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1 PURPOSE

This policy establishes the overarching governance for all Special Committees formed under Section 24 of the *Local Government Act 1993*. It ensures Special Committees operate consistently, transparently, ethically, and in alignment with Council's strategic objectives.

2 SCOPE

This policy applies to all Special Committees established by Council, and all members appointed to those committees.

3 DEFINITIONS

- **Act:** The Local Government Act 1993
- **Chief Executive Officer:** The Chief Executive Officer of West Tamar Council
- **Community Member:** Any person other than a Councillor Member or Council Officer appointed by Council to serve on a Special Committee.
- **Council:** West Tamar Council
- **Councillor Member:** Any Councillor appointed to the Committee by a resolution of Council.
- **Council Officer:** An employee of Council.
- **Special Committee:** A committee established under Section 24 of the *Local Government Act 1993*.
- **Terms of Reference:** The governing document authorised by Council for the establishment of a Special Committee.

4 POLICY STATEMENT

Council recognises that many benefits can flow from the formation of a Special Committee, including:

- Allowing community members, stakeholders, and subject-matter experts to be formally involved in Council business;
- Building trust and strengthening relationships with local groups;

- Encouraging shared ownership of projects, facilities, and outcomes; and
- Providing structured oversight for complex or ongoing matters.

Special Committees must operate in accordance with principles of good governance, community benefit, financial responsibility, transparency, and compliance with relevant legislation and Council policies.

5 ROLES

5.1 COUNCILLORS

The role of the Councillor Member is to act on behalf of Council and in the best interests of the residents and ratepayers of the West Tamar. Councillors communicate between the elected members of Council and the Committee. Councillors need to be cognisant of the *Local Government Act* to ensure that all legislative requirements are met.

The Terms of Reference will specify the number of Councillor representatives required on each Special Committee. However, any elected member may apply to be included as a Committee member, as an individual or as a representative of a group.

Local Government Elections are held every four (4) years in October, after which new Councillor representatives are elected to all committees at the Council Meeting at the first Council Meeting held after the declaration of the polls. However, at the end of each two (2) year period, Councillor representation can be reviewed.

5.2 COMMUNITY MEMBERS

The primary duty of a Community Member is to assist with developing the best possible solutions for Council's infrastructure, community services, user needs and programs by providing advice in respect to current and future requirements.

Committee members have an important role to play. They have a responsibility to actively contribute to meetings providing Council with additional perspectives, ideas and opinions.

5.3 COUNCIL OFFICERS

A Council Officer may be assigned to a committee to provide guidance to that committee on matters relating to operational elements, policy, historic information, etc. Council Officers are not members of the committee per se and therefore have no voting rights. A Council Officer may provide administrative support to committees that require it.

6 RESPONSIBILITIES

6.1 COMMITTEE MEMBERS

It is the responsibility of a committee member to:

- Understand the aims and objectives, roles and responsibilities of the committee;
- Attend committee meetings or, if absence from a meeting is unavoidable, to inform the committee Chairperson in advance of their inability to attend;
- Arrive at meetings well prepared with respect to agenda issues;
- Participate fully through discussion of issues and general business;
- Undertake tasks requested by the Chairperson and/or the responsible Council Officer;
- Be objective when making decisions and take account of all views;
- Not use abusive or threatening language during committee meetings;
- Debate agenda items in a constructive and informative manner;
- Observe confidentiality and discretion in dealing with the business and outcomes of the committee;
- Accurately portray decisions passed by the committee;
- Declare interests and avoid any potential conflict of interest in committee affairs.

6.2 CHAIRPERSON

The Chairperson is responsible for adhering to the agenda, while encouraging full and balanced participation by all members. The Terms of Reference will govern the procedure for chairing the meeting where the Chairperson is not available.

The Chairperson's overall responsibilities are to:

- Open, facilitate and close meetings;
- Welcome members and thank people for attending and for any work done outside the meetings;
- Ensure that, where practical, meetings conclude at the scheduled finishing time or before;
- Keep the discussion focused on the business of the meeting and ensure that agenda items are prioritised appropriately, with lower priority items to be held over to a future meeting, if necessary;
- Liaise between the Committee and outside bodies;
- Act as a representative of the Committee as required, ensuring that any views expressed are those of the Committee;
- Ensure the presence of a quorum, as defined in the Committee's Terms of Reference;
- Encourage full and balanced participation/debate by all committee members and that they act appropriately and respectfully towards others;
- Be sensitive to any differences of opinion that may arise and assist in resolving these to ensure that the Committee can continue to work collaboratively and effectively;
- Clarify points that have been made and, if necessary, sum-up discussions to ensure universal understanding of the decisions being considered;
- Coordinate the actions to be progressed so that they are shared as equally as practical whilst still getting completed in the required timeframes;

- Adjourn the meeting if necessary;
- Control the voting process;
- Sign the Minutes;
- Inform the Council of any resignations of Committee members;
- Declare and enforce closed session requirements when confidential matters are to be discussed;
- Ensure all views are submitted to Council when a consensus cannot be reached on an issue.

6.3 SECRETARY OR COUNCIL OFFICER

It is the Secretary (or in some instances a Council Officer allocated to provide secretariat support) who takes the minutes and maintains the documents of a Special Committee including details of membership, correspondence and any other documentation regarding the operations of the Committee. The Secretary is required to provide Council with a copy of all relevant information.

Key secretarial tasks include:

- Providing support to the Chairperson to ensure meetings run smoothly;
- Sending out notices of the date, time and place for each Committee meeting;
- Preparing the agenda for each meeting, in consultation with the Chairperson;
- Opening all mail addressed to the Committee and reading the mail before each meeting to summarise important information;
- Keeping an accurate record of members and Committee members to show who is entitled to vote and to receive notices;
- Preparing a list of visitors and apologies for the Chairperson;
- Ensuring that minutes are kept and that these are distributed to members and Council;
- Being a contact person for new members;
- Ensuring all correspondence is dealt with appropriately;
- Noting any declared conflicts of interests in the minutes and providing the details of the declared interests to the Chief Executive Officer as legislated under the Act (see 8 Conflict of interest below).

6.4 TREASURER

This section is relevant to Special Committees who manage finances. It is Council's requirement that all transactions are processed through Council's bank account or provided petty cash float. Committees should not establish their own bank accounts.

The Treasurer is the custodian of the Committee's funds and it is important that these are managed in accordance with Council's procedures. The Treasurer has a range of financial responsibilities including:

- Preparing and presenting the annual budget;
- Managing financial transactions for the Committee;
- Ensuring all fees and charges are accounted for;

- Sending out accounts and paying bills;
- Maintaining an accurate record of all income and expenditure;
- Providing the Committee with a report each meeting about the current financial situation.

Please Note: As a committee constituted by Council, it is a requirement to provide Council with detailed and accurate financial records of the committee's activity during the financial year. Committees should aim to apply sound bookkeeping practices to ensure compliance with requirements.

7 VOLUNTEERS

All Community Members of any Special Committee who are not a Councillor Member of Council or an employee of Council are classed as volunteers. All volunteers must undergo an induction process provided by Council in line with any current Volunteer Management Policy or any other relevant policies of Council. These policies and associated processes will outline volunteer responsibilities in relation to Work, Health & Safety, child safety, and expected standards of behaviour.

8 CONFLICT OF INTEREST

Members of Special Committees of Council may from time to time have a conflict of interest when discussing matters. This section provides an outline of what constitutes a conflict of interest and the process to be taken when a conflict of interest arises.

A Committee member who has a direct or indirect interest in any matter decided or under consideration by the committee must disclose the nature of interest to the Committee and this must be recorded in the Minutes.

Being a member of a Council committee is a position of trust that involves obligations to the community and to the Council. It must be clear to everyone that you are not using your position to serve your own interests or the interests of a close associate. For this reason, the Act requires members of Council committees to disclose conflicts of interest and not participate in a decision (discussion or vote) if they have a conflict of interest.

Part 5 of the Act, Pecuniary Interests, sets out the legislative details relevant to this section. Sections 48A, 49 and 51 of the Act are particularly relevant as follows:

Section 48A. Declaration of pecuniary interest by member

At any meeting of a special committee ... a member must not participate in any discussion, or vote on any matter, in respect of which the member

–

(a) has an interest; or

(b) is aware or ought to be aware that a close associate has an interest.

Section 49. Having an interest

A member has an interest in a matter if the councillor or member or close associate would, if the matter were decided in a particular manner, receive, have an expectation of receiving or be likely to receive a pecuniary benefit or pecuniary detriment.

Section 51. Close Associate

For the purposes of this Part, a person is a close associate of a councillor or member if that person is-

- a) a body corporate of which the councillor or member is a director or a member of the governing body; or*
- b) a proprietary company in which the councillor or member is a shareholder; or*
- c) a public company in which the councillor or member is directly or indirectly a substantial shareholder; or*
- d) a beneficiary under a trust or an object of discretionary trust of which the councillor or member is a trustee; or*
- e) a business partner of the councillor or member; or*
- f) the employer or an employee of the councillor or member; or*
- g) a person from whom the councillor or member has received, or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services in relation to a matter being dealt with or to be dealt with by the ...special committee...; or*
- h) the spouse or partner of the councillor, member, councillor or member's son or daughter; or*
- i) the son, daughter, brother, sister, mother or father of the councillor or member or of their spouse or partner."*

Failure to disclose a conflict of interest may be an offence that can be prosecuted in a court of law. It is your responsibility and duty to identify and disclose your conflicts of interest when required to. It is important to note that, while another person may assist you in deciding or determining whether you have a conflict of interest, they cannot make the decision for you. Irrespective of what assistance or advice you receive from someone else, legally you remain responsible for your own actions.

Under Section 54A of the Act, the Chief Executive Officer is required to keep a register of interests of members of a Special Committee. This register may be inspected by a Councillor (regardless of whether they are the Councillor Member of that Special Committee or not) however the register is exempt from the provisions of the *Right to Information Act 2009*.

9 PROCEDURES

All other procedures will be detailed in the Terms of Reference relevant to each Special Committee. This includes, but is not limited to:

- Composition of the Committee;
- Appointment of Committee Members

- Method of appointment of Chairperson and Deputy Chairperson
- Procedures on vacant or abandoned positions
- The level of administrative support provided by Council
- Any financial delegation or responsibilities
- Meeting procedures:
 - Requirement for an Annual General Meeting
 - Notice of Meetings
 - Provision of Agenda
 - Distribution of Minutes
 - Quorum
- Any other procedure relevant to that Special Committee.

10 LEGISLATION AND REFERENCES

Local Government Act 1993

Child Safe Policy

Fraud and Corruption Control Policy

Work Health and Safety Policy

Working with Vulnerable People Policy

Volunteer Management Policy

11 APPROVAL

Approved by Council on 21 April 2026 (26/63)

Signed:



Chief Executive Officer