



Section 355 Committee BEM Liaison Committee Guidelines

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1. Introduction

- 1.1 Bega Valley Shire Council acknowledges that Aboriginal people are the original inhabitants and custodians of all airspace, land and water in the Bega Valley Shire and connecting sea country, and respects their continued connection with it.
- 1.2 Bega Valley Shire Council acknowledges and respects the traditions of the Aboriginal people and respects their continued special relationship with the land, water, sea and air of the Shire.
- 1.3 Council has entered into a Memorandum of Understanding with the Eden, Bega and Merrimans Local Aboriginal Land Councils, which establishes the BEM Liaison Committee to advance the cultural, environmental and economic interests of local Aboriginal people.
- 1.4 These Guidelines detail the status of the Committee, as well as the roles and responsibilities of Committee members.

2. Legal definition of the committee and its appointment

- 2.1 Under the Local Government Act 1993, councils are given extensive functions in respect to the operation of a wide range of community facilities.
- 2.2 Section 355 of the Local Government Act provides that a function of a Council may be exercised by a Committee of the Council. Council has created the Committee under this section as a way of incorporating the local Aboriginal community in the conduct of Council's affairs.
- 2.3 Under the terms of Section 355:
 - a) Council is solely responsible for the appointment of Committee members;
 - b) A register of members shall be maintained by Council; and
 - c) Council may at any time dissolve a Committee without notice.
- 2.4 It is important to be mindful that whilst acting in their capacity as Council committee members, individuals are representing their community and the Council. Maintaining and improving public confidence in local government must remain of the highest priority.

3. Role and responsibilities of the BEM Liaison Committee

- 3.1 The Committee is a formal advisory body of Council for the purposes of considering, discussing and advising on the implementation of the Memorandum of Understanding between Council and Local Aboriginal Land Councils.

4. Committee structure

- 4.1 The Committee is a strategic level committee to work in partnership with Council to advance the cultural, environmental, social and economic interests of local Aboriginal people
- 4.2 The Committee will be comprised of up to a total of nine (9) members consisting of two (2) representatives from each Local Aboriginal Land Council, one (1) the Mayor or representative and two (2) members of Council staff.
- 4.3 At each meeting three youth representatives, one appointed by each LALC Board may attend as observers.
- 4.4 From time to time working groups may be formed on specific projects or tasks that need additional focus. These working groups will report back to the Committee at each meeting.
- 4.5 A person will be appointed to the Committee for the term of Council.

5. Governance and Accountability

- 5.1 The responsibility for the facilitation of the Committee is the Director Community, Environment and Planning, who will ensure that minutes and agendas are prepared and actions tracked.
- 5.2 Minutes will be taken by a Council staff member and copies will be provided to all members and posted on Council's website – www.begavalley.nsw.gov.au
- 5.3 Members of the Committee may be called on to vote on certain matters. Only a member may vote. In the case of a tied vote the Chair has a casting vote.
- 5.4 Any Committee member who absents themselves without apology for three (3) consecutive meetings shall automatically cease to be a member. The Director Community, Environment and Planning will attempt to make contact following two absences without apology.
- 5.5 In the case of a Councillor vacancy on the Committee, Council shall appoint a replacement. In the case of a LALC representative vacancy, the chair of the LALC for which there is a vacancy will appoint a replacement.
- 5.6 Committee members will be reimbursed for out-of-pocket expenses including fuel, for any Committee related activities; however, these must be clearly related to actions discussed at meetings or by approval of the Director Community, Environment and Planning.
- 5.7 All members must adhere to the Bega Valley Shire Council's Code of Conduct. Alleged breaches of the code by Committee members will be investigated by the Director Community, Environment and Planning in line with Council policy and procedures

6. Meeting Schedule

- 6.1 Meetings will be held at least biannually.
- 6.2 The day and times of the meeting will be determined by the Committee members.
- 6.3 In the event that a working group is established, the meeting schedule will be determined by its members.

7. Meeting Procedure

- 7.1 Notice of Meetings are to be given to all members of the BEM Liaison Committee at least five (5) working days before the intended date of the meeting unless a time and date for meetings has been established by resolution of the BEM Liaison Committee.
- 7.2 The Committee will be chaired by a member of the LALC, as described in the MoU.
- 7.3 The Chair shall preside at all meetings of the Committee.
- 7.4 The Chair shall in the case of equality of voting at any meeting be entitled to a casting vote.
- 7.5 The Quorum of a meeting shall be a majority of members of the Committee. A quorum will consist of five (5) members, including at least one representative from each LALC.
- 7.6 Each member present at a meeting of the Committee is entitled to one vote and any matter before the Committee shall be determined by a majority of the votes of members present.

8. Restrictions on the Committee

- 8.1 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 tender; or
 - e) The adoption of a financial statement.

- 8.2 Council also imposes the following restrictions on the Committee:
- a) The employment of staff without Council approval; or
 - b) Entering into any contract without Council approval.

9. Code of conduct – Conflict of interest and pecuniary interests

- 9.1 Council recognises the importance of committees as being transparent in all its dealings, and has adopted a Code of Conduct, which shall be observed by all Council committees.
- 9.2 A full copy of the Code is available for all Committee members, which details the full obligation of members should a conflict of interest or pecuniary interest arise.
- 9.3 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.
- 9.4 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.

10. 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.

- 10.1 The Committee is able to write to any person, body, organisation or agency on any other matters within the Committee's purview.
- 10.2 The Committee shall not correspond in a manner that has the potential to be derogatory, unseemly, not in the public interest or likely to erode public confidence in the Council.
- 10.3 All correspondence or other communication in connection with the business of the Committee should be authorised by the Committee, wherever circumstances permit, and would generally be distributed under the signature of the Chair.