants vote for that matter. If a vote is tied, the chairperson shall have the casting vote (in the event that the committee has agreed to use a casting vote).

A member who is present but who abstains from voting on a motion is counted as having voted against the motion. Members who are not present may not vote by proxy or any other means.

### **3.7 MINUTES OF MEETINGS**

Minutes of the committee meeting will be taken that reflect the discussion and any voting on matters. These minutes require adoption at the subsequent committee meeting. It will be the responsibility of council staff attending the meeting to record the minutes of the meeting.

The minutes will be distributed to committee members within seven (7) working days of the meeting.

The chairperson will liaise with council staff to ensure that the minutes and recommendations of advisory / reference committee meetings (excluding the Audit and Risk Committee) will be referred to an ordinary meeting of council on an as required basis. The recommendations of a committee, so far as adopted by the council, are resolutions of the council.

### **3.8 GENERAL MANAGER AND STAFF ATTENDANCE AT MEETINGS**

The general manager is entitled to attend advisory / reference committee meetings. On consultation with the chairperson, the general manager shall ensure that appropriate staff attend the meetings.

The role of staff attending will be to offer advice and to answer questions within their individual fields of expertise and experience. Council staff are not permitted to vote unless they are committee members.

### **3.9 DURATION OF MEETINGS**

Committee meetings shall close at the scheduled finish time, however a motion to extend the meeting for up to an extra 30 minutes may be considered by the chair. Matters listed on the agenda and not dealt with by the conclusion of the meeting will be carried forward to the next meeting of the committee.

### **3.10 SUB COMMITTEES**

The committee may appoint working groups to report back to the committee. These 'sub-committees' have no formal standing and must recommend back to the committee for its determination and/or ratification.

Members of sub-committees must be duly appointed members of the committee unless otherwise determined by council.

### **3.11 ABSENCE FROM COMMITTEE MEETINGS**

All committee members are required to advise the chair when they are unable to attend committee meetings. The absence of committee members from the meeting is to be recorded in the minutes. A committee member (other than the mayor) ceases to be a member of a committee if the member:

- Has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- Has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

### **3.12 RECORDING OF COMMITTEE MEETINGS PROHIBITED WITHOUT PERMISSION**

A person may use a recording device to record the proceedings of a meeting of a committee only with the authority of the committee.

A person may be expelled from a committee meeting for using or having used a device to record the meeting in contravention of this clause.

## **SECTION 4: MISCELLANEOUS ISSUES**

### **4.1 INSURANCE ISSUES**

#### **4.1.1 Public Liability**

The Committee members are covered by the public liability policy of council. This insurance does not preclude the committee from due diligence and all council policies must be adhered to.

#### **4.1.2 Personal Accident**

Committee members are covered by council's personal accident policy when injured whilst undertaking actions authorised by council relating to their role in the committee.

#### **4.1.3 Motor Vehicle**

In the event that a committee member utilises a council vehicle, the motor vehicle policy of council will provide cover.

### **4.2 LEGAL ISSUES**

From a legal perspective it is important for committees of council to be aware of their relationship with council. Legally, the committee is 'council' and any action undertaken by the committee is council's responsibility.

Committees sometimes believe they are responsible in their own right and that their actions are independent of council. This is not correct. Council has resolved to constitute the advisory / reference committee and council can dissolve the committee at any time, if deemed necessary.

### **4.3 CONFLICT OF INTEREST**

Section 446 of the Local Government Act 1993 states

'a member of a council committee, other than a committee that is wholly advisory, must disclose pecuniary interests'.

Regardless of this provision, Council's preference is for all committee members to declare conflict of interests, including pecuniary interests, wherever applicable and then manage that conflict accordingly.

A conflict of interest exists where a reasonable and informed person could perceive that you could be influenced by a private interest when carrying out a public duty. Advisory / reference committee members must avoid, or appropriately manage, any conflict of interest. The onus is on the committee member taking the most appropriate action to identify and manage the conflict of interest to ensure proper probity and good governance.

There are two (2) types of interests – pecuniary and non-pecuniary.

Pecuniary interest may be defined as an interest that a committee member has in a matter, as a member, or employee, of a company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other persons may include the spouse or de-facto partner or relative of the committee member.

The proper procedure to be followed for the disclosure of pecuniary interests is for the Committee member to disclose to the meeting any agenda item(s) that the member has a pecuniary interest in as well as the nature of the interest. The Committee member must leave the meeting before discussion, debate and voting on that matter. The Chairperson must ensure that the minutes of the Committee meeting will record the disclosure of the interest and how it was managed.

Non-pecuniary interests are private or personal interests that do not amount to a pecuniary interest. These commonly arise from family, personal relationships, involvement in sporting, social or other cultural groups and associations. Non-pecuniary interests are managed according to their significance. The interest is classified as either significant or less-than-significant and there are different options to manage each category.

The proper procedure to be followed for the disclosure of non-pecuniary interests is for the Committee member to disclose to the meeting any agenda item(s) that a member has an interest in as well as the nature of that interest. In the event of a significant non-pecuniary interest the Committee member must leave the meeting before discussion, debate and voting on that matter. In the event of a less-than-significant non-pecuniary interest the Committee member must provide an explanation of why the conflict of interest does not require any further action. The Chairperson must ensure that the minutes of the Committee meeting will record the disclosure of the interest and how it was managed.

Advisory / reference committee members should familiarise themselves with the Office of Local Government's publication "Your obligations as a council committee member", council's adopted codes of conduct and meeting practice for further information relating to the proper identification, disclosure and subsequent management of conflicts of interest.

#### **4.4 INDUCTION**

All representatives will be required to participate in an induction process within 12 months of appointment to the committee. The chairperson of the committee will coordinate with the general manager in relation to the induction process.

## SECTION 5: REFERENCE COMMITTEES – TERMS OF REFERENCE

### 5.1 HERITAGE REFERENCE COMMITTEE

The Heritage Reference Committee has the following terms of reference:

**Role of the Committee:** the committee is to provide advice to council on heritage matters and provides assistance to council in promoting an understanding and appreciation of heritage through specific activities and events.

The objective of the committee is to conserve the identity of Ku-ring-gai.

**Membership:** the committee's membership consists of two (2) councillors, one (1) community representative who is a resident of Ku-ring-gai and one (1) representative from each of the following organisations:

- National Trust of Australia
- Ku-ring-gai Historical Society
- Australian Institute of Architects (AIA)

**Quorum:** the quorum consists of a majority of the committee members, one of whom must be a Councillor.

**Delegation:** No delegation.

**Meeting Frequency:** As required, to be determined by the chairperson.

**Voting:** Recommendations are made by a majority vote of committee members.

**Committee Term:** a period up to a maximum of four (4) years. A committee term is completed at the end of the council term unless the committee is previously dissolved by council resolution.

**Term of Membership:** councillors will be appointed as chairperson and deputy chairperson to this committee by a resolution of Council for a 12 month period. The term of office for other committee members will be two (2) years. At the expiration of two (2) years, members will be eligible for extension or re-appointment, subject to referral to Council for its consideration and resolution.

Notwithstanding the above, committee membership will cease at the time of the Local Government Elections every four (4) years.

## 5.2 AUDIT AND RISK COMMITTEE

The Audit and Risk Committee has the following terms of reference:

**Role of the Committee:** the committee is to provide independent assurance and assistance to the council on risk management, internal audit, governance, and external accountability responsibilities.

In addition, the purpose and function of this committee is to provide relevant advice with a view to ensuring that there is an adequate and effective system of internal control throughout council and to assist in the operation and implementation of the internal and external audit plans.

**Membership:** the committee's membership consists of two (2) councillors (neither of whom is to be the Mayor) and two (2) independent external members (one of whom is the chairperson).

In addition the committee has the following non-voting permanent invitees;

- General Manager
- Internal Ombudsman
- Head of Internal Audit
- Manager Finance
- External Auditor
- Director Corporate
- Risk Co-ordinator
- The Mayor, all other councillors, and all other directors are able to attend as observers.

Other officers may attend by invitation only as requested by the General Manager or the Committee.

**Quorum:** a quorum will consist of a majority of committee members, including at least one (1) independent external member.

**Delegation:** No delegation.

**Meeting Frequency:** the committee will meet at least four (4) times per year, with one of those meetings to include review and endorsement of the annual audited financial reports and external audit opinion.

**Voting:** Recommendations are made by a majority vote of committee members. In the case of equality of votes on any issue the Chair shall have the casting vote.

**Term of Membership:** councillors will be appointed to this committee by a resolution of Council for a 12 month period. The term of office for independent external members will be for the term of two (2) years, after which they will be eligible for extension or re-appointment following a formal review of their performance. The maximum number of terms an independent external member can sit on the committee without the need for further nominations is two (2) terms.

### 5.3 FLOOD RISK MANAGEMENT COMMITTEE

The Flood Risk Management Committee has the following terms of reference:

**Role of the Committee:** the committee is established under the NSW Government's Flood Prone Land Policy and is to perform as a technical review committee that has an advisory role to Council.

The committee acts as both a focus and forum for the discussion of technical, social, economic and environmental matters relating to floodplain management and for the distillation of possibly differing objectives and viewpoints on these matters into a Flood Risk Management Plan. The committee is tasked with seeking solutions to existing, future and continuing flood risk issues, not solely on addressing the past issues.

**Membership:** the committee's membership consists of two (2) councillors, up to five (5) residents from the local community and up to five (5) representatives from business or industry bodies.

In addition the committee has representatives from the following bodies as non-voting attendees;

- NSW Office of Water
- NSW Department of Planning
- NSW Police
- NSW State Emergency Services
- Sydney Water
- Roads and Maritime Services
- Ex-officio members

Also in addition other staff may attend by invitation as requested by the committee.

**Quorum:** the quorum consists of a majority of the committee members, one of whom must be a Councillor.

**Delegation:** No delegation.

**Meeting Frequency:** As required, to be determined by the chairperson.

**Voting:** Recommendations are made by a majority vote of committee members.

**Committee Term:** a period up to a maximum of four (4) years. A committee term is completed at the end of the council term unless the committee is previously dissolved by council resolution.

**Term of Membership:** councillors will be appointed as chairperson and deputy chairperson to this committee by a resolution of Council for a 12 month period. The term of office for other committee members will be two (2) years. At the expiration of two (2) years, members will be eligible for extension or re-appointment, subject to referral to Council for its consideration and resolution.

Notwithstanding the above, committee membership will cease at the time of the Local Government Elections every four (4) years.

## SECTION 6: OTHER COMMITTEES

The Ku-ring-gai Traffic Committee is not a 'Committee of the Council' within the meaning of the *Local Government Act 1993*, and is therefore not constrained by the council's code of meeting practice or the Regulation. The committee has been formed in response to the conditional delegation of authority to council from the Roads and Maritime Services.

In the absence of a direction from the Roads and Maritime Services, and consistent with provision for local government authorities under the Act, the committee may determine its own meeting procedures.

Set out below are the procedures in relation to Ku-ring-gai Traffic Committee meetings.

- 1 The meeting will operate on a formal basis. All business will be transacted through the chair. Unless there is consensus, a formal vote will be taken on individual items and the vote will be recorded in the minutes of the meeting.
- 2 Meetings of the committee are not public meetings. Written submissions are preferred, however provision is made for interested members of the public to address the committee under certain circumstances. Members of the public (including councillors) may only address the committee on matters listed on the agenda under general business where prior notice of the intention to speak has been made to council staff; and the intended speaker has a relevant interest in the subject matter.
- 3 Committee membership is limited to 'formal' (voting) members and 'informal' (non-voting) members - each category provides a single representative.
  - Formal members are from council (1), the Roads and Maritime Services (1), local Member of Parliament (for the respective electorate only) (1), and the local area Police Command (for the respective command only) (1). The formal members may (with the committee's approval) have additional persons attend in a support or observer or technical capacity.
  - Informal members are representatives of the local bus companies, Bicycle Institute of NSW, Ambulance Service and Fire Service, and others as determined by the committee.
- 4 Only committee members may submit items for the agenda, ask questions about items that are not listed as general business, address the committee with respect to confirmation of minutes, raise late items, or ask a question of committee members.
- 5 'Address the committee' will normally take place immediately before each relevant item is considered. Generally items which have speakers will be dealt with earlier in the meeting – with the order of business being changed accordingly with the consent of the committee.
- 6 Members of the public (excluding Councillors) shall leave the meeting room after all addresses relating to the item under consideration have been made. Members of the

- public wanting to address on more than one item shall re-enter the meeting room when invited to do so.
- 7 Technical discussion on agenda items and establishment of recommendations for council are undertaken in closed session.
  - 8 The chairperson of the committee will be the representative appointed on behalf of the council (or their duly authorised representative).
  - 9 All formal members of the committee have an equal vote on all matters on the agenda. The majority view becomes the recommendation to council. A tied vote results in no recommendation with the matter being referred to council for determination. If a formal member objects to a recommendation they may have their objection noted in the minutes of the meeting.

## ATTACHMENT 1: LIST OF COMMITTEES

Advisory / reference committees are established by a resolution of Council in accordance with clause 260 of the *Local Government (General) Regulation 2005*.

The committees referred to in this document were either established by council at its meeting on 10 December 2013, or were already previously established at that time. These include:

- Heritage Reference Committee;
- Ku-ring-gai Traffic Committee;
- Audit and Risk Committee;
- Flood Risk Management Committee.

## ATTACHMENT 2: CODE OF CONDUCT

Council adopted the model code of conduct at the Ordinary Meeting of Council held 26 February 2013. Councillors, administrators, members of staff of council, independent conduct reviews and members of council committees must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

The model code of conduct sets the minimum requirements of conduct for council officials in carrying out their functions.

## **ATTACHMENT 3: OFFICE OF LOCAL GOVERNMENT PUBLICATION - YOUR OBLIGATIONS AS A COUNCIL COMMITTEE MEMBER**

The Office of Local Government published a guide of the obligations of council committee members in March 2013. The guide was prepared to assist council committee members to understand their responsibilities under the Model Code of Conduct and contains a summary of the ethical standards prescribed under the Code that committee members should be aware of.

## ATTACHMENT 4: LOCAL GOVERNMENT (GENERAL) REGULATION 2005

The Office of Local Government takes the view that council committees that have members who are not councillors (that is council staff and/or community representatives), the committee's meeting procedure is to be determined by the council. It may, but does not have to, follow the procedure outlined in the Regulation. Therefore meeting procedures for advisory / reference committees are not officially bound by the Regulation.

However as the Regulation (in relation to meetings) contains many essential elements to what is considered good meeting practices, this guide to advisory / reference committee meeting procedures therefore has used the Regulation as a basis for its development.

A listing of the current provisions relating to council committees in Division 5 and Division 6 of the Local Government (General) Regulation 2005 have been included for reference of committee members.



# ATTACHMENT 5: COMMITTEE NOMINATION FORM

Ku-ring-gai Council – Committee Nomination Form

Date:
1. Name of Committee:

2. Your Name:
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3. Are you wishing to represent a Group or Organisation:  <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" please advise name of Group/ Organisation:
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4. Postal Address:  Postcode:
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5. Telephone Numbers:      Home Work Mobile:
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6. Email Address:  Please print very clearly.
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7. Summarise briefly why you would like to be a member of this Committee:

8. Please list any professional experience, academic qualifications, local knowledge and sporting or group involvement that may be relevant to this committee.

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9. Have you been a member of a previous Council Committee? If so, please list the name of Committee(s) and period of service.

10. Have you put forward a nomination for any other new/existing committee.
<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please indicate the name of the other committee that you are nominating for.

11. List any additional information to support your nomination.

12. Please indicate which <b>weekdays</b> and times <u>you are</u> available for meetings, including availability during and after-work hours.

**Additional Information:**

In order for council to ensure the success of these committees, it is important that members represent a broad cross-section of our community; have relevant experience and knowledge, an understanding of, and value working in a collaborative, supportive environment. This will be necessary in order to achieve agenda timeframes and outcomes. All of this will be considered when council staff review nominations for council committee membership.



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Nomination forms to be returned by close of business on (closing date)  
Addressed to: (name of staff member coordinating committee, (position title)  
Ku-ring-gai Council  
Locked Bag 1056  
PYMBLE NSW 2073

## Use of Personal Information Consent Form



### Ku-ring-gai Council Committee

Thank you for nominating for a council committee. Please read the following and sign if consent is given:

- A. I consent to the personal information provided on my nomination form being used for the purpose of distributing a contact list to councillors, staff and community members involved with council's Committee, should my nomination be successful.
- B. I am aware that membership to this committee requires my attendance at a majority of the meetings to be held and that an absence of three (3) consecutive meetings, or at least half of the meetings of the committee held during the immediately preceding year, without having given to the committee acceptable reasons for the member's absences may result in dismissal from committee membership.
- C. I have read the Advisory / Reference Committees Guideline and associated attachments.
- D. I confirm that the information given in this form is to the best of my knowledge, true and complete. I understand that any false information or deliberate omission of relevant information may lead to non-selection or termination of appointment.

**Signed:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

### Use and Disclosure of Information

The *Privacy and Personal Information Protection Act 1998* provides for the protection of personal information and for the protection of privacy of individuals generally. In compliance with the Act and Council's adopted Privacy Management Plan, your personal information will only be used for the distribution of information between Council and the members of Council Committees. It will not be added to other mailing lists or provided to a third party. We will not disclose your personal information without your consent.