



Vincent Street
CESSNOCK

10 October 2024

EXTRAORDINARY MEETING OF COUNCIL

WEDNESDAY, 16 OCTOBER 2024

ENCLOSURES

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Nomination of Deputy Mayor

We, the undersigned Councillors, do hereby propose for nomination:

Councillor _____

as a candidate for Deputy Mayor at the election to be held on 16 October 2024.

Councillor _____ Date: _____

Signature _____

Councillor _____ Date: _____

Signature _____

Form of Consent

I, Councillor _____
(full name of person proposed for nomination)

hereby consent to my being proposed for nomination

(signature of person proposed for nomination)

Date:

Please note: A nomination must be made in writing by two (2) or more Councillors and is not valid unless the nominee has indicated consent to the nomination in writing.

Nomination to be returned to the General Manager, as returning officer.



CESSNOCK CITY COUNCIL

INSTRUMENT OF DELEGATION TO MAYOR

On **Day**, **Date** **Month** 2024 the Cessnock City Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. Pursuant to section 377 of the LG Act to delegate to the Mayor authority to exercise and/or perform on behalf of the Council the Council's Functions identified in **Schedule 1** subject to any condition or limitation specified.
3. The Mayor be conferred authority to carry out the Policy Authorities listed in **Schedule 2** and undertake any administrative actions necessary to carry out those Policy Authorities.
4. A Councillor elected as the Deputy Mayor be delegated the functions, powers and duties of the Mayor with the general limitations that the Deputy Mayor may only exercise these Functions:
 - a. at the request of the Mayor; or
 - b. if the Mayor is prevented by illness, absence or otherwise from exercising these functions; or
 - c. if there is a casual vacancy in the office of Mayor.
5. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. the requirements of the relevant Legislation;
 - b. any conditions or limitations set out in **Schedule 1**, **Schedule 2** and **Schedule 3**; and
 - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
6. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
7. Notwithstanding any other provision of this Instrument, during a **Recess Period**, may, with the General Manager, determine matters not otherwise restricted from delegation, that would normally be referred to Council.

8. In this delegation:

- **‘Functions’** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
- **‘Legislation’** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
- **‘LG Act’** means the *Local Government Act 1993* (NSW) as amended.
- **“LG Regulation”** means the *Local Government (General) Regulation 2021* (NSW) and as amended from time to time.
- **“Recess period”** means a period of time where there is a break in Council’s ordinary meeting schedule, specifically being:
 - Between the last meeting of Council for the calendar year and the first meeting of the following year, with the agreement of the Mayor, or in the absence of the Mayor, with the Deputy Mayor; and
 - Between the last meeting of the Council term and the day appointed for the next ordinary election; with the agreement of the Mayor, or in the absence of the Mayor, with the Deputy mayor, and remaining compliance with section 393(B)(1)(a) of the LG Regulation; and
 - Between the last day appointed for the ordinary election and the first meeting of the new Council term, with the agreement of the Mayor; and
 - Not the time between the Ordinary Council meeting schedule adopted for the calendar year by resolution of Council (when an extraordinary meeting can be called where decisions are required to be made as a matter of urgency).

Schedule 1: Delegated Functions

Local Government Act 1993 (NSW)

Function Code	LG Act 004
Function	Mayor Functions – Authority to exercise and/or perform the role of the Mayor, Pursuant to – section 226
Condition/ Limitation (if any)	<p>The Mayor may exercise the functions only in accordance with the following conditions and limitations:</p> <ol style="list-style-type: none"> 1. Authority, in the cases of emergency where it is not practical to wait for the next scheduled meeting of Council, to exercise such functions of the Council as necessary in the situation, except those functions listed under section 377 of the LG Act and those regulatory functions under Chapter 7 of the LG Act. This delegation applies only to those functions properly held by the Council and does not extend to statutory functions of the General Manager under section 335 of the Act. 2. Authority to affix the corporate seal of Cessnock City Council to all documents necessary for Council to enter into or be a party to any property or commercial transaction, provided that the transaction has already been authorised by specific resolution of Council. 3. Recruitment, appointment, oversight and performance management of the General Manager in accordance with the Office of Local Government's <i>Guidelines for the Appointment and Oversight of General Managers, the General Manager's Performance Review Panel</i> and other relevant Council policies and procedures including approval of General Manager's applications for leave and appointing Acting General Manager during periods of leave. 4. The determination of Council's organisational structure in accordance with section 332 of the LG Act as per the <i>General Manager's Performance Review Panel</i> and other relevant Council policies and procedures.

Schedule 2: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)

N/A		
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Schedule 3: General Limitations

Limitation (if any)
N/A

Delegate Acknowledgement of Delegation

I, **Mayor's name**, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation, and my position description.

Name Surname

Mayor of Cessnock City Council

Date: **Day, Date Month** 2024



CESSNOCK CITY COUNCIL

INSTRUMENT OF DELEGATION TO GENERAL MANAGER

Pursuant to section 377 of the *Government Act 1993* (NSW (LG Act)) and a resolution of the Cessnock City Council ("**Council**") at its meeting held on X, Council:

1. Revokes all previous delegations of Functions the subject of this Instrument.
2. Delegates to the person who permanently holds the position of General Manager of Council ("**General Manager**"), or to the person who acts in that position from time to time, all of the functions, powers, duties, appointments and authorities of the Council that it may lawfully delegate under the LG Act, any other Act, regulation, instrument, rule or the like (including any functions, powers, duties and authorities delegated to the Council by any authority, body, person or the like, or any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act) in force and as amended from time to time:
 - a) **Subject to** any condition or limitation on a Function specified in Schedule 1;
 - b) **Excluding** those Functions:
 - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
 - ii. which are expressly required by legislation to be exercised by a resolution of the Council; or
 - iii. which are expressly excluded from delegation by the terms of the Instrument of Delegation to the Council.
3. Requires that delegations and authorities are subject to, and are to be exercised in accordance with:
 - a) the requirements of the relevant Legislation;
 - b) any conditions or limitations set out in the **Schedule**; and
 - c) any resolution or policy, procedure or budget adopted from time to time by the Council.

4. Advises these delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
5. Provides that notwithstanding any other provision of this Instrument, during a **Recess Period**, may, with the Mayor, determine matters not otherwise restricted from delegation, that would normally be referred to Council.
6. Provides that notwithstanding any other provision of this Instrument, during a **Recess Period**, Council delegates to the General Manager the authority to accept all tenders, except tenders to provide services currently provided by members of staff.
7. Confirms that in this delegation:
 - **“Functions”** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
 - **“Internal Controlled Documents”** means protocols, guidelines, procedures, plans and other internal documents that are set of corporate rules that must be followed. Internal Controlled Documents usually relate to staff and do not impact the community.
 - **“Legislation”** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
 - **“LG Act”** means the *Local Government Act 1993* (NSW) and as amended from time to time.
 - **“LG Regulation”** means the *Local Government (General) Regulation 2021* (NSW) and as amended from time to time.
 - **“EP&A Act”** means the *Environmental Planning and Assessment Act 1979* (NSW) and as amended from time to time.
 - **“Recess period”** means a period of time where there is a break in Council's ordinary meeting schedule, specifically being:
 - Between the last meeting of Council for the calendar year and the first meeting of the following year, with the agreement of the Mayor, or in the absence of the Mayor, with the Deputy Mayor; and
 - Between the last meeting of the Council term and the day appointed for the next ordinary election; with the agreement of the Mayor, or in the absence of the Mayor, with the Deputy mayor, and remaining compliance with section 393(B)(1)(a) of the LG Regulation; and
 - Between the last day appointed for the ordinary election and the first meeting of the new Council term, with the agreement of the Mayor; and
 - Not the time between the Ordinary Council meeting schedule adopted for the calendar year by resolution of Council (when an extraordinary meeting can be called where decisions are required to be made as a matter of urgency).

Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
LG Act	The General Manager be delegated all of the delegable functions of the Council excluding those functions specified in clauses (a) to (u) of section 377(1) of the LG Act.
EP&A Act	<p>a) The General Manager may only determine development applications and section 4.55 applications under the <i>EP&A Act</i> where the application:</p> <ul style="list-style-type: none"> i. in the General Manager's opinion does not represent a significant variation of the Council's policy/environmental planning instruments or has been the subject of significant objection; or ii. has not been the subject of a written request made by at least three Councillors for the matter to be reported to the Council for decision.

Part B – Limitations applicable to Instruments of Delegation to / Appointment of Council		
Delegator	Instrument Name	Date Of Instrument
NSW Food Authority	<i>Instrument of appointment as an enforcement agency (sections 111, 111B and 111D of the Food Act 2003 (NSW))</i>	25 June 2024
Effect of Instrument		
Council is appointed in writing as an <i>enforcement agency</i> by the NSW Food Authority in respect of Cessnock City Council Local Government Area under section 111(4) of the <i>Food Act 2003</i> (NSW). As an enforcement agency, Council is to perform functions imposed or conferred upon Council as outlined in the Instrument dated 25 June 2024		
Functions Delegated to General Manager		Limitations
<p>1) The functions conferred or imposed on the enforcement agency under the <i>NSW Food Act 2003</i> (NSW);</p> <p>2) The function of appointing one or more authorised officers under Division 3 of Part 9 of the <i>NSW Food Act 2003</i> (NSW);</p>		As set out in the Instrument of Appointment dated 25 June 2024

Delegator	Instrument Name	Date Of Instrument
Transport for NSW	<i>Temporary Delegation to Councils No.2: Traffic Management and Pedestrian Works</i>	12 December 2023

Functions Delegated to General Manager	Limitations
<p>The functions and powers of Transport for NSW under section 115(2) of the <i>Roads Act 1993</i> (NSW) to regulate traffic on a public road for purposes other than those set out in section therein, being the following types of pedestrian works:</p> <ul style="list-style-type: none"> i. Works to regulate parking; ii. Pedestrian crossings; iii. Pedestrian refuges; iv. Conversion of existing pedestrian ('zebra') crossings to raised pedestrian ('wombat') crossings; v. Footpaths and continuous footpaths; vi. Temporary or permanent works to enable alfresco dining; vii. Temporary or permanent works to improve or expand footpaths or pedestrian space; viii. Kerb buildouts to reduce crossing distance or manage vehicle speed; ix. Kerb modifications or median islands for tree planting, landscaping or water sensitive urban design; x. Treatments to manage vehicle speed including road humps, road cushions, raised intersections, chicanes and slow points; xi. Works to create (but not remove) bicycle parking, bicycle lanes, bicycle paths, shared paths, separated footpaths and contra flow access for bicycle riders. 	<p>The General Manager may exercise the functions only in accordance with the conditions and limitations set out by Transport for NSW in the Temporary Instrument of Delegation (12 December 2023).</p>
<p>Under section 122(b) of the <i>Road Transport Act 2013</i> (NSW), to install or display (or interfere with, alter or remove) any prescribed traffic control device as set out in the TfNSW "<i>Traffic Signs Database</i>" and indicated as "<i>Delegated to Council for Authorisation – Yes</i>", as required to give effect to functions exercised under this delegation, including any portable traffic control lights, but NOT any internally illuminated traffic control device.</p>	<p>The General Manager may exercise the functions only in accordance with the conditions and limitations set out by Transport for NSW in the Temporary Instrument of Delegation (12 December 2023).</p>

Delegator	Instrument Name	Date Of Instrument
Transport for NSW	<i>Delegation to councils: Regulation of Traffic</i>	31 October 2011
Functions Delegated to General Manager		Limitations
1. Authorisation of prescribed traffic control devices pursuant to Division 2 of Part 5.3 of the <i>Road Transport Act 2013</i> (NSW); 2. Authorisation of special event parking schemes pursuant to Division 3 of Part 8 of the <i>Road Transport (General) Regulation 2021</i> (NSW) on public roads other than classified roads.		The General Manager may exercise the functions only in accordance with the limitations set out by Transport for NSW in the

	Instrument of Delegation (31 October 2021).
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Delegator	Instrument Name	Date Of Instrument
NSW Fair Trading	<i>Instrument of delegation under section 21 of the Plumbing and Drainage Act 2011 (NSW)</i>	8 November 2012
Functions Sub-Delegated to General Manager		Limitations
<p>The exercise of following functions:</p> <ol style="list-style-type: none"> 1. To monitor compliance with the <i>Plumbing and Drainage Act 2011 (NSW)</i>. 2. To ensure any plumbing drainage work carried out does not threaten public health or safety. 3. To undertake any other functions conferred or imposed on the plumbing regulator by the <i>Plumbing and Drainage Act 2011 (NSW)</i> other than: <ol style="list-style-type: none"> i. Receiving notices of work and other documentation required to be submitted to the plumbing regulator concerning proposed alternative solutions; ii. Authorising fitting for use in plumbing and drainage work; and iii. Initiating criminal or other proceedings as provided in Part 5 of the <i>Plumbing and Drainage Act 2011 (NSW)</i>. 		<p>The General Manager may exercise the functions only in accordance with:</p> <ol style="list-style-type: none"> i. the conditions set out by NSW Fair Trading in the Instrument of Delegation (8 November 2012), and ii. Council's resolution 142 from 12 December 2024.

Part C – General Limitations
<p>The Council fixes the amount of \$10,000 as the amount above which rates, charges and debts owed to the Council may be written off only by resolution of the Council, pursuant to clauses 131(1), 131(2) and 213(2) of the <i>Local Government (General) Regulation 2021 (NSW)</i>.</p>
<p>The Council delegates authority to the General Manager to accept all tenders invited by Council except:</p> <ol style="list-style-type: none"> (a) the value of the tender exceeds \$2,000,000 per annum (including GST); or (b) the tender is to provide services currently provided by members of staff of the Council; or (c) the tender must be determined by Council under the requirements of the Local Government Act 1993 and Regulation.
<p>The Council delegates authority to the General Manager to grant leases of Council property where the:</p> <ol style="list-style-type: none"> (d) term of the proposed lease or licence is less than 10 years; or (e) total lease rentals payable to the Council are less than \$1 million (including GST) for the contract term.

The Council may direct at any time by resolution that a matter be referred to the Council for decision, in which event this delegation shall not apply to such particular matter unless and until such direction or resolution is revoked by further resolution.

General Manager's acknowledgement of Delegations of Authority

I, **Ken Liddell**, currently employed by the Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

Ken Liddell

General Manager of Cessnock City Council

Date: **XX/XX/XX**

External Committees of Council

Introduction & Guide

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- Summary of Committees
- Key documents
- Forms and resources



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AUSTAR COAL MINE COMMUNITY CONSULTATIVE COMMITTEE

Purpose

The Austar Coal Mine Consultative Committee has been established to provide a forum for open discussion between Austar Coal Mine, representatives of the community, stakeholder groups and Cessnock City Council on issues directly relating to the Austar Coal project.

The purpose of this committee is to serve as a forum for ongoing communication about the project and its environmental performance. It is not a decision-making body but performs an advisory and consultative role.

The scope of this committee includes:

- Discussing the resolution of community concerns and complaints,
- Discussing the implementation of any conditions of approval or consent and management plans,
- Consulting on any proposed amendments or modifications to projects,
- Reviewing the results of any monitoring, annual reviews or independent audits,
- Consulting on any community initiatives, and
- Conducting site visits to view the project.

Meeting Cycle

The committee will meet biannually, typically in March and September with two weeks' notice provided where a formal meeting has not been set. The meeting frequency is to be a minimum of once a year unless otherwise specified by the conditions of consent or approval.

The committees ongoing meeting schedule and Terms of Reference are to be reviewed at the next committee meeting with date yet to be advised.

Next Meeting

To be advised.

Council Representation

One Councillor

A staff member may attend as an alternate.

Relevant Council Area

General Managers Unit

BLACK HILL QUARRY COMMUNITY LIAISON GROUP

Purpose

To provide a forum for open discussion between Woodbury Civil Pty Limited and Cessnock City Council and the community on issues directly related to the operation environmental performance and community relations of the Black Hill Quarry and to keep the community informed on these matters.

Meeting Cycle

The Committee meets on a six-monthly basis.

Next Meeting

TBC – Likely Mid November and is to be held at Cessnock City Council.

Council Representation

One Councillor

A staff member may attend as an alternate.

Relevant Council Area

Planning & Environment

BUTTAI QUARRY COMMUNITY CONSULTATIVE COMMITTEE

Purpose

To provide a forum for open discussion between Daracon, Cessnock City Council and the community on issues directly related to the operation environmental performance and community relations of the Buttai Quarry and to keep the community informed on these matters.

The committee provides a forum to:

- Establish good working relationships between Daracon, Council and the community in relation to the quarry,
- Provide for the ongoing communication of information on quarry operations and environmental performance,
- Provide an opportunity for comment on the quarry's environmental performance; and
- Discuss community concerns and review the resolution of complaints.

Meeting Cycle

The Committee meets on a six-monthly basis.

Next Meeting

TBC – Likely Mid November

Council Representation

One Councillor

A staff member may attend as an alternate.

Relevant Council Area

Planning & Environment

HUNTER WATER CUSTOMER AND COMMUNITY ADVISORY GROUP

Purpose

The purpose of the Hunter Water Customer and Community Advisory Group is to provide advice on the interests of customers and consumers of Hunter Water, the Customer Contract and other key issues related to Hunter Water's planning and operations.

More broadly the Committee's objectives are:

- To provide a forum for effective input and examination by consumers and community groups into the strategy, policy, planning and service decision-making processes relevant to Hunter Water
- To disseminate information to the general public on Hunter's Water's efforts at improving water supply and wastewater service delivery
- To review consultation strategies, programs and activities being undertaken and/or proposed by Hunter Water
- To promote stakeholder engagement in decision making
- To make recommendations to management in relation to the above, as appropriate
- To work together to create a CCAG based on openness, trust, cooperation, flexibility and honesty.

Meeting Cycle

Four (4) regular meetings are held each year, quarterly. Additional meetings considered as required.

Next Meeting

12 November 2024

Council Representation

One Councillor
One Councillor - Alternate

Relevant Council Area

Works & Infrastructure

LOWER HUNTER AND HUNTER BUSH FIRE MANAGEMENT COMMITTEE

Purpose

The purpose of the Bush Fire Management Committee (BFMC) is to provide cooperative interaction between organisations, agencies and the community that leads to effective coordinated bush fire management throughout the BFMCs area and land adjoining. Further, is to ensure that fire management is adequately addressed and designed for holistic protection of the community, based on tenure blind, cooperative and coordinated approach that utilises community and interagency involvement.

Meeting Cycle

The committee meets the first Wednesday of each month quarterly commencing on 5 March, 2025. A minimum of two meetings must be held each year.

Next Meeting

5 March 2025

Council Representation

One Councillor
One Councillor - Alternate

Relevant Council Area

Works & Infrastructure

LOWER HUNTER ZONE DISTRICT LIAISON COMMITTEE

Purpose

The Liaison Committee is a committee comprising council staff and Councillors in conjunction with Rural Fire Service (RFS) staff and volunteers. The committee discusses a range of topics including the performance of the agreements between Councils and the RFS within the local area, budgets, fire fighting vehicles, equipment and capital infrastructure.

Meeting Cycle

Meeting schedule is currently under review along with the Committees Terms of Reference.

Next Meeting

To be confirmed.

Council Representation

One Councillor
One Councillor - Alternate

Relevant Council Area

Works & Infrastructure

PUBLIC LIBRARIES NSW (CENTRAL EAST ZONE) COMMITTEE

Purpose

The purpose of the committee is to be the peak body for public libraries across NSW. The association:

- Advocates and lobby's for the NSW public library network,
- Initiate strategic partnerships,
- Champion the public library cause,
- Build trust and support,
- Provide relevant information,
- Forster cooperation and collaboration, and
- Strengthen the public library network.

Meeting Cycle

Currently ad hoc, with regular dates to be confirmed for 2025.

Next Meeting

6 March 2025

5 June 2025

4 September 2025

Council Representation

One Councillor

One Councillor - Alternate

Relevant Council Area

Corporate & Community Services

SYDNEY DISTRICT AND REGIONAL PLANNING PANEL – HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

Purpose

Purpose of the planning panel is to strengthen decision making for regionally significant development and certain other planning functions under the EP&A Act. The planning Panels are independent bodies representing the Crown and are not subject to the direction of the Minister, except on matters relating to Planning Panel procedures or where the Minister issues a formal direction under the EP&A Act.

The panel determine regionally significant DAs and undertake rezoning reviews of planning proposals. Other functions of the planning panel include:

- Determining Crown DAs,
- Determining modification applications for regionally significant development,
- Determining DA reviews,
- Determining SCCs,
- Undertaking independent reviews for specific Local Aboriginal Land Council lands,
- Advising the Minister or the Secretary upon request, and
- Preparing planning proposals if they are directed to be a planning proposal authority.

Meeting Cycle

Weekly

Next Meeting

1 October 2024

Council Representation

Mayor
Councillor
One Councillor – Alternate
Two Councillor – Alternate
Three Councillor – Alternate
Four Councillor – Alternate

Two Council members are appointed by each Council. At least one Council member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, or tourism.

To reduce the opportunity to improperly influence panel members councils should consider appointing a minimum of 4 alternate members to enable regular rotation.

Relevant Council Area

Planning & Environment

Internal Committees of Council

Advisory Committees & Committees of Council



CESSNOCK
CITY COUNCIL

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- Key documents & Resources

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Aboriginal and Torres Strait Islander Committee

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- Charter



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Cessnock City Council DRAFT Aboriginal and Torres Strait Islander Advisory Committee Charter

Date Adopted: **xx/xx/24** Revision: **3**

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Integrity, Respect, Teamwork, Accountability and Excellence

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PART A – INTRODUCTION

1. Principles

To ensure this Committee contributes to good public decision-making and increase Council's transparency and accountability to its community, Council is committed to running its Committee meetings to be:

- a) **Transparent** - Decisions are made in a way that is open and accountable;
- b) **Informed** - Decisions are made based on relevant, quality information;
- c) **Inclusive** - Decisions respect the diverse needs and interests of the local community;
- d) **Principled** - Decisions are informed by the principles prescribed under Chapter 3 of the Act;
- e) **Trusted** - The community has confidence that Members act ethically and make decisions in the interests of the whole community;
- f) **Respectful** – Members and attendees treat each other with respect;
- g) **Effective** - Meetings are well organised, effectively run and skilfully chaired; and
- h) **Orderly** – Members and attendees behave in a way that contributes to the orderly conduct of the meeting.

PART B – AUTHORITY AND PURPOSE

2. Committee Authority

- 2.1. In carrying out its responsibilities, the Committee must at all times recognise that the primary responsibility for the management of Council rests with the elected Council and the General Manager, as provided in the Act.
- 2.2. The Committee has no executive powers and cannot make decisions on behalf of Council. Furthermore, the Committee is not a committee with delegated authority therefore it cannot exercise powers under section 355 of the Act.
- 2.3. Neither the Committee nor any of its Members may direct any Council staff member in his or her duties.

3. Committee Dissolution

This Committee will remain in existence until one day prior to Council's next ordinary election or until it is otherwise dissolved by Council.

4. Role and Responsibilities of the Committee

- 4.1 The responsibilities of the Committee are as follows:
 - 4.1.1. Consult with representatives from the Aboriginal and Torres Strait Islander community.
 - 4.1.2. Advocate on issues affecting Aboriginal and Torres Strait Islander communities.
 - 4.1.3. Encourage understanding and recognition of Aboriginal and Torres Strait Islander histories, heritage and cultures within Council and the community.



4.1.4. Provide Council with strategic advice and improve Council decision-making in relation to policy, plans, programs and service delivery that impact Aboriginal and Torres Strait Islander communities.

4.1.5. Oversee the development, endorsement, implementation and evaluation of Council's reconciliation plan.

4.2. The Committee is advisory and does not have delegation to commit Council resources.

PART C – COMPOSITION OF THE COMMITTEE

5. Attendance and Membership

5.1. Attendance at any meeting of the Committee is limited to the following:

5.1.1. Members;

5.1.2. Informal advisors by invitation only; and

5.1.3. Attendees.

5.2. The Committee Coordinator, in consultation with the General Manager, is to:

5.2.1. determine requests from members of the community to observe Committee Meetings; and

5.2.2. determine requests from members of the community to participate in Committee Meetings as informal advisors.

5.3. Members, informal advisors and attendees cannot participate in a Committee Meeting unless they are personally present at the meeting. For the purposes of this clause, attendance via audio-visual means (such as Zoom, Microsoft Teams and other similar platforms) is accepted as personal attendance, however attendance via telephone is not.

Members

5.4. The Committee's membership comprises of:

5.4.1. three (3) Councillors, elected in accordance with clause 6.2;

5.4.2. up to eight (8) Community Representatives appointed in accordance with clauses 6.7-6.13.

Informal Advisors

5.5. Informal advisors, including members of the community, can attend the Committee meetings to propose topical matters for consideration by the Committee, provide guidance and/or subject matter expert opinion on relevant issues being considered by the Committee.

Attendees

5.6. Attendees can be:

5.6.1. The General Manager;

5.6.2. Council's Directors;

5.6.3. The Committee Coordinator;



5.6.4. Councillors that are not already Members;

5.6.5. The Minute Taker(s); and

5.6.6. Council staff by invitation.

Apologies and Leave of Absence

5.7. Where a Member cannot attend one or more Committee meetings, the Member should request that the Committee grant them a leave of absence from those meetings. This clause does not prevent a Member from making an apology if they are unable to attend a Committee meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this Charter.

5.8. A Member's written request for leave of absence from Committee meetings should, if practicable identify (by date) the meetings from which the Member intends to be absent and the grounds upon which the leave of absence is being sought.

5.9. The Committee must act reasonably when considering whether to grant a Member's request for a leave of absence.

Acts of Disorder

5.10. A Committee Member, informal advisor and/or attendee commits an act of disorder if the Committee Member and/or attendee, at a Committee Meeting:

5.10.1. contravenes the Charter, or

5.10.2. assaults or threatens to assault another person present at or participating in the meeting, or

5.10.3. insults or makes unfavourable personal remarks, or

5.10.4. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Committee into disrepute.

5.11. The Chairperson may require a Committee member, informal advisor and/or attendee:

5.11.1. to apologise without reservation for an act of disorder referred to in clause 5.10.

5.11.2. to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clause 5.10.

5.12. A Committee member, informal advisor and/or attendee may be expelled from a Committee meeting for having failed to comply with a requirement under clause 5.11.

5.12.1. Where a Committee member, informal advisor and/or attendee is expelled from a meeting, the expulsion and the name of the person expelled, are to be recorded in the minutes of the meeting.

5.12.2. If a Committee member, informal advisor and/or attendee fails to leave the place where a meeting of the Committee is being held immediately after they have been expelled, a police officer may be called.

Termination of Membership

5.13. Each Member shall remain a member of the Committee until:

5.13.1. one day prior to Council's next ordinary election, or until the Committee is otherwise dissolved, pursuant to clause 3 of this Charter; or

5.13.2. the Member resigns.



5.14. Membership of any Member of the Committee may be terminated by resolution of the Committee due to:

5.14.1. the Member's non-attendance at three consecutive Committee meetings without prior notification of their non-attendance and the granting of leave by resolution of the Committee; or

5.14.2. the Member's conduct being inconsistent with this Charter or Council's Code of Conduct.

5.15. Councillor membership terminates immediately upon a Councillor Member ceasing to be a Councillor.

5.16. If the terminated Member was a:

5.16.1. Community Representative, the Committee Coordinator, will determine a replacement Member pursuant to clause 6.11 where appropriate. If not applicable, the Committee Coordinator will commence a new selection process, pursuant to clause 6.7-6.13.

6. Election/Appointment of Members

Councillor Members

6.1. Council's Governance Team will arrange for a report to be provided to the elected Council calling for nominations for Councillor Members at the commencement of each Council term and as Councillor vacancies arise.

6.2. Council will elect Councillor Members by resolution.

6.3. A Councillor Member is to be addressed as 'Councillor [surname]'.

The Chairperson

6.4. The Chairperson of the Committee will be nominated by a Community Representative and elected at each Committee meeting.

6.5. Where there are more than two nominees for the Chairperson position, the nominee receiving the lowest number of votes will be eliminated and a further round of voting will take place to elect the Chairperson. This process will continue until a nominee is elected.

Appointment of Community Representatives

6.6. The appointment of Community Representatives to the Committee will:

6.6.1. seek to achieve a mix of skills to facilitate the sound functioning of the Committee; and

6.6.2. seek to represent the diversity within and interests of local Aboriginal and Torres Strait Islander communities.

6.7. Community Representatives will be appointed following a public Expressions of Interest (EOI) process at, before or after the commencement of the new Council term. Applications must be made via the Nomination Form or by a verbal interview with the Selection Panel.

6.8. To be eligible for membership, Community Representatives on the Committee must be an Aboriginal and/or Torres Strait Islander person, and

6.8.1. live in the Cessnock Local Government Area (LGA), or

6.8.2. work or be a student studying within the Cessnock LGA, or



6.8.3. have a strong cultural association to the Cessnock LGA.

6.9. Nominees must address the following selection criteria in their application:

- 6.9.1 Have an understanding of Aboriginal and/or Torres Strait Islander issues and communities within the Cessnock LGA.
- 6.9.2 Have knowledge of local Aboriginal and/or Torres Strait Islander community groups and services;
- 6.9.3 Have experience in developing and/or implementing Reconciliation Action Plans or similar;
- 6.9.4 Have any other skills, experience, knowledge or understanding that will contribute to the work of the Committee;
- 6.9.5 Good communication skills;
- 6.9.6 Commitment to participatory and consultative processes; and
- 6.9.7 Demonstrated ability to be constructive and objective.

6.10. Applications will be assessed:

- 6.10.1. Selected on merit according to the criteria listed in clause 6.6-6.9;
- 6.10.2. and by the Selection Panel; and
- 6.10.3. be approved for appointment by the General Manager or their delegate.

6.11. If more than eight (8) applicants are deemed suitable for appointment as Community Representatives, offers of membership will be made to the eight (8) most meritorious nominees and the remainder placed on an eligibility list.

6.12. The name of each Community Representative will be recorded in the Committee's register, an excerpt of which can appear on Council's website.

6.13. Appointment of Community Representatives post the commencement of the Council term will be assessed by the Selection Panel and approved by the General Manager or their delegate considering:

- 6.13.1. Can the Committee continue with its functions if the Community Representative(s) are not replaced?
- 6.13.2. Does the Charter allow for the additional appointment(s)?
- 6.13.3. Are there any candidates from the eligibility list noted in clause 6.11 that would be a suitable replacement?

7. Responsibility of Members

7.1. Members are expected to:

- 7.1.1. Make reasonable efforts to attend Committee meetings;
- 7.1.2. Provide an apology and request leave of absence whenever they cannot attend meetings;
- 7.1.3. Understand where applicable to the Committee, the Code of Meeting Practice and Code of Conduct;
- 7.1.4. Be able to contribute the time needed to understand the Committee's business papers before attending Committee meetings;



7.1.5. Provide advice and feedback on matters brought before the Committee pursuant to clause 4 of the Charter; and

7.1.6. Comply with clause 10, 11 and 12.

Conduct by Members

7.2. This Committee is not a 'Committee of the Council', as defined in Council's Code of Meeting Practice, because its membership is not constituted solely by Councillors. Consequently, Members are expected to abide by this Charter and Council's Code of Conduct.

7.3. Conflicts of interest must be declared and managed in accordance with Council's Code of Conduct. A record of a declared conflict of interest in the minutes is sufficient.

7.4. Pecuniary or significant, non-pecuniary conflicts of interest must be managed by the Member excluding themselves from the meeting during the discussion of the relevant agenda item. Such exclusion should be recorded in the minutes.

8. Responsibility and requirements of the Committee Coordinator

8.1. The Committee Coordinator will be Community and Cultural Development Manager and will undertake the following functions:

8.1.1. Oversee and be responsible for the functions of the Minute Taker;

8.1.2. Accept or reject (in consultation with the General Manager) items of business;

8.1.3. Ensure Members are familiar with this Charter and Council's Code of Conduct;

8.1.4. Facilitate discussion at Committee meetings, provide input to meetings and actively contribute to the Committee's role and purpose;

8.1.5. Focus the Committee on its responsibilities outlined in clause 4 of this Charter and the meeting agenda items, as outlined in the Advisory Committees Procedure;

8.1.6. Act as the communication link between the Committee and the elected Council;

8.1.7. Manage the resources available to the Committee;

8.1.8. Manage the performance of the Committee;

8.1.9. Where appropriate, liaise closely with the committee coordinators of Council's other committees to assist with the collaboration between committees, the sharing of information and the efficient and effective use of Council and committee resources; and

8.1.10. Work closely with the Chairperson to administer the Committee and its meetings.

8.2. A Committee Coordinator may perform the duties of a Minute Taker in addition to performing the duties of a Committee Coordinator.

9. Responsibility and requirements of the Minute Taker

9.1. The Minute Taker will be a suitably qualified Council officer who undertakes the following functions, as outlined in the Advisory Committees Procedure:

9.1.1. Prepare agendas;

9.1.2. Update the register of Members;



- 9.1.3. Maintain a meeting attendance register;
 - 9.1.4. Take minutes at Committee meetings and prepare them for circulation (once approved by the Committee Coordinator);
 - 9.1.5. Collate Committee business papers prepared or submitted by Council officers, Committee Members, working parties and stakeholders;
 - 9.1.6. Publish non-confidential agendas, minutes and Committee business papers on Council's website;
 - 9.1.7. Book meeting venues and organise the provision of any necessary equipment; and
 - 9.1.8. Provide administrative assistance to the Committee Coordinator.
- 9.2. This position may be shared among a number of suitably qualified Council officers or be the same person.

PART D – BEFORE THE MEETING

10. Scheduling and Notifying of Committee Meetings

Meeting schedule

- 10.1 The Committee will meet at least four (4) times per year and where possible meet once every two months or as otherwise resolved by the Committee.
- 10.2 Meeting dates will be agreed by the Committee and the preferred meeting day is Friday from 9:15am.
- 10.3 Additional meetings may be scheduled by the:
 - 10.3.1 Chairperson;
 - 10.3.2 Committee by resolution;
 - 10.3.3 Elected Council; or
 - 10.3.4 General Manager.

Notice, Meeting agendas and Business Papers

- 10.4 The Committee Coordinator will ensure that notice of meetings, including the agenda and business papers, is given to the Committee at least five (5) business days prior to the day of the meeting. These may be transmitted electronically.
- 10.5 Notice of less than three (3) business days can be given to Members of an additional Committee meeting only in cases of emergency.
- 10.6 In consultation with the Committee Coordinator, all Members may propose items of business they wish the Committee to consider at its next meeting, or withdraw such items, in accordance with the Advisory Committee Meetings Procedure, provided the business relates to the purpose for which the Committee is established. The Committee Coordinator, in consultation with the General Manager, is to determine whether the proposed items are to be included in the Committee agenda.
- 10.7 The Committee agenda must include:
 - 10.7.1 election of Chairperson; and



- 10.7.2 an Acknowledgement of Country; and
- 10.7.3 all matters to be dealt with arising out of the proceedings of previous Committee meetings; and
- 10.7.4 any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the Committee meeting; and
- 10.7.5 all matters, including those that have been referred for consideration by the elected Council, Committee Members, that are the subject of staff reports or informal advisors, to be considered at the Committee meeting; and
- 10.7.6 the requirement to declare conflicts of interests, apologies and leave of absences; and
- 10.7.7 any business of which due notice has been given as per clause 10.4 and 10.5.

- 10.8 Except for the parts closed to the public, access to the agenda and associated business papers will be made available to the public one way free of charge.

Minutes

- 10.9 All Committee business will be properly minuted and recorded by the Minute Taker including when Members leave and return to the meeting. The minutes will be:
 - 10.9.1 approved by the Committee Coordinator in draft;
 - 10.9.2 adopted by the Committee as final by way of a resolution;
 - 10.9.3 managed in accordance with Council's Records Management Policy; and
 - 10.9.4 published on Council's website (ensuring Council meets its privacy obligations).
- 10.10 Draft minutes will be distributed to the Committee for confirmation no later than 10 business days after the meeting with Members to provide feedback within 5 days of receiving the draft minutes.
- 10.11 Draft minutes of the previous meeting are to be adopted by resolution of the Committee at the following meeting.
- 10.12 Minutes of confidential and/or matters of a sensitive nature will be reported to the elected Council in a confidential session pursuant to the Advisory Committee Procedure.
- 10.13 Minutes for inquorate meetings will note the informality of the meetings and no recommendations are to be recorded. In other words, such minutes will be for informational purposes only.

PART E – COMING TOGETHER

11. Committee Business

Quorum

- 11.1 A quorum is constituted by attendance of 5 Members including a minimum of one (1) Councillor and three (3) Community Representatives.
- 11.2 If a quorum is not achieved, an informal meeting may be conducted at the discretion of the Chairperson.



Voting

- 11.3 Voting is to occur by show of hands, including when attending via audio-visual platforms.
- 11.4 The Chairperson has a casting vote in the event of an equality of votes.
- 11.5 Each Member is entitled to vote.
- 11.6 Informal advisors and attendees cannot vote.

Business that can be dealt with at a Committee Meeting

- 11.7 The Committee may consider business at a Committee meeting:
 - 11.7.1 for which notice has been given in accordance with clauses 10.4 and 10.5; or
 - 11.7.2 the business is already before, or directly relates to, a matter that is already before the Committee; or
 - 11.7.3 the business is the election of a chairperson to preside at a Committee meeting where the Mayor has renounced their right to be the Chairperson; or
 - 11.7.4 The Committee resolves to have the business considered at the meeting:
 - a) when no prior notice was given, and
 - b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by the Committee before the next scheduled Committee meeting.

Order of Business

- 11.8 The general order of business at a Committee meeting is fixed by a resolution of the Committee and may be altered for a particular Committee meeting if a motion to that effect is passed at that meeting. No seconder (see clause 12.1 for meaning of a seconder) is required to debate the alteration of a Committee's general order of business.

Closure of Committee Meetings

- 11.9 Matters can be deemed confidential and/or of a sensitive nature and thus close those parts of the Committee meetings only in the following circumstances:
 - 11.9.1 Personnel matters concerning particular individuals; or
 - 11.9.2 The personal hardship of any resident or ratepayer; or
 - 11.9.3 Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; or
 - 11.9.4 Commercial information of a confidential nature that would, if disclosed:
 - i. prejudice the commercial position of the person who supplied it, or
 - ii. confer a commercial advantage on a competitor of Council, or
 - iii. reveal a trade secret;
 - 11.9.5 Information that would, if disclosed, prejudice the maintenance of law; or
 - 11.9.6 Matters affecting the security of Council, Councillors, Council staff or Council property; or
 - 11.9.7 Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege; or



11.9.8 Information concerning the nature and location of a place or an item of Aboriginal significance on community land; or

11.9.9 Alleged contraventions of the Council's Code of Conduct.

11.10 In such instances, only individuals that are absolutely necessary are to remain at the meeting during those closed sessions.

11.11 Members must return any documentation to the Committee Coordinator during closed Committee meetings, or parts thereof, following the end of such closures.

11.12 Acts of disobedience warrant for the Chairperson to expel such individuals from the Committee meeting, or contact the police for assistance if necessary.

12. Rules of Debate

Motions to be seconded

12.1 Proposed items of business to be considered by the Committee at a meeting cannot be debated unless or until it has been seconded.

Amendments to Motions

12.2 Motions can be amended, without requiring a seconder, at any time with the approval of the Chairperson and by a majority of the Committee.

13. Resolutions of the Committee

13.1. Resolutions of the Committee (the recommendations to Council adopted by the Committee) must be consistent with this Charter.

13.2. The General Manager (or their delegate) may action Committee resolutions as they deem appropriate in accordance with their individual delegations and authorisations.

13.3. A report to the elected Council for a decision will be required where resolutions fall outside the functions delegated to the General Manager.

Reports to Council

13.4. It is the responsibility of the Committee Coordinator to draft reports to the elected Council on Committee business. These reports can outline:

13.4.1. The finalised minutes of each Committee meeting for noting;

13.4.2. Resolutions proposed by the Committee where a Council resolution is required (NB: Committee resolutions are not automatically adopted by the elected Council by the noting of the Committee minutes – there must be specific resolutions as outlined in clause 13.5);

13.4.3. At least annually, which will include attendance records, performance reviews of Members and a summary of key items of business; and

13.4.4. If and when the Charter is to be adopted or due to a review in accordance with clause 16.

13.5. Where Committee minutes require the elected Council to resolve on a matter (*for example, where the General Manager does not have the relevant*



delegation/authorisation) the report to the elected Council is to detail all resolutions of the Committee separately.

- 13.6. Committee recommendations to the elected Council are to be in the form of: “*That the Committee recommends the Council resolve to...*” and are to be worded the same as resolved by the Committee.
- 13.7. Where the recommendation(s) to the elected Council is not the same as resolved by the Committee, the Committee Coordinator is to outline within the Council report how and why the recommendation(s) to the elected Council is different to the resolution(s) by the Committee.

14. Performance of the Committee

- 14.1. The Committee Coordinator in consultation with the Committee must undertake a review of the Committee’s performance using the template at Appendix A and this review will occur after one (1) full year of the Committee’s term and will occur annually thereafter.
- 14.2. The completed performance review must be endorsed by the Committee before it is included in the Committee’s annual report to the elected Council.
- 14.3. The Committee’s annual report, including the completed performance review, must be tabled preferably at the September Council meeting each year and the performance review of the Committee and reporting will commence after one (1) full year of the Committee’s term.

15. Public Comment

- 15.1. The Mayor/Administrator is the official spokesperson for Council, in accordance with Council’s Media Policy.
- 15.2. Committee Members, informal advisors or attendees must not speak to the media or members of the public on behalf of Council or the Committee.

16. Review of Charter

- 16.1 This Charter will be reviewed, other than administratively, at the commencement of each Council term or as otherwise determined by the elected Council, and may be amended only by a Council resolution.
- 16.2 The General Manager or their delegate can make administrative amendments to this Charter without needing Committee endorsement nor a Council resolution. An administrative amendment is amending:
- 16.2.1 the name and titles of Members, provided there is a Council resolution supporting such an amendment;
- 16.2.2 layout, numbering, grammar and syntax, spelling and the Administration part of this Charter (Part F).

PART F - ADMINISTRATION

17. Charter Definitions

Act	means the <i>Local Government Act 1993</i> (NSW).
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Integrity, Respect, Teamwork, Accountability and Excellence

Chairperson	means the Member elected pursuant to clauses 6.4-6.5.
Committee	means the Aboriginal and Torres Strait Islander Advisory Committee.
Committee Coordinator	means the Community and Cultural Development Manager responsible for the tasks set out in clause 8.
Community Representative	means the individual(s) appointed to the Committee pursuant to clauses 6.6 to 6.13.
Council	means Cessnock City Council and where appropriate includes its administration or any successor council.
emergency	Means natural disasters, pandemics, or circumstances which would <u>negatively impact</u> Council's interests if the committee business had to wait to be presented at the next Committee meeting.
Member	means each of the individuals described in clause 6.
Minute Taker	means a Council staff member appointed to fulfil the tasks set out in clause 9.
Selection Panel	means at least two Council officers, including the Committee Coordinator.

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18. Charter Administration

Committee type:	Advisory	Document number:	DOC2024/145915
Charter's latest review Date:	Each Council term or as required		
Date Committee originally established:	21-11-2012		
Council resolution when committee was originally established:	PM105/2012, Resolution 125		
Date Committee last re-established	XX-XX-2024		
Council resolution when committee was last re-established	XXXX		
Committee Coordinator	Community and Cultural Development Manager	Minute Taker	Council staff member appointed to fulfil the tasks set out in clause 9.
Committee Members:	Membership includes XXXX and up to eight (8) Community Representatives.		
Relevant strategic direction and/or objectives within Council's Community Strategic Plan:	Objective 1.1 Promoting Social Connections and Wellbeing		
Related Policies / Protocols / Procedures / Documents:	<ul style="list-style-type: none"> Code of Conduct (DOC2018/086716) Committee Register (DOC2022/037211) Advisory Committees Procedure (DOC2017/025652) Undertaking(s) templates (DOC2019/013515 and DOC2019/013512) Attendance sheet template (DOC2019/013444) Nomination sheet template (DOC2019/013510) <p>Consultation Protocol for the Referral of Matters to the Cessnock City Council Aboriginal and Torres Strait Islander Advisory Committee (DOC2020/043185)</p>		
Dissolution date	One day prior to Council's next ordinary election (September 2028), unless otherwise resolved by Council.		

19. Charter History

Revision	Date Approved / Authority	Description of Changes
----------	---------------------------	------------------------

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1	19/10/22	New charter adopted
2	21/07/23	Periodic review with amendments to nomination of Chairperson by community representative's clause 6.4, removal of meeting venue at various locations across the local government area clause 10.1, addition of members having 5 business days to review draft minutes clause 10.10, new clauses added 11.9 to 11.11 for Acts of Disorder.
3	XX- XX- 2024	Committee re-established. Acts of Disorder moved from Part E to Part C and is now 7.5. Amendment to 6.10 and 6.13 Applications to be a Community Representative will be approved by the General Manager or their delegate and previously was by resolution of Council. Amendments made to Part F Administration contents to ensure information is current.

20. Appendices

- 20.1. Appendix A: TEMPLATE - Report to Committee of Committee's performance
- 20.2. Appendix B: [Council's Code of Conduct](#)



APPENDIX A – TEMPLATE Report to Committee of Committee's performance

REPORT TO [COMMITTEE NAME]

SUBJECT: REVIEW OF [COMMITTEE NAME] PERFORMANCE

REPORT BY: [COMMITTEE COORDINATOR]

DATE: [DATE]

PURPOSE

This performance review is presented to the [Committee Name] Committee (**Committee**) in accordance with clause 14 of the Committee Charter.

RECOMMENDATION

That:

1. The [Committee Name] Committee adopts the performance review at **Attachment A**.
2. The Committee notes the Committee Coordinator will include the performance review report in the annual report to the elected Council.

BACKGROUND

1. It is important that Council committees operate effectively and in accordance with their Charters.
2. Committee performance reviews are a mechanism for monitoring effective performance, instilling good governance and thus promoting openness and transparency.



Attachment A - Performance of the [Committee Name] Committee

*[Note: Committee performance is based on the previous year
- eg. review carried out in 2019 on Committee's performance in 2018]*

1. Did the [Committee Name] Committee (**Committee**) report to the elected Council as required by its Charter? (the report should detail the dates of each report/s to the elected Council)
2. Detail the number of meetings required to be held per calendar year as provided for in the Charter.
3. Detail the number of meetings held in [insert year], that were quorate.
4. The Committee Charter requires members of the Committee to conduct themselves in accordance with the Code of Conduct. Does the agenda include a standing item for Members to declare a conflict of interest? (yes/no)
5. Do Business papers of meetings:
 - a. Include relevant background information necessary to enable Members to make informed decisions (Yes/No).
 - b. Are distributed to Members in accordance with the timeframe set out in the Charter (Yes/No).
6. Do minutes of meetings:
 - a. Contain a summary of the decisions (Yes/No).
 - b. Are adopted by the Committee at a subsequent meeting (Yes/No).
 - c. Are distributed to Members in the timeframe set out in the Charter (yes/no – if no list details of reasons for delay).
7. Attach annual attendance details.
8. Have all Community Representatives attended induction? (Yes/No)

Approval

Committee Coordinator

Name:

Signature:

Date:

Governance

Name:

Signature:

Date:

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Audit, Risk and Improvement Committee



CESSNOCK
CITY COUNCIL

CONTENTS

- Charter

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Cessnock City Council Audit, Risk and Improvement Committee Charter

Date Adopted: **19/06/2024** Revision: **1**

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1. Introduction

Cessnock City Council (Council) has established an Audit, Risk and Improvement Committee in compliance with section 428A of the *Local Government Act 1993* (the Act), the *Local Government (General) Regulation 2021* (Regulation) and the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*. This charter sets out the Committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

2. Objective

The objective of Council's Audit, Risk and Improvement Committee (Committee) is to provide independent assurance to Council by monitoring, reviewing and providing advice about Council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

3. Independence

- 3.1 The Committee is to be independent to ensure it has no real or perceived bias or conflicts of interest that may interfere with its ability to act independently and to provide Council with robust, objective and unbiased advice and assurance.
- 3.2 The Committee is to have an advisory and assurance role only and is to exercise no administrative functions, delegated financial responsibilities or any management functions of the Council. The Committee will provide independent advice to Council that is informed by Council's internal audit and risk management activities and information and advice provided by staff, relevant external bodies and subject matter experts.
- 3.3 The Committee must always ensure it maintains a direct reporting line to and from Council's internal audit function and act as a mechanism for internal audit to report to the Council and the General Manager on matters affecting the performance of the internal audit function.

4. Authority

- 4.1 Council authorises the Committee, for the purposes of exercising its responsibilities, to:
 - access any information it needs from Council,
 - use any Council resources it needs,
 - have direct and unrestricted access to the General Manager and senior management of Council,
 - seek the General Managers permission to meet with any other Council staff member or contractor,
 - discuss any matters with the external auditor or other external parties,
 - request the attendance of any employee at Committee meetings, and
 - obtain external legal or other professional advice in line with Councils' procurement policies subject to approved budget and delegations.
- 4.2 The Committee may only release Council information to external parties that are assisting the Committee to fulfil its responsibilities with the approval of the General Manager.
- 4.3 Information and documents pertaining to the Committee are confidential and are not to be made publicly available, subject to legislative requirements, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

5. Composition and tenure

- 5.1 In accordance with the Regulation, the Committee consists of:
 - a) One independent Chairperson, with voting rights;



- b) Two independent members, with voting rights;
- c) One Councillor (who must not be the Mayor) appointed by resolution of the elected Council, without voting rights.
- d) a fourth independent member may be appointed to ensure continuity of the committee in the event that appointments or resignations result in the attrition of two members within a 9-month period.

5.2 Proxies for Committee Members are not permitted.

5.3 The General Manager in consultation with the Mayor and non-voting Councillor member will recommend the Chairperson and independent members of the Committee for appointment by resolution of the elected Council.

5.4 Current Committee members are:

Jennifer Hayes	Independent Chairperson (voting)
William Middleton	Independent Member (voting)
Shane Hubble	Independent Member (voting)
Martin Matthews	Independent Member (voting)
Cr Paul Paynter	Councillor member (non-voting)

5.5 All Committee members must meet the independence and eligibility criteria prescribed under the Regulation.

5.6 Members will be appointed for up to a four-year term. Members can be reappointed for one further term, but the total period of continuous membership cannot exceed eight years. This includes any term as Chairperson of the Committee. Members who have served an eight-year term (either as a member or as Chairperson) must have a two-year break from serving on the Committee before being appointed again. To preserve the Committee's knowledge of Council, ideally, no more than one member should retire from the Committee because of rotation in any one year.

5.7 The terms and conditions of each member's appointment to the Committee are to be set out in a letter of appointment. New members will be thoroughly inducted to their role and receive relevant information and briefings on their appointment to assist them to meet their responsibilities.

5.8 Prior to approving the reappointment or extension of the Chairperson's or an Independent Member's term, the General Manager in consultation with the Mayor and non-voting Councillor member is to undertake an assessment of the Chairperson's or Committee member's performance. Reappointment of the Chairperson or a Committee Member is also to be subject to that person still meeting the independence and eligibility requirements prescribed under the Regulation.

5.9 Members of the Committee must possess and maintain a broad range of skills, knowledge and experience relevant to the operations, governance and financial management of Council, the environment in which Council operates, and the contribution that the Committee makes to Council. At least one member of the Committee must have accounting or related financial management experience with an understanding of accounting and auditing standards in a local government environment. All Members should have sufficient understanding of Council's financial reporting responsibilities to be able to contribute to the Committee's consideration of Council's annual financial statements.



- 5.10 All Independent Members of the Committee are required to undergo a police check and a financial status (bankruptcy) check as part of the screening process.

6. Role

- 6.1 As required under section 428A of the Act, the role of the Committee is to review and provide independent advice to Council regarding the following aspects of Council's operations:
- compliance
 - risk management
 - fraud control
 - financial management
 - governance
 - implementation of the strategic plan, delivery program and strategies
 - service reviews
 - collection of performance measurement data by Council, and
 - internal audit.
- 6.2 The Committee must also provide information to Council for the purpose of improving the Council's performance of its functions.
- 6.3 The Committee's specific audit, risk and improvement responsibilities under section 428A of the Act are outlined in Schedule 1 to this Charter.
- 6.4 The Committee will act as a forum for consideration of Council's internal audit function and oversee its planning, monitoring and reporting to ensure it operates effectively.
- 6.5 The Committee has no power to direct external audit or the way it is planned and undertaken but will act as a forum for the consideration of external audit findings.
- 6.6 The Committee is directly responsible and accountable to the Council for the exercise of its responsibilities. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager.
- 6.7 The responsibilities of the Committee may be revised or expanded in consultation with, or as requested by, the Council from time to time.

7. Responsibilities of members

7.1 Independent Members

- 7.1.1 The Chairperson and Members of the Committee are expected to understand and observe the requirements of the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*. Members are also expected to:
- make themselves available as required to attend and participate in meetings
 - contribute the time needed to review and understand information provided to it
 - apply good analytical skills, objectivity and judgement
 - act in the best interests of Council
 - have the personal courage to raise and deal with tough issues, express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of inquiry
 - maintain effective working relationships with Council
 - have strong leadership qualities (Chairperson)
 - lead effective Committee meetings (Chairperson), and
 - oversee Council's internal audit function.



7.2 Councillor member

- 7.2.1 To preserve the independence of the Committee, the Councillor member of the Committee is a non-voting member. Their role is to:
- relay to the Committee any concerns the Council may have regarding the Council and issues being considered by the Committee
 - provide insights into local issues and the strategic priorities of Council that would add value to the Committee's consideration of agenda items
 - advise the Council (as necessary) of the work of the Committee and any issues arising from it, and
 - assist the Council to review the performance of the Committee.
- 7.2.2 Issues or information the Councillor member raises with or provides to the Committee must relate to the matters listed in Schedule 1 and issues being considered by the Committee.
- 7.2.3 The Councillor member of the Committee must conduct themselves in a non-partisan and professional manner. The Councillor member of the Committee must not engage in any conduct that seeks to politicise the activities of the Committee or the internal audit function or that could be seen to do so.
- 7.2.4 If the Councillor member of the Committee engages in such conduct or in any other conduct that may bring the Committee and its work into disrepute, the Chairperson of the Committee may recommend to Council, that the Councillor member be removed from membership of the Committee. Where Council does not agree to the Committee Chairperson's recommendation, the Council must give reasons for its decision in writing to the Chairperson.

8. Conduct

- 8.1 Independent Committee Members are required to comply with Council's Code of Conduct.
- 8.2 Complaints alleging breaches of Council's code of conduct by an independent Committee Member are to be dealt with in accordance with Council's Code of Conduct Procedures.

9. Conflicts of interest

- 9.1 Once a year, Committee Members must provide written declarations to Council stating that they do not have any conflicts of interest that would preclude them from being members of the Committee. Independent Committee members are 'designated persons' for the purposes of Council's Code of Conduct and must also complete and submit returns of their interests.
- 9.2 Committee Members and Attendees must declare any pecuniary or non-pecuniary conflicts of interest they may have in a matter being considered at the meeting at the start of each meeting or as soon as they become aware of the conflict of interest. Where a Committee Member or Attendee declares a pecuniary or a significant non-pecuniary conflict of interest, they must remove themselves from Committee deliberations on the issue. Details of conflicts of interest declared at meetings must be appropriately minuted.

10. Standards

- 10.1 Committee Members are to conduct their work in accordance with the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and Risk Management Guidelines ISO:31000:2018 where applicable.



11. Workplans

- 11.1 The work of the Committee is to be thoroughly planned and executed. The Committee must develop a strategic workplan every four years to ensure that the matters listed in Schedule 1 are reviewed by the Committee and considered by the internal audit function when developing their risk-based program of internal audits. The strategic workplan must be reviewed at least annually to ensure it remains appropriate and takes into account Council's emerging risks.
- 11.2 The Committee may, in consultation with the General Manager, vary the strategic workplan at any time to address new or emerging risks. The elected Council may, by resolution, request the Committee to approve a variation to the strategic work plan. Any decision to vary the strategic workplan must be made by the Committee.
- 11.3 The Committee must also develop an annual workplan to guide its work, and the work of the internal audit function over the forward year.
- 11.4 The Committee may, in consultation with the General Manager, vary the annual workplan to address new or emerging risks. The Council may, by resolution, request the Committee to approve a variation to the annual workplan. Any decision to vary the annual work plan must be made by the Committee.
- 11.5 When considering whether to vary the strategic or annual workplans, the Committee must consider the impact of the variation on the internal audit function's existing workload and the completion of pre-existing priorities and activities identified under the workplans.

12. Assurance reporting

- 12.1 The Committee must regularly report to Council to ensure that it is kept informed of matters considered by the Committee and any emerging issues that may influence the strategic direction of Council or the achievement of Council's goals and objectives.
- 12.2 The Committee will provide an update to the Council and the General Manager of its activities and opinions after every Committee meeting.
- 12.3 The Committee will provide an annual assessment to the Council and the General Manager on the Committee's work and its opinion on how Council is performing.
- 12.4 The Committee will provide a comprehensive assessment every Council term of the matters listed in Schedule 1 to the Council and the General Manager.
- 12.5 The Committee may at any time report to the Council or the General Manager on any other matter it deems of sufficient importance to warrant their attention. The Mayor and the Chairperson of the Committee may also meet at any time to discuss issues relating to the work of the Committee.
- 12.6 Should the Council require additional information, a request for the information may be made to the Chairperson by resolution. The Chairperson is only required to provide the information requested by the Council where the Chairperson is satisfied that it is reasonably necessary for the Council to receive the information for the purposes of performing its functions under the Act. Individual Councillors are not entitled to request or receive information from the Committee.

13. Review of Committee performance

- 13.1 The Chairperson will initiate a review of the Committee's performance annually. The review will be conducted on a self-assessment basis (unless otherwise determined by the Chairperson), with appropriate input from management and other relevant stakeholders.



13.2 The review will include:

- a) a self-assessment of the Committee's performance against the Charter;
- b) an assessment of the Committee's achievements against its actions set after the previous review; and
- c) recommended actions for the next year.

13.3 The Chairperson shall make an annual presentation to Council, preferably when Council considers the Committee's annual report. A report on Committee operations, including Members' attendance, will be included in Committee's annual report.

14. Administrative arrangements

14.1 Meetings

14.1.1 The Committee will meet at least four (4) times per year with one (1) additional special meeting to review the Council's financial statements.

14.1.2 The Committee may hold additional meetings when significant unexpected issues arise, or if the Chairperson is asked to hold an additional meeting by a Committee Member, the General Manager or the Council.

14.1.3 Committee meetings will be held in person. Members may participate via audio or video conference call with the approval of the Chairperson.

14.1.4 A quorum will consist of a majority of independent voting members. Where the vote is tied, the Chairperson has the casting vote.

14.1.5 The Chairperson of the Committee will decide the agenda for each Committee meeting in alignment with the Committee's strategic and annual workplans. Each Committee meeting is to be minuted to preserve a record of the issues considered and the actions and decisions taken by the Committee.

14.1.6 An annual schedule of meetings will be reviewed and approved by the Committee.

14.1.7 The Committee can hold closed meetings whenever it needs to discuss confidential or sensitive issues with only voting members of the Committee present.

14.1.8 The Committee must meet separately with the Internal Auditor and the Council's External Auditor at least once each year.

14.2 Attendees

14.2.1 Non-voting attendees at each meeting include:

- a) Mayor;
- b) General Manager;
- c) Internal Auditor;
- d) Representative of the Audit Office of NSW;
- e) Director Corporate and Community Services;
- f) Director Works and Infrastructure;
- g) Director Planning and Environment;
- h) People and Culture Manager;
- i) Chief Financial Officer;

14.2.2 Attendees have no voting rights and can be excluded from a meeting by the Chairperson at any time.



14.3 Invitees

- 14.3.1 Invitees (non-voting) can be called by the Chairperson to attend Committee meetings for specific Agenda items. Where requested to attend a meeting, persons must attend the meeting where possible and provide any information requested.

14.4 Secretariat

- 14.4.1 The General Manager will nominate a staff member to provide secretariat support to the Committee. The secretariat will ensure the agenda for each meeting and supporting papers are circulated and ensure that minutes of meetings are prepared and maintained. Minutes must be approved by the Chairperson and circulated to each Member, in accordance with Schedule 2.

14.5 Committee Coordinator

- 14.5.1 The Committee Coordinator will be the Internal Auditor and will undertake the following functions:
- a) facilitate the Independent Member recruitment and contract management;
 - b) induction and development of Independent Members;
 - c) facilitate business papers;
 - d) oversee and be responsible for the functions of the Minute Taker;
 - e) ensure Members are familiar with this Charter and Council's Code of Conduct;
 - f) focus the Committee on its responsibilities outlined in Schedule 1 of this Charter and the meeting agenda items; manage the resources available to the Committee;
 - g) maintain the register of Members;
 - h) facilitate the annual performance review of the Committee; and
 - i) work closely with the Chairperson to administer the Committee and its meetings.

14.6 Resignation and dismissal of members

- 14.6.1 Where the Chairperson or a Committee Member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give 8 weeks notice to the Chairperson and the General Manager prior to their resignation to allow Council to ensure a smooth transition to a new Chairperson or Committee Member.
- 14.6.2 The Council, in consultation with the General Manager, can, by resolution, terminate the appointment of the Chairperson or an Independent Committee Member before the expiry of their term where that person has:
- breached the Council's Code of Conduct
 - performed unsatisfactorily or not to expectations
 - declared, or is found to be in, a position of a conflict of interest which is unresolvable
 - been declared bankrupt or found to be insolvent
 - experienced an adverse change in business status
 - been charged with a serious criminal offence
 - been proven to be in serious breach of their obligations under any legislation, or
 - experienced an adverse change in capacity or capability.
- 14.6.3 The dismissal of the Chairperson or an independent member of the Committee is to be reported to the Office of Local Government by the General Manager within 28 days.



14.6.4 The termination of membership of any Member may be recommended to Council by the General Manager due to the Member's non-attendance at three consecutive Committee meetings without prior notification of their non-attendance and the granting of leave by resolution of the Committee.

14.6.5 Councillor membership terminates immediately upon a Councillor Member ceasing to be a Councillor. The position of a Councillor member on the Committee can be terminated at any time by the Council by resolution.

14.7 Dispute resolution

14.7.1 Members of the Committee and Council's management should maintain an effective working relationship and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

14.7.2 In the event of a disagreement between the Committee and the General Manager or other senior managers, the dispute is to be resolved by the Council.

14.7.3 Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

14.8 Review arrangements

14.8.1 At least once every Council term, the governing body must review or arrange for an external review of the effectiveness of the Committee.

14.8.2 This Charter must be reviewed annually by the Committee and once each Council term by the Council. Any substantive changes are to be approved by the Council.

14.8.3 The General Manager or their delegate can make administrative amendments to this charter without needing Committee endorsement nor a Council resolution. An administrative amendment is amending:

- the name and titles of Members, provided there is a Council resolution supporting such an amendment;
- layout, numbering, grammar and syntax, spelling and the Charter Administration part of this Charter.



15. Schedule 1 – Audit, Risk and Improvement Committee Responsibilities

15.1 Audit

15.1.1 Internal audit

- Provide overall strategic oversight of internal audit activities
- Act as a forum for communication between the Council, General Manager, senior management, the internal audit function and external audit
- Coordinate, as far as is practicable, the work programs of internal audit and other assurance and review functions
- Review and advise the Council:
 - a) on whether Council is providing the resources necessary to successfully deliver the internal audit function
 - b) if Council is complying with internal audit requirements, including conformance with the International Professional Practices Framework
 - c) if Council's internal audit charter is appropriate and whether the internal audit policies and procedures and audit/risk methodologies used by the Council are suitable
 - d) of the strategic four-year work plan and annual work plan of internal audits to be undertaken by Council's internal audit function
 - e) if Council's internal audit activities are effective, including the performance of the internal auditor and the internal audit function
 - f) of the findings and recommendations of internal audits conducted, and agreed audit actions needed to address issues raised
 - g) of the implementation by the Council of these agreed audit actions
 - h) if the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities

15.1.2 External audit

- Act as a forum for communication between the Council, General Manager, senior management, the internal audit function and external audit
- Coordinate as far as is practicable, the work programs of internal audit and external audit
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided
- Review all external plans and reports in respect of planned or completed audits and monitor Council's implementation of audit recommendations
- Provide advice to the Council and/or General Manager on action taken on significant issues raised in relevant external audit reports and better practice guides

15.2 Risk

15.2.1 Risk management

Review and advise the Council:

- if Council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether the is providing the resources necessary to successfully implement its risk management framework



- whether Council's risk management framework is adequate and effective for identifying and managing the risks Council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of Council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, Council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if Council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within Council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how Council's risk management approach impacts on Council's insurance arrangements
- of the effectiveness of Council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

15.3 Internal controls

15.3.1 Review and advise Council:

- whether Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether Council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if Council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

15.4 Compliance

15.4.1 Review and advise Council of the adequacy and effectiveness of Council's compliance framework, including:

- if Council has appropriately considered legal and compliance risks as part of Council's risk management framework
- how Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

15.5 Fraud and corruption

15.5.1 Review and advise the Council of the adequacy and effectiveness of Council's fraud and corruption prevention framework and activities, including whether the Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.



15.6 Financial management

15.6.1 Review and advise Council:

- if Council is complying with accounting standards and external accountability requirements
- of the appropriateness of Council's accounting policies and disclosures
- of the implications for Council of the findings of external audits and performance audits and Council's responses and implementation of recommendations
- whether Council's financial statement preparation procedures and timelines are sound
- the accuracy of Council's annual financial statements prior to external audit, including:
 - a) management compliance/representations
 - b) significant accounting and reporting issues
 - c) the methods used by the Council to account for significant or unusual transactions and areas of significant estimates or judgements
 - d) appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in Council's annual report is consistent with signed financial statements
- if Council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - a) appropriate authorisation and approval of payments and transactions
 - b) adequate segregation of duties
 - c) timely reconciliation of accounts and balances
 - d) review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of Council are adequate
- if Council's grants and tied funding policies and procedures are sound.

15.7 Corporate governance

15.7.1 Review and advise Council regarding its governance framework, including Council's:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- complaint management
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge



15.8 Improvement

15.8.1 Strategic planning

Review and advise Council:

- of the adequacy and effectiveness of Council's integrated, planning and reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether Council is successfully implementing and achieving its IP&R objectives and strategies.

15.8.2 Service reviews and business improvement

- Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies).
- Review and advise the Council if Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance

15.8.3 Performance data and measurement

Review and advise:

- if council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators council uses are effective, and
- of the adequacy of performance data collection and reporting.



16. Schedule 2 - Meeting Administration

16.1 Notice, Meeting agendas and Business Papers

- 16.1.1 The Committee Coordinator will ensure that notice of meetings, including the agenda and business papers, is given to the Committee at least five business days prior to the day of the meeting. These may be transmitted electronically.
- 16.1.2 Members may propose items of business they wish the Committee to consider at its next meeting provided the business relates to the purpose for which the Committee as set out in Schedule 1. The Committee Coordinator, in consultation with the General Manager, is to determine whether the proposed items are to be included in the Committee agenda.
- 16.1.3 The Committee agenda must state:
- a) All matters to be dealt with arising out of the proceedings of previous Committee meetings; and
 - b) All matters, including those that have been referred for consideration by the elected Council, that are the subject of staff reports or informal advisors, to be considered at the Committee meeting; and
 - c) The requirement to declare conflicts of interests, apologies and leave of absences; and
 - d) Any business of which due notice has been given; and
 - e) An Acknowledgment of Country.

16.2 Minutes

- 16.2.1 All Committee business will be properly minuted and recorded, including when Members leave and return to the meeting.
- 16.2.2 The minutes will be reviewed internally and forwarded to the Chairperson for review and approval.
- 16.2.3 Draft minutes of the previous meeting are to be adopted by resolution of the Committee at the following meeting.
- 16.2.4 The minutes will be managed in accordance with Council's Records Management Policy.

16.3 Chairperson

- 16.3.1 If the Independent Chairperson is unable to chair a meeting, the Chairperson, or the General Manager, will nominate a chair for the meeting from among the two Independent Members.

16.4 Voting

- 16.4.1 Voting is to occur by show of hands, including when attending via audio-visual platforms.
- 16.4.2 Each voting Member is entitled to vote. The Councillor Member and Attendees are not entitled to vote.

16.5 Order of Business

- 16.5.1 The general order of business at a Committee meeting is proposed by the Committee Coordinator, considering the availability of Attendees, any invitees, and business needs.



16.6 Closure of Committee Meetings

- 16.6.1 All Committee meetings are closed to the public.

16.7 Resolutions of the Committee

- 16.7.1 A resolution approved by a majority of Committee Members' votes becomes a resolution of the Committee.
- 16.7.2 Resolutions are to be recorded in the minutes of the proceedings of Committee meetings.
- 16.7.3 Resolutions of the Committee (the recommendations to Council adopted by the Committee) must be consistent with this Charter.
- 16.7.4 The General Manager (or their delegate) may action Committee resolutions as they deem appropriate in accordance with their individual delegations and authorisations.
- 16.7.5 A report to the Council for a decision will be required where resolutions fall outside the functions delegated to the General Manager.

16.8 Reports to Council

- 16.8.1 The Committee Coordinator will ensure that a confidential memo detailing the Committees' activities be circulated to the elected Council after each meeting on behalf of the Chair.
- 16.8.2 The Committee Coordinator will ensure that appropriate reports are made to the elected Council on Committee business. Reports to council may include
- a) Resolutions proposed by the Committee where a Council resolution is required (**NB:** Committee resolutions are not automatically adopted by the elected Council by the noting of the Committee minutes – there must be specific resolutions);
 - b) The Annual Report of the Committee, which will include attendance records, and a summary of key items of business; and
 - c) If and when the Charter is to be adopted or due to a review;
- 16.8.3 Where Committee minutes require the elected Council to resolve on a matter (*for example, where the General Manager does not have the relevant delegation/authorisation*), the report to the elected Council is to detail all resolutions of the Committee separately.
- 16.8.4 Committee recommendations to the elected Council are to be in the form of: "*That the Committee recommends the Council resolve to...*" and are to be worded the same as resolved by the Committee.
- 16.8.5 Where the recommendation(s) to the elected Council is not the same as that resolved by the Committee, the Report Author is to outline within the Council report how and why the recommendation(s) to the elected Council is different to the resolution(s) by the Committee.



17. Charter Administration

Audit, Risk and Improvement Committee Review Frequency	Annual	Council Review Frequency	Each Council term or as required
Document number:	DOC2024/003217	Council resolution:	GMU5/2024 Resolution 767
Relevant strategic direction and/or objectives within Council's Community Strategic Plan:	Outcome 5: Civic Leadership and Effective Governance		
Related Policies / Protocols / Procedures / Documents:	<ul style="list-style-type: none"> ▪ Code of Conduct (DOC2018/086716) ▪ Internal Audit Charter (DOC2024/002412) ▪ Strategic Workplan (DOC2024/005595) ▪ Committee Register (DOC2022/037211) ▪ Advisory Committees Procedure (DOC2017/025652) ▪ Media Policy (DOC2014/002728) 		
Minute Taker	<ul style="list-style-type: none"> ▪ Executive Assistant to the Director Corporate and Community Services. 		

17.1 Charter History

Revision	Date Approved / Authority	Description of Changes
1	8 May 2024 – Audit and Risk Committee	New charter adopted in alignment with the Guidelines for Risk Management and Internal Audit for Local Government in NSW November 2023.
2	19 June 2024 – Council	

Council Initiated Awards Committee

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- Charter



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Cessnock City Council Council Initiated Awards Committee Charter

Date Adopted: XX/XX/2024 Revision: 1

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Integrity, Respect, Teamwork, Accountability and Excellence

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PART A – INTRODUCTION

1. Principles

To ensure this Committee contributes to good public decision-making and increase Council's transparency and accountability to its community, Council is committed to running its Committee meetings to be:

- a) **Transparent** - Decisions are made in a way that is open and accountable;
- b) **Informed** - Decisions are made based on relevant, quality information;
- c) **Inclusive** - Decisions respect the diverse needs and interests of the local community;
- d) **Principled** - Decisions are informed by the principles prescribed under Chapter 3 of the Act;
- e) **Trusted** - The community has confidence that Members act ethically and make decisions in the interests of the whole community;
- f) **Respectful** – Members and attendees treat each other with respect;
- g) **Effective** - Meetings are well organised, effectively run and skilfully chaired; and
- h) **Orderly** – Members and attendees behave in a way that contributes to the orderly conduct of the meeting.

PART B – AUTHORITY AND PURPOSE

2. Committee Authority

- 2.1. In carrying out its responsibilities, the Committee must at all times recognise that the primary responsibility for the management of Council rests with the elected Council and the General Manager, as provided in the Act.
- 2.2. The Committee has no executive powers and cannot make decisions on behalf of Council. Furthermore, the Committee is not a committee with delegated authority therefore it cannot exercise powers under section 355 of the Act.
- 2.3. Neither the Committee nor any of its members may direct any Council staff member in his or her duties.
- 2.4. This Committee is not a Council committee as defined in section 260 of the Act, because its membership is not constituted solely by Councillors.

3. Committee Dissolution

This Committee will remain in existence until one day prior to Council's next ordinary election or until it is otherwise dissolved by Council.

4. Role and Responsibilities of the Committee

- 4.1.1. The responsibilities of the Committee are oversee the processes of nomination and selection before determination of Council awards (i.e. Australia Day, Freeman of the City and Hall of Fame) are made as per adopted guidelines.



PART C – COMPOSITION OF THE COMMITTEE

5. Attendance and Membership

5.1. Attendance at any meeting of the Committee is limited to the following:

5.1.1. Members; and

5.1.2. Attendees.

5.2. Members and attendees cannot participate in a Committee Meeting unless they are personally present at the meeting. For the purposes of this clause, attendance via audio-visual means (such as Zoom, Microsoft Teams and other similar platforms) is accepted as personal attendance, however attendance via telephone is not.

Members

5.3. The Committee's membership comprises of Mayor, and 2 Councillors (plus 2 alternates) elected in accordance with clause 6.2 and General Manager or their Delegate or, in the case of appointment of an Administrator, the Administrator or its nominated representative.

Attendees

5.4. Attendees can be:

5.4.1. Council Directors;

5.4.2. The Committee Coordinator;

5.4.3. Councillors that are not already Members;

5.4.4. The Minute Taker; and

5.4.5. Other staff by invitation only.

Apologies

5.5. A Member is required to submit an apology 3 days in advance of the proposed committee meeting and, if practicable, identify (by date) the meetings from which the Member intends to be absent and the grounds upon which the leave of absence is being sought.

Acts of Disorder

5.6. A Committee Member, informal advisor and/or attendee commits an act of disorder if the Committee Member and/or attendee, at a Committee Meeting:

5.6.1. contravenes the Charter, or

5.6.2. assaults or threatens to assault another person present at or participating in the meeting, or

5.6.3. insults or makes unfavourable personal remarks, or

5.6.4. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Committee into disrepute.

5.7. The Chairperson may require a Committee member, informal advisor and/or attendee:

5.7.1. to apologise without reservation for an act of disorder referred to in clause 5.6.

5.7.2. to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clause 5.6.



5.8. A Committee member, informal advisor and/or attendee may be expelled from a Committee meeting for having failed to comply with a requirement under clause 5.7.

5.8.1. Where a Committee member, informal advisor and/or attendee is expelled from a meeting, the expulsion and the name of the person expelled, are to be recorded in the minutes of the meeting.

5.8.2. If a Committee member, informal advisor and/or attendee fails to leave the place where a meeting of the Committee is being held immediately after they have been expelled, a police officer may be called.

Termination of Membership

5.9. Each Member shall remain a member of the Committee until:

5.9.1. one day prior to Council's next ordinary election, or until the Committee is otherwise dissolved, pursuant to clause 3 of this Charter;

5.9.2. the Member resigns.

5.10. Membership of any Member of the Committee may be terminated by resolution of the Committee due to:

5.10.1. the Member's non-attendance at three consecutive Committee meetings without prior notification of their non-attendance and the granting of leave by resolution of the Committee; or

5.10.2. the Member's conduct being inconsistent with this Charter or Council's Code of Conduct.

5.11. Councillor membership terminates immediately upon a Councillor Member ceasing to be a Councillor.

6. Election/Appointment of Members

Councillor Members

6.1. Council's Governance Team will arrange for a report to be provided to the elected Council calling for nominations for Councillor Members at the commencement of each Council term and as Councillor vacancies arise.

6.2. Council will elect Councillor Members by resolution.

The Chairperson

6.3. The Chairperson of the Committee will be the Mayor by ex-officio unless the Mayor renounces this right at which point the Committee Coordinator will administer the Chairperson election.

6.4. If the Chairperson is absent from a Committee meeting, a Member of the Committee will be nominated by the Committee to chair the meeting.

6.5. The Chairperson will remain until the dissolution date, unless the Chairperson resigns and in this case, a new Chairperson should be appointed in accordance with clauses 1.1 and 6.4.

7. Responsibility of Members

7.1. Members are expected to:

7.1.1. Make reasonable efforts to attend Committee meetings;



- 7.1.2. Provide an apology and request leave of absence whenever they cannot attend meetings pursuant to clause 5.6 of the Charter;
- 7.1.3. understand the relevant legislative and regulatory requirements applicable to Council;
- 7.1.4. be able to contribute the time needed to understand the Committee's business papers before attending Committee meetings;
- 7.1.5. provide advice and feedback on matters brought before the Committee pursuant to clause 4 of the Charter; and
- 7.1.6. comply with clauses 10, 11 and 12.

Conduct by Members

- 7.2. This Committee is not a 'Committee of the Council', as defined in Council's Code of Meeting Practice, because its membership is not constituted solely by Councillors. Consequently, Members are expected to abide by this Charter and Council's Code of Conduct.
- 7.3. Conflicts of interest must be declared and managed in accordance with Council's Code of Conduct. A record of a declared conflict of interest in the minutes is sufficient.
- 7.4. Pecuniary or significant, non-pecuniary conflicts of interest must be managed by the Member excluding themselves from the meeting during the discussion of the relevant agenda item. Such exclusion should be recorded in the minutes.

8. Responsibility and requirements of the Committee Coordinator

- 8.1. The Committee Coordinator will be the General Manager. The Committee Coordinator will liaise with the Mayor, and Directors and will undertake the following functions:
 - 8.1.1. oversee and be responsible for the functions of the Minute Taker;
 - 8.1.2. accept or reject (in consultation with the General Manager) items of business;
 - 8.1.3. ensure Members are familiar with this Charter and Council's Code of Conduct;
 - 8.1.4. facilitate discussion at Committee meetings, provide input to meetings and actively contribute to the Committee's role and purpose;
 - 8.1.5. focus the Committee on its responsibilities outlined in clause 4 of this Charter and the meeting agenda items,
 - 8.1.6. act as the communication link between the Committee and the elected Council;
 - 8.1.7. manage the resources available to the Committee;
 - 8.1.8. manage the performance of the Committee;
 - 8.1.9. where appropriate, liaise closely with the committee coordinators of Council's other committees to assist with the collaboration between committees, the sharing of information and the efficient and effective use of Council and committee resources; and
 - 8.1.10. work closely with the Chairperson to administer the Committee and its meetings.
- 8.2. A Committee Coordinator may perform the duties of a Minute Taker in addition to performing the duties of a Committee Coordinator.



9. Responsibility and requirements of the Minute Taker

- 9.1. The Minute Taker will be a suitably qualified Council officer who undertakes the following functions:
- 9.1.1. prepare agendas;
 - 9.1.2. update the register of Members;
 - 9.1.3. maintain a meeting attendance register;
 - 9.1.4. take minutes at Committee meetings and prepare them for circulation (once approved by the Mayor and/or General Manager);
 - 9.1.5. book meeting venues and organise the provision of any necessary equipment; and
 - 9.1.6. If the Minute Taker is a different person to the Committee Coordinator to provide administrative assistance to the Committee Coordinator.
- 9.2. This position may be shared among a number of suitably qualified Council officers or be the same person.

PART D – BEFORE THE MEETING

10. Scheduling and Notifying of Committee Meetings

Meeting schedule

- 10.1. The Committee will meet at least once (1) ~~times~~ per year or as required to determine nominations for the Australia Day Awards, Hall of Fame or Freeman of the City.

Notice, Meeting agendas and Business Papers

- 10.2. The Committee Coordinator will ensure that notice of meetings is given to the Committee at least 21 days prior to the day of the meeting. The agenda and business papers will be circulated at least 7 days prior to the day of the meeting. These may be transmitted electronically.
- 10.3. Notice of less than three (3) business days can be given to Members of an additional Committee meeting only in cases of emergency.
- 10.4. The Committee agenda must state:
- 10.4.1. All matters to be dealt with arising out of the proceedings of previous Committee meetings; and
 - 10.4.2. Any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the Committee meeting; and
 - 10.4.3. The requirement to declare conflicts of interests, apologies and leave of absences; and
 - 10.4.4. Any business of which due notice has been given as per clause 10.2, and
 - 10.4.5. An Acknowledgment of Country.



Minutes

- 10.5.** All Committee business will be properly minuted and recorded by the Minute Taker, including when Members leave and return to the meeting. The minutes will be:
- 10.5.1. approved by the Committee Coordinator in draft;
 - 10.5.2. reported to the next available Ordinary Council meeting;
 - 10.5.3. managed in accordance with Council's Records Management Policy; and
- 10.6.** Minutes of confidential and/or matters of a sensitive nature will be reported to the elected Council in a confidential session.

PART E – COMING TOGETHER

11. Committee Business

Quorum

- 11.1.** A quorum is constituted by attendance of a majority of Members.
- 11.2.** If a quorum is not achieved, an informal meeting may be conducted at the discretion of the Chairperson.

Voting

- 11.3.** Voting is to occur by show of hands, including when attending via audio-visual platforms.
- 11.4.** The Chairperson has a casting vote in the event of an equality of votes.
- 11.5.** Attendees cannot vote.

Business that can be dealt with at a Committee Meeting

- 11.6.** The Committee may consider business at a Committee meeting:
- 11.6.1. for which notice has been given in accordance with clauses 10.2 and 1.1; or
 - 11.6.2. the business is already before, or directly relates to, a matter that is already before the Committee; or
 - 11.6.3. the business is the election of a chairperson to preside at a Committee meeting where the Mayor has renounced their right in accordance with clauses 6.3 and 1.1; or
 - 11.6.4. the Committee resolves to have the business considered at the meeting:
 - a) when no prior notice was given, and
 - b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by the Committee before the next scheduled Committee meeting.

Closure of Committee Meetings

- 11.7.** Matters can be deemed confidential and/or of a sensitive nature and thus close those parts of the Committee meetings only in the following circumstances:
- 11.7.1. Personnel matters concerning particular individuals; or
 - 11.7.2. The personal hardship of any resident or ratepayer; or



11.7.3. information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; or

11.7.4. commercial information of a confidential nature that would, if disclosed:

- i. prejudice the commercial position of the person who supplied it, or
- ii. confer a commercial advantage on a competitor of Council, or
- iii. reveal a trade secret;

11.7.5. information that would, if disclosed, prejudice the maintenance of law; or

11.7.6. matters affecting the security of Council, Councillors, Councils staff or Council property; or

11.7.7. advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege; or

11.7.8. information concerning the nature and location of a place or an item of Aboriginal significance on community land; or

11.7.9. alleged contraventions of the Council's Code of Conduct.

11.8. In such instances, only individuals that are absolutely necessary are to remain at the meeting during those closed sessions.

11.9. Members must return any documentation to the Committee Coordinator during closed Committee meetings, or parts thereof, following the end of such closures.

11.10. Acts of disobedience warrant for the Chairperson to expel such individuals from the Committee meeting, or contact the police for assistance if necessary.

12. Rules of Debate

Motions to be seconded

12.1. Proposed items of business to be considered by the Committee at a meeting cannot be debated unless or until it has been seconded.

Amendments to Motions

12.2. Motions can be amended, without requiring a seconder, at any time with the approval of the Chairperson and by a majority of the Committee.

13. Resolutions of the Committee

13.1. Resolutions of the Committee (the recommendations to Council adopted by the Committee) must be consistent with this Charter.

13.2. The General Manager (or their delegate) may action Committee resolutions as they deem appropriate in accordance with their individual delegations and authorisations.

Reports to Council

13.3. It is the responsibility of the Committee Coordinator to draft reports to the elected Council on Committee business. These reports can outline:

13.3.1. The finalised minutes of each Committee meeting for noting;



13.3.2. If and when the Charter is to be adopted or due to a review in accordance with clause 15;

13.4. Where Committee minutes require the elected Council to resolve on a matter (*for example, where the General Manager does not have the relevant delegation/authorisation*) the report to the elected Council is to detail all resolutions of the Committee separately.

13.5. Committee recommendations to the elected Council are to be in the form of: *“That the Committee recommends the Council resolve to...”* and are to be worded the same as resolved by the Committee.

13.6. Where the recommendation(s) to the elected Council is not the same as resolved by the Committee, the Committee Coordinator is to outline within the Council report how and why the recommendation(s) to the elected Council is different to the resolution(s) by the Committee.

14. Public Comment

14.1. The Mayor/Administrator is the official spokesperson for Council, in accordance with Council’s Media Policy.

14.2. Committee Members, informal advisors or attendees must not speak to the media or members of the public on behalf of Council or the Committee.

15. Review of Charter

15.1. This Charter will be reviewed at the commencement of each Council term or as otherwise determined by the elected Council, and may be amended only by a Council resolution.

15.2. The General Manager or their delegate can make administrative amendments to this charter without needing Committee endorsement nor a Council resolution. An administrative amendment is amending:

15.2.1. the name and titles of Members, provided there is a Council resolution supporting such an amendment;

15.2.2. layout, numbering, grammar and syntax, spelling and the Administration part of this Charter (Part F).

PART F - ADMINISTRATION

16. Charter Definitions

Act	means the <i>Local Government Act 1993</i> (NSW).
Chairperson	means the Mayor of Council, unless they renounce their right.
Committee	means the Council Initiated Awards Committee.
Committee Coordinator	means the Community and Cultural Development Manager and the Waste Services Manager (depending on who is calling a meeting) General Manager or his delegate



Council	means Cessnock City Council and where appropriate includes its administration or any successor council.
emergency	Means natural disasters, pandemics, or circumstances which would <u>negatively impact</u> Council's interests if the committee business had to wait to be presented at the next Committee meeting.
Member	means each of the individuals described in clause 6.
Minute Taker	means a Council staff member appointed to fulfil the tasks set out in clause 9.

17. Charter Administration

Committee type:	Advisory	Charter's latest review Date:	Each Council term or as required
Date Committee originally established:	?	Council resolution:	?
Date Committee last re-established:	[insert date]	Council resolution when Committee was last re-established:	[insert number]
Committee Coordinator	Community and Cultural Development Manager or the Waste Services Manager (depending on who is calling a meeting)	Document number:	DOC2024/121834
Relevant strategic direction and/or objectives within Council's Community Strategic Plan:		Committee Members:	Mayor..... (Chair) Cr Cr Cr (Alternate) Cr (Alternate)
Related Policies / Protocols / Procedures / Documents:	<ul style="list-style-type: none"> ▪ Code of Conduct (DOC2018/086716) ▪ Committee Register (DOC2024/145794) ▪ Advisory Committees Procedure (DOC2017/025652) ▪ Hall of Fame Guidelines (DOC2018/077047) ▪ Freeman of the City Award Guidelines (DOC???) ▪ Council Initiated Awards Committee (DOC2017/012440) ▪ Community Engagement Strategy (DOC2020/103727) 		Minute Taker Executive Assistant to Mayor
Dissolution date	One day prior to Council's next ordinary election (September 2028), unless otherwise resolved by Council, whichever is sooner.		



18. Charter History

Revision	Date Approved / Authority	Description of Changes
1	20 April 2022	New charter adopted (WI26/2022)
2	tba	changes need to be outlined with sufficient detail

19. Appendices

- 1.1. Appendix B: [Council's Code of Conduct](#)

Floodplain Risk Management Committee

CONTENTS

- Charter



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Cessnock City Council Floodplain Risk Management Advisory Committee Charter

Date Adopted: **XX/XX/XX** Revision: 1

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PART A – INTRODUCTION

1. Principles

To ensure this Committee contributes to good public decision-making and increases Council's transparency and accountability to its community, Council is committed to running its Committee meetings to be:

- a) **Transparent** - Decisions are made in a way that is open and accountable;
- b) **Informed** - Decisions are made based on relevant, quality information;
- c) **Inclusive** - Decisions respect the diverse needs and interests of the local community;
- d) **Principled** - Decisions are informed by the principles prescribed under Chapter 3 of the Act;
- e) **Trusted** - The community has confidence that Members act ethically and make decisions in the interests of the whole community;
- f) **Respectful** – Members and attendees treat each other with respect;
- g) **Effective** - Meetings are well organised, effectively run and skilfully chaired; and
- h) **Orderly** – Members and attendees behave in a way that contributes to the orderly conduct of the meeting.

PART B – AUTHORITY AND PURPOSE

2. Committee Authority

- 2.1. In carrying out its responsibilities, the Committee must at all times recognise that the primary responsibility for the management of Council rests with the elected Council and the General Manager, as provided in the Act.
- 2.2. The Committee has no executive powers and cannot make decisions on behalf of Council. Furthermore, the Committee is not a committee with delegated authority therefore it cannot exercise powers under section 355 of the Act.
- 2.3. Neither the Committee nor any of its Members may direct any Council staff member in his or her duties.

3. Committee Dissolution

- 3.1. This Committee will remain in existence until one day prior to Council's next ordinary election or until it is otherwise dissolved by Council, whichever is sooner.

4. Role and Responsibilities of the Committee

- 4.1. The responsibilities of the Committee are as follows:
 - 4.1.1. To assist Council in the development and implementation of flood studies and Floodplain Risk Management Studies and Plans (**FRMSP**).



4.1.2. To act as both a focus and forum for the discussion of technical, social, economic, environmental and cultural issues and for the distillation of possibly differing viewpoints on these issues into a management plan (i.e. FRMSP).

4.2. The Committee also assists in:

- 4.2.1. Formulating objectives, strategies and outcomes sought from the FRMSP;
- 4.2.2. Providing a link between the local community and Council;
- 4.2.3. Identifying the flood problem to be assessed and the study area;
- 4.2.4. Considering and making recommendations to Council on appropriate development controls for use until the FRMSP is completed, approved and implemented;
- 4.2.5. Supervising the collection of necessary data and supervising and monitoring the progress and findings of studies being undertaken in the various stages of the FRMSP;
- 4.2.6. Providing input into known flood behaviour as part of the flood study;
- 4.2.7. Identifying management options and providing input into their consideration as part of the FRMSP;
- 4.2.8. Identifying implementation strategies for the FRMSP;
- 4.2.9. Monitoring and assessing the effectiveness of the FRMSP during and after its implementation;
- 4.2.10. Coordinating and monitoring the public education programs essential to the long-term viability of the FRMSP; and
- 4.2.11. Coordinating with catchment management, emergency management planning and other advisory bodies.

PART C – COMPOSITION OF THE COMMITTEE

5. Attendance and Membership

5.1. Attendance at any meeting of the Committee is limited to the following:

- 5.1.1. Members;
- 5.1.2. Informal advisors by invitation only; and
- 5.1.3. Attendees.

5.2. The Committee Coordinator, in consultation with the General Manager or their nominee, is to:

- 5.2.1. determine requests from members of the community to observe Committee meetings; and
- 5.2.2. determine requests from members of the community to participate in Committee meetings as informal advisors.

5.3. Members, informal advisors and attendees cannot participate in a Committee meeting unless they are personally present at the meeting. For the purposes of this clause, attendance via audio-visual means (such as Zoom, Microsoft Teams and other similar



platforms) is accepted as personal attendance, however attendance via telephone is not.

Members

5.4. The Committee's membership comprises of:

- 5.4.1. The Mayor;
- 5.4.2. Two Councillors elected in accordance with clause 6.2;
- 5.4.3. Up to four representatives from Stakeholder Organisations appointed in accordance with clause 6.11;
- 5.4.4. Up to four Community Representatives appointed in accordance with clause 6.16.

Informal Advisors

5.5. Informal advisors, including members of the community, can attend the Committee meetings to propose topical matters for consideration by the Committee, provide guidance and/or subject matter expert opinion on relevant issues being considered by the Committee.

Attendees

5.6. Attendees can be:

- 5.6.1. The General Manager or their nominee;
- 5.6.2. Council Director(s);
- 5.6.3. Safety & Risk Coordinator;
- 5.6.4. The Committee Coordinator;
- 5.6.5. Councillors that are not already Members;
- 5.6.6. Council staff by invitation only; and
- 5.6.7. The Minute Taker(s).

Apologies and Leave of Absence

5.7. Where a Member cannot attend one or more Committee meetings, the Member should request that the Committee grant them a leave of absence from those meetings. This clause does not prevent a Member from making an apology if they are unable to attend a Committee meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this Charter.

5.8. A Member's written request for leave of absence from Committee meetings should, if practicable, identify (by date) the meetings from which the Member intends to be absent and the grounds upon which the leave of absence is being sought.

5.9. The Committee must act reasonably when considering whether to grant a Member's request for a leave of absence.

Acts of Disorder

5.10. A Committee Member, informal advisor and/or attendee commits an act of disorder if the Committee Member and/or attendee, at a Committee Meeting:

- 5.10.1. contravenes the Charter, or



5.10.2. assaults or threatens to assault another person present at or participating in the meeting, or

5.10.3. insults or makes unfavourable personal remarks, or

5.10.4. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Committee into disrepute.

5.11. The Chairperson may require a Committee member, informal advisor and/or attendee:

5.11.1. to apologise without reservation for an act of disorder referred to in clause 5.10.

5.11.2. to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clause 5.10.

5.12. A Committee member, informal advisor and/or attendee may be expelled from a Committee meeting for having failed to comply with a requirement under clause 5.11.

5.13. Where a Committee member, informal advisor and/or attendee is expelled from a meeting, the expulsion and the name of the person expelled, are to be recorded in the minutes of the meeting.

5.14. If a Committee member, informal advisor and/or attendee fails to leave the place where a meeting of the Committee is being held immediately after they have been expelled, a police officer may be called.

Termination of Membership

5.15. Each Member shall remain a member of the Committee until:

5.15.1. one day prior to Council's next ordinary election, or until the Committee is otherwise dissolved, pursuant to clause 3 of this Charter;

5.15.2. the Member resigns.

5.16. Membership of any Member of the Committee may be terminated by resolution of the Committee due to:

5.16.1. the Member's non-attendance at three consecutive Committee meetings without prior notification of their non-attendance and the granting of leave by resolution of the Committee; or

5.16.2. the Member's conduct being inconsistent with this Charter or Council's Code of Conduct.

5.17. Councillor membership terminates immediately upon a Councillor Member ceasing to be a Councillor.

5.18. If the terminated Member was a:

5.18.1. Community representative, the Committee Coordinator, will determine a replacement Member pursuant to clause 6.18 where appropriate. If not applicable, the Committee Coordinator will commence a new selection process, pursuant to clause 6.16;

5.18.2. Member from a Stakeholder Organisation, the Stakeholder Organisation should nominate a replacement Member to the Committee.



6. Election/Appointment of Members

Councillor Members

- 6.1. Council's Governance Team will arrange for a report to be provided to the elected Council calling for nominations for Councillor Members at the commencement of each Council term and as Councillor vacancies arise.
- 6.2. Council will elect Councillor Members by resolution.
- 6.3. A Councillor Member is to be addressed as 'Councillor [surname]'.

The Chairperson

- 6.4. The Chairperson of the Committee will be the Mayor by ex-officio unless the Mayor renounces this right at which point the Committee Coordinator will administer the Chairperson election.
- 6.5. Where the Mayor renounces their right to be the Chairperson and there are more than two nominees for the Chairperson position, the nominee receiving the lowest number of votes will be eliminated and a further round of voting will take place to elect the Chairperson. This process will continue until a nominee is elected.
- 6.6. If the Chairperson is absent from a Committee meeting, a Member of the Committee will be nominated by the Committee to chair the meeting.
- 6.7. The Chairperson will remain until the dissolution date, unless the Chairperson resigns and in this case, a new Chairperson should be appointed in accordance with clauses 6.5 and 6.6.
- 6.8. When the Chairperson speaks during a Committee meeting:
 - 6.8.1. Any Member then speaking or seeking to speak must cease speaking and if standing, immediately resume their seat; and
 - 6.8.2. Every Member present must be silent to enable the Chairperson to be heard without interruption.
- 6.9. If the Chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or Mayor [Surname] or 'Madam Mayor'.
- 6.10. Where the Chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.

Appointment of Stakeholder Organisation representatives

- 6.11. The Committee Coordinator will invite a minimum of four relevant Stakeholder Organisations to nominate a representative for membership of the Committee.
- 6.12. These nominees will be approved for appointment by the Committee Coordinator.
- 6.13. If an appointed representative is unable to attend a meeting, the relevant Stakeholder Organisation may nominate an alternative representative to attend on their behalf, with prior notice to the Committee Coordinator.
- 6.14. The names of each Stakeholder Organisation and their appointed representatives will be recorded in the Committee's register, an excerpt of which can appear on Council's website.

Appointment of Community Representatives

- 6.15. The appointment of Community Representatives to the Committee will:



6.15.1. seek to achieve a mix of skills to facilitate the sound functioning of the Committee;
and

6.15.2. seek to represent the diversity within and interests of the community.

6.16. Community Representatives will be appointed following a public Expressions of Interest (EOI) process at, before or after the commencement of the new Council term. Written applications must be lodged with Council and address the following selection criteria:

6.16.1. form a link between the Committee and the local population in the flood prone area. They therefore need to be able to effectively inform the affected community of the deliberations of the Committee to foster a wider understanding of the process;

6.16.2. provide historical advice on local problems and perceived solutions;

6.16.3. consider in detail implications of matters which may impact on the local community;

6.16.4. facilitate formal representations to the Committee on behalf of the public;

6.16.5. preferably have skills, experience and qualifications in either civil engineering, environmental engineering, hydrology, hydraulics or floodplain management;

6.16.6. good oral communication skills;

6.16.7. commitment to participatory and consultative processes; and

6.16.8. demonstrated their ability to be constructive and objective.

6.17. Applications will be assessed:

6.17.1. on merit according to the selection criteria;

6.17.2. by the Selection Panel; and

6.17.3. be approved for appointment by the Committee Coordinator.

6.18. If more than four applicants are deemed suitable for appointment as Community Representatives, offers of membership will be made to the top four applicants and the remainder placed on an eligibility list.

6.19. The name of each Community Representative will be recorded in the Committee's register, an excerpt of which can appear on Council's website.

6.20. Appointment of Community Representatives post the commencement of the Council term can only occur by way of a Committee resolution, with the following being considered by the Selection Panel:

6.20.1. Can the Committee continue with its functions if the Community Representative(s) are not replaced?

6.20.2. Does the Charter allow for the additional appointment(s)?

6.20.3. Are there any candidates from the eligibility list noted in clause 6.18 that would be a suitable replacement?

7. Responsibility of Members

7.1. Members are expected to:

7.1.1. Make reasonable efforts to attend Committee meetings;



- 7.1.2. Provide an apology and request leave of absence whenever they cannot attend meetings;
- 7.1.3. understand the relevant legislative and regulatory requirements applicable to Council;
- 7.1.4. be able to contribute the time needed to understand the Committee's business papers before attending Committee meetings;
- 7.1.5. provide advice and feedback on matters brought before the Committee pursuant to clause 4 of the Charter; and
- 7.1.6. comply with clause 10, 11 and 12.

Conduct by Members

- 7.2. This Committee is not a 'Committee of the Council', as defined in Council's Code of Meeting Practice, because its membership is not constituted solely by Councillors. Consequently, Members are expected to abide by this Charter and Council's Code of Conduct.
- 7.3. Conflicts of interest must be declared and managed in accordance with Council's Code of Conduct. A record of a declared conflict of interest in the minutes is sufficient.
- 7.4. Pecuniary or significant, non-pecuniary conflicts of interest must be managed by the Member excluding themselves from the meeting during the discussion of the relevant agenda item. Such exclusion should be recorded in the minutes.

8. Responsibility and requirements of the Committee Coordinator

- 8.1. The Committee Coordinator is the Asset Planning Manager and will undertake the following functions:
 - 8.1.1. oversee and be responsible for the functions of the Minute Taker;
 - 8.1.2. accept or reject (in consultation with the General Manager) items of business;
 - 8.1.3. ensure Members are familiar with this Charter and Council's Code of Conduct;
 - 8.1.4. facilitate discussion at Committee meetings, provide input to meetings and actively contribute to the Committee's role and purpose;
 - 8.1.5. focus the Committee on its responsibilities outlined in clause 4 of this Charter and the meeting agenda items, as outlined in the Advisory Committees Procedure;
 - 8.1.6. act as the communication link between the Committee and the elected Council;
 - 8.1.7. manage the resources available to the Committee;
 - 8.1.8. manage the performance of the Committee;
 - 8.1.9. where appropriate, liaise closely with the committee coordinators of Council's other committees to assist with the collaboration between committees, the sharing of information and the efficient and effective use of Council and committee resources; and
 - 8.1.10. work closely with the Chairperson to administer the Committee and its meetings.
- 8.2. A Committee Coordinator may perform the duties of a Minute Taker in addition to performing the duties of a Committee Coordinator.



9. Responsibility and requirements of the Minute Taker

- 9.1. The Minute Taker will be a suitably qualified Council officer who undertakes the following functions, as outlined in the Advisory Committees Procedure:
- 9.1.1. prepare agendas;
 - 9.1.2. update the register of Members;
 - 9.1.3. maintain a meeting attendance register;
 - 9.1.4. take minutes at Committee meetings and prepare them for circulation (once approved by the Committee Coordinator);
 - 9.1.5. collate Committee business papers prepared or submitted by Council officers, Committee Members, working parties and stakeholders;
 - 9.1.6. publish non-confidential agendas, minutes and Committee business papers on Council's website;
 - 9.1.7. book meeting venues and organise the provision of any necessary equipment; and
 - 9.1.8. provide administrative assistance to the Committee Coordinator.
- 9.2. This position may be shared among a number of suitably qualified Council officers or be the same person.

PART D – BEFORE THE MEETING

10. Scheduling and Notifying of Committee Meetings

Meeting schedule

- 10.1. The Committee will meet at least two times per year or as otherwise resolved by the Committee.
- 10.2. Meeting dates for the following meeting will be agreed by the Committee at the previous meeting
- 10.3. Additional meetings may be scheduled by the:
- 10.3.1. Chairperson;
 - 10.3.2. Committee by resolution;
 - 10.3.3. Elected Council; or
 - 10.3.4. General Manager or their nominee.

Notice, Meeting agendas and Business Papers

- 10.4. The Committee Coordinator will ensure that notice of meetings, including the agenda and business papers, is given to the Committee at least five business days prior to the day of the meeting. These may be transmitted electronically.
- 10.5. Notice of less than three (3) business days can be given to Members of an additional Committee meeting only in cases of emergency.
- 10.6. Members may propose items of business they wish the Committee to consider at its next meeting, or withdraw such items, in accordance with the Advisory Committee Meetings



Procedure, provided the business relates to the purpose for which the Committee is established. The Committee Coordinator, in consultation with the General Manager or their nominee, is to determine whether the proposed items are to be included in the Committee agenda.

10.7. The Committee agenda must state:

- 10.7.1. An Acknowledgment of Country; and
- 10.7.2. All matters to be dealt with arising out of the proceedings of previous Committee meetings; and
- 10.7.3. Any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the Committee meeting; and
- 10.7.4. All matters, including those that have been referred for consideration by the elected Council, that are the subject of staff reports or informal advisors, to be considered at the Committee meeting; and
- 10.7.5. The requirement to declare conflicts of interests, apologies and leave of absences; and
- 10.7.6. Any business of which due notice has been given as per clause 10.6.

10.8. Except for the parts closed to the public, access to the agenda and associated business papers will be made available to the public one way free of charge.

Minutes

10.9. All Committee business will be properly minuted and recorded by the Minute Taker, including when Members leave and return to the meeting. The minutes will be:

- 10.9.1. approved by the Committee Coordinator in draft;
- 10.9.2. adopted by the Committee as final by way of a resolution. The Committee must then authorise the Chairperson to sign the confirmed minutes;
- 10.9.3. managed in accordance with Council's Records Management Policy; and
- 10.9.4. published on Council's website (ensuring Council meets its privacy obligations). Draft minutes will be distributed to the Committee for confirmation no later than 10 business days after the meeting.

10.10. Draft minutes of the previous meeting are to be adopted by resolution of the Committee at the following meeting.

10.11. Minutes of confidential and/or matters of a sensitive nature will be reported to the elected Council in a confidential session pursuant to the Advisory Committee Procedure.

10.12. Minutes for inquorate meetings will note the informality of the meetings and no recommendations are to be recorded. In other words, such minutes will be for informational purposes only.

PART E – COMING TOGETHER

11. Committee Business

Quorum

11.1. A quorum is constituted by attendance of a majority of Members.



11.2. If a quorum is not achieved, an informal meeting may be conducted at the discretion of the Chairperson.

Voting

11.3. Voting is to occur by show of hands, including when attending via audio-visual platforms.

11.4. The Chairperson has a casting vote in the event of an equality of votes.

11.5. Each Member is entitled to vote however where there are more than one representative for a Stakeholder Organisation, that Organisation is still limited to one vote only.

11.6. Informal advisors and attendees cannot vote.

Business that can be dealt with at a Committee Meeting

11.7. The Committee may consider business at a Committee meeting:

11.7.1. for which notice has been given in accordance with clauses 10.5 and 10.6; or

11.7.2. the business is already before, or directly relates to, a matter that is already before the Committee; or

11.7.3. the business is the election of a Chairperson to preside at a Committee meeting where the Mayor has renounced their right in accordance with clauses 6.4 and 6.5; or

11.7.4. the Committee resolves to have the business considered at the meeting:

a) when no prior notice was given, and

b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by the Committee before the next scheduled Committee meeting.

Order of Business

11.8. The general order of business at a Committee meeting is fixed by a resolution of the Committee and may be altered for a particular Committee meeting if a motion to that effect is passed at that meeting. No seconder (see clause 12.1 for meaning of a seconder) is required to debate the alteration of a Committee's general order of business.

Closure of Committee Meetings

11.9. Matters can be deemed confidential and/or of a sensitive nature and thus close those parts of the Committee meetings only in the following circumstances:

11.9.1. Personnel matters concerning particular individuals; or

11.9.2. The personal hardship of any resident or ratepayer; or

11.9.3. information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; or

11.9.4. commercial information of a confidential nature that would, if disclosed:

i. prejudice the commercial position of the person who supplied it, or

ii. confer a commercial advantage on a competitor of Council, or

iii. reveal a trade secret;

11.9.5. information that would, if disclosed, prejudice the maintenance of law; or



- 11.9.6. matters affecting the security of Council, Councillors, Councils staff or Council property; or
- 11.9.7. advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege; or
- 11.9.8. information concerning the nature and location of a place or an item of Aboriginal significance on community land; or
- 11.9.9. alleged contraventions of the Council's Code of Conduct.

- 11.10. In such instances, only individuals that are absolutely necessary are to remain at the meeting during those closed sessions.
- 11.11. Members must return any documentation to the Committee Coordinator during closed Committee meetings, or parts thereof, following the end of such closures.
- 11.12. Acts of disobedience warrant for the Chairperson to expel such individuals from the Committee meeting, or contact the police for assistance if necessary.

12. Rules of Debate

Motions to be seconded

- 12.1. Proposed items of business to be considered by the Committee at a meeting cannot be debated unless or until it has been seconded.

Amendments to Motions

- 12.2. Motions can be amended, without requiring a seconder, at any time with the approval of the Chairperson and by a majority of the Committee.

13. Resolutions of the Committee

- 13.1. Resolutions of the Committee (the recommendations to Council adopted by the Committee) must be consistent with this Charter.
- 13.2. The General Manager (or their delegate) may action Committee resolutions as they deem appropriate in accordance with their individual delegations and authorisations.
- 13.3. A report to the elected Council for a decision will be required where resolutions fall outside the functions delegated to the General Manager.

Reports to Council

- 13.4. It is the responsibility of the Committee Coordinator to draft reports to the elected Council on Committee business. These reports can outline:
 - 13.4.1. The finalised minutes of each Committee meeting for noting;
 - 13.4.2. Resolutions proposed by the Committee where a Council resolution is required (NB: Committee resolutions are not automatically adopted by the elected Council by the noting of the Committee minutes – there must be specific resolutions as outlined in clause 13.5);
 - 13.4.3. At least annually, which will include attendance records, performance reviews of Members and a summary of key items of business; and
 - 13.4.4. If and when the Charter is to be adopted or due to a review in accordance with clause 16;



13.5. Where Committee minutes require the elected Council to resolve on a matter (*for example, where the General Manager does not have the relevant delegation/authorisation*) the report to the elected Council is to detail all resolutions of the Committee separately.

13.6. Committee recommendations to the elected Council are to be in the form of: *"That the Committee recommends the Council resolve to..."* and are to be worded the same as resolved by the Committee.

13.7. Where the recommendation(s) to the elected Council is not the same as resolved by the Committee, the Committee Coordinator is to outline within the Council report how and why the recommendation(s) to the elected Council is different to the resolution(s) by the Committee.

14. Performance of the Committee

14.1. The Committee Coordinator must undertake a review and tabling of the Committee's performance annually using the template at Appendix A.

14.2. The performance review must to be completed in conjunction with a member of Council's Governance team.

14.3. The completed performance review must be endorsed by the Committee before it is included in the Committee's annual report to the elected Council.

14.4. The Committee's annual report, including the completed performance review, must be tabled preferably at the September Council meeting each year.

15. Public Comment

15.1. The Mayor/Administrator is the official spokesperson for Council, in accordance with Council's Media Policy.

15.2. Committee Members, informal advisors or attendees must not speak to the media or members of the public on behalf of Council or the Committee.

16. Review of Charter

16.1. This Charter will be reviewed, other than administratively, at the commencement of each Council term or as otherwise determined by the elected Council, and may be amended only by a Council resolution.

16.2. The General Manager or their delegate can make administrative amendments to this charter without needing Committee endorsement nor a Council resolution. An administrative amendment is amending:

16.2.1. the name and titles of Members, provided there is a Council resolution supporting such an amendment;

16.2.2. layout, numbering, grammar and syntax, spelling and the Administration part of this Charter (Part F).



PART F - ADMINISTRATION

17. Charter Definitions

Act	means the <i>Local Government Act 1993</i> (NSW).
Chairperson	means the Mayor of Council, unless they renounce their right.
Committee	means the Floodplain Risk Management Committee.
Committee Coordinator	means the Asset Planning Manager responsible for the tasks set out in clause 7.
Community Representative	means the individual(s) appointed to the Committee pursuant to clauses 6.15-6.20.
Council	means Cessnock City Council and where appropriate includes its administration or any successor council.
emergency	Means natural disasters, pandemics, or circumstances which would <u>negatively impact</u> Council's interests if the committee business had to wait to be presented at the next Committee meeting.
Member	means each of the individuals described in clause 6.
Minute Taker	means a Council staff member appointed to fulfil the tasks set out in clause 9.
Selection Panel	means at least two attendee that are Council officers including the Committee Coordinator.
Stakeholder Organisation	means a stakeholder organisation nominated by the Facilitator to be represented on the Committee, pursuant to clauses 6.11-6.14.



18. Charter Administration

Committee type:	Statutory Advisory Committee	Charter’s latest review Date:	Each Council term or as required
Date Committee originally established:	09 February 2022	Council resolution when Committee was originally established:	CC4/2022
Date Committee last re-established	16 October 2024	Council resolution when Committee was last re-established:	[insert number]
Committee Coordinator	Asset Planning Manager	Document number:	DOC2023/073905
Relevant strategic direction and/or objectives within Council’s Community Strategic Plan: Objective 3.1 Protecting and enhancing the natural environment and rural character of the area		Attendees Paul McLachlan (General Manager’s nominee) Cam Martin (Committee Coordinator) Arunkumar Chhanya (Stormwater & Flood Mitigation Coordinator) Charmaine Bennett (Safety & Risk Coordinator)	
Councillor Members Mayor xxx (Chairperson) To be replaced with newly elected Cllr To be replaced with newly elected Cllr		Community Representatives: Mr Jean Brochut	
Stakeholder Organisations Stephanie Lyons (Department of Climate Change, Energy, the Environment and Water) Julia Irwin (Hunter Water Corporation) Peter Keegan - Deputy Zone Commander (SES) Lisa Ignatavicius - Planning Coordinator (SES) Mandy Bramble - Planning and Research Officer (SES) Jennifer Ehmsen - Unit Commander (SES) Travis Hall – Local Commander (SES)			
Related Policies / Protocols / Procedures / Documents: <ul style="list-style-type: none">Code of Conduct (DOC2018/086716)Committee Register (DOC2024/145794)Advisory Committees Procedure (DOC2017/025652)Undertaking(s) templates (DOC2019/013515 and DOC2019/013512)Attendance sheet template (DOC2019/013444)Nomination sheet template (DOC2019/013510)Media Policy (DOC2014/002728)			Minute Taker Senior Business Support Officer or any other suitable Cessnock City Council employee
			Dissolution date One day prior to Council’s next ordinary election (September 2028), unless otherwise resolved by Council.



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19. Charter History

Revision	Date Approved / Authority	Description of Changes
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DOC2023/073905 _ Charter - Floodplain Risk Management Committee _ Date Adopted _ XX-XX-XX
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1	2023 Motion [640] Resolved	<p>Floodplain Risk Management Committee meeting held 13 July 2023 and adopted as a resolution of the Ordinary Council 15 November 2023.</p> <ul style="list-style-type: none"> - 5.4.2. Changed from 'Two Councillors - on 9 February 2022 Council resolved to appoint Councillors Karen Jackson and Ian Olsen (alternate Councillor Anne Sander)' to 'Two Councillors elected in accordance with clause 6.2'; - Appointment of Stakeholder Organisation representatives [delete if not applicable]; - Appointment of Community Representatives [delete if not applicable]; - 8.1. improved syntax; - 17. Selection Panel definition changed from 'means at least two officers from Stormwater & Flood Mitigation, including the Committee Coordinator.' to 'means at least two Attendee Council officers including the Committee Coordinator.' - 18. Charter administration format updated, Document Number provided format updated, Committee type updated from 'Advisory Committee' to 'Statutory Advisory Committee', Attendees now categorised to (Attendees, Councillor Members, Community Representatives & Stakeholder Organisations), Objective 3.1 added to 'Relevant strategic direction and/or objectives within Council's Community Strategic Plan:'.
2	2024	<p>Charter review was undertaken in preparation for the new Council Election. Notable changes include:</p> <ul style="list-style-type: none"> - Reference removed; - 5.2. Consultation with General Manager 'or nominee' added; - 5.6.1. General Manager 'or nominee' added to attending; - 'Acts of Disorder' added; - "A Councillor Member is to be addressed as 'Councillor [surname]'. Moved from 6.10. to 6.3. of 6. Election/Appointment of Members; - 7.1.6. Clause 11 & 12 added; - 8.1. improved syntax; - 10.3. 'or nominee added'; - 10.6. improved syntax; - 10.7. 'An acknowledgment of Country' moved from 10.7.1. to 10.7.6.; - 'Agenda Review Meetings' removed; - Agenda review items 10.13 and 10.14 deleted - 11.7.3. 'clauses 6.3 & 6.4;' changed to 'clauses 6.4 & 6.5;'; - 18. Column added, change of wording, representative 'Mr Jean Brochut' added, "or any other suitable Cessnock City Council employee, change Committee Coordinator from Infrastructure Manager to Asset Planning Manager, change of Community representatives from 5 -4, change to contact people for external Stakeholder Organisations, committee register document number updated.



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20. Appendices

20.1. Appendix A: TEMPLATE - Report to Committee of Committee's performance

20.2. Appendix B: [Council's Code of Conduct](#)



APPENDIX A – TEMPLATE Report to Committee of Committee's performance

REPORT TO FLOODPLAIN RISK MANAGEMENT COMMITTEE

SUBJECT: REVIEW OF FLOODPLAIN RISK MANAGEMENT PERFORMANCE

REPORT BY: Asset Planning Manager

DATE: [DATE]

PURPOSE

This performance review is presented to the [Committee Name] Committee (**Committee**) in accordance with clause 14 of the Committee Charter.

RECOMMENDATION

That:

1. The [Committee Name] Committee adopts the performance review at **Attachment A**.
2. The Committee notes the Committee Coordinator will include the performance review report in the annual report to the elected Council.

BACKGROUND

1. It is important that Council committees operate effectively and in accordance with their Charters.
2. Committee performance reviews are a mechanism for monitoring effective performance, instilling good governance and thus promoting openness and transparency.



Attachment A - Performance of the [Committee Name] Committee

*[Note: Committee performance is based on the previous year
- eg. review carried out in 2019 on Committee's performance in 2018]*

1. Did the [Committee Name] Committee (**Committee**) report to the elected Council as required by its Charter? (the report should detail the dates of each report/s to the elected Council)
2. Detail the number of meetings required to be held per calendar year as provided for in the Charter.
3. Detail the number of meetings held in [insert year], that were quorate.
4. The Committee Charter requires members of the Committee to conduct themselves in accordance with the Code of Conduct. Does the agenda include a standing item for Members to declare a conflict of interest? (yes/no)
5. Do Business papers of meetings:
 - a. Include relevant background information necessary to enable Members to make informed decisions (Yes/No).
 - b. Are distributed to Members in accordance with the timeframe set out in the Charter (Yes/No).
6. Do minutes of meetings:
 - a. Contain a summary of the decisions (Yes/No).
 - b. Are adopted by the Committee at a subsequent meeting (Yes/No).
 - c. Are distributed to Members in the timeframe set out in the Charter (yes/no – if no list details of reasons for delay).
7. Attach annual attendance details.
8. Have all Community Representatives attended induction? (Yes/No)

Approval

Committee Coordinator

Name:

Signature:

Date:

Governance

Name:

Signature:

Date:

Grants Advisory Committee

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- Charter



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Cessnock City Council Grants Advisory Committee Charter

Date Adopted: xxxxx Revision: 1

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PART A – INTRODUCTION

1. Principles

To ensure this Committee contributes to good public decision-making and increase Council's transparency and accountability to its community, Council is committed to running its Committee meetings to be:

- a) **Transparent** - Decisions are made in a way that is open and accountable;
- b) **Informed** - Decisions are made based on relevant, quality information;
- c) **Inclusive** - Decisions respect the diverse needs and interests of the local community;
- d) **Principled** - Decisions are informed by the principles prescribed under Chapter 3 of the Act;
- e) **Trusted** - The community has confidence that Members act ethically and make decisions in the interests of the whole community;
- f) **Respectful** – Members and attendees treat each other with respect;
- g) **Effective** - Meetings are well organised, effectively run and skilfully chaired; and
- h) **Orderly** – Members and attendees behave in a way that contributes to the orderly conduct of the meeting.

PART B – AUTHORITY AND PURPOSE

2. Committee Authority

- 2.1. In carrying out its responsibilities, the Committee must at all times recognise that the primary responsibility for the management of Council rests with the elected Council and the General Manager, as provided in the Act.
- 2.2. The Committee has no executive powers and cannot make decisions on behalf of Council. Furthermore, the Committee is not a committee with delegated authority therefore it cannot exercise powers under section 355 of the Act.
- 2.3. Neither the Committee nor any of its Members may direct any Council staff member in his or her duties.
- 2.4. This Committee is not a Council committee as defined in section 260 of the Act, because its membership is not constituted solely by Councillors.

3. Committee Dissolution

This Committee will remain in existence until 30 June 2025 or until it is otherwise dissolved by Council, whichever is sooner.

4. Role and Responsibilities of the Committee

The responsibilities of the Committee are to assess Community, Sporting and Environment Grant applications against the criteria outlined in Council's *Community, Sporting and Environment Grant Scheme Guidelines*.



PART C – COMPOSITION OF THE COMMITTEE

5. Attendance and Membership

5.1. Attendance at any meeting of the Committee is limited to the following:

5.1.1. Members;

5.1.2. Attendees.

5.2. Members and attendees cannot participate in a Committee meeting unless they are personally present at the meeting. For the purposes of this clause, attendance via audio-visual means (such as Zoom, Microsoft Teams and other similar platforms) is accepted as personal attendance, however attendance via telephone is not.

Members

5.3. The Committee's membership comprises of the Mayor, and 3 Councillors (plus 2 alternates) elected in accordance with clause 6.2 and the General Manager or their Delegate or, in the case of appointment of an Administrator, the Administrator or its nominated representative.

Attendees

5.4. Attendees can be:

5.4.1. Council Directors

5.4.2. The Committee Coordinator;

5.4.3. Councillors that are not already Members;

5.4.4. Staff presenting reports to the Committee;

5.4.5. The Minute Taker; and

5.4.6. Other staff by invitation.

Apologies and Leave of Absence

5.5. Where a Member cannot attend one or more Committee meetings, the Member should request that the Committee grant them a leave of absence from those meetings. This clause does not prevent a Member from making an apology if they are unable to attend a Committee meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this Charter.

5.6. A Member's written request for leave of absence from Committee meetings should, if practicable, identify (by date) the meetings from which the Member intends to be absent and the grounds upon which the leave of absence is being sought.

5.7. The Committee must act reasonably when considering whether to grant a Member's request for a leave of absence.

Acts of Disorder

5.8. A Committee Member, informal advisor and/or attendee commits an act of disorder if the Committee Member and/or attendee, at a Committee Meeting:

5.8.1. contravenes the Charter, or

5.8.2. assaults or threatens to assault another person present at or participating in the meeting, or



5.8.3. insults or makes unfavourable personal remarks, or

5.8.4. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Committee into disrepute.

5.9. The Chairperson may require a Committee member, informal advisor and/or attendee:

5.9.1. to apologise without reservation for an act of disorder referred to in clause 5.8.

5.9.2. to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clause 5.8.

5.10. A Committee member, informal advisor and/or attendee may be expelled from a Committee meeting for having failed to comply with a requirement under clause 5.9.

5.10.1. Where a Committee member, informal advisor and/or attendee is expelled from a meeting, the expulsion and the name of the person expelled, are to be recorded in the minutes of the meeting.

5.10.2. If a Committee member, informal advisor and/or attendee fails to leave the place where a meeting of the Committee is being held immediately after they have been expelled, a police officer may be called.

Termination of Membership

5.11. Each Member shall remain a member of the Committee until:

5.11.1. 30 June 2025 or until the elected Council dissolves the Committee, whichever is sooner, or

5.11.2. the Member resigns prior to the Committee being dissolved.

5.12. Membership of any Member of the Committee may be terminated by resolution of the Committee due to:

5.12.1. the Member's non-attendance at three consecutive Committee meetings without prior notification of their non-attendance and the granting of leave by resolution of the Committee; or

5.12.2. the Member's conduct being inconsistent with this Charter or Council's Code of Conduct.

5.13. Councillor membership terminates immediately upon a Councillor Member ceasing to be a Councillor.

6. Election/Appointment of Members

Councillor Members

6.1. Council's Governance Team will arrange for a report to be provided to the elected Council calling for nominations for Councillor Members at the commencement of each Council term and as Councillor vacancies arise.

6.2. Council will elect Councillor Members by resolution.

The Chairperson

6.3. The Chairperson of the Committee will be the Mayor by ex-officio unless the Mayor renounces this right at which point the Committee Coordinator will administer the Chairperson election.



- 6.4. Where the Mayor renounces their right to be the Chairperson and there are more than two nominees for the Chairperson position, the nominee receiving the lowest number of votes will be eliminated and a further round of voting will take place to elect the Chairperson. This process will continue until a nominee is elected.
- 6.5. If the Chairperson is absent from a Committee meeting, a Member of the Committee will be nominated by the Committee to chair the meeting.
- 6.6. The Chairperson will remain until the dissolution date, unless the Chairperson resigns and in this case, a new Chairperson should be appointed in accordance with clauses 6.4 and 6.5.
- 6.7. When the Chairperson speaks during a Committee meeting:
- 6.7.1. Any Member then speaking or seeking to speak must cease speaking and if standing, immediately resume their seat; and
 - 6.7.2. Every Member present must be silent to enable the Chairperson to be heard without interruption.
- 6.8. If the Chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or Mayor [Surname] or 'Madam Mayor'.
- 6.9. Where the Chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 6.10. A Councillor Member is to be addressed as 'Councillor [surname]'.

7. Responsibility of Members

- 7.1. Members are expected to:
- 7.1.1. Make reasonable efforts to attend Committee meetings;
 - 7.1.2. Provide an apology and request leave of absence whenever they cannot attend meetings;
 - 7.1.3. understand the relevant legislative and regulatory requirements applicable to Council;
 - 7.1.4. be able to contribute the time needed to understand the Committee's business papers before attending Committee meetings;
 - 7.1.5. provide advice and feedback on matters brought before the Committee pursuant to clause 4 of the Charter; and
 - 7.1.6. comply with clauses 10, 11 and 12.

Conduct by Members

- 7.2. This Committee is not a 'Committee of the Council', as defined in Council's Code of Meeting Practice, because its membership is not constituted solely by Councillors. Consequently, Members are expected to abide by this Charter and Council's Code of Conduct.
- 7.3. Conflicts of interest must be declared and managed in accordance with Council's Code of Conduct. A record of a declared conflict of interest in the minutes is sufficient.
- 7.4. Pecuniary or significant, non-pecuniary conflicts of interest must be managed by the Member excluding themselves from the meeting during the discussion of the relevant agenda item. Such exclusion should be recorded in the minutes.



8. Responsibility and requirements of the Committee Coordinator

- 8.1. The Committee Coordinator will be the Director Corporate and Community Services, and Director Works and Infrastructure or their Delegate (depending on who is calling a meeting) and will undertake the following functions:
- 8.1.1. oversee and be responsible for the functions of the Minute Taker;
 - 8.1.2. accept or reject (in consultation with the General Manager) items of business;
 - 8.1.3. ensure Members are familiar with this Charter and Council's Code of Conduct;
 - 8.1.4. facilitate discussion at Committee meetings, provide input to meetings and actively contribute to the Committee's role and purpose;
 - 8.1.5. focus the Committee on its responsibilities outlined in clause 4 of this Charter and the meeting agenda items, as outlined in the Advisory Committees Procedure;
 - 8.1.6. act as the communication link between the Committee and the elected Council;
 - 8.1.7. manage the resources available to the Committee;
 - 8.1.8. manage the performance of the Committee;
 - 8.1.9. where appropriate, liaise closely with the committee coordinators of Council's other committees to assist with the collaboration between committees, the sharing of information and the efficient and effective use of Council and committee resources; and
 - 8.1.10. work closely with the Chairperson to administer the Committee and its meetings.
- 8.2. A Committee Coordinator may perform the duties of a Minute Taker in addition to performing the duties of a Committee Coordinator.

9. Responsibility and requirements of the Minute Taker

- 9.1. The Minute Taker will be a suitably qualified Council officer who undertakes the following functions, as outlined in the Advisory Committees Procedure:
- 9.1.1. prepare agendas;
 - 9.1.2. update the register of Members;
 - 9.1.3. maintain a meeting attendance register;
 - 9.1.4. take minutes at Committee meetings and prepare them for circulation (once approved by the Committee Coordinator);
 - 9.1.5. collate Committee business papers prepared or submitted by Council officers, Committee Members, working parties and stakeholders;
 - 9.1.6. publish non-confidential agendas, minutes and Committee business papers on Council's website;
 - 9.1.7. book meeting venues and organise the provision of any necessary equipment; and
 - 9.1.8. provide administrative assistance to the Committee Coordinator.
- 9.2. This position may be shared among a number of suitably qualified Council officers or be the same person.



PART D – BEFORE THE MEETING

10. Scheduling and Notifying of Committee Meetings

Meeting schedule

10.1. The Committee will meet at least 1 time or as otherwise resolved by the Committee.

10.2. Additional meetings may be scheduled by the:

- 10.2.1. Chairperson;
- 10.2.2. Committee by resolution;
- 10.2.3. Elected Council; or
- 10.2.4. General Manager.

Notice, Meeting agendas and Business Papers

10.3. The Committee Coordinator will ensure that notice of meetings is given to the Committee at least 21 calendar days prior to the day of the meeting. The agenda and business papers will be circulated at least 7 calendar days prior to the day of the meeting. These may be transmitted electronically.

10.4. Notice of less than three (3) business days can be given to Members of an additional Committee meeting only in cases of emergency.

10.5. Members may make propose items of business they wish the Committee to consider at its next meeting, or withdraw such items, in accordance with the Advisory Committee Meetings Procedure, provided the business relates to the purpose for which the Committee is established. The Committee Coordinator, in consultation with the General Manager, is to determine whether the proposed items are to be included in the Committee agenda.

10.6. The Committee agenda must state:

- 10.6.1. An Acknowledgment of Country; and
- 10.6.2. All matters to be dealt with arising out of the proceedings of previous Committee meetings; and
- 10.6.3. Any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the Committee meeting; and
- 10.6.4. All matters, including those that have been referred for consideration by the elected Council, that are the subject of staff reports, to be considered at the Committee meeting; and
- 10.6.5. The requirement to declare conflicts of interests, apologies and leave of absences; and
- 10.6.6. Any business of which due notice has been given as per clause 10.5.

Minutes

10.7. All Committee business will be properly minuted and recorded by the Minute Taker, including when Members leave and return to the meeting. The minutes will be:

- 10.7.1. approved by the Committee Coordinator in draft;



- 10.7.2. adopted by the Committee as final by way of a resolution. The Committee must then authorise the Chairperson to sign the confirmed minutes;
- 10.7.3. managed in accordance with Council's Records Management Policy; and
- 10.8. published on Council's website (ensuring Council meets its privacy obligations). Draft minutes will be distributed to the Committee for confirmation no later than 10 business days after the meeting.
- 10.9. Draft minutes of the previous meeting are to be adopted by resolution of the Committee at the following meeting.
- 10.10. Minutes of confidential and/or matters of a sensitive nature will be reported to the elected Council in a confidential session pursuant to the Advisory Committee Procedure.
- 10.11. Minutes for inquorate meetings will note the informality of the meetings and no recommendations are to be recorded. In other words, such minutes will be for informational purposes only.

PART E – COMING TOGETHER

11. Committee Business

Quorum

- 11.1. A quorum is constituted by attendance of a majority of Members.
- 11.2. If a quorum is not achieved, an informal meeting may be conducted at the discretion of the Chairperson.

Voting

- 11.3. Voting is to occur by show of hands, including when attending via audio-visual platforms.
- 11.4. The Chairperson has a casting vote in the event of an equality of votes.
- 11.5. Attendees cannot vote.

Business that can be dealt with at a Committee Meeting

- 11.6. The Committee may consider business at a Committee meeting:
 - 11.6.1. for which notice has been given in accordance with clauses 10.3 and 10.5; or
 - 11.6.2. the business is already before, or directly relates to, a matter that is already before the Committee; or
 - 11.6.3. the business is the election of a chairperson to preside at a Committee meeting where the Mayor has renounced their right in accordance with clauses 6.3 and 6.4; or
 - 11.6.4. the Committee resolves to have the business considered at the meeting:
 - a) when no prior notice was given, and
 - b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by the Committee before the next scheduled Committee meeting.



Order of Business

11.7. The general order of business at a Committee meeting is fixed by a resolution of the Committee and may be altered for a particular Committee meeting if a motion to that effect is passed at that meeting. No seconder (see clause 12.1 for meaning of a seconder) is required to debate the alteration of a Committee's general order of business.

Closure of Committee Meetings

11.8. Matters can be deemed confidential and/or of a sensitive nature and thus close those parts of the Committee meetings only in the following circumstances:

11.8.1. Personnel matters concerning particular individuals; or

11.8.2. The personal hardship of any resident or ratepayer; or

11.8.3. information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; or

11.8.4. commercial information of a confidential nature that would, if disclosed:

- i. prejudice the commercial position of the person who supplied it, or
- ii. confer a commercial advantage on a competitor of Council, or
- iii. reveal a trade secret;

11.8.5. information that would, if disclosed, prejudice the maintenance of law; or

11.8.6. matters affecting the security of Council, Councillors, Councils staff or Council property; or

11.8.7. advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege; or

11.8.8. information concerning the nature and location of a place or an item of Aboriginal significance on community land; or

11.8.9. alleged contraventions of the Council's Code of Conduct.

11.9. In such instances, only individuals that are absolutely necessary are to remain at the meeting during those closed sessions.

11.10. Members must return any documentation to the Committee Coordinator during closed Committee meetings, or parts thereof, following the end of such closures.

11.11. Acts of disobedience warrant for the Chairperson to expel such individuals from the Committee meeting, or contact the police for assistance if necessary.

12. Rules of Debate

Motions to be seconded

12.1. Proposed items of business to be considered by the Committee at a meeting cannot be debated unless or until it have been seconded.

Amendments to Motions

12.2. Motions can be amended, without requiring a seconder, at any time with the approval of the Chairperson and by a majority of the Committee.



13. Resolutions of the Committee

- 13.1. Resolutions of the Committee (the recommendations to Council adopted by the Committee) must be consistent with this Charter.
- 13.2. The General Manager (or their delegate) may action Committee resolutions as they deem appropriate in accordance with their individual delegations and authorisations.
- 13.3. A report to the elected Council for a decision will be required where resolutions fall outside the functions delegated to the General Manager.

Reports to Council

- 13.4. It is the responsibility of the Committee Coordinator to draft reports to the elected Council on Committee business. These reports can outline:
 - 13.4.1. The finalised minutes of each Committee meeting for noting;
 - 13.4.2. Resolutions proposed by the Committee where a Council resolution is required (NB: Committee resolutions are not automatically adopted by the elected Council by the noting of the Committee minutes – there must be specific resolutions as outlined in clause 13.5);
 - 13.4.3. Summary of key items of business; and
 - 13.4.4. If and when the Charter is to be adopted or due to a review in accordance with clause 15;
- 13.5. Where Committee minutes require the elected Council to resolve on a matter (*for example, where the General Manager does not have the relevant delegation/authorisation*) the report to the elected Council is to detail all resolutions of the Committee separately.
- 13.6. Committee recommendations to the elected Council are to be in the form of: *“That the Committee recommends the Council resolve to...”* and are to be worded the same as resolved by the Committee.
- 13.7. Where the recommendation(s) to the elected Council is not the same as resolved by the Committee, the Committee Coordinator is to outline within the Council report how and why the recommendation(s) to the elected Council is different to the resolution(s) by the Committee.

14. Public Comment

- 14.1. The Mayor/Administrator is the official spokesperson for Council, in accordance with Council's Media Policy.
- 14.2. Committee Members or attendees must not speak to the media or members of the public on behalf of Council or the Committee.

15. Review of Charter

- 15.1. This Charter will be reviewed at the commencement of each Council term or as otherwise determined by the elected Council, and may be amended only by a Council resolution.



15.2. The General Manager or their delegate can make administrative amendments to this Charter without needing Committee endorsement nor a Council resolution. An administrative amendment is amending:

15.2.1. the name and titles of Members, provided there is a Council resolution supporting such an amendment;

15.2.2. layout, numbering, grammar and syntax, spelling and the Administration part of this Charter (Part F).

PART F - ADMINISTRATION

16. Charter Definitions

Act	means the <i>Local Government Act 1993</i> (NSW).
Chairperson	means the Mayor of Council, unless they renounce their right.
Committee	means the Grants Advisory Committee.
Committee Coordinator	means the Directors or their Delegate set out in clause 7 (depending on who is calling a meeting) responsible for the tasks.
Council	means Cessnock City Council and where appropriate includes its administration or any successor council.
emergency	Means natural disasters, pandemics, or circumstances which would <u>negatively impact</u> Council's interests if the committee business had to wait to be presented at the next Committee meeting.
Member	means each of the individuals described in clause 6.
Minute Taker	means a Council staff member appointed to fulfil the tasks set out in clause 9.



17. Charter Administration

Committee type:	Advisory	Charter's latest review Date:	Each Council term or as required	
Date Committee originally established	[insert date]	Council resolution when Committee was originally established:	[insert number]	
Committee Coordinator	Directors (set out in cl 8) or their Delegate (depending on who is calling a meeting)	Document number:	DOC2024/147348	
Relevant strategic direction and/or objectives within Council's Community Strategic Plan:	Objective 1.2 Strengthening Community Culture 1.2.2 Collaborate with the community to develop and deliver services	Committee Members:	Mayor xxxx (Chair) XXXX XXXX XXXX	
Related Policies / Protocols / Procedures / Documents:	<ul style="list-style-type: none"> Code of Conduct (DOC2018/086716) Committee Register (DOC2024/145794) Advisory Committees Procedure (DOC2017/025652) Community, Sporting and Environment Guidelines (DOC2023/035096) 		Minute Taker	The Minute Taker will be a suitably qualified Council officer
Dissolution date	The Committee will remain in existence until 30 June 2025 until it is otherwise dissolved by Council, whichever is sooner.			

18. Charter History

Revision	Date Approved / Authority	Description of Changes
1	[insert date] [Council Resolution]	Charter adopted. Committee formed.

19. Appendices

19.1. Appendix A: [Council's Code of Conduct](#)

Local Traffic Committee

CONTENTS

- Charter



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Cessnock City Council Draft Local Traffic Committee Charter

Date Adopted: XX/XX/XX Revision: X

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PART A – INTRODUCTION

1. Principles

To ensure the Local Traffic Committee (LTC) contributes to good public decision-making and increase Council's transparency and accountability to its community, Council is committed to running its committee meetings to be:

- a) **Transparent** - Decisions are made in a way that is open and accountable;
- b) **Informed** - Decisions are made based on relevant, quality information;
- c) **Inclusive** - Decisions respect the diverse needs and interests of the local community;
- d) **Principled** - Decisions are informed by the principles prescribed under Chapter 3 of the Act;
- e) **Trusted** - The community has confidence that Members act ethically and make decisions in the interests of the whole community;
- f) **Respectful** – Members and attendees treat each other with respect;
- g) **Effective** - Meetings are well organised, effectively run and skilfully chaired; and
- h) **Orderly** – Members and attendees behave in a way that contributes to the orderly conduct of the meeting.

PART B – AUTHORITY AND PURPOSE

2. Committee Authority

- 2.1. In carrying out its responsibilities, the LTC must at all times recognise that the primary responsibility for the management of Council rests with the elected Council and the General Manager, as provided in the Act.
- 2.2. The LTC has no executive powers and cannot make decisions on behalf of Council. Furthermore, the LTC is not a committee with delegated authority therefore it cannot exercise powers under section 355 of the Act.
- 2.3. The LTC has no decision-making powers, being primarily a technical review committee.
- 2.4. The LTC is not a committee within the meaning of the Act - it is formed and operates in accordance with the *Transport for NSW (TfNSW)* (formally RMS) *Delegation to Councils for the Regulation of Traffic*, as amended (hereon referred to as the ***TfNSW Delegation***).
- 2.5. Neither the LTC nor any of its Members may direct any Council staff member in his or her duties.

Relationship between Council and the LTC

- 2.6. Council must refer relevant matters to the LTC prior to exercising its delegated functions in accordance with the *TfNSW Delegation*, as amended.
- 2.7. All proposals recommended by the LTC must be formally adopted by the elected Council (or its sub-delegate), in accordance with the *TfNSW Delegation*, as amended.



3. Committee Dissolution

The LTC will remain in existence until one day prior to Council's next ordinary election or until it is otherwise dissolved by Council.

4. Role and Responsibilities of the LTC

4.1. The responsibilities of the Committee are as follows:

- 4.1.1. To advise Council on matters referred to it by Council and these matters must be related to prescribed traffic control devices and traffic control facilities for which Council has delegated authority;
- 4.1.2. **To note for information purposes only**, matters related to State Roads or functions that have not been delegated to the elected Council and not referred directly to TfNSW or other relevant organisation;
- 4.1.3. To consider regulatory traffic control devices and facilities, for which Council has delegated authority;
- 4.1.4. To consider the technical merits of reports, researched and authored by Council officers, to ensure that recommendations consider specific site conditions and meet current technical standards and guidelines;
- 4.1.5. To consider traffic issues not requiring the exercise of its delegated functions, on occasions when Council wishes to utilise the knowledge and experience of LTC. These items should be dealt with informally, and not as formal items requiring consideration by the LTC.

Public participation

- 4.2. The LTC considers the technical aspects of any proposal and makes a recommendation to Council. Consideration of the merits of such proposals from a public perspective, is the responsibility of Council and thus the views of residents, whilst made known to the LTC, should be determinatively considered by Council rather than the LTC.
- 4.3. However, there is nothing preventing the LTC from agreeing to allow residents, or other interested stakeholders, to address the LTC by way of written submissions, if it so chooses. In addition, the LTC may agree to limit the period during which submissions may be lodged on any particular item.
- 4.4. The LTC's advice does not bind Council, therefore this advice should not be released to the public until Council or its delegate or sub-delegate has agreed to exercise its delegated authority.

Site Visits

- 4.5. It is recommended that LTC Members should undertake a site visit prior considering any proposal, either individually or in a group. Where this is not practical due to issues such as time or distance, then it is recommended that modern electronic alternative methods be used.



PART C – COMPOSITION OF THE LTC

5. Attendance and Membership

5.1. Attendance at any meeting of the LTC is limited to the following:

- 5.1.1. Members;
- 5.1.2. Informal advisors by invitation only; and
- 5.1.3. Attendees, as defined below.

5.2. Members, informal advisors and attendees cannot participate in a LTC meeting unless they are personally present at the meeting. For the purposes of this clause, attendance via audio-visual means (such as Zoom, Microsoft Teams and other similar platforms) is accepted as personal attendance, however attendance via telephone is not.

Members

5.3. The LTC's membership comprises of:

- 5.3.1. One Councillor, elected in accordance with clause 6.2, or, in the case of appointment of an Administrator, the Administrator, or its nominated representative;
- 5.3.2. Three representatives from Stakeholder Organisations appointed in accordance with clause 6.8.

5.4. Each Member is entitled to one vote.

Informal Advisors

5.5. Informal advisors can attend the LTC meetings by invitation only to discuss items, and provide guidance and/or subject matter expert opinion on relevant issues being considered by the LTC. These can include, but are not limited to representatives from public transport providers, emergency service providers, chamber of commerce, etc.

Attendees

5.6. Attendees can be:

- 5.6.1. The General Manger;
- 5.6.2. The Director Works & Infrastructure;
- 5.6.3. The Committee Coordinator;
- 5.6.4. Councillors that are not already Members;
- 5.6.5. Council staff by invitation only; and
- 5.6.6. The Minute Taker(s).

Acts of Disorder

5.7. A Member, informal advisor and/or attendee commits an act of disorder if the Member, advisor and/or attendee, at a meeting:

- 5.7.1. contravenes the Charter, or
- 5.7.2. assaults or threatens to assault another person present at or participating in the meeting, or
- 5.7.3. insults or makes unfavourable personal remarks, or



5.7.4. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the LTC into disrepute.

5.8. The Chairperson may require a Member, informal advisor and/or attendee:

5.8.1. to apologise without reservation for an act of disorder referred to in clause 5.7.

5.8.2. to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clause 5.7.

5.9. A Member, informal advisor and/or attendee may be expelled from a LTC meeting for having failed to comply with a requirement under clause 5.8.

5.10. Where a Member, informal advisor and/or attendee is expelled from a meeting, the expulsion and the name of the person expelled, are to be recorded in the minutes of the meeting.

5.11. If a Member, informal advisor and/or attendee fails to leave the place where a meeting of the LTC is being held immediately after they have been expelled, a police officer may be called.

Apologies and Leave of Absence

5.12. Where a Member cannot attend or provide a written response on items for one or more LTC meetings, the Member should request that the LTC grant them a leave of absence from those meetings. This clause does not prevent a Member from making an apology if they are unable to attend a LTC meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this Charter.

5.13. A Member's written request for leave of absence from LTC meetings should, if practicable, identify (by date) the meetings from which the Member intends to be absent and the grounds upon which the leave of absence is being sought.

5.14. The LTC must act reasonably when considering whether to grant a Member's request for a leave of absence.

Termination of Membership

5.15. Each Member shall remain a member of the LTC until:

5.15.1. one day prior to Council's next ordinary election, or until the LTC is otherwise dissolved, pursuant to clause 3 of this Charter;

5.15.2. the Member resigns.

5.16. Membership of any Member may be terminated by resolution of the LTC due to:

5.16.1. the Member's non-attendance at three consecutive LTC meetings without prior notification of their non-attendance and the granting of leave by resolution of the LTC; or

5.16.2. the Member's conduct being inconsistent with this Charter or Council's Code of Conduct.

5.17. If the terminated Member was a member from a Stakeholder Organisation, the Stakeholder Organisation should nominate a replacement Member to the LTC.

5.18. Councillor membership terminates immediately upon a Councillor Member ceasing to be a Councillor.



6. Election/Appointment of Members

Councillor Members

- 6.1. Council's Governance Team will arrange for a report to be provided to the elected Council calling for nominations for Councillor Members at the commencement of each Council term and as Councillor vacancies arise.
- 6.2. Council will elect Councillor Members by resolution.

The Chairperson

- 6.3. The Chairperson presiding meetings will be the Councillor Member or Alternate Councillor Member. Where neither of these individuals are present, the Committee Coordinator will chair meetings in their absence, but in doing so does not assume their voting rights.
- 6.4. When the Chairperson speaks during a LTC meeting:
 - 6.4.1. Any Member then speaking or seeking to speak must cease speaking and if standing, immediately resume their seat; and
 - 6.4.2. Every Member present must be silent to enable the Chairperson to be heard without interruption.
- 6.5. If the Chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or Mayor [Surname] or 'Madam Mayor'.
- 6.6. Where the Chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 6.7. A Councillor Member is to be addressed as 'Councillor [surname]'.

Appointment of Stakeholder Organisation representatives

- 6.8. The Committee Coordinator will invite a minimum of three relevant Stakeholder Organisations to nominate a representative for membership of the LTC being:
 - 6.8.1. One representative of the NSW Police;
 - 6.8.2. One representative of TfNSW; and
 - 6.8.3. The local State Member of Parliament (**MP**) or their nominee.
- 6.9. If an appointed representative is unable to attend a meeting, the relevant Stakeholder Organisation may nominate an alternative representative to attend on their behalf, with prior notice to the Committee Coordinator.
- 6.10. The names of each Stakeholder Organisation and their appointed representatives will be recorded in Council's Committee's register, an excerpt of which can appear on Council's website.

7. Responsibility of Members

- 7.1. Members are expected to:
 - 7.1.1. Make reasonable efforts to attend the LTC meetings;
 - 7.1.2. Provide an apology and request leave of absence whenever they cannot attend meetings;
 - 7.1.3. Understand the relevant legislative and regulatory requirements applicable to Council;



- 7.1.4. Be able to contribute the time needed to understand the committee business papers before attending LTC meetings;
- 7.1.5. Provide advice and feedback on matters brought before the LTC pursuant to clause 4 of the Charter; and
- 7.1.6. Comply with clause 10.

Conduct by Members

- 7.2. This committee is not a 'Committee of the Council', as defined in Council's Code of Meeting Practice, because its membership is not constituted solely by Councillors. Consequently, Members are expected to abide by this Charter and Council's Code of Conduct.
- 7.3. Conflicts of interest must be declared and managed in accordance with Council's Code of Conduct. A record of a declared conflict of interest in the minutes is sufficient.
- 7.4. Pecuniary or significant, non-pecuniary conflicts of interest must be managed by the Member excluding themselves from the meeting during the discussion of the relevant agenda item. Such exclusion should be recorded in the minutes.

8. Responsibility and requirements of the Committee Coordinator

- 8.1. The Committee Coordinator is the Infrastructure Manager and they will undertake the following functions:
 - 8.1.1. Oversee and be responsible for the functions of the Minute Taker;
 - 8.1.2. Accept or reject (in consultation with the General Manager or Director Works & Operations depending on their delegations) items of business;
 - 8.1.3. Ensure Members are familiar with this Charter and Council's Code of Conduct;
 - 8.1.4. Facilitate discussion at committee meetings, provide input to meetings and actively contribute to the LTC's role and purpose;
 - 8.1.5. Focus the LTC on its responsibilities outlined in clause 4 of this Charter and the meeting agenda items, as outlined in the Advisory Committees Procedure;
 - 8.1.6. Act as the communication link between the LTC and the elected Council;
 - 8.1.7. Manage the resources available to the LTC;
 - 8.1.8. Manage the performance of the LTC;
 - 8.1.9. Where appropriate, liaise closely with the committee coordinators of Council's other committees to assist with the collaboration between committees, the sharing of information and the efficient and effective use of Council and committee resources; and
 - 8.1.10. Work closely with the Chairperson to administer the LTC and its meetings.
- 8.2. A Committee Coordinator may perform the duties of a Minute Taker in addition to performing the duties of a Committee Coordinator.

9. Responsibility and requirements of the Minute Taker

- 9.1. The Minute Taker will be a suitably qualified Council officer who undertakes the following functions, as outlined in the Advisory Committees Procedure:
 - 9.1.1. Prepare agendas;



- 9.1.2. Update the register of Members;
 - 9.1.3. Maintain a meeting attendance register;
 - 9.1.4. Take minutes at committee meetings and prepare them for circulation (once approved by the Committee Coordinator);
 - 9.1.5. Collate committee business papers prepared or submitted by Council officers;
 - 9.1.6. Book meeting venues and organise the provision of any necessary equipment; and
 - 9.1.7. Provide administrative assistance to the Committee Coordinator.
- 9.2. This position may be shared among a number of suitably qualified Council officers or be the same person.

PART D – BEFORE THE MEETING

10. Scheduling and Notifying of LTC Meetings

Meeting schedule

- 10.1. Meetings will be conducted as required on the third Monday of the month, subject to preparation of technical reports and recommendations.
- 10.2. Meeting dates will be agreed by the LTC by no later than November each year for the following calendar year.
- 10.3. Additional meetings may be scheduled by the:
 - 10.3.1. Chairperson;
 - 10.3.2. LTC by resolution;
 - 10.3.3. Elected Council; or
 - 10.3.4. General Manager.

Notice, Meeting agendas and Business Papers

- 10.4. The Committee Coordinator will ensure that notice of meetings, including the agenda and business papers, is given to the LTC at least 3 business days prior to the day of the meeting. These may be transmitted electronically.
- 10.5. Notice of less than three (3) business days can be given to Members of an additional committee meeting only in cases of emergency.
- 10.6. Members may make propose items of business they wish the LTC to consider at its next meeting, or withdraw such items, in accordance with the Advisory Committee Meetings Procedure, provided the business relates to the purpose for which the LTC is established. The Committee Coordinator, in consultation with the General Manager, is to determine whether the proposed items are to be included in the LTC agenda.
- 10.7. The LTC agenda must state:
 - 10.7.1. An Acknowledgment of Country;
 - 10.7.2. All matters to be dealt with arising out of the proceedings of previous LTC meetings;



10.7.3. Any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the LTC meeting. The LTC agenda will only consider items for recommendation which require Council, or its delegate or sub-delegate to exercise its delegated functions, in accordance with the *TfNSW Delegation* as amended;

10.7.4. All matters, including those that have been referred for consideration by the elected Council, that are the subject of staff reports or informal advisors, to be considered at the LTC meeting;

10.7.5. The requirement to declare conflicts of interests, apologies and leave of absences; and

10.7.6. Any business of which due notice has been given as per clause 10.6.

10.8. If technical review is sought on matters not requiring the exercise of delegated functions, such matters may be included in the LTC agenda.

10.9. If advice only is being sought, then the issue will not be included in the LTC agenda. Such issues will be dealt with as general traffic advice.

Minutes

10.10. All Committee business will be properly minuted and recorded by the Minute Taker, including when Members leave and return to the meeting. The minutes will be:

10.10.1. Approved by the Committee Coordinator in draft;

10.10.2. Draft minutes will be distributed to the LTC for concurrence no later than 10 business days after the meeting.

10.10.3. Adopted by the Committee as final by way of concurrence;

10.10.4. Managed in accordance with Council's Records Management Policy.

10.11. Minutes of the previous meeting are to be adopted by resolution of the LTC at the following meeting.

10.12. Minutes of confidential and/or matters of a sensitive nature will be reported to the elected Council in a confidential session pursuant to the Advisory Committee Procedure.

PART E – COMING TOGETHER

11. Committee Business

Quorum

11.1. A quorum is not required for the meeting to occur because the votes of Members can be tendered in their absence, on their behalf, by the Chairperson. In this case, technical reports and recommendations must be forwarded to the Members for consideration and comments. Any subsequent individual Member comments and vote is to be provided in writing for tabling at the meeting.

11.2. Acceptable alternative meeting formats include:

11.2.1. Electronic meetings – where the advice of the Members is sought via email or telephone/video conferencing. This allows items to be considered as they arise and may reduce response time; and



11.2.2. A combination of electronic (for minor issues) and face-to-face meetings. This allows minor issues to be addressed between meetings. The response time for minor issues may be reduced using this format and this format can result in shorter face to face meetings. It may even be possible to increase the interval between meetings.

Voting

11.3. Voting is to occur by show of hands, including when attending via audio-visual platforms except for the votes tabled in accordance with clause 11.1.

11.4. Each Member is entitled to vote however where there are more than one representative for a Stakeholder Organisation, that organisation is still limited to one vote only.

11.5. Matters are to be carried by majority and in accordance with *TfNSW Delegation to Councils for the Regulation of Traffic Guide*.

11.6. In the event of impasse, the voting member from TfNSW and/or NSW Police have recourse to the Regional Traffic Committee.

11.7. Informal advisors and attendees cannot vote.

Business that can be dealt with at a LTC Meeting

11.8. The LTC may consider business at a committee meeting:

11.8.1. For which notice has been given in accordance with clauses 10.5 to 10.6; or

11.8.2. The business is already before, or, directly relates to, a matter that is already before the committee; or

11.8.3. The LTC resolves to have the business considered at the meeting:

a) when no prior notice was given, and

b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by the LTC before the next scheduled committee meeting.

Order of Business

11.9. The general order of business at a LTC meeting is fixed by the agenda of the LTC meeting and may be altered for a particular committee meeting at the discretion of the Chairperson.

Delegation of functions

11.10. The LTC will only consider items for recommendation which require the Council, or its delegate or sub-delegate to exercise its delegated functions, in accordance with the *TfNSW Delegation*, as amended.

11.11. The Delegation requires Council to seek the advice of the NSW Police and TfNSW prior to exercising their delegated functions. This is usually done via the LTC process.

11.12. In cases where the LTC advice is unanimous, and Council intends to follow that advice, Council may authorise the implementation of the facility or device without further notifying the TfNSW or the NSW Police.

11.13. If the elected Council wishes to exercise a delegated function when the LTC advice is not unanimous, or the elected Council wishes to act contrary to unanimous LTC advice, then Council must notify in writing, both the NSW Police and the TfNSW representatives on the LTC.



12. Recommendations of the LTC

- 12.1. Recommendations of the LTC must be consistent with this Charter.
- 12.2. The General Manager (or their sub-delegate) may action LTC recommendations as they deem appropriate, in accordance with their individual delegations and authorisations.
- 12.3. A report to the elected Council for a decision will be required where recommendations fall outside the functions delegated to the General Manager (or their sub-delegate).

Reports to Council

- 12.4. It is the responsibility of the Committee Coordinator to draft reports to the elected Council on committee business. These reports can outline:
 - 12.4.1. The finalised minutes of each LTC meeting for noting;
 - 12.4.2. Recommendations proposed by the LTC where a Council resolution is required; and
 - 12.4.3. If and when the Charter is to be adopted or due for a review in accordance with clause 15.
- 12.5. Where committee minutes require the elected Council to resolve on a matter (*for example, where the General Manager does not have the relevant delegation/authorisation*) the report to the elected Council is to detail all recommendations of the LTC separately.
- 12.6. LTC recommendations to the elected Council are to be in the form of: *"That Council authorises the..."* and are to be worded consistent with the recommendations of the LTC.

13. Performance of the LTC

- 13.1. The Committee Coordinator must undertake a review and tabling of the LTC's performance annually using the template at Appendix A.
- 13.2. The performance review must to be completed in conjunction with a member of Council's Governance team.
- 13.3. The completed performance review must be endorsed by the LTC before it is included in the LTC's annual report to the elected Council.
- 13.4. The LTC's annual report, including the completed performance review, must be tabled preferably at the September Council meeting each year.

14. Public Comment

- 14.1. The Mayor/Administrator is the official spokesperson for Council, in accordance with Council's Media Policy.
- 14.2. LTC Members, informal advisors or attendees must not speak to the media or members of the public on behalf of Council or the LTC.

15. Review of Charter

- 15.1. This Charter will be reviewed, other than administratively, at the commencement of each Council term or as otherwise determined by the elected Council, and may be amended only by a Council resolution.



15.2. The General Manager or their delegate can make administrative amendments to this Charter without needing committee endorsement nor a Council resolution. An administrative amendment is amending:

15.2.1. The name and titles of Members, provided there is a Council resolution supporting such an amendment;

15.2.2. Layout, numbering, grammar and syntax, spelling and the Administration part of this Charter (Part F).

PART F - ADMINISTRATION

16. Charter Definitions

Act	means the <i>Local Government Act 1993</i> (NSW).
Chairperson	means the Member nominated by the LTC as per clause 6.3.
Committee Coordinator	means the Infrastructure Manager responsible for the tasks set out in clause 7.
Council	means Cessnock City Council and where appropriate includes its administration or any successor council.
emergency	Means natural disasters, pandemics, or circumstances which would <u>negatively impact</u> Council's interests if the committee business had to wait to be presented at the next LTC meeting.
Member	means each of the individuals described in clause 6.
Minute Taker	means a Council staff member appointed to fulfil the tasks set out in clause 9.
Stakeholder Organisation	means a stakeholder organisation nominated to be represented on the committee, pursuant to clauses 6.8-6.10.

17. Charter Administration



Committee type:	Advisory statutory committee	Charter's latest review Date:	Each Council term or as required
Date Committee originally established:	1976 – LTC 1983 – Police involvement	Council resolution when Committee was originally established:	[insert number]
Date Committee last re-established:	[insert date]	Council resolution when Committee was last re-established:	[insert number]
Committee Coordinator	Infrastructure Manager	Document number:	DOC2024/144900
Minute Taker	[add role]		
Relevant strategic direction and/or objectives within Council's Community Strategic Plan:	[Insert relevant strategic direction]	Committee Members:	[insert member representative, voting or non-voting, indicate chair as well]
Related Policies / Protocols / Procedures / Documents:	<ul style="list-style-type: none"> A Guide to the Delegation to Councils for the Regulation of Traffic https://www.transport.nsw.gov.au/operations/roads-and-waterways/committees-communities-and-groups/committees-and-groups/delegations Roads and Maritime Services – Delegations to Councils – Regulation of Traffic https://www.transport.nsw.gov.au/operations/roads-and-waterways/committees-communities-and-groups/committees-and-groups/delegations Instrument of delegation and authorisation: Temporary Delegation to councils for minor works. https://www.transport.nsw.gov.au/operations/roads-and-waterways/committees-communities-and-groups/committees-and-groups/delegations Code of Conduct (DOC2018/086716) Committee Register (DOC2024/145794) Advisory Committees Procedure (DOC2017/025652) Undertaking(s) templates (DOC2019/013515 and DOC2019/013512) Attendance sheet template (DOC2019/013444) Nomination sheet template (DOC2019/013510) Media Policy (DOC2014/002728) 		
Dissolution date	One day prior to Council's next ordinary election (September 2028), unless otherwise resolved by Council.		

18. Charter History

Revision	Date Approved / Authority	Description of Changes
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1	3 April 2019 Ordinary Council WI21/2019	Terms of reference endorsed/adopted
2	16 March 2022 Ordinary Council WI12/2022	Terms of reference noted
3	TBA	New corporate template used. Document now referred as Charter and its content revised to accommodate new template. Clarified administrative processes noted therein

19. Appendices

19.1. Appendix A: TEMPLATE - Report to the LTC of the committee's performance

19.2. Appendix B: [Council's Code of Conduct](#)



APPENDIX A – TEMPLATE Report to Committee of Committee's performance

REPORT TO [COMMITTEE NAME]

SUBJECT: REVIEW OF [COMMITTEE NAME] PERFORMANCE

REPORT BY: [COMMITTEE COORDINATOR]

DATE: [DATE]

PURPOSE

This performance review is presented to the [Committee Name] Committee (**Committee**) in accordance with clause 13 of the Committee Charter.

RECOMMENDATION

That:

1. The [Committee Name] Committee adopts the performance review at **Attachment A**.
2. The Committee notes the Committee Coordinator will include the performance review report in the annual report to the elected Council.

BACKGROUND

1. It is important that Council committees operate effectively and in accordance with their Charters.
2. Committee performance reviews are a mechanism for monitoring effective performance, instilling good governance and thus promoting openness and transparency.



Attachment A - Performance of the Local Traffic Committee

[Note: Committee performance is based on the previous year
- eg. review carried out in 2019 on Committee's performance in 2018]

1. Did the [Committee Name] Committee (**Committee**) report to the elected Council as required by its Charter? (the report should detail the dates of each report/s to the elected Council)
2. Detail the number of meetings required to be held per calendar year as provided for in the Charter.
3. Detail the number of meetings held in [insert year], that were quorate.
4. The Committee Charter requires members of the Committee to conduct themselves in accordance with the Code of Conduct. Does the agenda include a standing item for Members to declare a conflict of interest? (yes/no)
5. Do Business papers of meetings:
 - a. Include relevant background information necessary to enable Members to make informed decisions (Yes/No).
 - b. Are distributed to Members in accordance with the timeframe set out in the Charter (Yes/No).
6. Do minutes of meetings:
 - a. Contain a summary of the decisions (Yes/No).
 - b. Are adopted by the Committee at a subsequent meeting (Yes/No).
 - c. Are distributed to Members in the timeframe set out in the Charter (yes/no – if no list details of reasons for delay).
7. Attach annual attendance details.
8. Have all Community Representatives attended induction? (Yes/No)

Approval

Committee Coordinator

Name:

Signature:

Date:

Governance

Name:

Signature:

Date:



Cessnock City Council Organisational and General Manager's Performance Review Panel Charter

Date Adopted: XXX Revision: 6

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PART A – INTRODUCTION

1. Principles

To ensure this Panel contributes to good public decision-making and increase Council's transparency and accountability to its community, Council is committed to running its Panel meetings to be:

- a) **Transparent** - Decisions are made in a way that is open and accountable;
- b) **Informed** - Decisions are made based on relevant, quality information;
- c) **Inclusive** - Decisions respect the diverse needs and interests of the local community;
- d) **Principled** - Decisions are informed by the principles prescribed under Chapter 3 of the Act;
- e) **Trusted** - The community has confidence that Members act ethically and make decisions in the interests of the whole community;
- f) **Respectful** – Members and attendees treat each other with respect;
- g) **Effective** - Meetings are well organised, effectively run and skilfully chaired; and
- h) **Orderly** – Members and attendees behave in a way that contributes to the orderly conduct of the meeting.

PART B – AUTHORITY AND PURPOSE

2. Panel Objectives

This Panel has two primary objectives:

- 2.1. the appointment and oversight of the General Manager in accordance with section 223 of the Act; and
- 2.2. the determination of the organisational structure in accordance with section 332 of the Act.

3. Panel Authority

- 3.1. In carrying out its responsibilities, the Panel must at all times recognise that the primary responsibility for the management of Council rests with the elected Council as provided in the Act.
- 3.2. The OLG has issued "*Guidelines for the Appointment and Oversight of General Managers*" (*Guidelines*) under section 23A of the Act which must be taken into consideration by Council when exercising its functions in relation to the recruitment and oversight of the General Manager. The *Guidelines* should be read in conjunction with the relevant provisions of the Act and the Regulation and the standard contract of employment for general managers approved by the Departmental Chief Executive of the Office of Local Government under section 338 of the Act (the approved standard contract).
- 3.3. The Council is required under the *Guidelines* to establish a performance review panel led by the Mayor, and delegated the task of undertaking the General Manager's



performance reviews, including discussions about any actions that should be taken and the determination of the new performance agreement.

3.4. The Office of Local Government has advised that this is not intended to be a Committee of Council to which the Code of Meeting Practice applies.

3.5. The Mayor is delegated the powers necessary to ensure this Panel is established and performs the functions and duties outlined in clause 5. Consequently, this Panel has delegated authority and can make decisions on behalf of the elected Council as allowed per section 355 of the Act.

3.6. Depending on the nature of the action the Mayor may seek the assistance of the People and Culture Manager to bring into effect the decisions of this Panel.

4. Panel Dissolution

This Panel will remain in existence until one day prior to Council's next ordinary election or until it is otherwise dissolved by Council.

5. Role and Responsibilities of the Panel

Delegations to the Mayor

5.1. The Mayor is delegated the task of ensuring:

- 5.1.1. the Panel is established and operating in accordance with this Charter and the *Guidelines*,
- 5.1.2. the General Manager's position description is current and evaluated in terms of salary to reflect the responsibilities of the position,
- 5.1.3. the proposed salary range reflects the responsibilities and duties of the position,
- 5.1.4. the position is advertised according to the requirements of the Act,
- 5.1.5. information packages are prepared, and
- 5.1.6. applicants selected for interview are notified.

Oversight of the General Manager

5.2. The Panel is authorised/responsible to perform the following functions in relation to the oversight of the General Manager:

- 5.2.1. To oversee the appointment, re-appointment, and/or separation of the General Manager and make recommendations to Council in this regard;
- 5.2.2. The process of performance management, including conducting the performance reviews, discussions about performance, any actions that should be taken and the determination of the new performance agreement;
- 5.2.3. Report the findings and recommendations of performance reviews, including any remuneration reviews, to Council;
- 5.2.4. Develop, in consultation with the General Manager, the performance agreement as amended from time to time and/or in accordance with the General Managers employment contract.

5.3. The Panel is to perform the functions noted in clause 5.2 in line with the *Guidelines*, as amended from time to time.



Organisational Structure

5.4. The Panel is authorised/responsible to identify the most appropriate and effective organisational structure capable of delivering strategic objectives of the organisation by recommending to Council:

- 5.4.1. The senior staff positions within the organisational structure of Council;
- 5.4.2. The roles and reporting lines (for other senior staff) of holders of senior staff positions;
- 5.4.3. The resources to be allocated towards the employment of staff.

PART C – COMPOSITION OF THE PANEL

6. Attendance and Membership

6.1. Attendance at any meeting of the Panel is limited to the following:

- 6.1.1. Members;
- 6.1.2. The Panel Coordinator (People & Culture Manager);
- 6.1.3. Attendees; and
- 6.1.4. Council staff and external personnel by invitation of the Panel.

Members

6.2. The Panel is constituted in accordance with the *Guidelines* and includes:

- 6.2.1. The Mayor, who shall be Chairperson;
- 6.2.2. The Deputy Mayor;
- 6.2.3. One Councillor nominated by resolution of the Council;
- 6.2.4. One Councillor nominated by the General Manager; and

Attendees

6.3. Attendees may be invited by the Mayor including:

- 6.3.1. The General Manager;
- 6.3.2. The Directors;
- 6.3.3. The Executive Assistant to the Mayor or General Manager, as minute taker.

6.4. Attendees are not entitled to vote.

Council staff and external personnel

6.5. The Mayor may invite Council staff and external personnel as set out in this Charter or the *Guidelines*.

6.6. Invited participants are not entitled to vote.

7. Involvement of other parties in General Manager's performance review

For the purposes of the review of the performance of the General Manager:



- 7.1. all Councillors who are not members of the Panel may be invited to contribute to the General Manager's performance review process in accordance with the *Guidelines*.
- 7.2. the Panel and General Manager may agree on the involvement of an external facilitator to assist with the process of the performance appraisal and the development of new performance agreements.
- 7.3. the Panel and General Manager may agree on the involvement of an independent observer on the Panel.

8. Conduct by Members

- 8.1. Members must conduct themselves in accordance with Council's Code of Conduct.
- 8.2. Conflicts of interest must be declared and managed in accordance with Council's Code of Conduct. A record of a declared conflict of interest in the minutes is sufficient.
- 8.3. Pecuniary or significant, non-pecuniary conflicts of interest must be managed by the Member excluding themselves from the meeting during the discussion of the relevant agenda item. Such exclusion should be recorded in the minutes.
- 8.4. Pecuniary or significant, non-pecuniary conflicts of interest must be managed by the Member excluding themselves from the meeting during the discussion of the relevant agenda item. Such exclusion should be recorded in the minutes.

9. Termination of Membership

- 9.1. Members must conduct themselves in accordance with Council's Code of Conduct.
- 9.2. Each Member shall remain a member of the Panel until:
 - 9.2.1. one day prior to Council's next ordinary election; or
 - 9.2.2. the Member resigns; or
 - 9.2.3. the Member is terminated.
- 9.3. Membership of any Member of the Panel may be terminated by resolution of the Panel due to:
 - 9.3.1. the Member's non-attendance at three consecutive Panel meetings without prior notification of their non-attendance and the granting of leave by resolution of the Panel; or
 - 9.3.2. the Member's conduct being inconsistent with this Charter or Council's Code of Conduct.
- 9.4. Councillor members may be removed or appointed by resolution of the Council.
- 9.5. Councillor membership terminates immediately upon a Councillor Member ceasing to be a Councillor.

10. Responsibility and requirements of the Panel Coordinator

- 10.1. The Panel Coordinator will be the People and Culture Manager and will undertake the following functions:
 - 10.1.1. authorise, in consultation with the Mayor, the draft Panel business papers ready for distribution;



- 10.1.2. ensure Members are familiar with this Charter and Council's Code of Conduct;
- 10.1.3. facilitate discussion at Panel meetings, provide input to meetings and actively contribute to the Panel's role and purpose;
- 10.1.4. focus the Panel on its responsibilities outlined in clause 5. of this Charter;
- 10.1.5. act as the communication link between the Panel and the elected Council;
- 10.1.6. manage the resources available to the Panel;
- 10.1.7. manage the performance of the Panel; and
- 10.1.8. work closely with the Chairperson to administer the Panel and its meetings.

11. Responsibility and requirements of the Minute Taker

11.1. The Minute Taker will undertake the following functions:

- 11.1.1. prepare agendas;
- 11.1.2. update the register of Members;
- 11.1.3. maintain a meeting attendance register;
- 11.1.4. take minutes at Panel meetings and prepares them for circulation;
- 11.1.5. collate Panel business papers prepared or submitted by Council officers, Panel Members, working parties and stakeholders;
- 11.1.6. book meeting venues and organise the provision of any necessary equipment;
and
- 11.1.7. provide administrative assistance.

PART D – BEFORE THE MEETING

12. Scheduling and Notifying of Panel Meetings

- 12.1. The Panel will meet as and when required, or as otherwise resolved by the Panel.
- 12.2. Additional meetings may be scheduled by the Chairperson or the elected Council.
- 12.3. Panel meetings will be closed to the public pursuant to section 10A(2)(a) of the Act as the matters and information discussed therein are personnel matters concerning particular individuals. This dispenses with the need to webcast the Panel meetings however the procedural closure of the meetings will be as outlined in Council's Code of Meeting Practice.

13. Agenda, Minutes and Resolutions

- 13.1. Agenda items and reports for the Panel will be forwarded to the Mayor no later than two weeks before the scheduled meeting.
- 13.2. All Panel business will be properly minuted and meetings will be conducted in accordance with the Code of Meeting Practice and Code of Conduct.
- 13.3. Minutes for inquorate meetings will note the informality of the meetings and no recommendations are to be recorded. In other words, such minutes will be for informational purposes only.



- 13.4. Panel meeting minutes will be reviewed by the Mayor and once approved, will be submitted to Council for adoption at the next available Council meeting.
- 13.5. The Panel is expected to make decisions by open vote and record its resolutions in the minutes of the Panel meeting.
- 13.6. The General Manager (or their delegate) may action resolutions, as they deem appropriate in accordance with their individual delegations and authorisations.

14. Quorum

- 14.1. A quorum is constituted by attendance of three (3) members of the Panel.
- 14.2. If a quorum is not achieved, an informal meeting may be conducted at the discretion of the Chairperson.

15. Reports to Council

- 15.1. It is the responsibility of the Panel Coordinator to report to the elected Council:
 - 15.1.1. The final minutes of each Panel meeting,
 - 15.1.2. if and when the Charter is to be adopted or due to a review in accordance with clause 16;
 - 15.1.3. where a Council resolution is required to enact a recommendation of the Panel, or where the Panel otherwise wishes to report information to the elected Council.
- 15.2. Panel recommendations to the elected Council are usually in the form of: *"The Panel recommends to the Council that..."* and are to be the same as resolved by the Panel.

General Managers Performance Review

- 15.3. For the purpose of the review of the performance of the General Manager only, the Panel should report back to Council in a closed session the findings and recommendations of its performance review as soon as practicable following any performance review.
- 15.4. This should not be an opportunity to debate the results or re-enact the performance review of the general manager.
- 15.5. The General Manager should not be present when this matter is considered.
- 15.6. The performance management report of any Council staff member, including the General Manager, should not be released to the public and should be retained on the appropriate confidential council employment file. Release of such personal information to, other than the Panel, the General Manager and the Councillors in confidence may be a breach of privacy legislation.

16. Public Comment

- 16.1. The Mayor/Administrator is the official spokesperson for Council, in accordance with Council's Media Policy, and no Members should speak to the media or members of the public on behalf of Council or the Panel.



17. Review of Charter

- 17.1.** This Charter will be reviewed, other than administratively, at the commencement of each Council term, or as otherwise determined by the elected Council, and may only be amended by a Council resolution.
- 17.2.** The General Manager or their delegate can make administrative amendments to this Charter without needing Panel endorsement nor a Council resolution. An administrative amendment is amending:
- 17.2.1. the name and titles of Members, provided there is a Council resolution supporting such an amendment;
 - 17.2.2. layout, numbering, grammar and syntax, spelling and the Administration part of this Charter (Part F).

18. Charter Definitions

Act	means the <i>Local Government Act 1993</i> (NSW).
Attendee	means Council staff members listed at clause 6.7 who are entitled to attend meetings.
Panel	means the Organisational and General Managers Performance Review Panel.
Panel Coordinator	means the People and Culture Manager responsible for the tasks set out in clause 9.
Council	means Cessnock City Council and where appropriate includes its administration or any successor council.
Member	means each of the individuals described in clause 6.2.
OLG	means the Office of Local Government.
Regulation	means the <i>Local Government (General) Regulation 2021</i>



19. Charter Administration

Committee type:	Panel
Charter Owner:	Mayor
Prepared by:	Governance
Charter Review Date:	Each Council term or as required
File Number / Document Number:	DOC2022/025410
Relevant strategic direction and or objectives within Council's Community Strategic Plan:	This Panel contributes to achieving all of the strategic outcome noted within Council's Operational Plan
Related Policies / Protocols / Procedures / Documents:	<ul style="list-style-type: none"> • Code of Conduct (DOC2018/086716) • Committee Register (DOC2024/145794) • Office of Local Government's <i>Guidelines for the Appointment and Oversight of General Managers</i> (2022) • Privacy Management Plan (DOC2014/005148)
Dissolution date	One day prior to Council's next ordinary election, unless otherwise resolved by Council.

20. Charter History

Revision	Date Approved / Authority	Description of Changes
1	15 February 2017	Terms of Reference adopted by Council (DOC2017/010687)
2	22 February 2022	New Charter drafted for new Council term
3	16 March 2022	New Charter adopted by Council
4	20 April 2022	Charter amendments adopted by Council
5	TBA	Amendments to the Charter to align with the Office of Local Government's <i>Guidelines for the Appointment and Oversight of General Managers</i>



COUNCILLOR REQUEST TO ATTEND CONFERENCE, SEMINAR OR TRAINING

COUNCILLOR DETAILS					
Name:					
Mobile Phone Number:				Dietary Requirements:	
CONFERENCE/SEMINAR/TRAINING DETAILS					
Course Name:		2024 Local Government NSW Annual Conference			
Organiser:		Local Government NSW		Location: Tamworth	
Date:		17-19 November		Cost: TBA	
				Job Number:	
Detail benefits to you and your role in Council					
Details of conferences / seminars / training already attended in this term of Council					
TRAVEL & ACCOMMODATION					
Accommodation					
Is Accommodation Required?		<input type="checkbox"/> Yes <input type="checkbox"/> No (if Yes please complete details below)			
Name:				Phone:	
Check in Date:				Check out Date:	
Travel					
Airfare Required?		<input type="checkbox"/> Yes <input type="checkbox"/> No (if Yes please complete details below)			
Other Transport Require?		<input type="checkbox"/> Yes <input type="checkbox"/> No		Transport requirement:	
Special Requirements?					
AUTHORISATION					
Mayor / Councillor					
Name:		Signature:		Date:	
General Manager					
Full Name:		Signature:		Date:	
<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved					
OFFICE USE ONLY					
	Date	Signature		Date	Reference / Reservation Number
Received by EA:			Registered in RM:		
TRIM link to HR:			Registration Booked:		
Clr Advised:			Accommodation Booked:		
			Travel Booked:		