



Attachment 1 to Item 4.4.3

Draft Council Committee Constitution – Heritage Committee

Date of meeting: 14 March 2023
Location: Council Chambers
Time: 6:30 p.m.



Draft Council Committee Constitution

Heritage

CONSTITUTION

Division:	Corporate Services	ECM:	
Branch:	Governance	Adopted Date:	
Responsible Officer:	Manger Governance	Next Review Date:	
Director:	Director Corporate Services	Version:	1



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1. COUNCIL COMMITTEE

A Council Committee is appointed under the provisions of Section 377 of the *Local Government Act 1993* (the act).

2. OBJECTIVE

To provide advice to Council about matters within the authorities delegated to the Heritage Committee.

3. ROLE AND AUTHORITIES

- a) Whereas the Committee is appointed by the Hawkesbury City Council under the terms of the *Local Government Act 1993*, the Committee is to abide at all times with the terms of reference of this clause, and with the authorities delegated under this clause whilst remaining in force (unless otherwise cancelled or varied by resolution of Council).
- b) The Committee shall have the following authorities delegated to it in accordance with the provisions of Section 377 of the *Local Government Act 1993*:
 - (i) to recommend to Council policies drawn up by professional staff;
 - (ii) to bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Committee under Section 377;
- c) The Council retains the responsibility for all budgetary considerations;
- d) The General Manager (or his/her delegate) retains, and shall be entirely responsible for matters relating to staff (either permanent or temporary) supporting the Committee in accordance with the *Local Government Act 1993*;
- e) Any authorities conferred upon the Committee under this Constitution may be varied by Council.

4. TERM

The Committee may be dissolved by Council at any time by resolution. The term of each Committee Member will be four (4) years or until the end of the Council term.

Should the Committee wish to change the Members at any time, this would be a matter for Council by resolution. The Composition of the membership of the Committee may be altered by resolution of Council. Appointments to the Committee and removal of existing members of the Committee may be made in accordance with this Constitution.

5. STRUCTURE, and MEMBERSHIP

- a) The structure and Membership of the Committee shall be appointed at the first Council Meeting following the local government elections or as otherwise determined by Council.
- b) Membership and voting rights of the Committee shall be as follows:
 - Four (4) Councillors of the Hawkesbury City Council, and Fourteen (14) community representativemembers, appointed by Council following the calling of expressions of interest in the month following local government elections:
 - Council shall place advertisements in appropriate newspapers inviting expressions of interest from members of the community for membership of the Heritage Committee
 - The Council shall select and appoint the community representatives to the



- Committee;
 - The Committee shall have the power to fill casual vacancies at its discretion.
 - Each Member of the Committee entitled to vote shall only have one vote except that of the casting vote of the Chairperson in the case of equality votes
 - All other Councillors are able to attend Committee meetings as a participant with no voting rights.
 - Members of the public are able to attend Committee meetings.
 - The Committee shall, at its first meeting following appointment, and each twelve (12) month period thereafter, elect one of its Members from those appointed under Clause 5 to be the Chairperson of the Committee. The Chairperson is responsible for;
 - The management of the Committee functions and operations, including managing conflicts of interest.
 - Ensuring the Committee fully discharges its responsibilities under the Act, the Code of Conduct, and this Constitution.
 - The good and orderly conduct of the Committee. The Chairperson may do all things reasonably necessary to fulfil this responsibility.
 - In the absence of the Chairperson, the Committee shall elect a Committee Member to act as the Chairperson during this absence.
 - Members of the Committee shall cease to hold office:
 - If the Committee is dissolved by Council;
 - Upon written resignation or death;
 - If absent without prior approval of the Committee for three (3) consecutive meetings; or
 - If the Council by resolution determines that the Member has breached Hawkesbury City Council's Code of Conduct (as it is in force from time to time).
 - A quorum of the Committee shall be constituted by ten (10) Committee Members being present at the meeting.
- c) The Director (or delegate) with the responsibility for the Committee within the Hawkesbury City Council shall attend Committee meetings, the following staff members will also attend;
- A subject matter expert staff member
 - A Minute taker
 - A staff member responsible for management of audio-visual requirements (If required).
- d) Council's Code of Conduct is to be taken to apply to community representative Members in the same way as the Code of Conduct applies to Councillors.

6. WORKING GROUPS

- The Committee may by resolution recommend the appointment of working groups comprised of Members or non-Members to exercise and carry out specific investigations, answer specific questions or carry out specific tasks for the Committee, and then to report back to the Committee.
- The resolution establishing a working group must contain the following:
 - The members of the working group, if known
 - If the members are not known, the method by which they will be appointed
 - The duration of the working group
 - The specific investigation(s), question(s) or task put to the working group



- The method and timeframe within which the working group will report back to the Committee
- Working groups may be dissolved by the Committee at any time. Working groups will be dissolved on receipt by the Committee of a report from the working group dealing with the matter referred to the working group by the Committee.
- In consultation with the Director (or delegate) responsible for the Committee, the Chairperson may request that reasonable staff resources be provided to assist the Committee, for example by provision of information and administrative help with preparation of reports.
- Working groups are not authorised to make any decisions on behalf of the Committee or Council and any recommendations of any working group will only have effect once adopted by the Committee, and by the Council.

7. COMMITTEE PROCEDURES AND GENERAL

Meetings

- Meetings of the Committee shall be held when agenda items have been set by Council or as determined by the Chairperson of the Committee.
- The Committee will meet no less than four times per year. Additional meetings may be called where required.
- Meetings of the Committee will be held on a Thursday between 5pm and 7pm unless otherwise agreed upon by the Committee Members. Meetings will be held in the Council Chambers or by audio-visual link.
- The rules governing meetings and the procedures of the Committee as specified in this Constitution may be altered from time to time by resolution of the Council.
- Agenda items will be set by reference to matters referred to the Committee by Council resolution.
- Agenda items are to be based on a request for advice, or based on a request for information.
- Agenda items may be raised at a Councillor Briefing Session however are still required to be subject to a Council resolution at a Council meeting.
- Any recommendations of the Committee shall, as far as adopted by the Council, be resolutions of the Council, provided that recommendations or reports of the Committee shall not have effect unless adopted by the Council.
- Procedural Items will be automatically included in agenda items. An example of a procedural item is the election of Chairperson.
- Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of Committees, will be published on the Council's website.
- Committee Meeting attendees who have registered to address the meeting have a time limit of five (5) minutes to speak. To register to speak on an agenda item, the form to register to address a Council or Committee meeting will need to be completed. The form is required to be received by Council by no later than three (3) hours prior to the commencement of the meeting. Ordinarily, there is no limit to the number of agenda items that a person may apply to speak on.
- Written submissions on any of the agenda items must be received three (3) hours prior to the commencement of the meeting. The length of written submissions should be limited to five (5) minutes if read out. Written submissions will be read out and form part of the minutes of the meeting.



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- Committee Meetings attendees who have not registered to address the meeting may speak on an agenda item after registered speakers have addressed the Committee. Time limits for non-registered speakers will be at the discretion of the Chairperson.
 - Speakers are only to address items on the Business Paper agenda.
 - The first item of business will be declarations of conflicts of interest and the second item will be procedural items.
 - Agenda items that have registered speakers will take priority.

Minutes

- Minutes of Committee meetings will be recorded. The Minutes will reflect the final resolution of the Committee in regard to the item. Draft Minutes will be distributed to Committee Members to review with a specified time period. The Chair will have the authority to finalise the Minutes.
- The Minutes of Council Committee Meetings will be reported to Council for adoption.
- As context for the Minutes and as the avenue by which the Committee provide advice to Council in regard to a particular matter, the Committee will prepare a report back to Council in response to an Agenda item that has been considered by the Committee.
- The report to Council will include a summary of the Committee's progress towards the objectives set for them by Council. This summary is to include a self-evaluation of the Committee's performance linked to the Community Strategic Plan.
- Where the Committee or a working group of the Committee has prepared a report in relation to a matter referred to it, the chairperson may in their discretion call f a Committee meeting to discuss the report before submission to Council.

Conflicts of Interests

- Committee members are required to disclose and manage conflicts of interest, including at Committee meetings, in the same manner as provided for Council Officials in Council's Code of Conduct.,

Policies

- [Code of Conduct](#)

