

**ORDINARY MEETING OF COUNCIL  
18 DECEMBER 2008**

**ORDER OF THE DAY**

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<b>ORDER 2</b>	<b>APPOINTMENTS OF COUNCILLORS TO INTERNAL AND EXTERNAL COMMITTEES AND BODIES</b>
<b>LOCATION/ADDRESS:</b>	<b>N/A</b>
<b>EXECUTIVE DIRECTOR:</b>	<b>SALLY CALDER, EXECUTIVE DIRECTOR ORGANISATION SYSTEMS &amp; SUPPORT</b>
<b>PREPARED BY:</b>	<b>NORM MCCLELLAND, GOVERNANCE ADVISOR</b>
<b>FILE NO.:</b>	<b>18/04/12</b>
<b>ATTACHMENTS:</b>	<b>LIST OF COMMITTEES AND BODIES</b>

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**1. PURPOSE**

- 1.1. Council annually appoints Councillors to internal and external committees and bodies for the coming twelve months (2009).
- 1.2. Attachment 1 provides a list of the internal and external committees and bodies.

**2. RECOMMENDATION**

- 2.1. That Council determines the appointment of Councillors to the internal and external committees and bodies outlined in Attachment 1.

**3. BACKGROUND AND CONTEXT**

- 3.1. Council annually appoints Councillors to positions on special committees, advisory committees, internal groups and external bodies.
- 3.2. These appointments are for a calendar year (2009) and are usually made after the election of the Mayor and Deputy Mayor each year in December.
- 3.3. In 2005, a review of internal advisory committees was undertaken and included consideration of possible alternative structures. Council determined most advisory committees were to continue on the basis of improved Terms of Reference and formal annual reporting to Council. The revised Terms of Reference included a 2-year tenure sunset clause so that committees did not continue without purpose and without review by Council.
- 3.4. Councillors may wish to review current committee structures. If a review were to occur, councillors may choose to make interim appointments to council committees in the meantime.
- 3.5. Attachment 1 outlines the various council committees and external bodies to which Councillors are appointed.

**4. CONSULTATION AND STAKEHOLDERS**

- 4.1. Councillors have had the opportunity to discuss the issue of appointment to committees at a briefing session.
- 4.2. Councillors should be aware that:
  - 4.2.1. the opportunity to be involved in discussion on policy formulation and major strategic issues may arise during the participation on some of these committees;
  - 4.2.2. they can make use of the standing item on the Council agenda "*Reports by Councillor delegates appointed to other bodies*" to report back to other Councillors on respective committee activities.

**5. DISCUSSION**

**5.1. OPTIONS**

Council is able to determine the appointments as it deems appropriate.

The council may wish to review its committee structure and operations, however, it is recommended at this stage that Council make the Councillor appointments to these Committees pending a report to Council later in 2009 following a review of the capacity and effectiveness of Committees.

**5.2. POLICY IMPLICATIONS**

The terms of reference adopted by Council with respect to internal special committees and advisory committees determine the membership of the respective committees. If Council did not want to appoint a Councillor Representative to any particular internal committee it could decline to do so and at some later point amend the Terms of Reference.

Appointments to external committees and bodies is at the discretion of the Council, however, there is a possibility that Council would lose a significant voice in an important forum, for example, the Municipal Association of Victoria, the Victorian Local Governance Association, the Metropolitan Transport Forum, etc., if it were not represented.

**5.3. FINANCE / RESOURCE IMPLICATIONS**

Appointment of Councillors to committees has minor impact on budget resources and has been factored into Council's current budget structure; however, it is acknowledged that there is a considerable time commitment from Councillors to be involved in and to attend the meetings of such committees.

### 5.4 LEGAL & RISK IMPLICATIONS

Council is required by section 76 of the Local Government Act 1989 to keep Councillors indemnified whilst they are undertaking the duties of a Councillor. The legislation requires:

*“A Council must indemnify and keep indemnified each Councillor, member of a Council committee, member of Council staff and any person exercising any function or power on behalf of a Council against all actions or claims (whether arising during or after the term of office or employment of that Councillor or member) in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of any function or power conferred on the Council or Council committee or any Councillor, member of the Council committee or member of Council staff by or under this or any other Act.”*

- This indemnity covers Councillors whilst acting in good faith and representing Council on these committees and bodies.

Special committees (established under section 86 of the Local Government Act) have various formal legal requirements under the Local Government Act. The Act has detailed conflict of interest provisions' applying to special committees, in the same way that conflict of interest applies to the council.

### 5.6 SUSTAINABILITY ASSESSMENT

Councillors are presented with the opportunity to commit to the following principles through their representation on internal and external committees:

#### *SOCIAL EQUITY*

*Social Pillar* – create the conditions for people to come together and for community leadership to flourish.

#### *ECONOMIC VIABILITY*

*Economic Pillar* – have the future in mind in all decision-making.

#### *ENVIRONMENTAL RESPONSIBILITY*

*Environmental Pillar* – minimise the impact on our environment in every action undertaken.

#### *CULTURAL VITALITY*

*Cultural Pillar* – actively support an inclusive city.

**6. IMPLEMENTATION STRATEGY**

**6.1 TIMELINE**

Council staff will:

- advise the relevant committee/body that they are associated with of the appointment of the relevant Councillor;
- ensure that the relevant Councillor's calendar (via the Mayor and CEO's office staff) is updated with the appropriate meeting dates; and
- advise the Municipal Association of Victoria and the Victorian Local Governance Association of the appointments to each organisation.

**6.2 COMMUNICATION**

Council staff will communicate the appointments to the respective committees.

**7. ADDITIONAL INFORMATION**

- 7.1 There is an additional section 86 Committee, Port Melbourne Community Family & Children's Hub Committee, with delegated powers that is not listed in the Attachment, however, the Terms of Reference do not require the appointment of a Councillor.