

MidCoast Committee

Introduction

The purpose of these guidelines is to document the broad governance framework and appointment to committees. The guidelines give a broad overview of committee governance and are intended to be used in conjunction with and inform a committee or groups Terms of Reference. The Guidelines will be reviewed and updated annually to ensure they remain accurate and up to date.

Please note 'Committees' is defined as any Working Group, Reference Group, Advisory Committee, Section 355 Committee or body providing information, advice, suggestions and support to Council and staff when determining the best actions moving forward.

Committee Governance Structure

The committee governance structure includes:

- Council committees
- Advisory committees
- Reference Groups
- Working Groups
- External committees

A Council committee (usually an Ordinary Council Meeting) is one where all the members of the committee are Councillors: however, not all Councillors must be members. The committee must be chaired by the Mayor or a Chair elected from its membership or by the Council.

Section 10(1) of the Local Government Act 1993 states:

- (a) Everyone is entitled to attend a meeting of the council and those of its committees of which all the members are Councillors, and
- (b) A council must ensure that all meetings of the council and of such committees are open to the public.

In addition to Council committees, Council also supports a number of advisory committees, reference groups, working groups and external committees. These committees and groups provide a mechanism where interested community members and stakeholders can provide input into Council policy development, direction and practice. The community reference groups are an important link in Council's communication and engagement strategies and are where community can participate and contribute to the decision-making process. Committees are established to:

- Gather the views of the wider community
- Assist Council in understanding specific or localised issues, initiatives or community assets
- Provide a structured and meaningful approach to involvement of community members in the democratic process

Table 1 – Committee structure

	Council Committees	Committees established under clause 260 of the Local Government (General) Regulations 2021 which are comprised only of Councillors. They may have delegated authority to make decisions in relation to their stated objective(s) and role(s).
	Delegated Committees	Committees which include external representatives, other stakeholders or agencies. These committees provide advice to Council on a range of issues as specified in each committee's Charter or Terms of Reference and have a delegated authority under Sections 377 of Local Government Act. Eg Audit, Risk & Improvement Committee
Community participation	Reference Groups	Groups are established to provide ongoing strategic advice and feedback in relation to a particular focus area outlined in the group's Terms of Reference, and are not to focus on operational items. Reference Groups may form a working group to work on a particular project if required. They will generally include Councillor representatives, community members, stakeholders or agencies, and Council staff. Groups may be established for a limited term for a specific purpose or provide input on a specific project.
	Working Groups	Groups are established to work on set projects or work towards strategic targets outlined in the group's Terms of Reference. They will generally include Councillor representatives, community members, stakeholders or agencies, and Council staff. Groups may also be established for a limited term for a specific purpose, to provide input on a specific project or a smaller group from a reference group. These will generally include representatives of the community, other stakeholders or agencies and may not include Councillor representatives. These groups provide advice to Council on a range of issues as specified in each group's Terms of Reference.
	External Committees	Committees established by an external body and requiring a Council delegate (either Councillor or staff member)
	Other	General Manager's Performance Review Panel
	Hall Committees	Review of hall committees across the region is continuing. Many of these committees may also be a s355/s377 committee as they are delegated a function of Council.

Appointments

Elected members

Some Committees have elected representatives as members.

Councillor representatives on Committees, including the Chair where applicable, are elected at an Ordinary Council meeting.

Councillor representatives elected to Committees are outlined in Appendix 1 as well as detailed on the MidCoast Council website.

If the elected Councillor representative is not available to attend a meeting, that Councillor should advise the alternate representative (if nominated) of their inability to attend that they will be required to attend the meeting giving as much notice as possible.

Community and stakeholder representatives

There are a number of Council Reference Groups and Working Groups that require community and stakeholder representatives. This is outlined in the respective Terms of Reference for each group that is adopted by Council.

Ideally, a group will have a complementary mix of knowledge, skills, interests and experiences as well as an understanding of the local community's needs and aspirations. The community members of the Committee will be appointed by Council following a publicly advertised process. Members shall be expected to bring their diverse knowledge, skills, experience to the group.

A nomination form must be completed by interested community representatives and all nominations will be assessed against their stated knowledge, experience, skills and responses to the criteria relevant to committee or group.

The specific member from a Government agency or community group does not require a resolution of Council to be appointed to the Reference Group. When adopting the Terms of Reference Council has endorsed the membership. Each agency or community group will appoint their representative to the group.

Any changes in the representatives from the agencies or community group should be noted in the meeting notes for the specific Reference Group that are subsequently presented to Council.

Any changes to the general community representatives, or the broad membership noted in the Terms of Reference, to a Reference Group would require a resolution of Council and a public nomination process.

A member's appointment may be ended on the basis of one of the following:

- resignation of a member
- regular non-attendance at meetings (note: members shall be considered to have vacated their position if they have been absent from three meetings, within a 12-month period, without an apology)
- failure to respect the protocols and confidentiality requirements (set out below and advised at the induction)

It is intended that Committees do not meet once a Local Government election has been called. The newly elected body will review the committee's and appoint Councillor representatives early in the new term.

Roles & Responsibilities

Chair

The chair of the committee or group is responsible for overseeing the meeting, drawing on the expertise of each member, and for guiding the committee or group's work towards fulfilling the responsibilities established in the Terms of Reference. This is a vital position which requires the Chair to:

- Conduct the business of the meeting in line with the agenda
- Keep discussion focused on the items in the agenda
- Make sure a consensus is reached before moving to the next agenda item
- Ensure meeting procedures are followed
- Allow everyone to speak and be heard
- Make sure an accurate record is kept of the meeting
- Approve the draft minutes before they are sent to members
- Ensure any communication to members in relation to the business of Council and Committee is captured in the Electronic Document Management System through use of the official MidCoast email addresses or copying in the nominated support staff
- Follow Council's policies and procedures as noted below

The Chair for Reference Groups and Working Groups is the Councillor nominated by resolution. If the appointed Chair is not available, the other Councillor appointed to the group will Chair. If both Councillors are not available, the staff member will Chair the Group.

The Mayor is automatically the nominated Chair if appointed to the Group.

Committee / Group members

Members are expected to consider the information presented to the group, discuss options and make suggestions. Through this process a member can offer an alternative view, identify issues, contribute to effective policy or services and represent the diverse demographics, views and interests of the local community.

All committee / group members are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to the group
- Contribute the time needed to review meeting agendas and other materials provided prior to the meeting
- Apply good analytical skills, objectivity and judgement
- Respectfully express opinions and ask opinions
- Respect all members of the group
- Ensure any communication to members in relation to the business of Council and Committee is captured in the Electronic Document Management System through use of the official MidCoast email addresses or copying in the nominated support staff
- Follow Council's policies and procedures as noted below

Support staff

Council provides support staff for committees and groups. These staff attend each meeting in a non-voting capacity. The responsible Manager and staff contact person are detailed in the Terms of Reference for each committee or group.

With the oversight of the responsible Manager, the nominated staff contact is responsible for:

- Preparing the meeting agenda
- Ensuring relevant matters are brought before the committee or group
- Distributing the agenda and minutes as per this guideline
- Arranging or providing the minute taking
- Organising for the Chair to approve the minutes
- Reporting the meeting minutes to Council for adoption or noting
- Ensuring agendas, minutes and supporting documentation are saved in the electronic document management system
- Implementing or following up any actions from each meeting
- Preparing an annual summary report, which captures the actions of the group for the year, is to be prepared for the September Council meeting for inclusion in Council's Annual Report. Additional reports to Council may also be necessary when key milestones are reached or to progress elements of a specific project or specific recommendations to Council.

The relevant Manager is a liaison point for the committee or group members regarding matters within the scope of the responsibilities detailed above only and in the Terms of Reference.

It is important for committee or group members to be aware that meetings are not a suitable forum for making an action request of Council staff. Requests must be made through regular channels as detailed on the website.

Other attendees

A Councillor who is not a member of a committee or group may attend the committee or group as an observer. However, the Councillor is not entitled to give notice of business for inclusion in the agenda for the meeting, to move or second a motion (if required), or to vote at the meeting. The Councillor as a courtesy should in advance of the meeting advise the Chair and the staff contact person by email of their intention to attend the meeting.

The General Manager or their representative may also attend and speak at a meeting. Other Council staff may attend at the invitation of the Chair or responsible staff member to speak on a particular agenda item. Council staff cannot move or second a motion at the meeting or vote at the meeting.

Code of conduct & other policies

All committee and group members must comply with the applicable provisions of Council's Code of Conduct in performing their duties, and should:

- Act honestly and in good faith
- Actively participate in the work of the committee or group

- Perform their duties in a manner that engenders public trust in the integrity, objectivity and impartiality of the committee or group
- Declare any perceived, potential or actual conflict of interest in relation to any matter before the committee or group
- Conduct the business of the committee or group with the care, diligence and skill appropriate to the role

In relation to information obtained as a member of a committee or group, members must:

- Only access information needed for the committee or group
- Not use the information for personal purposes
- Not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for themselves, or any other person or organisation
- Do not share or distribute the information obtained for a meeting to people outside of the committee without the approval from the staff member. Information will only be authorised to be released in accordance with established policies and procedures and according to relevant legislation
- Ensure confidentiality is maintained – respecting and not sharing confidential, commercial or personal information

Committee members, including Councillor representatives, are not to give direction for staff to undertake work for the Councillor or any other person.

Committee or group Chairs may contact the staff representative allocated to the committee or group to clarify a matter under discussion or on the agenda.

Record keeping

The State Records Act (*the Act*) requires all staff, Councillors, committee members, contractors and volunteers to 'make and keep full and accurate records' of business activities, decisions and outcomes. This includes emails, documents, communications or notes created (or received) that relate to activities of the committee.

Confidentiality agreements

Confidentiality Agreements are in place to protect each member as well as ensure any confidential, private, sensitive, commercial or personal information is not shared or distributed inappropriately.

Some of this information is governed under legislation ie *Privacy and Personal Protection Act 1989*, *Health Records and Information Privacy Act 2002*, Privacy Code of Practice for Local Government while other information is outlined in the Code of Conduct (and relevant policies) and the Committee Guidelines.

Members should have assurance that they are able to freely discuss topics as well as bring ideas and knowledge to the table and know this will not be shared, published or on social media. This is part of building trust amongst the group and the group being able to achieve the best outcomes possible.

Signing the Confidentiality Agreement is a membership requirement.

Conflicts of interest

Staff, Councillors, committee members, contractors and volunteers must not allow any private interests to interfere or influence committee outcomes or decisions. It is important that all actions and decisions of committee members are free from any conflicts of interest.

Any actual or potential conflict between private interests and those of Council are to be avoided. If a perceived or actual conflict of interest arises a declaration will need to be completed.

As community group members have an interest in the focus area of the group they are a member of, it is expected that members will have Conflicts of Interest, either real or perceived.

For community group members declaring an interest helps to protect them should there be a perceived benefit or a focus that could directly impact them or a family member in a positive way.

Training & induction

Training and induction will be undertaken (where practical) at the first meeting of the committee or group.

Training is to include:

- Induction
- Code of conduct (including conflicts of interest)
- Relevant policies (including Gifts & Benefits Policy, Records Management Policy)
- Confidentiality Agreement - discussion and signing of
- Volunteer information

Insurance

Community members participating in a MidCoast Council committee or group are covered under Council's public liability and personal accident insurance policies.

If there is an incident or you feel there is a potential risk for a claim please contact the staff representative who will contact the relevant Governance staff member.

Quorum & apologies

A quorum for attendance shall be a minimum of half of the membership plus one (including one Council staff member).

Where a quorum is not reached the members may hold an informal meeting to discuss the agenda and make notes, however, a detailed discussion and actions on agenda items will not be able to be made. If it is known in advance a quorum is not going to be reached, the nominated Council support staff member will liaise with the Chair and responsible Manager to determine whether the meeting can be rescheduled.

As a courtesy, members should tender an apology when they know in advance they cannot attend a meeting. This avoids delaying the opening of a meeting pending the arrival of members and

enables Council staff to determine if a quorum is able to be reached. The apology should be tendered to the nominated Council support staff, who will inform the Chair.

Meeting frequency

The groups shall meet a minimum quarterly, at a time and location agreed by the members.

The meeting schedule, including when and where the meetings are to be held as well as any standing agenda items, will be agreed by the members each year. The schedule will cover all responsibilities as detailed in the appropriate Terms of Reference.

Agenda & minutes / meeting notes

An agenda for the meeting will be distributed at least five days prior to the scheduled meeting.

Minutes / meeting notes providing an overview of discussions and actions to be progressed, shall be taken at each meeting and made available to members within two weeks of the meeting.

Minutes / meeting notes will be maintained electronically and distributed to members via email. Support staff are not responsible for printing and distributing hard copies of meeting minutes / notes and agendas.

Minutes / meeting notes will be submitted to Council and made publicly available on Council's website, however, it is recognised that confidential items will not to be made public.

For Reference Groups and Working Groups, Meeting Notes will be taken that give an overview of items discussed, noting any action items, and will not be a detailed account of discussions. There are no motions, movers or seconders required for Reference Groups or Working Groups as decisions are made by consensus.

Councillors who are appointed to any 'External' Committees are required to submit to Council the full minutes of all meetings.

Reporting to Council

The draft minutes / meeting notes are to be presented to Council, attached to a Business Paper, for noting as soon as practical following distribution to the members.

Any potential cost implications, risks or items of concern raised at the meeting are to be flagged to Councillors in the Business Paper.

Terms of Reference

A Charter or Terms of Reference have been prepared for each of the committees or groups. This information is available on the MidCoast Council website www.midcoast.nsw.gov.au/committees

Register

A register for all committees and groups will be held in the electronic document management system and general information for the group included on the Council website.

Register includes:

- Membership details – members (who and contact information), responsible Manager, staff contact
- When meetings were held
- Copy of Terms of Reference
- Signed Confidentiality Agreements

Appendix 1 – List of Committees

(please note Appendix 1 will be updated as required with relevant information from resolutions of Council)

Delegated committees

Committee	Membership	Councillor Representatives
Audit, Risk and Improvement Committee	One Councillor non-voting member Three independent representatives	Cr Jeremy Miller

Reference Group

Committee	Membership	Representatives
Aboriginal Reference Group	Two Councillors Up to four Local Aboriginal Land Councils representatives – one from each Up to four Aboriginal Working Parties representatives – one from each Up to eight Aboriginal community member representatives who may be: Elders or Traditional Owners, Aboriginal or Torres Strait Islander people from the MidCoast, Aboriginal young people aged 18+, Gathang language holders	
Arts & Creative Industries Reference Group	Two Councillors Up to nine community representatives One Aboriginal community member	
Bulahdelah Highway Service Centre Planning Agreement Reference Group	Two Councillors Two representatives from the Bulahdelah Chamber of Commerce Up to seven representatives from the Bulahdelah community	
Community Inclusion & Wellbeing Reference Group	Two Councillor representatives plus alternate Eight community representatives Four representatives from relevant government and non-government agencies	
Community Resilience & Disaster Recovery Reference Group	Two Councillors Up to six representatives from government agencies & NGOs Up to five community members from bushfire affected areas Up to five community members from flood affected areas MidCoast LEMO	
Floodplain Management Advisory Committee	Up to two Councillors Local SES	

	<p>Rep from OEH Up to eight community reps Manager Transport Assets Team Leader Coastal Flooding & Drainage Manager Landuse Planning Coastal & Flooding Engineer LEMO</p>	
Heritage Reference Group	<p>Two Councillor representatives Representatives from historical groups Up to five community representatives</p>	
MidCoast Koala Reference Group	<p>Two Councillors Eight community representatives Two representatives from DPE One representative from National Parks One representative NSW Forestry One representative Crown Lands One representative Hunter LLS</p>	
Old Bar – Manning Point Coastal Management Program Reference Group	<p>2 Councillors 5 public authority representatives 1 traditional owner 1 Old Bar Sand Replenishment Group 1 Manning Point Concerned Citizens Group 1 Manning River Action Group 1 Old Bar – Manning Point CoC 1 boating / fishing 1 bird watchers 1 community member 1 Manning Coastcare</p>	
Southern Estuaries Coastal Management Program Reference Group	<p>Two (2) Councillors Up to six (6) representatives from key public authorities Up to two (2) representatives from Traditional owners within the project area One (1) representative from the Oyster Industry Two (2) rural representatives from the Dairy/ Beef/ Poultry industries One (1) professional from the fishing industry One (1) representative with a boating or recreational fishing interest Two (2) general community members within the project area One (1) member representing Landcare</p>	

Working Groups

Committee	Membership	Representatives
Annual Donations Assessment Panel	Three Councillors	
Event Sponsorship Assessment Panel	Two Councillors	
NAIDOC Funding	Three Councillors	
Policy Working Group	Four Councillors (including the Mayor)	

External Committees

Committee	Membership	Representatives
Asset Advisory Committee	Mayor Deputy Mayor Two Councillors General Manager Directors	Cr Claire Pontin Cr Jeremy Miller Cr Peter Howard Cr Mick Graham
Duralie Coal Mine Community Consultative Committee		
Hunter JO	Mayor	Mayor
Hunter Regional Weeds Committee		
Joint Regional Planning Panels	Two Councillors plus an alternate	Cr Alan Tickle Cr Thomas O'Keefe Cr Mal Mackenzie (alternate)
Local Traffic Committee		
Manning Valley Liquor Consultative Committee		
NSW Public Libraries Association		
Stratford Coal Mine Community Consultative Committee		
Stroud Heritage Conservation Inc		

Other

Committee	Membership	Representatives
General Manager's Performance Review Panel	Mayor Deputy Mayor One Councillor	