

COUNCIL POLICY

Code of Conduct - Councillors and Special Committee Members	Document No:	CPL40.7
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1. Purpose

The purpose of the Code of Conduct is to set standards of conduct to deliver good governance and ensure that our community maintains confidence that Councillors and Members of Special Committees act with honesty, integrity and provide leadership for the municipality.

The Local Government Act requires all codes to include the following principles that must be followed in performing the role of Councillor and Special Committee Member:

The Primary Conduct Principles:

- Act with integrity, and
- Impartially exercise responsibilities in the interests of the community, and
- Not improperly seek to confer an advantage or disadvantage on any person.

General Conduct Principles:

- Avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations,
- Act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person,
- Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council officers and other persons,
- Exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office,
- Endeavour to ensure that public resources are used prudently and solely in the public interest,
- Act lawfully and in accordance with the trust placed in him or her as an elected representative, and
- Support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.

2. Scope

This Code of Conduct has been developed in accordance with the Local Government Act, 1989.

Council is required to adopt a Code of Conduct and to review that Code within 12 months after each General Election.

In fulfilling their various roles, Councillors will act in the best interest of the City of Greater Geelong community.

Activities shall be focused on:

- Determining Policy and direction of the Council;
- Achieving a balance in the diversity of community views to develop an overall strategy for the future of the City of Greater Geelong;
- Setting the objectives and determining strategies to achieve the Council's corporate objectives identified in City Plan;
- Achieving sound financial management and accountability in relation to the Council's finances;
- Ensuring that appropriate mechanisms are in place to reasonably deal with the prompt handling of residents' concerns;
- Promoting economic, environmental, social and cultural development in the best interests of the City of Greater Geelong community;
- Working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- Monitoring the implementation and achievement of City Plan and the performance of the Council's Chief Executive Officer;
- Meeting the statutory obligations imposed on Councillors and on Councils.

3. References

- Councillors' Expenses and Facilities Policy CPL45.2
- Pre Election Caretaker Policy CPL45.5
- Receiving Gifts and Benefits Policy CPL40.5
- Code of Conduct – Dispute Resolution Management Procedure MPR40.7.1
- Confidential Information in Reports Procedure MPR 40.6.1
- Local Government Act 1989
- Freedom of Information Act 1982
- Council Meeting Procedures Local Law 2009
- Human Rights Charter
- "Conflict of Interest in Local Government – A Guide" – DPCD
- "Guide to Councillor Conduct Arrangement" - DPCD
- Register of Interests – Primary and Ordinary Return forms.
- Assembly of Councillors Record of Meeting form.

This policy replaces:

- Confidential Information Policy CPL40.6
- Conflicts of Interest Policy CPL40.3

4. Definitions

"Act" means the Local Government Act, 1989.

"Policy" includes any policy adopted by Council from time to time.

"Information" includes letters, reports, documents, facsimiles, attachments, tapes or electronic media and/or other forms of information including verbal in.

“**Code**” means the Council Policy - Code of Conduct - Councillors and Special Committee Members.

“**Independent Appointee**” means a person suitably qualified in mediation or conciliation nominated by the President of the Law Institute of Victoria.

“**Councillor Conduct Panel**” – two independent MAV appointees whose role is to hear or deal with applications seeking resolution to alleged breaches of conduct.

VCAT – Victorian Civil Administrative Tribunal

Attachment 1 provides an extract of the Local Government Act detailing definitions of “Confidential Information”, “Direct Interest” and “Indirect Interests” and Special Committees

5. Policy

5.1 Overview of responsibilities of Councillors

Councillors are able to exercise authority as a member of Council after they are formally sworn in and when they meet formally as Council or a Special Committee. All decisions are made at Council or Special Committee meetings or through delegations that are formally made by Council.

Councillors as a group determine and monitor Council policy, direct and control Council's affairs and allocate resources, while recognising the Chief Executive Officer's role to ensure that the decisions of the Council are implemented without undue delay and to manage the Council's day-to-day operations in accordance with City Plan.

As individuals, Councillors communicate Council policy and decisions to stakeholders, exercise community leadership and represent the views of residents, businesses and other stakeholders to the Council.

Councillors will treat fellow Councillors and staff with respect. They will ensure that their interaction with staff and their use of Council information in the carrying out of their duties accords with Council's policies and any statutory requirements.

5.2 Relations between Council and the community

Consultation, representation, equity, openness and accountability are the key features of the relationships between Council and the Community. Councillors and Special Committee members shall:

- respectfully deal with members of the community in a courteous, fair, equitable and honest manner;
- strive to understand and respect different points of view within the community;
- be available to listen and respond to community concerns, but will avoid promising things which cannot or may not be delivered;
- make decisions in the best interest of the community after considering all relevant interests and points of view;
- be cognisant of the principles of procedural fairness prior to making statements on issues upon which public submissions have been invited;
- encourage partnerships with the community so that mutual strengths can be utilised to achieve common goals;
- encourage understanding and harmony and discourage divisiveness among citizens of the City of Greater Geelong;

- focus on the interests of the community, to the exclusion of personal ambition and self interest;
- seek to maintain community confidence in Council's ability to make informed and objective decisions.

5.3 Relations with other Councillors and Special Committee members.

Maintaining good working relationships between Councillors and between Special Committee members is integral to achieving the best outcomes for the community.

Councillors and Special Committee members shall:

- strive to achieve the best outcomes for the City by working with colleagues and staff in an atmosphere of mutual respect;
- be honest and open with other Councillors and other committee members;
- recognise and respect the strengths and weaknesses of fellow Councillors and Special Committee members and where possible offer encouragement and support;
- ensure punctual attendance at Council and committee meetings
- debate contentious issues without resorting to personal acrimony or insult;
- refrain from personal attacks on other Councillors and Special Committee members and focus on the issue at hand.

5.4 Relations between Councillors, Special Committee Members and Staff.

The relationship between Councillors, Special Committee Members and staff must be one of co-operation and support with a clear understanding of each others roles and responsibilities...

Councillors and Special Committee members shall:

- act respectfully towards staff dealing in a professional, courteous, fair, equitable and honest manner and avoiding intimidating behaviour;
- commit to working co-operatively with staff to achieve the Council's goals;
- develop mature and constructive working relationships based on mutual trust, respect and a recognition of common goals;
- understand and respect the distinction in roles of Councillors, Special Committee members and staff, as particularly described in the Local Government Act 1989, acknowledging that the Chief Executive Officer is responsible for the operations of Council and management of staff. Councillors will not involve themselves, directly or indirectly, in any personnel matter relating to a Council officer;
- acknowledge that Councillors and Special Committee members must not individually direct or instruct members of staff in the performance of their duties;
- acknowledge that direct access to Staff in the Office of the Mayor & Councillors shall be available in accordance with approved protocols;
- refrain from using their position to improperly influence members of staff in their duties or functions or to seek preferential treatment or gain an advantage for themselves or others;
- advise the Chief Executive Officer in a timely fashion of any concerns that a Council officer has acted contrary to a formal Council policy or decision. Any discussions pertaining to the performance of a Council officer should be held privately with the Chief Executive Officer or appropriate General Manager in a constructive manner.
- refrain from publicly criticising staff in a way that casts aspersions on their professional competence or credibility.

5.5 Use of information

The Local Government Act provides that a Councillor or former Councillor or Special Committee member must not make improper use of information acquired in their Council role or release information that the person knows, or should reasonably know, is confidential.

In their decision making process Councillors and Special Committee members are also privy to information which may at times be confidential and/or controversial. Councillors and Special Committee members shall:

- Use information to make informed and reasoned decisions in the best interest of the community;
- Only access information which is relevant to their Council role and for the purpose of Council business;
- Understand that except on matters before the Council, that they enjoy the same access rights to information as any other member of the community;
- Be prudent in the use of information that they acquire;
- Comply with protocols about the release of any information treated as confidential by the Council until the matter ceases to be confidential;
- Ensure that information is not used in a way which can cause detriment Council ;;
- Abide by the requirements of the Information Privacy Act, 2000 and any other Legislation applicable to personal information;

5.6 Confidential Information

Council operates in an environment of public accountability and scrutiny in which it seeks to inform the public of issues under consideration and decision making processes of Council and its Committees.

Whilst endeavouring to minimise the number of matters which are to be considered in confidential session, Council acknowledges that certain matters ought properly be considered in closed meetings.

A Councillor's right and duty to be informed, and to inform and consult with constituents, about the business before Council, needs to be balanced with the interest the Council has in preventing the disclosure or premature disclosure of confidential information.

This policy does not override the Council's obligations under the Local Government Act or any other legislation to disclose or publish information required by law to be disclosed or published. Confidential information shall not be disclosed to any third party without Council's consent or in accordance with any statement or embargo contained within the subject document.

The status of confidentiality shall be set out prior to the summary section of each Council Report or on the front page of each document which is categorised as confidential.

Prior to consideration of any Confidential Information, Council or a Special Committee must resolve to close the meeting to members of the Public.

Confidential information shall not be incorporated in an Agenda or Minutes of any Council or Council Committee Meetings except by reference unless in the Agenda or Minutes of a closed Meeting of the Council or Committee pursuant to Section 89 of the Local Government Act.

A Confidential Minute Book shall be maintained for any matters considered by Council or a Council Committee in accordance with Section 89 of the Local Government Act.

Unless otherwise endorsed, information contained within the confidential sessions of Council or a Council Committee shall remain confidential indefinitely.

Care must be exercised where the disclosure of information, not specifically identified as confidential, may prejudice the Council or other parties.

5.7 Register of Interests

Councillors, Special Committee members and senior officers as described under section 81 of the Act are required to lodge interest returns.

Primary Returns are to be lodged within 30 days of election or appointment to committee or position.

Ordinary Returns are lodged twice per year and reflect relevant interest during term of office.

The prescribed forms are available on Council's intranet site.

These returns form part of the Register of Interest maintained by the Governance Coordinator and are available for public inspection upon application.

5.8 Conflict of Interest

Council is committed to making all decisions impartially and in the best interests of the whole community. It therefore recognises the importance of fully observing the requirements of the Act in regard to the disclosure of conflicts of interest.

For the purpose of this Code "direct interest", "indirect interest" and "conflicts of interest", have the meanings specified in the Act (refer Attachment 1).

Councillors will comply with all the provisions of the Act in regard to Conflicts of Interest:

- If the Councillor considers that they have a **direct or indirect interest** in a matter before the Council, a special committee of council or an assembly of councillors, they have a conflict of interest
- If a Councillor has a **conflict of interest** in a matter they will comply with the requirements of the Act and ensure they disclose the class and nature of the interest and leave the room in which the meeting or assembly is being held during any discussion, debate and vote on the matter.
- If a Councillor has a personal interest in a matter to be considered by the Council or special committee that is not a conflict of interest, and the Councillor considers that their personal interest **may be in conflict** with their public duty to act impartially and in the interest of the whole community, the Councillor will declare a **conflicting personal interest** under section 79B of the Act immediately before the matter is considered at the relevant meeting and apply to the Council or special committee to be exempted from voting on the matter.

In addition to the requirements of the Act:

- Councillors will give early consideration to each matter to be considered by the Council, special committee of which the Councillor is a member, or Assembly of Councillors (see below), to ascertain if they have a conflict of interest
- Councillors recognise that the legal onus to determine whether a conflict of interest exists rests entirely with the individual councillor and that Council officers cannot offer any advice in relation to potential conflicts. If a councillor cannot confidently say that he or she does not have a conflict of interest, the councillor will declare a conflict of interest and comply with the relevant requirements as if they had a conflict of interest
- If the councillor considers that they may be unable to vote on a matter because of a conflict of interest, they will notify, as soon as possible, the Mayor or the Committee Chair, depending on whether the matter is to be considered by the Council, a special committee, or an assembly of councillors, as well as the Chief Executive Officer.

5.9 Assembly of Councillors

An Assembly of Councillors is deemed to exist when there is a planned or scheduled meeting of at least three Councillors and at least one staff member to discuss matters that are or may in the future be subject to a decision by Council or Special Committee. This includes Councillor Briefings and Advisory Committees.

An Assembly of Councillors form (available on Council's intranet site) must be completed and the disclosure rules for conflict of interests apply. This record is to be forwarded to the

Governance Co-ordinator, be retained for four years and is made available for public inspection for one year.

5.10 Benefits

There is no salary for carrying out the role of Councillor.

Councillors incur expenses in performing their duties and the Local Government Act 1989 recognises this by providing allowances for out of pocket expenses incurred while acting on behalf of the City of Greater Geelong.

Councillors should:

- Only claim, in accordance with the Act, for expenses incurred while acting as a Councillor on behalf of the Council in the manner prescribed by the Council;
- Use Council facilities and equipment economically and efficiently;
- Except in accordance with any policy of the Council, not use Council facilities, equipment and resources for personal benefit or for the benefit of any other person;
- Not induce or seek gifts or any other personal benefit by virtue of their position and adhere to the *Council Policy – Receiving Gifts and Benefits. CPL40.5*;
- Councillors shall observe the *Councillors Expenses and Facilities Policy CPL45.2* and acknowledge that details of expenses and facilities are public.

5.11 Appointments to other bodies

As part of their representative role, Councillors are often nominated to represent the City of Greater Geelong on external organisations.

Some appointments may be made as Government appointees to committees or they may be as a representative on a particular group.

It is important that Councillors:

- Clearly understand the basis of their appointment; and
- Comply with the requirements of the Local Government Act in relation to their appointment.

5.12 Council and Special Committee meeting attendance

The attendance of Councillors or Special Committee members at Council, Statutory, or Special Meetings will be recorded in the minutes.

Where practical, it is expected that any Councillor or Special Committee member, who is unable to attend a Council meeting, will lodge a written apology prior to the meeting.

5.13 Dispute resolution

For this Code to be effective and meaningful, appropriate mechanisms to report breaches need to be established. The Code needs to provide confidence that breaches will be dealt with appropriately and in a timely manner.

Before commencing any formal dispute resolution process, the Councillors who are parties to any disagreement will endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to represent the best interests of the community.

Any cases of clear breaches of the Code that are not dealt with appropriately will erode confidence in the ability of the Council to deal with complaints and reduce efficiency of the Council.

Instances of a Councillor or Special Committee member not complying with this Code should be reported in a timely manner by any Councillor or the Chief Executive to the Mayor.

The Mayor may determine that the matter may best be handled in the first instance, through a conflict resolution or mediation process established by the Mayor with the consent of the parties involved or in accordance with the ie. Code of Conduct Dispute Resolution Procedures MPR 40.7.1.

In the event that the Mayor is alleged to have breached the code, the Deputy Mayor or another Councillor determined by Council shall fulfil the role.

5.14 Sanctions or Referral to Councillor Conduct Panel

Sanctions may be applied if this Code or any relevant law is breached depending on the nature of the breach sanctions may be imposed by resolution of Council.

Council, having considered the report and recommendation of the Independent Appointee may resolve that a Councillor has failed to comply with this Code, and may, by resolution:

- Require the Councillor to apologise to the person concerned;
- Request a formal public apology;
- Pass a sanction motion at a Council Meeting;
- Make public disclosures of inappropriate conduct (such as making the community aware of the breach through the media or Annual Report);
- Refer the matter to an appropriate investigative body if the matter is serious;
- Withdraw or withhold the use of any Council provided facilities or privileges made available to the Councillor.
- Withdraw or re-allocate any Portfolio responsibilities or Chairperson role held by the Councillor.
- Withdraw or re-allocate any appointment of the Councillor to a Committee.

Additionally a matter may be referred to the Councillor Conduct Panel to make a finding of misconduct. This panel can also refer the matter to VCAT for a finding of serious misconduct and decisions of the panel may also be appealed through VCAT.

5.15 Statement of Caretaker procedures

The Council is committed to fair and democratic elections and has, by separate policy *Pre Election Caretaker Policy CPL45.5*, introduced requirements

- Consistent with Section 93A of the Act to ensure that inappropriate decisions are not made during the election period,
- Consistent with Section 55D of the Act to ensure that Council does not inappropriately publish or distribute electoral matter,
- To ensure resources of Council are not inappropriately applied during the election period.

5.16 Application of Code

Nothing in this Code overrides, prevails or amends the provisions of the Local Government Act 1989

5.17 Councillor Signatures

Councillors affirm to the principles and standards as outlined in the above Code:

Councillor Name	Signature
Cr B Abley	
Cr J Doull	
Cr J Farrell	
Cr K Fisher	
Cr C Granger	
Cr B Harwood	
Cr A Katos	
Cr S Kontelj	
Cr R Macdonald	
Cr J Mitchell	
Cr A Richards	
Cr D Saunderson	

Attachment 1 – Extract of the Local Government Act

77 Confidential information

- (1) A person who is, or has been, a Councillor or a member of a special committee, must not release information that the person knows, or should reasonably know, is confidential information.
- (2) For the purposes of this section, information is *confidential information* if—
 - (a) the information was provided to the Council or a special committee in relation to a matter considered by the Council or special committee at a meeting closed to members of the public and the Council or special committee has not passed a resolution that the information is not confidential; or
 - (b) the information has been designated as confidential information by a resolution of the Council or a special committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or special committee has not passed a resolution that the information is not confidential; or
 - (c) subject to subsection (3), the information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 89(2) and the Council has not passed a resolution that the information is not confidential.
- (3) Confidential information referred to in subsection (2)(c) ceases to be confidential at the expiry of the period of 50 days after the designation is made unless subsection (2)(a) or (2)(b) applies to the information.

77A Direct and indirect interests

- (1) A relevant person has a conflict of interest in respect of a matter if the relevant person has a direct interest or indirect interest in the matter.
- (2) A relevant person has a direct interest in a matter if the relevant person has an interest of a kind described in section 77B.
- (3) A relevant person has an indirect interest in a matter if the relevant person has—
 - (a) a close association as specified in section 78; or
 - (b) an indirect financial interest as specified in section 78A; or
 - (c) a conflicting duty as specified in section 78B; or
 - (d) received an applicable gift as specified in section 78C; or
 - (e) become an interested party as specified in section 78D.
- (4) A relevant person does not have a conflict of interest in a matter if the direct interest or indirect interest of the relevant person is so remote or insignificant that the direct interest or indirect interest could not reasonably be regarded as capable of influencing any actions or decisions of the relevant person in relation to the matter.

- (5) A relevant person does not have a conflict of interest in a matter if the direct interest or indirect interest the relevant person holds is one held as a resident, ratepayer or voter and the interest—
- (a) is held in common with other residents, ratepayers or voters; and
 - (b) does not exceed the interests held by other residents, ratepayers or voters.

77B Direct interest

- (1) A person has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.
- (2) Without limiting subsection (1), a person has a direct interest in a matter if—
- (a) there is a reasonable likelihood that the person will receive a direct benefit or loss that can be measured in financial terms if the matter is decided in a particular way;
 - (b) there is a reasonable likelihood that the residential amenity of the person will be directly affected if the matter is decided in a particular way.

78 Indirect interest by close association

- (1) In this section—

daughter means a biological daughter, step-daughter, adopted daughter, or female child for whom the person has custodial responsibilities;

direct relative means the spouse, domestic partner, son, daughter, mother, father, brother or sister of the person;

domestic partner of a person means—

- (a) a person who is in a registered relationship with the person;
or
- (b) an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—
 - (i) for fee or reward; or
 - (ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

family member means—

- (a) a spouse or domestic partner of the person; or
- (b) a son, daughter, mother, father, brother or sister that regularly resides with the person;

relative means—

- (a) a direct relative of the person;
- (b) a direct relative of a person who is the direct relative of the person;

son means a biological son, step son, adopted son or male child for which the person has custodial responsibilities.

- (2) A person has an indirect interest by close association in a matter if—
 - (a) a family member of the person has a direct interest or an indirect interest in a matter; or
 - (b) a relative of the person has a direct interest in a matter; or
 - (c) a member of the person's household has a direct interest in a matter.
- (3) For the purposes of the definition of *domestic partner* in subsection (1)—
 - (a) *registered relationship* has the same meaning as in the **Relationships Act 2008**; and
 - (b) in determining whether persons who are not in a registered relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case; and
 - (c) a person is not a domestic partner of another person only because they are co-tenants.

78A Indirect interest that is an indirect financial interest

- (1) A person has an indirect financial interest in a matter if the person is likely to receive a benefit or incur a loss, measurable in monetary terms, as a consequence of a benefit received or loss incurred by another person who has a direct or indirect interest in the matter.
- (2) Without limiting subsection (1), a person has an indirect financial interest that is a conflict of interest if—
 - (a) the person has a beneficial interest in shares of a company or other body that has a direct interest in the matter, except in the circumstances specified in subsection (3);
 - (b) the person is owed money from another person and that other person has a direct interest in the matter.
- (3) If a person, and family members of the person, hold shares in a company or body that has a direct or indirect interest in a matter with a combined total value that does not exceed \$10 000 and the total value of

issued shares of the company or body exceeds \$10 million, the person's indirect financial interest is not a conflict of interest.

- (4) Subsection (2)(b) does not apply if the other person is an authorised deposit-taking institution.
- (5) For the purposes of determining the value of shares under this section, the share value is to be taken from—
 - (a) the close of business on the most recent of 30 June or 31 December; or
 - (b) if the person has lodged an ordinary return since the most recent of 30 June or 31 December, the close of business on the date the return was submitted.

s. 78B

78B Indirect interest because of conflicting duties

- (1) A person has an indirect interest in a matter because of a conflicting duty if the person—
 - (a) is a manager or a member of a governing body of a company or body that has a direct interest in a matter;
 - (b) is a partner, consultant, contractor, agent or employee of a person, company or body that has a direct interest in a matter;
 - (c) is a trustee for a person who has a direct interest in a matter.
- (2) A person has an indirect interest in a matter because of a conflicting duty if the person held a position or role specified in subsection (1) and, in that position or role, dealt with the matter.
- (3) A person does not have an indirect interest because of a conflicting duty if—
 - (a) the person is only an employee in the service of the Crown or of a body established by or under any Act for a public purpose and the person has no current or expected responsibilities as that employee in relation to a matter;
 - (b) the person only holds a position in a not-for-profit organisation for which the person receives no remuneration and the person—
 - (i) was appointed or nominated to that position by the Council; or
 - (ii) was appointed to the relevant special committee of the Council to be a representative of the not-for-profit organisation;
 - (c) the person is only a Councillor who holds a position in the Municipal Association of Victoria or in another body that has the purpose of representing the interests of Councils;
 - (d) the person only holds a position that has been prescribed for the purposes of this section.

78C Indirect interest because of receipt of an applicable gift

- (1) In this section, *applicable gift* means one or more gifts with a total value of \$200 or more, received from a person or persons specified in subsection (2), in the 5 years preceding the decision or the exercise of the power, duty or function.
- (2) A person has an indirect interest in a matter if the person has received an applicable gift, directly or indirectly, from—
 - (a) a person who has a direct interest in the matter; or
 - (b) a director, contractor, consultant, agent or employee of a person, company or body that the person knows has a direct interest in a matter; or
 - (c) a person who gives the applicable gift to the person on behalf of a person, company or body that has a direct interest in the matter.

78D Indirect interest as a consequence of becoming an interested party

A person has an indirect interest in a matter if the person has become an interested party in the matter by initiating civil proceedings in relation to the matter or becoming a party to civil proceedings in relation to the matter

86 Special committees of the Council

- (1) In addition to any advisory committees that a Council may establish, a Council may establish one or more special committees of the following—
 - (a) Councillors;
 - (b) Council staff;
 - (c) other persons;
 - (d) any combination of persons referred to in paragraphs (a), (b) and (c).
- (2) A Council may appoint members to a special committee and may at any time remove a member from a special committee.
- (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.
- (4) A Council cannot delegate to a committee the following powers—
 - (a) this power of delegation;
 - (b) to declare a rate or charge;
 - (c) to borrow money;
 - (d) to enter into contracts for an amount exceeding an amount previously determined by the Council;
 - (e) to incur any expenditure exceeding an amount previously determined by the Council;
 - (f) any prescribed power.
- (5) A Council may require a special Committee to report to the Council at intervals determined by the Council.

(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.

(7) A committee that exercises a power, or performs a duty or function, of the Council that has been delegated to that committee under any Act is a special committee for the purposes of this Act.