

Section 41 Committees of Council Policy

Strategic Reference	<p>Outcome 3 – Community Strategy 2.3 – Continuous improvement in communications and engaging the community.</p> <p>Outcome 5 – Leadership Strategy 3.6 – Council Members and Council staff work cooperatively. Strategy 3.7 – Council Members demonstrate ‘good governance’ in their roles. Strategy 3.8 – Council Members actively communicate and consult with the community. Strategy 3.10 – Recognise the valuable contribution of volunteers to the district.</p>
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Applicable Legislation	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013
Related Policies	Code of Practice – Proceedings of Council and Committee Meetings
Related Documents	Terms of Reference (for respective Section 41 Committee[s])

1. Purpose

The purpose of this Policy is to assist Council to effectively conduct its business and ensure appropriate community input into the establishment, management and dissolution of Section 41 Committees. This applies to legislative and discretionary committees established pursuant to the Local Government Act 1999.

This policy is not intended to refer to or manage subsidiaries established pursuant to Section 43 of the Local Government Act 1999.

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2. Policy Statement

- 2.1 Council will establish, operate and keep current, appropriate committees of Council under the provisions of Section 41 of the Local Government Act 1999.
- 2.2 Council will ensure that all Section 41 Committees have a well-defined and strategic purpose, encompassing the appropriate level of membership and reporting requirements.
- 2.3 Membership of Section 41 Committees will be set at an appropriate level to align with achievement of the committee's objectives and where possible, practically harness the involvement, skills, expertise and interest of the community.
- 2.4 Effective and efficient communication processes will be established to ensure open channels of communication between Council, the respective Section 41 Committee and community.

3. Definitions

For the purposes of this Policy the following definitions apply:

“Delegations” means the powers or functions vested to a Section 41 Committee by Council.

“Section 41” refers to section 41 of the Local Government Act 1999.

“Terms of Reference” mean a document adopted by Council, articulating the scope of a Section 41 Committee; its objectives and membership structure.

4. Council Responsibilities

- 4.1 Before establishing a new Section 41 Committee, Council will determine whether activities and/or functions of the proposed committee align with its strategic purpose.
- 4.2 The purpose, structure and operation of a Section 41 Committee will be in accordance with defined operational procedures, membership structure, meeting frequency and times, reporting requirements and delegated powers.
- 4.3 Communication of key issues relating to developments, budgetary implications and/or other items of interest to the Section 41 Committee.
- 4.4 Provision of executive and facilitation support to each Section 41 Committee.

5. Section 41 Committee Responsibilities

- 5.1 Members of Section 41 Committees must commit to:
 - (a) Conflict of interest provisions and Code of Conduct requirements;
 - (b) Fostering open channels of communication;
 - (c) Participating in meetings in an open and active manner;

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- (d) Promotion of Council and its activities in a positive manner.

6. Policy

6.1 Terms of Reference

6.1.1 The Terms of Reference will be adopted by Council upon establishment of a Section 41 Committee and reviewed at a predetermined time period.

6.1.2 The Terms of Reference will include:

- (a) A statement of purpose;
- (b) Composition and structure of the committee's membership;
- (c) Quorum and voting details;
- (d) A meeting schedule, including the ability for the committee chairperson to cancel a meeting due to lack of business;
- (e) Reference to committee meeting procedures in accordance with legislated regulations and Council's Code(s) of Practice;
- (f) Reporting responsibilities
- (g) Delegated powers and functions; if any; noting that most Section 41 Committees will be advisory in nature.

6.2 Membership

6.2.1 Membership of Section 41 Committees will include both Council Members and Independent Members, as required by legislation.

6.2.2 Council Members will be appointed for the relevant Council term.

6.2.3 Appointment terms of Independent Members will generally be for the relevant Council term, however can be varied by Council and will be included in the Terms of Reference.

6.2.4 Independent membership will be sought through Council's regular community engagement methods (ie. advertisement, website, social media) with appointment ratified by Council, where applicable.

6.2.5 Independent Members are entitled to renominate following expiration of their term.

6.2.6 Council staff attending the Section 41 Committee meeting in a supporting capacity will not be provided with voting rights.

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6.3 Common Functions

6.3.1 While each Section 41 Committee established by Council is constituted separately by its own Terms of Reference, the following common functions will be performed by all committees:

- (a) To deliberate on, and formulate recommendations on Council policy in the areas under their control, for consideration and resolution by Council;
- (b) To deliberate on, and make necessary recommendations to Council on the interpretation of Council policy in the areas under their control;
- (c) To recommend programs, procedures or budgetary considerations to Council for the effective execution of Council services relating to the committee's purpose.

6.4 Committee Dissolution

6.4.1 A Section 41 Committee will dissolve following a six (6) month period of inactivity; or;

6.4.2 A Section 41 Committee will dissolve following the periodic Local Government Elections. Section 41 Committees will be re-established by resolution of Council within three months after the periodic Local Government Elections.

7. Availability/Accessibility

This Policy is available for inspection at Council's offices during normal business hours and Council's website and will be emailed to interested parties on request (please lodge request in writing via email to council@coorong.sa.gov.au).

8. Document History

This Policy will be reviewed at least every three (3) years or more frequently if legislation or Council requires.

Version	Adopted	Minute No	Description of change(s)
1	20 December 2022	271/22	New policy