



Bega Valley Shire Awards and Scholarships Committee Guidelines



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1. Introduction

Under the NSW Local Government Act 1993 the “Act”, Councils are given extensive functions in respect to the operation of a wide range of community facilities.

The NSW Local Government Act General Regulation 2005 advises that:

- (1) A council may, by resolution, establish such committees as it considers necessary.
- (2) A committee is to consist of the Mayor and such others as are elected by, or appointed by the council.

The Guidelines included in this document detail the status of the committee, as well as the responsibilities of committee members. These guidelines should provide a clear picture on the function, role and restrictions of the committee

2. Legal definition of the Committee and its appointment

The responsibility for the facilitation of the Committee meetings will sit with the Council officers, who will ensure minutes and agendas are prepared and actions arising from the meetings are distributed to the committee and relevant council staff.

Advice on decisions made by the Committee will be provided to Councillors and released to the community in line with the timeframes decided by the Committee.

3. Governance/Accountability

The Committee is delegated to make decisions regarding the recipients of a variety of awards and scholarships offered by Bega Valley Shire Council from time to time.

These awards will be as approved in the Annual Budget and Operational Plan. Awards in each year may be, but not limited to the following, noting all awards may not be presented in any given year:

- Citizen of the Year
- Young Citizen of the Year
- Senior Citizen of the Year
- Sports person of the Year
- Australia Day Local Award
- Young Women’s Scholarships
- Further Education Scholarship

Application forms and criteria for the award categories will be developed by staff in liaison with Councillors and provided to the community with appropriate timeframes to allow nominations to be submitted for consideration by the Committee.

In making its determination the Committee will consider the Guidelines associated with the relevant Award or Scholarship.

Where appropriate an advisory panel consisting of community members and/or relevant staff members may be established to provide advice and information to the Committee.

Meetings will be officially chaired, minuted and all members must adhere to the Bega Valley Shire Code of Conduct Policy and Code of Meeting Practice. Minutes will be taken by a Council staff member and copies will be provided to all Committee members in an easy to read format.

Each member of the Committee will have one vote, the Chairperson will have the casting vote if required.

The Committee members will be:

- The Mayor as Chairperson
- Councillors delegates as elected at the Council meeting held in September every second year as part of the Council Report to select Committee and Panel Delegates and Representatives.
- The General Manager, or the General Manager's delegate.
- The Executive Manager, People and Governance, or delegate.

4. Meetings schedule

Meetings will be set as part of the nomination process for each award and will be scheduled following closure of the nomination process for various awards or scholarships.

The term for the Committee will be two years, with membership to be decided via a report to Council.

5. Restrictions on the Committee

Section 377 of the Local Government Act provides the following restrictions on Committees:

- (a) The making of any fees or charges for use of Council facilities
- (b) The borrowing of money
- (c) The purchase or sale of any property, or granting the lease of any land or building
- (d) Acceptance of Tenders, and
- (e) The adoption of a financial statement.

Council imposes the following restrictions on the Committee:

- (a) The employment of staff without Council approval, and
- (b) Entering into any contract without Council approval.

6. Correspondence and communication

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

- 6.1 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.
- 6.2 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 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.
- 6.3 All correspondence or other communication in connection with the business of the Committee should be authorised by the Committee wherever circumstances permit.

7. Accessing Government Information in NSW (GIPA)

The Government Information (Public Access) Act (GIPA Act) came into effect on 1 July 2010 and replaces the Freedom of Information Act.

Minutes and agendas of the Bega Valley Shire Awards and Scholarships Committee may be subject to GIPA requirements.

8. Meeting procedure

Council's Code of Meeting Practice has been distributed to all Committees under separate cover; however, below is a summary of matters that can be readily referred to for the convenience of Committee members:

- 8.1 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.
- 8.2 The Chairperson, or in their absence, nominated Executive member shall preside at all meetings of the Committee.
- 8.3 The Chairperson, or in their absence, nominated Executive member shall in the case of equality of voting at any meeting be entitled to a casting vote.
- 8.4 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 ten members, the quorum is six).
- 8.5 Each member present at a meeting of the Committee who does not have a Pecuniary or Non-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.

9. Purchasing of goods and equipment

Committees are not permitted to invite or accept Tenders or Quotations for the purchase of goods, services or budgeted allocation, all discussions regarding this must be held with the Executive Manager of Organisational Development and Governance at Council.

10. Code of Conduct - Conflict of Interest, Pecuniary and Non-pecuniary Interests

Council recognises the importance of Committees as being transparent in all its dealings, and has adopted a Code of Conduct and Code of Meeting Practice which shall be observed by all Council Committees. A full copy of the Code has been sent to Committees which details the full obligation of members should a conflict of interest or pecuniary interest arise.

In order to assist members' Conflict of Interest, Pecuniary and Non-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:
 - (b) 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
 - (c) Could reasonably be perceived by others as one in which a conflict of interest could possibly exist.
- (d) 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.
- (e) A **Non-pecuniary Interest** is a private or personal interest that a person has that does not amount to a pecuniary interest as defined in the Local Government Act (e.g. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

If a Committee member feels that they may have a Conflict of Interest, Pecuniary or Non-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.

11. Insurance

Public Risk Insurance

As Management Committees are appointed under the provisions of the *Local Government Act 1993*, members of the Committee are automatically included in Council's Public Risk Insurance cover which extends to all properties owned or leased by Council.

Council has taken Public Risk Insurance cover to the value of \$400 million.

Members of Committees should note they are only covered by Public Risk Insurance when acting within the scope of their delegation.

The following general information applies to the Public Risk policy:

- (a) 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
- (b) When an accident occurs, members of the Committee are instructed that they are not empowered to admit liability. For action to be taken in these circumstances see paragraph (c)
- (c) 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
- (d) 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, and
- (e) Council's Executive Manager of Organisational Development and Governance is available to discuss any problems associated with this insurance.

Personal Accident Insurance

Council has arranged a Personal Accident Policy to cover all members of Committees appointed under the provisions of Sections 355 and 377 of the *Local Government Act, 1993*.

The following benefits relate to the Personal Accident Insurance Policy:

- (a) Capital \$1,000,000.00
- (b) Weekly \$4,000.00
- (c) Non-Medical \$20,000.00

12. Assistance to Committees

Council is committed to ensuring that committees have the support of Council staff to fulfil their roles and responsibilities detailed in these guidelines. Questions about these guidelines should be directed to the Executive Manager of Organisational Development and Governance on 6499 219