



Bega Valley Shire Grants Committee

Terms of Reference 2022-25

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1. Introduction

Under the *NSW Local Government Act 1993*, councils are given extensive functions in respect to the operation of a wide range of activities.

The *NSW Local Government Act General Regulation 2005* advises that:

- (1) A council may, by resolution, establish such committees as it considers necessary.
- (2) A committee is to consist of the Mayor and such others as are elected by, or appointed by the council.

This Terms of Reference document details the function, role and restrictions of the Grants Committee as well as the responsibilities of Committee members.

2. Governance and Accountability

The Committee is delegated to allocate grant funding on behalf of Bega Valley Shire Council. The Committee representatives will provide an oversight role with Council staff and relevant technical panel members managing the review and assessment of grant applications. Grants will be awarded in accordance with Council's annual grant guidelines and within the adopted grant budget.

The Committee members will be:

- The Mayor as Chairperson,
- Two Councillors, nominated by resolution of the elected Council, and
- The Director of Business and Governance or their delegate.

The Councillor Grant Committee representatives will be required to support a combined presentation event for grant recipients.

The term for the Committee will generally coincide with the term of the elected Council, with membership to be decided via a report to Council.

3. Correspondence and communication

The Committee is able to write to any person, body, organisation or agency in the pursuit of information which, in the Committee's opinion is an integral part of information and data gathering and collecting to enable the Committee to be best placed to advise the Council on a matter properly within the Committee's purview.

The Committee is able to write or otherwise communicate with any person, body, organisation or agency on any other matters within the Committee's purview which are not of a contentious nature. A contentious matter is taken to be a matter which has (at least) the potential to be derogatory, unseemly, not in the public interest or likely to erode public confidence in the Council.

All correspondence or other communication in connection with the business of the Committee should be authorised by the Committee wherever circumstances permit.

Advice on decisions made by the Committee will be provided to Councillors and released to the community in line with the timeframes decided by the Committee.

4. Meeting procedure

The Mayor, or in their absence, a Councillor shall preside at all meetings of the Committee. Meetings will be chaired and minuted, and all members must adhere to the Bega Valley Shire Code of Conduct and Code of Meeting Practice.

Responsibility for the facilitation of the Committee will sit with Council's Business and Governance Directorate, which will ensure minutes and agenda are prepared and actions arising from the meetings are distributed to the Committee and relevant Council staff.

Committee meetings will be scheduled following panel assessment of all grant submissions received as part of Council's annual Community Grants Program.

Notice of Meetings are to be given to all members of the Committee at least five working days before the intended date of the meeting unless a time and date for meetings has been established by resolution of the Committee.

The Quorum of a meeting shall be a majority of members of the Committee. The majority is taken to be one half of the number of the Committee members rounded up to the next number. (ie in the case of a four-member Committee such as this, the quorum is three members).

Each member present at a meeting of the Committee who does not have a Pecuniary or Non-pecuniary Interest in the matter under discussion is entitled to one vote and any matter before the Committee shall be determined by a majority of the votes of members present. The Chairperson shall, in the case of equality of voting at any meeting, be entitled to a casting vote.

5. Code of Conduct - Conflict of Interest, Pecuniary and Non-pecuniary Interests

Council recognises the importance of the Committee being transparent in all its dealings and has adopted a Code of Conduct and Code of Meeting Practice, which shall be observed by all Council Committees. .

In order to assist members' Conflict of Interest, Pecuniary and Non-pecuniary Interest are defined below:

A **Conflict of Interest** exists when a Committee person has to deal in a matter in their public capacity, which is also a matter where the person:

- (a) has a private interest arising out of kinship, friendship, membership of an association, society or trade union, or involvement or interest in an activity, or
- (b) could reasonably be perceived by others as one in which a conflict of interest could possibly exist.

A **Pecuniary Interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom that person is associated.

A **Non-pecuniary Interest** is a private or personal interest that a person has that does not amount to a pecuniary interest as defined in the *Local Government Act 1993* (e.g. a friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

If a Committee member feels that they may have either a pecuniary or significant non-pecuniary conflict of interest, it is their obligation to ensure that they comply with Council's Code of Conduct. In summary, the person is to declare that interest and is to depart the meeting taking no part in discussion or voting on the matter under discussion. There are serious consequences for breaches.

6. Insurance

Public Risk Insurance

As a committee of Council, appointed under the provisions of the *Local Government Act 1993*, members of the Committee are automatically included in Council's Public Risk Insurance cover. Members of this Committee are only covered by Public Risk Insurance when acting within the scope of their delegation.

The following general information applies to the Public Risk policy:

- (a) The Public Risk policy covers Council and the Committee against claims made by members of the public for personal injury or injury to personal property arising from a negligent act or omission of Council and/or the Committee.
- (b) When an accident occurs, members of the Committee are instructed that they are not empowered to admit liability. For action to be taken in these circumstances see paragraph (c)
- (c) Members of the public who wish to make a claim should be requested to state their claim in writing setting out full particulars of the accident (where, when and how) and the grounds on which they hold the Committee (or Council) responsible.
- (d) When a Committee member receives a claim from a member of the public, the Director Business and Governance, or their delegate, will question the member/s involved and submit a report in writing to Council concerning the incident, which addresses all of the points raised in the claim, together with a copy of the letter of claim.

Personal Accident Insurance

Council has arranged a Personal Accident Policy to cover all members of the Committee. In the event of an accident while undertaking Committee duties, the Committee member will report the incident to Council's Director Business and Governance as soon as possible.

7. Assistance to Committees

Council is committed to ensuring that the AIAC has the support of Council staff to fulfil its roles and responsibilities detailed in these Terms of Reference. Questions about these Terms of Reference should be directed to the Director of Business and Governance on 6499 2222.

Copies of the Council's Code of Conduct and Code of Meeting Practice are available upon request or from Council's website – [Policies, Procedures, Delegations – Bega Valley Shire Council \(nsw.gov.au\)](https://www.bega.nsw.gov.au/policies-procedures-delegations)