

## Mansfield Shire Advisory Committees 2017

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| <b>Unit:</b><br><i>Governance</i> | <b>Effective From:</b> 19 December 2017<br><b>Review Date:</b> 31 December 2020<br><b>Version:</b> 1<br><b>Trim Reference:</b> E583 | <b>Origin:</b><br>Responsible Officer<br><i>Governance Co-ordinator</i><br>Authorising Officer:<br><i>For endorsement by Council: 19 December 2017</i> |
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### Governance Use Only

#### Action / Status:

- To EMT for comment/review on: [4 September 2017](#)
- Staff consultation required: *No*
- Reviewed by Audit & Risk Advisory Committee: *No*
- Reviewed by Councillors: *Yes*
- Endorsed by Council: [Endorsed by Council – 19 December 2017](#)

## PURPOSE/OBJECTIVE

The purpose of this policy is to provide a consistent approach to the establishment, appointment of members, review, reporting and support processes in relation to Mansfield Shire Council advisory committees.

## POLICY STATEMENT

Advisory committees are established by a resolution of Council in accordance with the provisions of the *Local Government Act 1989* (the Act).

Advisory committees provide a mechanism by which interested parties and individuals can provide input into Council affairs on matters referred to the committee. They are a key strategy for community consultation as outlined in the Council Community Engagement Strategy.

Where an advisory committee has a Councillor as a member, it is, in accordance with s3(1) of the Act, also an Assembly of Councillors. Accordingly, that advisory committee must comply with the provisions of s80A of the Act.

## DEFINITIONS

**Advisory Committee:** a formally organised committee of representatives from the community who bring unique knowledge and skills to more effectively guide the organisation. Council's Advisory Committees also comprise Councillors and Council officers

**Act:** *Local Government Act 1989*



## SCOPE

Advisory committees do not have delegated authority and have an advisory or recommendatory role for Council, primarily on strategic issues. In other words, advisory committees do not have the power to make a determination; their role is to advise Council on a particular position, or course of action, which might be taken.

The Advisory Committee will be responsible for providing advice to Council in accordance with the Committee's Charter.

Members of Council committees are required to comply with the confidential information provisions contained in Section 77 of the Act.

It is recognised that members of advisory committees may be in receipt of confidential or sensitive information that should not be disclosed without the consent of the Council or the Chief Executive Officer.

This policy applies to Council, community representatives appointed to Advisory committees, and Council staff.

## RESPONSIBILITIES

Overall responsibility for the application of this Policy is held by the Chief Executive Officer.

Managers are responsible for ensuring their staff comply with the principles, practices and any associated procedures of this policy. Management, employees and community representatives appointed to the advisory committee are to be familiar with, and competent in, the application of this Policy, and are accountable for the delivery of this policy within their areas of responsibility.

The Governance Unit is the owner of this policy. Any reviews of this Policy must be made in consultation with the Governance Co-ordinator and the Chief Executive Officer.

## REFERENCES / RELATED POLICIES

*Local Government Act 1989*

Mansfield Shire Community Engagement Strategy

Mansfield Shire Community Local Law No. 2 – Meeting Procedures and Common Seal

Mansfield Shire Councillors' Code of Conduct and Councillor Charter

## IMPLEMENTATION

This Policy is effective from 19 December 2017.



## REVIEW DATE

This Policy is to be reviewed by 31 December 2020.

## AUTHORISATION TO IMPLEMENT POLICY

This Policy was endorsed by Council on 19 December 2017

Signed:   
Councillor

Witnessed:   
Chief Executive Officer

Approval dated: 19 December 2017

**Mansfield Shire Council reserves the right to review, vary or revoke this Policy at any time.**



# COUNCIL ADVISORY COMMITTEE PROCEDURES

The following procedures are designed to ensure that all decisions relating to this policy are made in a consistent and open manner.

## 1. Role

Advisory committees provide a mechanism by which interested parties and individuals can provide input into Council affairs on matters referred to the committee. They are a key strategy for community consultation as outlined in the Council Community Engagement Strategy.

## 2. Decision making powers

Advisory committees do not have delegated authority and have an advisory or recommendatory role for Council, primarily on strategic issues. In other words, advisory committees do not have the power to make a determination; their role is to advise Council on a particular position, or course of action, which might be taken.

## 3. Establishment

Advisory committees are established by a resolution of Council in accordance with the provisions of the *Local Government Act 1989* (the Act).

Where an advisory committee has a Councillor as a member, it is, in accordance with s3(1) of the Act, also an assembly of Councillors. Accordingly, that advisory committee must comply with the provisions of s80A of the Act.

In establishing an advisory committee, Council will, as a minimum, endorse/consider the following:

- The terms of reference (Charter) for the committee;
- Selection criteria for community members;
- The number of members of the committee;
- Any specific interest groups or community organisations to be represented on the committee;
- The term or lifespan of the committee; and
- Any legislative requirements.

In accordance with item 13 (Cessation Clause), advisory committees constituted pursuant to the Act, have a term not exceeding the length of the Council term within which they are constituted.



Accordingly, at the expiration of the Council term, all advisory committees cease to exist (except where other legislation requires continuity). At the commencement of a new Council term, and where the new Council requires or wishes, or where there is a legislative requirement that previously existing advisory committees be constituted to continue a program or project (or other requirement), the new Council may constitute those advisory committees. If such advisory committees are established Council may:

- do so without reviewing the terms of reference (Charter), but will require the advisory committee to review the Charter within twelve months of constitution, and present recommendations to Council for consideration and adoption or otherwise;
- will resolve the membership required (including specific groups), the Councillor representation on the committee, and the term of the committee; and
- will, where Council constitutes a previously existing advisory committee, require recruitment of membership to be undertaken in accordance with item 8 (Appointment of Advisory Committees).

#### **4. Responsibility**

The advisory committee will be responsible for providing advice to Council in accordance with the committee's Charter.

#### **5. Code of Conduct**

In performing the role of an advisory committee member, a person must:

- act honestly;
- exercise reasonable care and diligence;
- not make improper use of information acquired because of their position; and
- adhere to the purpose and role of the advisory committee.

Where the member of the committee has an interest or conflict of interest in relation to a matter in which the committee is concerned, or is likely to be considered or discussed, the member must disclose the interest to the committee before the matter is considered or discussed at the meeting. Disclosure must include the nature of the relevant interest and be recorded in the minutes of the meeting.

#### **6. Confidential and Sensitive Information**

Members of Council committees are required to comply with the confidential information provisions contained in Section 77 of the Act.

It is recognised that members of advisory committees may be in receipt of confidential or sensitive information that should not be disclosed without the consent of the Council or the Chief Executive Officer.



Such confidential or sensitive matters may relate to:

- information that would be of direct financial disadvantage to Council if made public;
- politically sensitive information that may impact negatively on Council if made public;
- information that is still only partly formulated and may, if released, give a misleading view to the community of what Council is planning; and
- any other information that would disadvantage Council if made public. Members of advisory committees are required to discuss any potential confidential or sensitive issues with the appropriate Group Manager before releasing information to any third parties.

## **7. Terms of Reference/Charter**

The Charter for an advisory committee must:

- be presented to Council for consideration and adoption at the inception of the committee (see exceptions in item 3);
- include a clear statement of purpose and the committee's objectives;
- include details of membership, meetings, method for making recommendations, selection criteria, administrative support, review and a sunset clause; and,
- be made available on Council's website.

Any proposed changes to the Charter must be agreed on by the committee and be presented to Council for formal adoption.

## **8. Appointment to Advisory Committees**

Once Council has formally resolved to establish an advisory committee and adopted the Charter, expressions of interest for membership of the committee will be called for through advertisements in the local media, Council website and other relevant channels.

- An information kit on the advisory committee will be made available for download via Council's website and from Council's municipal office.
- Expressions of interest (EoIs) are to be made on the nomination form included in the Information kit.
- Applicants for potential individual membership on an advisory committee must address the key selection criteria.
- Letters will be forwarded to community groups and organisations identified for representation on the committee to call for a representative.
- Nominations for the advisory committee are reported to Council and appointments to the advisory committee are to be made by Council resolution.
- Other members may attend from time to time with permission from the committee, but do not have voting rights unless they are formally appointed to the committee by Council.



- Appointments to advisory committees are made for a period of no more than the Council term, but may be less.
- Resignation of a member (excluding Councillor representation) will require an EoI process for a new committee member.
- Members may re-nominate for the advisory committee where the term (as stated in the Charter is for a period less than the Council term) and must go through the selection process each time.
- Appointments to advisory committees may also be governed by legislation other than the Act, in this case, other legislation may prevail.

## 9. Advisory Committee Chair

The only formal position on advisory committees is that of chairperson. This role will be performed by a Councillor (unless specified otherwise by Council resolution or as required by other legislation).

The chairperson is usually the spokesperson for the committee and is responsible for:

- chairing all meetings, including welcomes and introductions;
- following meeting procedures and keeping track of time;
- ensuring that decisions are made and recorded in the minutes;
- keeping meetings focussed and encouraging all members to participate, ensuring adequate opportunity is given to members who wish to speak; and
- acting impartially and using discretionary powers in the best interests of members.

## 10. Administration of Committee

- A Council officer will be responsible for the recording, production and distribution of agendas and minutes.
- Minutes of each advisory committee meeting will be distributed to Councillors within a reasonable period following the meeting.
- Where appropriate, recommendations of the committee will be referred to Council for consideration (and may be referred to any other legally constituted body).
- Administrative support is provided to advisory committees by the Council department whose functions are most aligned to the committee.

## 11. Reporting to Council

- Advisory committees must report to Council each month by submitting a copy of the minutes of each meeting.
- Where an advisory committee meets less frequently than monthly, such report must be submitted to the next Council meeting following that advisory committee meeting.
- Where an advisory committee is also an assembly of Councillors, reports to Council must comply with the provisions of s80A of the Act.



## 12. Advice to Council

The processes used to determine the recommendations that the advisory committee makes to Council will be described within the Charter for the advisory committee. It is generally expected that recommendations to Council will be developed through the advisory committee forming a consensus view.

The Council officer supporting the advisory committee will provide a report to Council outlining the various views of advisory committee members and make an officer recommendation, based upon the professional judgment of the administration.

## 13. Cessation Clause

Advisory committee's constituted pursuant to the Act, have a term not exceeding the length of the Council term within which they are constituted. Accordingly, at the expiration of the Council term, all advisory committees, and membership thereof cease to exist (except where other legislation requires continuity). This excludes the Independent Membership to the Audit Committee whose tenure is for a maximum 4 year period which may extend beyond a Council term. This will allow for continuity of independent membership.

At the commencement of a new Council term, and where the new Council requires or wishes, or where there is a legislative requirement that previously existing advisory committees be constituted to continue a program or project (or other requirement), the new Council may constitute those advisory committees in accordance with item 3 (Establishment).

Advisory committees may have a shorter term, and when project-related, should have a sunset clause related to the term of the project.

The Council must review membership and Councillor representation on advisory committees in accordance with this policy, at a minimum, after a period of 24 months from constitution, and no later than 30 months from constitution.

Council has the power to disband the advisory committee at any time.





# **MANSFIELD SHIRE**

## **CHARTER OF THE XXXX ADVISORY COMMITTEE**

**Endorsed by Council – XXX**



(template)  
**MANSFIELD SHIRE**

**CHARTER OF THE XXXX**

**1. LEGAL BASIS (Mandatory clause)**

The committee shall be an advisory committee established by Council as described in section 3 of the *Local Government Act 1989* (the Act).

Where indicated by the phrase '(AoC)' in the title, the advisory committee is also an assembly of Councillors.

Any advisory committee that is also an assembly of Councillors must comply with the provisions of section 80A of the Act.

The Mansfield Shire Council (**include Advisory Committee title**) Advisory Committee (the Advisory Committee) is a representative group established to advise Council on (**include Advisory Committee role**).

The Advisory Committee members have significant knowledge and/or interest in and the capacity to (**add particular benefit that those members of the Advisory Committee will offer**).

The function of the Advisory Committee is to provide information and advice to Council on: (**add functions, e.g.**)

The Advisory Committee shall report to the next Council following each of its meetings by submitting a record of each meeting and any recommendations for Council's consideration.

Council has the power to disband the Advisory Committee at any time.

**2. COMMITTEE'S AUTHORITY (Mandatory clause)**

The Advisory Committee is an advisory committee to Council.

The Advisory Committee does not have the power to direct any Council officer to undertake any work but may make recommendations to Council to assist in its decision-making process.

**3. DEFINITIONS (Discretionary clause)**



#### **4. TERM OF THE COMMITTEE (Mandatory clause)**

The initial term of the Advisory Committee will commence on the date of appointment by Council and will conclude at the end of the term of the current Council.

Each term of office for the Advisory Committee will be for a period not exceeding 24 months.

#### **5. MEMBERSHIP (Mandatory clause)**

Membership will include:

**(Membership will be set according to skill need for each committee)**

##### **(Mandatory paragraph)**

Council staff members with specialist skills and knowledge will be invited to attend the Advisory Committee's meetings only to provide specific advice or information.

##### **(Mandatory paragraph – next 4 paragraphs)**

In the case of casual vacancies, Council will consider appointment of new members for any vacant positions. The term of office for any new members will expire at the original date set down for the retiring member.

Councillor representatives will be appointed or reappointed as soon as practicable after Council elections and be appointed for a period no greater than the Council term.

Members may be granted leave of absence and replaced by secondment for the period of absence with the agreement of the chairperson.

A member shall cease to hold office if he or she is absent from four (4) consecutive meetings without a leave of absence with the agreement of the Chairperson.

#### **6. MEETINGS (Mandatory clause)**

##### **First Meeting (Mandatory clause)**

Date, time and place of the first meeting shall be determined by the Councillor appointed as the Chairperson of the Advisory Committee.

##### **Quorum (Mandatory clause)**

Quorum will be half of the Advisory Committee members plus one.

##### **Decision-making (Mandatory clause)**

Recommendations to Council should be formed by a consensus. If a consensus is not achieved, decisions will be made by a vote (show of hands) of members.

The Chairperson and each Advisory Committee member have one vote each. The Chairperson does not have a casting vote if the vote is tied. The outcome of the vote must be included in the Meeting Minutes.



### **Frequency of meetings (Mandatory clause)**

The Advisory Committee shall meet at a minimum frequency of quarterly each year.

### **Meeting Costs (Mandatory clause)**

All Advisory Committee representatives and substitute representatives will be responsible for their own costs incurred in attending meetings of the Advisory Committee.

### **Meeting Facilities and Administrative Support (Mandatory clause)**

The CEO will ensure that appropriate administrative support is provided to the Advisory Committee.

The CEO or his/her delegate will ensure the preparation and receipt of agenda items, preparation and distribution of agendas, recording and distribution of minutes for each meeting of the Advisory Committee and the provision of venue meeting arrangements.

An agenda will be compiled and distributed at least seven days before the proposed meeting and agenda reports must be submitted to the CEO or relevant Manager or his/her delegate at least ten days before the proposed meeting date.

The Advisory Committee shall report to ordinary Council meetings following each of its meetings by submitting a record of each Council meeting and any recommendations for Council's consideration.

Meeting minutes for all Advisory Committee meetings will be taken as read and confirmed as an accurate record of that meeting by the Advisory Committee at its next meeting. Copies of the Advisory Committee meeting minutes will be distributed to all members as soon as practical after completion.

### **Place of Meetings (Mandatory clause)**

Subject to venue availability, meetings will be held in the Mansfield Shire Council Office.

## **7. MEDIA COMMENTS (Mandatory clause)**

All media comments must be made in accordance with the Mansfield Shire Council Media Policy. The Chief Executive Officer may request the Manager (**add relevant Manager**) or his/her delegate to make a media comment.

Agent representatives, other community representatives and substitute community representatives must not make media comments relating to business discussed at Advisory Committee meetings.

## **8. CONFIDENTIALITY (Mandatory clause)**

The Victorian *Local Government Act 1989* contains confidentiality provisions. Breaches of confidentiality are serious offences with significant penalties.



## **9. CONFLICT OF INTEREST (Mandatory clause)**

The *Local Government Act 1989* contains mandatory requirements for the declaration of direct and indirect conflict of interest. The objective of the provisions is to enhance good governance in Victorian local government and to improve public confidence in the probity of decision making in Victorian municipalities.

Advisory Committee members are responsible for ensuring that they comply with the relevant provisions of the *Local Government Act 1989*.

An online copy of the *Local Government Act 1989* and the Local Government Victoria publication “Conflict of Interest in Local Government” is available at [www.localgovernment.vic.gov.au](http://www.localgovernment.vic.gov.au) select – legislation or conflict of interest.

Alternatively, a printed copy will be made available if requested.

## **10. AGREEMENT TO ABIDE BY COUNCIL’S POLICIES (Mandatory clause)**

Members of the Advisory Committee must comply with the Mansfield Shire Council policies, in particular the Policy for Advisory Committees as updated from time to time.