



13.3 APPOINTMENTS OF COUNCILLORS TO COMMITTEES

EXECUTIVE MEMBER: JOANNE MCNEILL, GENERAL MANAGER, GOVERNANCE CAPABILITY AND EXPERIENCE

PREPARED BY: XAVIER SMERDON, HEAD OF GOVERNANCE

1. PURPOSE

1.1 To appoint Councillors to delegated committees, advisory committees and external committees for a 12 month period.

2. EXECUTIVE SUMMARY

2.1 This report facilitates Council's appointment of Councillor representatives to delegated, advisory and external committees.

3. RECOMMENDATION

- 3.1 Appoints Councillor representatives to delegated, advisory and external boards and committees as per Attachment 1, effective from the date of this resolution for a 12 month period.
- 3.2 Notes the Councillors appointed to the roles outlined in attachment 1 will also fulfil the requirements of any sub-groups or sub-committees formed by these bodies where Councillor representation is required. In the event the Councillor representative is not able to fulfil this role, a Councillor representative will be determined by the Mayor or brought back to Council for resolution.
- 3.3 Notes that a review of the advisory committees will be undertaken to bring governing documents into line with legislative requirements, and a report recommending new Terms of Reference for relevant committees will be brought back to Council in the 2023/24 financial year.

4. KEY POINTS/ISSUES

- 4.1 Council participates in various delegated, advisory and external boards and committees. Each requires Council to nominate Councillor representation. This report facilitates those appointments.
- 4.2 The Local Government Act (LGA) 2020 specifies three types of committees, and the powers and administrative arrangements related to those committees. These committees include delegated committees, joint delegated committees and Community asset committees. Council can also establish advisory committees.
- 4.3 Council currently has one delegated committee, being the Planning Committee (comprised solely of Councillors).
- 4.4 Other committees of Council or where Council has the ability to participate include:
 - 4.4.1 The Audit and Risk Committee;
 - 4.4.2 Advisory committees; and
 - 4.4.3 External committees.
- 4.5 There may be occasions where advisory or external committees form sub-groups or sub-committees to deal with a matter. If a Councillor representative is required, then



typically the Councillor representative for that advisory or external committee will fulfil that role. Where the Councillor representative is not able to fulfil that role for some reason, the Mayor may determine a Councillor appointment to the sub-group or committee, or the matter will be brought back to Council for resolution.

- 4.6 On 1 February 2023 Cr Robbie Nyaguy took the Affirmation of Office in accordance with Section 30 of the Local Government Act following a Countback to fill an extraordinary vacancy in the Lake Ward. A review of existing appointments of Councillors to Committees was conducted to ensure Cr Nyaguy is able to represent the community by joining several committees.

CHILD SAFE POLICY

- 4.7 The City of Port Phillip is a committed Child Safe organisation. Our commitment is to ensure that a culture of child safety is embedded into our practices and processes. The *Child Safe Policy* applies to everyone who works for or represents the City of Port Phillip, and accordingly, officers have assessed the advisory committees to determine the need for committee members to hold a Working With Children Check (WWCC). Officers make the following recommendations:

4.7.1 Committees whose independent members are remunerated by Council should hold a WWCC, being:

- Audit and Risk Committee
- South Melbourne Market Advisory Committee

4.7.2 Committees whose members work in contact with, or make decisions affecting young people should hold a WWCC, being:

- LGBTIQ+ Advisory Committee
- Esplanade Market Advisory Committee
- Multicultural Advisory Committee
- Youth Advisory Committee

- 4.8 Council will inform and educate all committee members about the Child Safe Policy, and related policies and procedures to ensure all committee members are aware of the role they play in keeping children and young people safe.

GOVERNANCE REVIEW

- 4.9 The introduction of the Local Government Act 2020 has made some changes to Council's management of Conflict of Interest. Additionally, a series of governance policies have been updated in line with legislation changes (i.e. Privacy Policy) that need to be reflected in the Terms of Reference documents for each of the advisory committees.

- 4.10 Officers will undertake a deeper review in the 2023/24 financial year of the operation of the advisory committees to bring their governing documents into line with new legislative requirements.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Councillors are requested to make use of the standing item on the Council agenda "Reports by Councillor Delegates" to report back to Council on the activities of respective advisory and external bodies.



6. LEGAL AND RISK IMPLICATIONS

- 6.1 Council has established an Audit and Risk Committee in accordance with its requirements under Section 53 of the LGA 2020.
- 6.2 Council is required by section 43 of the LGA 2020 to keep Councillors indemnified whilst they are undertaking the duties of a Councillor. The legislation states:
- “A Council must indemnify and keep indemnified each Councillor, member of a Council committee, member of Community Asset Committee against all actions or claims whether arising during or after their term of office in respect of anything necessarily done or reasonably done or omitted to be done in good faith –
- (a) in the performance of a duty or a function or the exercise of a power under this Act, the regulations or a local law or any other Act; or
 - (b) in the reasonable belief that the act or omission was in the performance of a duty or a function or the exercise of a power under this Act, the regulations or a local law or any other Act.
- 6.3 This indemnity covers Councillors whilst acting in good faith and representing Council on these bodies.
- 6.4 This report supports Council’s obligations under the Child Safe Standards.

7. FINANCIAL IMPACT

- 7.1 There are no financial impacts arising as a result of this report.

8. ENVIRONMENTAL IMPACT

- 8.1 Membership of the Association of Bayside Municipalities involves the identification, resolution and advice on matters of common interest to Bayside Councils to improve the overall management of the Port Phillip Bay environment.
- 8.2 The Metropolitan Waste and Resource Recovery Group (MWRRG) is a Victorian State Government Statutory Body responsible for coordinating and facilitating the delivery of waste management and resource recovery across metropolitan Melbourne.
- 8.3 The South East Councils Climate Change Alliance (SECCCA) supports member councils and their communities in the south east region to respond and adapt to the impacts of climate change. SECCCA collaborates with all levels of government to deliver regional climate change projects. They exist to advocate, educate and deliver targeted projects in the areas of greenhouse gas abatement, sequestration and adaptation.

9. COMMUNITY IMPACT

- 9.1 Appointments to external bodies is at the discretion of the Council, however, there is a possibility that Council and the community would lose a significant voice in an important forum, for example, the Municipal Association of Victoria, the Metropolitan Transport Forum, etc., if Council was not represented.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 The appointment of Councillors to committees is consistent with Council’s strategic direction and commitment to the community of a financially sustainable, high performing, well governed organisation that puts the community first.

MEETING OF THE PORT PHILLIP CITY COUNCIL

15 MARCH 2023



11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

11.1.1 The appointments will take effect from the date of this resolution.

11.2 COMMUNICATION

11.2.1 Once the appointments are determined, relevant Council staff will advise the respective committees and external bodies of the appointments made; and ensure that Councillors' calendars are updated with the appropriate meeting dates. Arrangements will be made to ensure induction occurs relative to the requirements of the appointment.

12. OFFICER DIRECT OR INDIRECT INTEREST

12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

ATTACHMENTS

- 1. Schedule of Councillor Appointments to Committees**[↓](#)