

DOCUMENT TYPE:	Section 86 Committee Governance Manual
DOCUMENT STATUS:	Approved
POLICY OWNER POSITION:	Director Corporate Services
APPROVED BY:	Management Executive Group
DATE ADOPTED:	19/01/2017
VERSION NUMBER:	3
REVIEW DATE:	19/01/2019
RELATED STRATEGIC DOCUMENTS, POLICIES OR PROCEDURES:	Section 86 Committee of Management Policy
RELATED LEGISLATION:	Local Government Act 1989
EVIDENCE OF APPROVAL:	



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Signed by Chief Executive Officer

FILE LOCATION: K:\EXECUTIVE\Strategies policies and procedures\Procedures - adopted PDF and Word\Section 86 Committees of Management Governance Manual\PRC LC02 Section 86 committee of management policy V3.docx

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**This document is available in alternative formats (e.g. larger font) if requested.**

## 1 PURPOSE

This section provides information to members of Section 86 committees about Council's Section 86 committee of management policy.

## 2 SCOPE

The policy guides Council when determining whether to create or disband a Section 86 committee, and outlines Council's commitment to managing Section 86 committees.

## 3 SECTION 86 COMMITTEE OF MANAGEMENT POLICY

Council adopted a Section 86 committee of management policy at its Ordinary Meeting held on 28 January 2014.

The policy was developed to assist Council in identifying the grounds for creating a new Section 86 committee and disbanding an existing Section 86 committee. It also outlines Council's commitment to assisting current Section 86 committees of management in meeting their obligations.

The policy has been provided as Attachment 1.

## **4 REVIEW**

The Director Corporate Services will review this procedure for any necessary amendments no later than 2 years after adoption of this current version.

## **5 ATTACHMENTS**

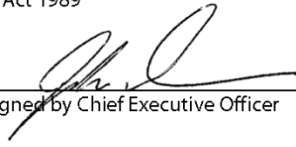
Attachment 1: Section 86 committee of management policy

DOCUMENT TYPE: Council policy  
DOCUMENT STATUS: Approved  
POLICY OWNER POSITION: Director Corporate Services  
INTERNAL COMMITTEE ENDORSEMENT: Not applicable  
APPROVED BY: Council  
DATE ADOPTED: 28/01/2014  
VERSION NUMBER: 1  
REVIEW DATE: 28/01/2018  
DATE RESCINDED:

RELATED STRATEGIC DOCUMENTS,  
POLICIES OR PROCEDURES:  
RELATED LEGISLATION:

Local Government Act 1989

EVIDENCE OF APPROVAL:



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Signed by Chief Executive Officer

FILE LOCATION:

K:\EXECUTIV\policies and procedures\Policies - adopted PDF and  
Word\Section 86 Committee of management policy v1.docx

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### 1 PURPOSE

This policy will guide Council on the creation and disbandment of committees of management in accordance with Section 86 of the Local Government Act 1989.

### 2 SCOPE

The policy applies to Council in its decision making around the creation and disbandment of Section 86 committees of management.

### 3 POLICY

#### 3.1 Creation and support of committees

Section 86 committees of management will only be formed by resolution at an Ordinary Meeting of Council, and where:

- Council deems that it would be beneficial to the community for a local committee to undertake the role for and on behalf of Council
- it is considered that Council will be able to manage any risks associated with the activity being undertaken by a local committee
- there is evidence of support for creation of the committee at a local level
- there is no incorporated body that undertakes the same role
- there is no opportunity to implement another legal structure, such as a lease or management agreement with an incorporated body.

Council will support Section 86 committees of management by providing:

- dedicated staff resources to provide advice and assistance in governance and operational matters
- up to date and relevant information for operating as a Section 86 committee of management in a governance manual for committees
- training in the requirements of Section 86 committee of management.

Council will monitor all Section 86 committees of management to ensure compliance with requirements of the Act and the Instrument of Delegation that guides their activities by:

- checking the return of minutes after meetings
- ensuring that committee memberships are updated annually following the Annual General Meeting
- ensuring that financial reports are audited in accordance with the Instrument of Delegation.

#### 3.2 Disbandment of committees

Section 86 committees of management will only be disbanded by resolution at an Ordinary Meeting of Council. Reasons for disbandment could include:

- Council deems that it would be more beneficial to the community to have Council staff manage directly the role previously undertaken by a committee
- Council is unable to manage the risks associated with the activity being undertaken by the committee
- there is evidence of support for disbandment of the committee at a local level
- an incorporated body approaches Council about undertaking the role of the committee
- the function previously undertaken by the committee is no longer required.

### 4 DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Term	Definition
Section 86 committee of management	<p>A committee created under Section 86 of the Local Government Act 1989, Special committees of the Council, which states:</p> <ol style="list-style-type: none"> <li>(1) In addition to any advisory committees that a Council may establish, a Council may establish one or more special committees of the following-               <ol style="list-style-type: none"> <li>(a) Councillors;</li> <li>(b) Council staff;</li> <li>(c) other persons;</li> <li>(d) any combination of persons referred to in paragraphs (a), (b) and (c).</li> </ol> </li> <li>(2) A Council may appoint members to a special committee and may at any time remove a member from a special committee.</li> <li>(3) Except as provided in subsection (4), a Council may by instrument of delegation delegate any of its functions, duties or powers under this or any other Act to a special committee.</li> <li>(4) A Council cannot delegate to a committee the following powers-               <ol style="list-style-type: none"> <li>(a) this power of delegation;</li> <li>(b) to declare a rate or charge;</li> <li>(c) to borrow money;</li> <li>(d) to enter into contracts for an amount exceeding an amount previously determined by the Council;</li> <li>(e) to incur any expenditure exceeding an amount previously determined by the Council;</li> <li>(f) any prescribed power.</li> </ol> </li> <li>(5) A Council may require a special Committee to report to the Council at intervals determined by the Council.</li> <li>(6) The Council must review any delegations to a special committee in force under this section within the period of 12 months after a general election.</li> </ol>
Instrument of delegation	The document that outlines the committee's activities, functions, and responsibilities to Council.
The Act	Local Government Act 1989
Ordinary Meeting of Council	Meetings at which general business of the Council may be transacted.

### 5 HUMAN RIGHTS STATEMENT

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act. Loddon Shire Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee Health and Safety Representatives in any workplace change that may affect the health and safety of any of its employees.

### 6 REVIEW

The Director Corporate Services will review this policy for any necessary amendments no later than 4 years after adoption of this current version.