



14.1 APPOINTMENTS OF COUNCILLORS TO COMMITTEES

EXECUTIVE MEMBER: KYLIE BENNETTS, DIRECTOR, OFFICE OF THE CEO

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1. PURPOSE

- 1.1 To appoint Councillors to special committees, internal community reference (advisory) committees and external committees for the 2020 calendar year.

2. EXECUTIVE SUMMARY

- 2.1 Council at its meeting held on 12 December 2018 made its Councillor appointments to its special committees, internal community reference (advisory) committees and external committees for the 2019 calendar year or at an earlier date by resolution of Council.
- 2.2 As these appointments are due to expire, this report recommends Council making appointments to all of its committees effective from the date of this Council resolution until the end of this Council's term being 6am on 24 October 2020.

3. RECOMMENDATION

That Council makes the appointments of Councillors as representatives to the special committees, community reference (advisory) committees and external committees effective from the date of this resolution until 6am 24 October 2020 unless Council resolves an earlier expiry date (Attachment 1).

4. KEY POINTS/ISSUES

- 4.1 Council annually makes appointments to its special committees, internal community reference (advisory) committees and external committees. This report facilitates those appointments. Council can determine the appointments as it deems appropriate and can at any time amend or add new committee appointments.
- 4.2 Special committees of Council have been established by Council under section 86 of the Local Government Act (the Act). Each committee has specific powers delegated to it by Council. These special committees are empowered to act only within the powers delegated to them by the Council.
- 4.3 Council currently has the following four special committees of Council:
- 4.3.1 Planning Committee (comprised solely of Councillors). This committee was established by Council on 6 December 2017.
- 4.3.2 Inner Melbourne Action Plan Implementation Committee (comprised of Councillors and officers of the municipalities of Port Phillip, Melbourne,

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Maribyrnong, Yarra and Stonnington). This committee was last reviewed by Council on 1 February 2017.

- 4.3.3 Council Neighbourhood Programs Committee (comprised of Councillors and an officer). This committee was last reviewed by Council on 18 October 2017.
- 4.3.4 South Melbourne Market Committee (comprised of Councillors, externals and an officer). This committee was last reviewed by Council on 3 October 2018 where Council agreed to a revised Committee Charter, membership and Instrument of Delegation to take effect from 1 March 2019.
- 4.4 This report makes no recommendations regarding changes to the structure of any of these four special committees.
- 4.5 In addition to the four special committees, Council has 11 community reference committees (advisory committees). One of these is the Audit and Risk Committee which is a mandatory committee required to be established under the Act. The operation and continuance of the balance of the ten Advisory committees or the establishment of additional advisory committees is at the discretion of Council. During 2019 Council established a new advisory committee called the Multicultural Advisory Committee which has replaced the Multicultural Forum.
- 4.6 Council also has the opportunity of appointing Councillors to external bodies. Attachment 2 contains a list of these bodies including information on the external committee's purpose, structure and meeting frequency. A new external committee has been added to the schedule being the South East Council's Climate Change Alliance (SECCCA) Councillor Advisory Group where Council can appoint one Councillor to the Advisory Group.
- 4.7 In relation to the Victorian Local Governance Association (VLGA), advice has been received that in accordance with the VLGA Constitution, all Councillors are its representatives. This has been notated in the schedule of appointments and consequently Council does not need to make an individual appointment to the VLGA.
- 4.8 Council has the option of appointing two directors to the HousingFirst Board. Previously there had been an officer appointed to the Board in addition to the councillor representative but this practice ceased some time ago. All HousingFirst directors, including Council appointees, are automatically Trustees of the Port Phillip Housing Trust.
- 4.9 Regarding appointments to the Bubup Womindjeka Family and Children's Centre (BWFCC) Board, the current Bubup Womindjeka Family and Children's Centre Association Inc. Constitution provides for two Council representatives. It is not expressed in the Constitution that the representatives are to be one Councillor and one officer. The BWFCC Board is planning to undertake a review of the Constitution. The Funding Agreement between Council and the Bubup Womindjeka Family and Children's Centre Association Inc. states that the Constitution cannot be amended in areas that affect Council without the prior written consent of the Council.
- 4.10 Some time ago Council was represented on the Board by a Councillor and an officer. However due to the officer's position as Manager of the Family and Children's Services



area there were potential conflicts of interest between the officer's role with Council and being a member of the Board. This matter was considered at Executive level and the decision was made to leave this position vacant.

- 4.11 The BW FCC Association held its Annual General Meeting (AGM) in March 2019 and appointed 12 ordinary members onto the BW FCC Board with one of these members being a Council representative (Councillor Voss). The Board were of the understanding that Council only wanted to fill one of its positions. However, Council has not made a formal decision to relinquish its second position on the Board. Given that the Association has already appointed its ordinary members for 2019/20, an option exists for Council to appoint a Councillor to the Board effective immediately and a second Councillor to the Board effective from the date of the next AGM of the Association (February / March 2020).

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Councillors have discussed internally the proposed appointment of Councillors to its various committees.
- 5.2 Councillors currently use as required the standing item on the Council agenda "Reports by Councillor delegates" to report back to Council and the community on the activities of the respective bodies.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Council is required by section 76 of the Local Government Act 1989 (the Act) 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 Council staff and any person exercising a 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."
- 6.2 This indemnity covers Councillors whilst acting in good faith and representing Council on these bodies.
- 6.3 Section 86 of the Act states, amongst other things, that apart from advisory committees that Council may establish it can also establish Special Committees with delegated powers.
- 6.4 Section 139 of the Act states that Council must establish an Audit Committee and that this committee is an Advisory Committee of Council.

7. FINANCIAL IMPACT

- 7.1 Appointment of Councillors to these committees has minor impact on budget resources and has been factored into Council's current budget structure, however, it is

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acknowledged that there is a time commitment from Councillors to be involved in, and to attend the meetings of such committees.

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.

9. COMMUNITY IMPACT

9.1 The continuation of Advisory Committees provides for civic engagement by Council with the community and facilitates community views, knowledge and advice being provided to Council and its officers to assist decision making.

9.2 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.

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

11.1.1 The appointments are effective from the date of this Council resolution until the end of this Council's term being 6am on 24 October 2020.

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.

12. OFFICER DIRECT OR INDIRECT INTEREST

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

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ATTACHMENTS

- 1. Council committee appointments schedule**
- 2. Summary information external committees**