Section 41 Committees of Council Policy

Strategic Reference	Outcome 3 – Community Strategy 2.3 – Continuous improvement in communications and engaging the community. Outcome 5 – Leadership Strategy 3.7 – Council Members and Council staff work cooperatively. Strategy 3.8 – Council Members demonstrate 'good governance' in their roles. Strategy 3.9 – Council Members actively communicate and consult with the community. Strategy 3.111 – Recognise the valuable contribution of volunteers to the district.
File reference	AR22/22555
Responsibility	Community & Corporate Department
Revision Number	2
Effective date	December 2022
Last revised date	February 2026
Minutes reference	033/26, 271/22
Next review date	February 2031
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.

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.

2.5 It is Council's preference and policy position that the Section 41 Committee framework is utilised for community groups involved in managing or maintaining Council owned facilities on behalf of, or in collaboration with Council.

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; it's 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 (which will culminate in a Terms of Reference – see clause 6.1).

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;

(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 Elected Members and Independent Members, as required by legislation.

6.2.2 Council may appoint up to two (2) Elected Members to a Section 41 Committee.

6.2.3 Elected Members will be appointed for the relevant Council term.

6.2.4 Independent Members of a Section 41 Committee can be appointed for a one (1) year term, or for the duration of the current Council term; with both options presented to members.

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

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

6.2.7 Council staff attending the Section 41 Committee meeting in a supporting capacity (ie. minute taking, Council liaison) will not be provided with voting rights. Where a Council staff member attending the Section 41 Committee meeting in their own right, they will be afforded voting rights.

6.3 Common Functions

6.3.1 While each Section 41 Committee is established by Council under its own Terms of Reference, all committees will generally perform the following functions:

(a) Provide advice and make recommendations to Council on policies, programs, procedures and budgetary matters relevant to the committee's area of responsibility, including the setting of fees and charges for the use of facilities and services;

(b) Assist Council in interpreting and applying relevant policies within the committee's scope;

(c) Recommend initiatives or operational practices to ensure the effective delivery of Council services relating to the committee's purpose.

6.4 Committee Dissolution

6.4.1 A Section 41 Committee may be dissolved by Council if it has been inactive for a continuous period of twelve (12) months. For the purposes of this clause, inactivity it defined as:

- No meetings held; and
- No reports or recommendations submitted to Council.

Before any decision to dissolve is made, the Section 41 Committee will be provided with written notice and an opportunity to respond or resume activity. Council may, at its discretion, reconstitute the Committee at a later date.

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 five (5) 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
2	17 February 2026	033/26	Clause 6.2 – Membership: • Ability for Council to appoint up to two (2) Elected Members • Independent membership options presented (one year vs. term of Council)

			• Clarity regarding Council staff and voting rights, dependent on their attendance status Clause 6.3 – Common Functions revised Clause 6.4 – Committee Dissolution refined to ensure a committee has a chance to state their case to Council before a decision to disband committee is made