

Policy Title	Committee Nominations and Appointments
Council Resolution	Item 16 (30 July 2018) as per Council minutes
Responsible Directorate	Corporate Governance
Due for Review	Four (4) years from Council resolution date
Strategic Plan Reference	<u>Leading our Community</u> 4.1.1 Provide leadership and advocacy to address issues facing our communities 4.1.2 Ensure Council is open and transparent in its communication and dealings with our communities
ECM	Council policies

PURPOSE

This policy sets out the procedures to be followed by Council when it nominates or appoints Aldermen or independent persons to committees and external bodies.

SCOPE

This policy applies to all nominations and appointments to committees and external bodies, other than the appointment of independent persons to Council’s Audit Panel (the procedure for which is as set out in the Audit Panel Charter).

STATUTORY REQUIREMENTS

Section 20 of the *Local Government Act 1993 (the Act)* provides that one of the functions of a Council is to represent and promote the interests of the community.

Section 23 of the Act provides that Council may establish council committees to assist it in carrying out its functions under the Act or any other Act, and that a committee consists of councillors appointed by the Council.

Section 24 of the Act provides that a council may establish special committees, which consist of such persons appointed by the Council as the Council considers appropriate.

Acts	<i>Local Government Act 1993</i>
Regulations	<i>Local Government (Meeting Procedures) Regulations 2015</i>
Australian/International Standards	Not applicable

DEFINITIONS

ballot	a ballot conducted in accordance with Part 3 of this policy.
chair	the person chairing a council meeting in accordance with the Regulations.
committee	any committee or other body established by Council over which Council has control, whether comprised of Aldermen, independent persons, or both, and includes, but is not limited to— (a) a Council Committee (b) a Special Committee

	(c) an Internal Committee, and (d) an audit panel established under section 85 of the Act.
Council Committee	Committees established by a Council resolution made under section 23 of the Act. Council Committees assist Council in carrying out its functions under the Act or any other Act. Council Committees are constituted by Aldermen only.
council election	an election held under Part 15 of the Act.
council meeting	an ordinary council meeting or a special council meeting, unless expressly specified otherwise.
external body	Committees or other bodies that are established and administered by an external organisation to which representatives of Council have been appointed and with which Council has a formal and ongoing relationship.
Internal Committee	Committees or other bodies established by Council over which Council has control. An Internal Committee is formed to oversee and implement a project, plan, strategy or event, but do not necessarily align with a strategic objective. Internal Committees may be working groups, steering groups, organising committees, taskforces and other groups. Internal Committees can be constituted by Aldermen, Council staff and external representatives.
General Manager	the General Manager of Council, or delegate.
Regulations	the <i>Local Government (Meeting Procedures) Regulations 2015</i>
Special Committee	Committees established by a Council resolution made under section 24 of the Act. A Special Committee is established to oversee or implement a project, plan, strategy or event, and will ordinarily be directly aligned with a strategic objective of Council. Special Committees can be constituted by anyone, including Aldermen.

POLICY STATEMENT

From time to time, Council is required to appoint Aldermen and independent persons to committees and external bodies. Council is also occasionally required to nominate or appoint representatives to external bodies.

This policy sets out the procedures which Council will follow when making nominations and appointments to a committees and external bodies.

It aims to ensure that nominations and appointments are fair, democratic and transparent.

PART 1 – NOMINATIONS AND APPOINTMENTS OF ALDERMEN

1. Appointments following Council election

Council will appoint and re-appoint (and, where necessary, nominate or re-nominate) Aldermen to committees and external bodies at the first ordinary meeting of council following a council election (or at a special meeting of Council if a special meeting for that purpose is called).

2. Procedure

- (1) Where it is necessary to appoint Aldermen to committees (including as a result of a casual vacancy), the General Manager will circulate a notice to Aldermen which—
 - (a) notifies Aldermen that appointments, re-appointments and nominations for appointment to committees and external bodies are to be made at the relevant meeting, and
 - (b) lists the appointments and nominations to be made, and, for each, identifies—
 - (i) the committee or external body
 - (ii) the position available (including, for an external body, whether Council will be making a nomination only)
 - (iii) the nature of the duties to be undertaken
 - (iv) the proposed term of the appointment
 - (v) whether the position is to be held ex-officio by the Mayor or Deputy Mayor, and
 - (vi) any other information the General Manager considers relevant.
 - (c) requests that Aldermen submit nominations for the available positions one (1) week before the next council meeting.
- (2) The notice is to be circulated to all Aldermen by email no later than five days before nominations close (or as soon as practicable if it is not possible to circulate the notice five days before nominations close), and
- (3) Nominations may contain a statement in support of the nomination, to a maximum of 150 words.
- (4) Nominations may be for a position or a proxy position.
- (5) the General Manager will present a report to Council for consideration at the relevant council meeting which will contain, for each available position—
 - (a) the information specified in clause 2(1)(b), and
 - (b) a list of the nominations received and the documentation provided in support of each.
- (6) Where the number of nominees for a position does not exceed the number of positions available, the Council will determine the appointment in accordance with its ordinary meeting procedures.
- (7) If the number of nominees for a position exceeds the number of positions available—
 - (a) a ballot will be held to select the appointee or appointees (or nominees for a position on an external body, if applicable), and
 - (b) once the result of the ballot is determined, the chair will call for the appointment to be confirmed in accordance with Council's ordinary meeting procedures.
- (8) Where Council's nominee for a position on an external body is required to be confirmed by the external body, the General Manager is to write to the external body advising it of Council's decision.
- (9) For the avoidance of doubt, where a committee detail sheet that has previously been adopted by Council provides for a position to be held ex officio by the Mayor or the Deputy Mayor, the appointment of the Mayor or Deputy Mayor to that position is automatic, and no other Aldermen are entitled to nominate for that position.

PART 2 – NOMINATIONS AND APPOINTMENTS OF INDEPENDENT PERSONS

3. Procedure

- (1) Where there is a vacancy for the position of an independent person on a committee or external body, the General Manager is to circulate a notice calling for expressions of interest for appointment, containing the information specified in clause 2(1)(b)—
- (2) The notice is to be circulated by—
 - (a) publishing the notice on Council’s website
 - (b) sending an email to all Council staff, and
 - (c) if the General Manager considers it necessary, publishing the notice in a local newspaper.
- (3) The General Manager must circulate the notice under 3(1) no later than five days before nominations close (or as soon as practicable if it is not possible to circulate the notice five days before nominations close).
- (4) Following the receipt of nominations, the appointment of the independent person is to be determined in accordance with the procedure set out in the committee’s Terms of Reference.
- (5) For nominations or appointments to external bodies, or if no procedure is specified in the committee detail sheet, the General Manager will assess each nomination on its merits and will make a recommendation to Council seeking Council’s endorsement and nomination or appointment (as applicable) of the preferred nominee.

PART 3 – BALLOTS

4. Application

Where the provisions of this policy require that a ballot is held, the ballot is to be conducted in accordance with this part.

5. Rules for ballots

- (1) When a ballot is required under this policy, the chair of the council meeting will call a ballot.
- (2) Ballots are to be secret unless Council resolves otherwise.
- (3) Votes are to be cast on ballot papers distributed to Aldermen by the General Manager. Ballot papers may be distributed either prior to or at the relevant council meeting.
- (4) Aldermen are to place completed ballot papers in a ballot box which is to be visible to all attendees of the Council meeting during the process of casting the ballots.
- (5) The ballot box must not be opened until all Aldermen who intend to vote have cast their votes.
- (6) Votes will be counted by a Council officer nominated by the General Manager, with another Council officer acting as a scrutineer.
- (7) Where there are—
 - (a) two or more candidates for a single position, the candidate with the most votes will be the appointee, or

- (b) more than two candidates for multiple positions (for example, two member spots on a council committee), the successful candidates will be the candidates with the most votes, in descending order until the number of positions have been filled. For example, if there are 2 positions and 4 candidates, the successful candidates will be those with the highest and second highest number of votes.
- (8) The officer who counts the votes will advise the chair of the council meeting by writing the name of the successful candidate/s on a piece of paper and delivering it to the chair.
- (9) In the event of a tie, the chair (at their discretion) may determine the winner by:
 - (a) the toss of a coin (conducted by the chair), or
 - (b) a further ballot, in which the only candidates are those which were tied in the first ballot.
- (10) All ballot papers and other ballot material are to be destroyed as soon as practicable after the conclusion of the ballot.

6. Proxies

- (1) Where proxy positions for committees or external bodies are available, unsuccessful candidates will be offered the position of proxy in the order in which they placed in the ballot.
- (2) Where a proxy is required but there are not sufficient candidates for a proxy after positions have been filled, or if all unsuccessful candidates decline the proxy appointment, the chair may call for nominations for proxy positions.
- (3) Where the chair has called for nominations in accordance with subclause (2), the selection of the nominees is to be determined in accordance with Council's ordinary meeting procedures.

PART 4 – MISCELLANEOUS

7. Vacation of positions on leaving office

An Alderman's appointment to a committee or external body will cease immediately upon the person ceasing, for any reason, to be an Alderman.

8. Nominations need not be personal

To avoid any doubt, a person may nominate another person for a position the subject of this policy, and the nomination need not be made by the person seeking nomination.

9. Refusal of nominations or appointments

- (1) An Alderman or independent person may refuse any nomination or appointment made under this policy, including nomination or appointment as a proxy.
- (2) Council may refuse to appoint or nominate a person (including an Alderman) to a position if it considers that the person is not suitably qualified for or is otherwise unable to provide satisfactory representation on the committee or external body.

10. Inconsistency with meeting procedures regulations

If a provision of this policy is inconsistent with the Regulations, the Regulations will prevail to the extent of the inconsistency.

11. Attendance and performance

If an Alderman's attendance record at committee or external body meetings is unsatisfactory, or if Council receives notification from a committee or external body that the Alderman is not properly discharging the duties required of the position, Council may resolve to withdraw the Alderman's appointment and appoint another Alderman as a replacement.

BACKGROUND

Council has established and maintains control over a number of committees, special committees, working groups, steering committees, task forces and other bodies to assist in discharging its role and functions. Council is also, required to appoint (or nominate) representatives to external bodies.

In making any nomination or appointment, Council must to ensure that the process for determining appointees and nominees is fair, democratic and transparent.