



Hawkesbury City Council

attachment 1
to
item 010

Draft Council Committee
Constitution

date of meeting: 25 January 2021

location: council chambers and
by audio visual link

time: 6:30 p.m.



H a w k e s b u r y C i t y C o u n c i l

Draft
Council Committee
Constitution

Community Services Committee
Environment Committee
Innovation and Partnerships Committee
Disaster and Emergency Committee
Heritage Committee

H a w k e s b u r y C i t y C o u n c i l

Division:	Support Services	ECM:	
Branch:	Corporate Services & Governance	Adopted Date:	
Responsible Officer:	Manger Corporate Services & Governance	Next Review Date:	September 2021
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1. COUNCIL COMMITTEE

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

2. OBJECTIVE

To provide advice to Council about functions of the following Council Committees (the Committee):

- Community Services Committee
- Environment Committee
- Innovation and Partnerships Committee
- Disaster and Emergency Committee
- 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 Members' term shall be for four (4) years or until the end of the Council term. The Committee may be dissolved by Council at any time by resolution.

Should the Committee wish to change the Members at any time, this would be a matter for Council by resolution.



5. STRUCTURE, MEMBERSHIP AND ELECTION

- 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:

Community Services, Environment and Innovation and Partnerships Committees

- Five (5) Councillors of the Hawkesbury City Council appointed by Council to each Committee
- Each Member of the Committee is 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 right
- 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.
 - To ensure the Committee fully discharges its responsibilities under the Act, the Code of Conduct, and the Constitution.
 - The good and orderly conduct of the Committee. The Chairperson may do all things 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 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 three (3) Councillor Members being present at the meeting.



Disaster and Emergency Committee

- Twelve (12) Councillors of the Hawkesbury City Council, and relevant agency representatives
- 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. Agency representatives have no voting rights
- The Mayor will be the Chairperson of the Committee. The Chairperson is responsible for;
 - The management of the Committee functions and operations, including managing conflicts of interest.
 - To ensure the Committee fully discharges its responsibilities under the Act, the code of conduct, and the constitution.
 - The good and orderly conduct of the Committee. The chair may do all things 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 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).
- Agency Representatives can be interchanged as needed by the Chairperson for reasons including;
 - The representative has a conflict of interest
 - The representative is unable to attend of the day; and/or
 - To periodically rotate the Members
- A quorum of the Disaster and Emergency Committee shall be constituted by seven (7) Councillor Members being present at the meeting.



Heritage Committee

- Three (3) Councillors of the Hawkesbury City Council, and Eleven (11) community appointments, appointed by Council following the calling of applications in the month of October following local government elections:
 - Council shall place advertisements in appropriate newspapers inviting nominations from Members of the community for Membership to 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 right
 - 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.
 - To ensure the Committee fully discharges its responsibilities under the Act, the code of conduct, and the constitution.
 - The good and orderly conduct of the Committee. The Chairperson may do all things 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 six (6) 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 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
- d) Council's Code of Conduct is to be taken to apply to community and agency representative Members in the same way as the Code of Conduct applies to Councillors.



Working Groups

- The Committee can appoint working groups comprised of Members or non-Members to exercise and carry out specific investigations for the Committee, and then to report back to the Committee. These appointed working groups may be dissolved by the Committee at any time;
- Any appointed working group will have no power to make any decisions whatsoever on behalf of the Committee and any recommendations of any working group will only have effect once adopted by the Committee, and by the Council.

6. 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
- Meetings will generally be held on a Tuesday between 4pm and 6pm, unless otherwise agreed upon by the Committee Members. Meetings will be held by audio-visual link
- Meetings of the Heritage Committee will be held on a Thursday between 5pm and 7pm unless otherwise agreed upon by the Committee Members. Meetings will be held by audio-visual link
- The rules governing meetings and the procedures of the Committee shall, as specified in this constitution maybe altered from time to time by resolution of the Council
- 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
- Agenda items are to be set by Council resolution. Agenda items are to be based on a request for advice. Agenda items for the Emergency and Disaster Committee may also be based on a request for information
- Procedural Items are to 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, are to be published on the Council's website
- Committee Meetings 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 Council speaker's form will need to be completed. The form will be need 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 items that a person may apply to speak on
- Committee Meetings attendees who have not registered to address the meeting may speak for a time limit at the discretion of the Chairperson
- Speakers are only to address items on the Business Paper agenda
- The first item of business will be any declaration from any Member with any pecuniary or conflicts of interest and the second item will be procedural items.
- Agenda items that have registered speakers will be dealt with at the start of the meeting



Minutes

- Minutes of the Council 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.
- It is at the Chair's discretion to call for a Committee meeting to discuss a report before submission to Council

Conflicts of Interests

- Any Committee Members having a conflict of interest are to complete a declaration of interest form.
- Any Committee Members having a pecuniary interest in any matters being discussed by the Committee shall declare such interest at the meeting of the Committee and refrain from voting or discussion thereon.

Policies

- [Code of Conduct](#)

