

# **Social Planning Committee**

## **Guidelines**

**May 2005**

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## **1. Introduction**

These Guidelines have been developed to provide the scope and operational limitations of the Social Planning Committee. The Social Planning Committee has been established in the context of the Local Government Act 1993 and the Local Government (General) Amendment Regulation 1998.

### 1.1 Local Government Act

Under the Local Government Act 1993, Council has been given extensive functions in respect to the operation of a wide range of community services and facilities. Section 8 provides that council has the following charter:

- To provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- To have regard to the long term and cumulative effects of its decisions
- To bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
- To facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and coordination of local government

It is the latter of the points detailed above that outlines the broad functions of the Social Planning Committee. Further Section 355 of the Local Government Act 1993 provides that a function of a council may, subject to this Chapter, be exercised by a committee of the council.

### 1.2 Local Government (General Amendment) Regulation 1998

Changes introduced via the Local Government (General) Amendment Regulation 1998 now require all local councils to:

- Develop a social/community plan according to Department of Local Government Guidelines.
- Include an access and equity statement in Council's management plan and annual report.

The aim of this new social planning requirement for Council is to:

- a) Improve Council's ability to take into account the range of needs within their communities when they are formulating their management plans.
- b) Assist Council to provide or advocate for appropriate and accessible services and facilities for the benefit of the communities.
- c) Increase the community's ability to monitor Council's efforts to address the needs of the local community over time.

## **2. Key Planning Principles**

*Social/Community Planning Guidelines* issued by the Department of Local Government specify that the process used to identify community needs and develop a social plan should be based on principles of social justice. On this basis Council has resolved to adopt a planning process which:

- Includes the active involvement of the local community, social groups, non-government organisations, representative bodies, other government agencies and the private sector.
- Takes particular care to involve and protect the interests of vulnerable or disadvantaged community members.
- Avoids discriminatory practices and promotes positive opportunities for participation by discriminated groups.
- Respects cultural diversity and acknowledges that there are no homogenous views within a community.
- Promotes fair, open and participatory decision making.
- Considers the equity implications of all proposals.

More information on Council's social planning processes is contained in the *Social Planning Guidelines*.

## **3. Legal Definition of the Committee & Appointment**

- (a) As a way of incorporating the community in the conduct of Council's affairs, Council under Section 355 of the Local Government Act 1993 has appointed the Social Planning Committee which is to consider and provide advice to Council on issues as they relate to social and community planning within the Shire.
- (b) Council is solely responsible for the appointment of Committee members.
- (c) Council shall maintain a register of committee members.
- (d) Council may at any time dissolve a Committee without notice.

## **4. Role of the Social Planning Committee**

- a) Consider and provide input and advice on social planning and related matters across the Shire.
- b) Assist in the identification and prioritisation of social and community needs throughout the Shire.
- c) Consider representations from community members and provide a fair and accurate overall perspective of community needs and views to Council on matters of relevance to social planning.
- d) Provide representation and feedback on social/community issues and concerns relating to identified target groups as well as the broader community.

- e) Provide input into the development and review of Council’s *Social Planning Guidelines*.
- f) Consider social and community planning matters which may be referred by Council’s Community, Cultural and Economic Committee from time to time.
- g) Provide recommendations to Council’s Community, Cultural and Economic Committee.
- h) Make recommendations to Council’s Community, Cultural and Economic Committee regarding the convening of Community Forums as needed.
- i) Ensure issues requiring Council’s attention resulting from Committee Meetings are notified by way of a separate letter to the relevant section or officer if known.

## 5. ***Committee Restrictions***

### 5.1 General

- (a) Section 377 of the Local Government Act provides the following restrictions on Committees:
  - The making of any fees or charges for use of Council facilities.
  - The borrowing of money.
  - The purchase or sale of any property, or granting the lease of any land or building.
  - Acceptance of Tenders.
  - The adoption of a financial statement.
- (b) Council imposes the following restrictions on the Committee:-
  - The employment of staff without Council approval.
  - Entering into any contract or the expenditure of funds without Council approval.

### 5.2 Correspondence/Communication

The following restrictions have been developed in relation to correspondence/ communication (from the committee to other organisations or individuals) or supporting and/or implementing Council policy.

- a) The Committee is able to write to any person, body, organisation or agency in the pursuit of information which, in the Committee’s opinion, is an integral part of information and data gathering and collecting to enable the committee to be best placed to advise the Council on a matter properly within the Committee’s purview.
- b) The Committee is able to write or otherwise communicate with any person, body, organisation or agency on any other matters within the committee’s purview which are not of a contentious nature. A contentious matter is to be taken to be a matter which has (at least) the potential to be derogatory, unseemly, not in the public interest or likely to erode public confidence in the Council.

- c) All correspondence or other communication in connection with the business of the Committee should be authorised by the Committee where-ever circumstances permit.

## **6. *Committee Membership***

- (a) The Committee is to comprise of the following members:
- A member representing issues relating to children.
  - A member representing issues relating to young people.
  - A member representing issues relating to women.
  - A member representing issues relating to men.
  - A member representing issues relating to gay men and lesbians.
  - A member representing issues relating to older people.
  - A member representing issues relating to people with disabilities.
  - A member representing health issues.
  - A member representing cultural planning issues.
  - Three members representing the Aboriginal community.
  - A representative of the Mumbulla Foundation.
  - Three members representing issues affecting the general community or other target groups identified by Council from time to time.
  - The Chairperson of the BVCS Community, Cultural and Economic Committee
- (b) Council will make a public call for nominations for committee members.
- (c) The Committee shall appoint an Executive comprising Chairperson and Deputy Chairperson who are to be reviewed annually. The Committee is entitled to determine other positions as it may require.
- (d) Council staff will attend meetings of the Social Planning Committee in an ex-officio capacity providing advice and secretariat support.

## **7. *Committee Selection***

- (a) Committee members will be selected and appointed by Council who will assess applications in light of the selection criteria detailed below. Such members will be appointed by way of letter.
- (b) Selection of committee members will be based on:
- The capacity of the nominee to provide advice and input into social planning matters.
  - The capacity of the nominee to represent a range of stakeholders and perspectives relevant to a particular target group. Endorsed representatives of inter-agency networks or representative bodies will be favoured.
  - The capacity of the nominee to represent issues and consult with stakeholders across the Shire.
  - The level of support for the nominee from the community, community of interest or members of specific community target groups.

- (c) Committee appointments will normally be for a period of two years with casual vacancies to be filled by direct Council appointment following recommendations from the Committee. There will be an annual half spill of committee positions.
- (d) Any member who is absent without leave for three (3) consecutive meetings shall automatically cease to be a member of the Committee.

## 8. *Meeting Procedure*

Council's *Code of Meeting Practice* will be distributed to all Committee members under separate cover. However, below is a summary of matters that can be readily referred to for the convenience of members:

- (a) Notice of Meetings are to be given to all members of the Committee at least five working days before the intended date of the meeting unless a time and date for meetings has been established by resolution of the Committee.
- (b) The Chairperson, or when absent, the Deputy Chairperson shall preside at all meetings of the Committee.
- (c) The Chairperson, or Deputy Chairperson in the absence of the Chairperson, shall in the case of equality of voting at any meeting be entitled to a casting vote.
- (d) The Quorum of a meeting shall be a majority of members of the Committee. The majority is taken to be one half of the number of the Committee members rounded up to the next number. (ie in the case of nine members, the quorum is five)
- (e) Each member present at a meeting of the Committee who does not have a Pecuniary Interest in the matter under discussion is entitled to one vote and any matter before the committee shall be determined by a majority of the votes of members present.
- (f) Each member is entitled to have an appointed delegate attend and vote on their behalf or provide another committee member with their proxy vote should they be unable to attend a meeting.

## 9. *Code of Conduct - Conflict of Interest & Pecuniary Interests*

Council recognises the importance for Committees to maintain transparency in all their dealings, and has adopted a *Code of Conduct* and which all Council Committees shall observe. A full copy of the code has been sent to the Committee which details the full obligation of members should a Conflict of Interest or Pecuniary Interest arise.

In order to assist members Conflict of Interest and Pecuniary Interest are defined below:

- (a) A **Conflict of Interest** exists when a Committee person has to deal in a matter in their public capacity, which is also a matter where the person:
  - Has a private interest arising out of kinship, friendship, membership of an association, society or trade union, or involvement or interest in an activity, or
  - Could reasonably be perceived by others as one in which a conflict of interest could possibly exist.

- (b) A **Pecuniary Interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom that person is associated.

If a Committee member feels that they may have a Conflict of Interest or Pecuniary Interest, it is their obligation to ensure that they comply with the Council Code of Conduct that has been submitted to all members. In summary, the person is to declare that interest and is to depart the meeting taking no part in discussion or voting on the matter under discussion. There are serious consequences for breaches.

## **10. Insurance**

### **10.1 Public Risk Insurance**

- (a) As this Committee is appointed under the provisions of the Local Government Act, members of the Committee are automatically included in Council's Public Risk Insurance cover which extends to all properties owned or leased by Council.
- (b) Council has taken Public Risk Insurance cover to the value of \$100 million.
- (c) Members of Committees should note that they are only covered by Public Risk Insurance when acting within the scope of their delegation.
- (d) The following general information applies to the Public Risk policy:
  - The Public Risk policy covers council and the Committee against claims made by members of the public for personal injury or injury to personal property arising from a negligent act or omission of Council and/or the Management Committee.
  - When an accident occurs, members of the Committee are instructed that they are not empowered to admit liability. The following procedure is suggested:
    - i) Members of the public who wish to make a claim should be requested to state their claim in writing setting out full particulars of the accident (where, when and how) and the grounds on which they hold the Committee (or Council) responsible.
    - ii) When a Committee receives a claim from a member of the public, the Secretary of the Committee should question the member/s involved and submit a report in writing to Council concerning the particular accident as remembered by the Committee member, together with a copy of the letter of claim. Specific reference will have to be made of the points raised in the claimant's claim.
    - iii) Council's Administration Manager or Administration Officer is available to discuss any problems associated with this insurance.

### **10.2 Personal Accident Insurance**

- (a) Council has arranged a Personal Accident Policy to cover voluntary casual workers who are not on the Committee as well as all members of Committee appointed under the provisions of Sections 355 and 377 of the Local Government Act, 1993. Personal Accident Insurance covers Committee Members and Volunteers for

personal bodily injury which results in the persons' disablement or death, whilst that person is on or travelling to or from a Council activity.

(b) The following benefits relate to the Personal Accident Insurance Policy:-

- |               |              |
|---------------|--------------|
| • Capital     | \$300,000.00 |
| • Weekly      | \$1,250.00   |
| • Non Medical | \$20,000.00  |

## ***11. Help***

Council is committed to ensuring that its Committees meet their obligations outlined in these guidelines, and has available staff to assist Committees and advise members.

Council also has available documents that can assist Committees in their day to day activities. These documents include:

- Suggested Agenda and Minute format
- Requests for Appointment to Committee
- Draft Resignation letter
- Treasurers Report to Monthly Meeting
- Financial Statements

These Documents and other advice are available from Council's Social Planning Coordinator Kylie Ruth.