

Advisory Committee Policy

Approval Body:	Council
Endorsement Date:	3 September 2019
Council Plan Reference:	3.1
Current Version:	5.0 <i>Council policy documents change from time to time and it is recommended that you consult the electronic reference copy on Casey Council's Website to ensure that you have the current version. Alternatively, you may contact Customer Service on 9705 5200.</i>
Compulsory Review Cycle:	4 years
Review Date:	30 September 2023 <i>It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively.</i> <i>Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.</i>
Responsible Department:	Governance
Relevant Legislation:	<i>Local Government Act 1989</i>
Relevant Council Documents:	Code of Conduct for Volunteers, Councillor Code of Conduct, Volunteer Confidentiality Agreement
Breaches:	Breaches will be dealt with under the provisions of the following: <ul style="list-style-type: none"> • Code of Conduct for Volunteers • Councillor Code of Conduct • Section 77 of the <i>Local Government Act 1989</i> • Section 76BA of the <i>Local Government Act 1989</i> • Section 76D(2)(b) of the <i>Local Government Act 1989</i> • Volunteer Confidentiality Agreement
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1. Purpose and Intent

This policy guides the establishment, operations, review and disbanding of Advisory Committees.

The establishment of an Advisory Committee is dealt with under sections 3(1) and 86 of the Act.

There is a growing expectation by stakeholders, communities and customers that they will have an opportunity to influence government decisions that affect their lives. Advisory Committees are one of a number of ways of enabling public participation in decision making. Such a committee may be established to provide strategic level input into a broad area of Council's operations. An Advisory Committee may also be appropriate in the case of a specific time-limited project, such as a review of a Local Law.

In line with the definition of Advisory Committees in Section 3 of the Act, Advisory Committees advise Council. They are not responsible for expenditure and cannot direct Council officers. Where Advisory Committee recommendations are beyond the delegated power of Council officers, recommended actions, along with the minutes of the meeting are submitted to Council for final decision.

2. Scope

All Advisory Committees established by Council are covered by this policy with the exception of the Audit and Risk Committee which is regulated by section 139 of the *Local Government Act 1989* (The Act).

3. Definitions

Key term	Definition
Council	means Casey City Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989
Councillors	means the individuals holding the office of a member of Casey City Council
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.

4. Policy

4.1. When is an Advisory Committee appropriate?

An Advisory Committee is appropriate where it can be used to gain strategic level input from a broad cross section of the community, or from individuals with specialist expertise.

Advisory Committees should align to the Council Plan, as this will allow the committee to assist in the delivery of strategic long-term outcomes in accordance with the Council Plan.

An Advisory Committee is not appropriate where the subject matter is operational or there are more effective and inclusive ways of gaining representative community input from and communicating with relevant members of the community or a Councillor Portfolio already covers the subject matter.

4.2. General Advisory Committees

An Advisory Committee shall be established by resolution of Council.

Prior to the establishment of an Advisory Committee, Council shall consider a report covering the following issues:

- Why an Advisory Committee is appropriate and it's purpose
- If any Councillor Portfolio/s are relevant to the Advisory Committee
- The terms of reference of the proposed Advisory Committee
- If any or all of the Advisory Committee members will be remunerated

4.3. Award and Grant Specific Panels

Council will appoint members of the community to award and grant selection panels. Award Panels are different from Advisory Committees in that they do not provide strategic level input but assess nominations for awards and grant applications against predetermined criteria.

Panel meetings are convened for the specific purpose of assessing the nominations and applications. No quorum is required. The Panel will make recommendations which form the basis of a report to Council, but no formal minutes are required.

Similar to Advisory Committee meetings, the following protocol applies to panel meetings:

- The Panel will likely constitute an Assembly of Councillors which will be reported to Council;
- A Councillor will chair the meeting;
- Members of the community who have not been recruited to sit on the Panel are not able to attend meetings;
- Information discussed, received, used or created by the Panel is confidential; and
- Indirect or direct conflict of interest must be declared.

4.4. Limitations of Authority

An Advisory Committee has no authority to:

- Expend moneys on behalf of Council
- Commit Council to any arrangement
- Consider any matter outside its area of reference
- Direct Council officers in the performance of their duties.

4.5. Terms of Reference

The role of an Advisory Committee, including the limits to its power, shall be clearly defined in terms of reference for Council adoption.

The terms of reference of an Advisory Committee should be consistent with and refer to this policy. A copy of this policy and the terms of reference should be provided to all new members of an advisory committee.

Terms of reference must include:

- The purpose of the advisory committee
- The advisory committee's objectives
- Length of Time the Advisory Committee will operate (no more than 4 years)
- Members and Terms of Appointment, including any expert members
- The amount of remuneration if any, paid to committee members
- Any sub-committees or working groups
- Budget and Council staff allocated to support the advisory committee

4.6. Membership and Term of Appointment

The membership of an Advisory Committee will vary depending upon its specific role.

It is recommended that each Advisory Committee should consist of the following:

- Up to four (4) Councillors of the City of Casey
- Up to twelve (12) community representatives
- Two (2) Council staff representatives

Council can approve membership which is above or below the recommended levels as required.

Recommendations will be made to Council for deliberation on membership. Council delegates shall generally be appointed for one-year at the annual Special Council meeting which elects the Mayor.

Community members shall form a majority of members on a Committee. All members are eligible for re-appointment. Council encourages Advisory Committee membership that reflects the diversity of the community.

A member may resign from an Advisory Committee at any time by advising of their resignation in writing to the Chairperson. Council may appoint a community representative to fill the vacancy for the remainder of the term from the original pool of applicants.

The length of term for volunteer members can be either 1, 2, 3 or 4 years, but all volunteer members must have the same length of term.

A member who is absent for more than two (2) consecutive meetings, without leave or reasonable excuse, may be requested to explain their absence. In the event that absenteeism of a member is ongoing, the Committee may request Council to declare the position vacant.

Meetings are closed to members of the public due to confidentiality of matters discussed.

4.7. Community Member Selection Process

Community representatives shall be selected through a nomination process, advertised in local newspapers, Council's website, Facebook Page and other relevant networks relating to the Advisory Committee area of interest. An assessment panel of at least one delegated Councillor and two community members of the Committee will recommend on the selection of representatives to fill vacancies. Council officers will provide recommendations for membership in a report to Council for final determination.

Community membership will be based on the following criteria:

- Willingness to make active contribution to discussion;
- Strong community networks and linkages;
- Current involvement in the community in the interest area that relates to the purpose of the Advisory Committee; and
- A capacity to commit to the Advisory Committee for the required duration
- Reflect our diverse community

4.8. Appointment of Expert Members

Depending on the subject matter of an advisory committee, it may be necessary to appointment members with a particular expertise or background. These members will be volunteers unless specified in the committee's terms of reference.

The appointment of expert members can be by invitation or following the process outlined in 4.7.

Before an expert member is appointed to a committee, the position should be endorsed in the committee's terms of reference, if this position is an additional or new position.

4.9. Chairperson

The position of Chairperson shall be filled by a Councillor. In the event of a Councillor not being in attendance, the Committee will appoint a temporary Chairperson for that meeting.

4.10. Voting Rights and decision making

For voting purposes, the Chairperson shall accept motions duly moved and seconded by members of the Advisory Committee and the vote taken by a show of hands. Council officers and guest are not members of the Advisory Committee and do not have voting rights.

Councillors who are not members may attend as observers but are not entitled to vote.

A quorum of members is not less than fifty percent of the number of members of the Committee who are entitled to vote.

If a quorum is not present within half an hour after the scheduled commencement time of an Advisory Committee meeting, the meeting is to be abandoned.

Consensus decision making is preferred. However, all members are entitled to vote and a matter may be voted upon at the discretion of the Chairperson, who shall have a casting vote in the event of an equal number of votes.

4.11. Use Video and Teleconference at Committee Meeting

Committee members may use video or teleconference technology to attend committee meetings. If a member uses this technology to attend the meeting they will be counted towards the quorum, but the minutes should reflect that they attended via the use of this technology.

At all times, any committee members using this technology must ensure that they are in a private space in which the confidentiality of the meeting is protected at all times.

4.12. Support, Budget and Reporting of Minutes and Recommendations to Council

All secretariat tasks for the Committee will be undertaken by Council officers.

The relevant department manager is responsible for providing support to the advisory committee.

Each Committee should be supported by:

- At least one Council officer with relevant subject matter knowledge to attend all meetings
- At least one Council officer to provide business support to attend all meetings
- A budget of at least \$1500
- A Casey Conversations Page
- Each Advisory Committee member will also be issued with a name tag and volunteers lanyard.

All minutes of the Advisory Committee meetings will be presented to Council at an ordinary Council meeting as soon as practicable. Council officers will prepare a report to accompany the minutes of each meeting.

Matters relating to meeting procedures shall be governed by Local Law No.1 2016 – Meeting Procedures and Use of the Common Seal and this Policy, as amended from time to time.

As a guide, the following information should be included in the minutes:

- The name of the meeting
- The date, time and place of the meeting
- The time at which the meeting commenced and concluded
- The times of any adjournment and resumption of the meeting
- The names of the members present and a record of their attendance during the whole meeting
- Details of any direct or indirect conflicts of interest disclosures in accordance with the Act
- Names of members who moved and seconded any motion or amendment
- Details of any presenters

Minutes of all meetings must be circulated to all members and reported to Council. Minutes must be confirmed at the next meeting. Minutes of the meeting will be made available no later than 1 week after the meeting is held.

4.13. Assembly of Councillors

An Advisory Committee with one or more Councillors present (whether members of the Committee or not), becomes an Assembly of Councillors, in accordance with Section 3 (1) of the Act. The minutes or notes of the meeting must be reported to the next meeting of Council as soon as practicable.

Councillors must comply with the Councillor Code of Conduct.

4.14. Volunteers

Advisory Committee members other than Councillors are volunteers. Following appointment by resolution of Council they must sign a declaration that they will abide by any guidelines approved by the Chief Executive Officer to cover the conduct of volunteers, including the avoidance of conflicts of interest, and undertake training and skills development as required. Council's Code of Conduct for volunteers must also be complied with. A copy of the Code must be provided to all new members.

4.15. Sub-Committees and Working Groups

Sub-Committees and working groups may be formed if allowed for in the Advisory Committee's terms of reference. Membership of sub-committees and working groups is limited to members of the relevant advisory committee.

Sub-Committees and working groups should only be formed if they align to the Committee's terms of reference and I have a clear objective.

It is preferred that Casey Conversations is used to share and discuss ideas instead of a Sub-Committees or working group being formed.

The sub-committee/s should meet prior to the Advisory Committee and is supported by a specialist officer. Committee members have the option of nominating which sub-committee/s they wish to sit on.

No minutes are kept of the sub-committee meetings, but the report-back is incorporated into the Advisory Committee minutes that are reported to Council.

4.16. Non-members

Non-members may be invited to attend an Advisory Committee to present or provide specialist advice. However, they must not be involved in the development of recommendations to Council.

4.17. Conflicts of Interest

If a member or attending Councillor has a direct or indirect conflict of interest (i.e. interest by close association, financial interest, conflicting duty, personal gain or loss, or future interest as stated in Section 77A and 77B of the Act) becoming an item to be considered or discussed by the Committee, the member or attending Councillor must disclose this to the Chairperson if they are attending the meeting.

Once a declaration of either a direct or indirect conflict of interest has been made, the member or attending Councillor must leave the room and remain outside until the conclusion of the relevant discussion. The time of leaving the meeting room and the time of their return must be recorded in the minutes or notes of the meeting.

If a member of an Advisory Committee nominates for Council elections they must stand down from their Committee position from the time of declaring they have nominated until the result of the election is announced.

4.18. Publicity

Committee members, with the exception of the Chairperson, must not make statements to the media or on social media about Council business or items discussed by the Advisory Committee. Instead all media enquiries should be referred to the Communications Department for response (as per Council's Code of Conduct for Volunteers). The City of Casey, by resolution of Council, may terminate a Committee member's term for making any statement to the media or on social media.

4.19. Confidentiality and non-disclosure

Information discussed, received, used or created by the Committee is confidential. Any member of the Advisory Committee must not disclose information that they know, or should reasonably know, is confidential information (in accordance with Section 77 of the Act). Members must sign and abide by a 'Confidentiality Agreement' before attending their first Committee meeting.

The City of Casey, by resolution of Council, may terminate a Committee member's term for breaching the Confidentiality Agreement.

4.20. Restriction of Information Use

A Committee member must not photocopy or in any way record, retain, or reproduce confidential information.

A Committee member must not permit any person who is not a member of the Committee to view,

read, photocopy, make notes of or in any way record confidential information.

4.21. Review of Advisory Committees and terms of reference

All Advisory Committees should be formed for a specific period and/or function.

Scheduled reviews are vital to ensure that an Advisory Committee is delivering value to the community.

Terms of reference of all Committees will be reviewed on a bi-annual basis.

Advisory Committees shall be reviewed:

- Within 12 months of a Council election, or
- if a quorum is unable to be formed on three successive meetings or
- Three months prior to the end of the nominated length of operation of the Committee in it's term or reference or
- By Council resolution

The review will be conducted by the relevant Manager and must include/consider:

- The Committee's achievements;
- Whether the purpose and objectives of the Advisory Committee (as stated in the terms of reference) have been met;
- Councillor attendance;
- Achievement of quorums; and
- Satisfaction survey of Advisory Committee members to provide feedback on the Committee and its operation.

4.22. Reporting the results of a Review

The results of a review shall be reported to Council. The report shall consider:

- The review findings, including the Committee's achievements; and
- Whether there is a demonstrated need for the Committee to continue.

4.23. Disbanding

An Advisory Committee ceases to exist at the conclusion of the period specified in its terms of reference unless Council resolves that it continue. Council may also disband a Committee following a review or at any other time.

4.24. Responsibilities

Who	What
Governance Department	Is responsible for reviewing the policy and providing guidance on the policy to the relevant Council Departments
Relevant Department	Is responsible for supporting and managing any relevant Advisory Committees as per this policy
Councillors	Will be the chairperson and official spokesperson of any committees they are members of and act in with the Councillor Code of Conduct
Volunteer Committee Members	Attend committee meetings and act in accordance with the Code of Conduct for Volunteers

4.25. Breaches

Breaches will be dealt with under the provisions of the following:

- Code of Conduct for Volunteers
- Councillor Code of Conduct
- Section 77 of the *Local Government Act 1989*
- Section 76BA of the *Local Government Act 1989*
- Section 76D(2)(b) of the *Local Government Act 1989*
- Volunteer Confidentiality Agreement

5. Relevant Forms

Title	Link
Volunteer Confidentiality Agreement	

6. Document History

Date approved	Change Type	Version	Next Review Date
3 September 2019	Major Review and transfer into new template.	5.0	30 September 2023
21 February 2017		4.1	
17 June 2014		3.2	