

POLICY

C020 Advisory Committee Policy



1 Purpose

The purpose of this policy is to:

- support Council in ensuring good governance and appropriate management of Advisory Committees;
- outline how Advisory Committees can be formed,
- outline how such Committees are to be governed; and
- specify the limits of an Advisory Committees power.

This policy ensure that the management of Advisory Committees is in accordance with the Act and meets the Act's principles of:

- achieving the best outcomes for the municipal community;
- engaging the municipal community in strategic planning and strategic decision making; and
- ensuring public transparency.

2 Scope

This policy applies to all members of Advisory Committees, Councillors and employees responsible for Advisory Committees.

3 Definitions

Council	means Hindmarsh Shire Council
Act	means <i>Local Government Act 2020</i>
Advisory Committee	means an Advisory Committee established under this policy
Advisory Committee Meeting	means a Meeting of an Advisory Committee
Advisory Committee Report	means a formal report produced by an Advisory Committee
Committee Meeting	means a meeting of an Advisory Committee
Quorum	means the absolute majority of members present at the meeting and must include at least one Councillor.
External Independent Members	means people who are not Councillors or Council Officers.

4 Responsibility

Director Corporate and Community Services

5 Formation of an Advisory Committee

The formation of, appointment to, and administration of an Advisory Committees is subject to input from the Council.

Advisory Committees must be formed (and rescinded) by Council Resolution, and the Terms of Reference (ToR), and membership must also be endorsed by Council.

6 Powers and functions of an Advisory Committee

Advisory Committees do not have any executive, financial or delegated powers. Advisory Committees do not have the power to sub-delegate or form sub-committees without the approval of Council. Advisory Committees may establish Working Groups for specific events or projects.

The role of an Advisory Committee generally is to report to Council and provide appropriate advice and recommendations on matters relevant to its Terms of Reference in order to facilitate decision making by Council in relation to the discharge of its responsibilities.

An Advisory Committee can offer specialised advice and assistance with research on issues of interest to Council and the Community.

7 Advisory Committee Governance

Advisory Committees are subject to a Terms of Reference (ToR). Council has a standard ToR which may be amended slightly, but must be adopted at the time the Committee is formed and/or reviewed at the commencement of each Council Term.

Advisory Committees are assigned to the responsible member of Council's Management Team, to ensure that the ToR are met, to provide guidance on administrative matters and to ensure that the Committee functions appropriately and in accordance with Council's Governance Rules. The Manager is not a voting member of the Advisory Committee and has no delegated authority.

The staff liaison for an advisory committee will always be a member of Council's Senior Management Team, unless otherwise authorised by the CEO in writing. The CEO may also elect to assign more than one responsible staff member to an Advisory Committee.

Council must review, within the period of 6 months after a general election, all Advisory Committees and Advisory Committee membership.

8 Advisory Committee Meeting Agenda's and Minutes

The agendas and minutes of all Advisory Committee Meetings will be completed in the appropriate Corporate Template, as prescribed by the CEO and forwarded to Council in a timely manner.

9 Membership

All Advisory Committees must have a minimum of five members, comprising of:

- a minimum of one Councillor; and
- a minimum of four external independent members.

Advisory Committee memberships will be capped at eleven, being a minimum of one Councillors, and a minimum of four external independent members. Any Committees currently in existence that exceed this membership limit may continue to operate, but as members vacate the positions, they will not be replaced to allow the Committee to transition to the recommended membership.

Membership should be representative of the diverse communities within Hindmarsh Shire.

Any community member may become a member of an Advisory Committee if appointed by Council (or the CEO pursuant to the ToR), and any such member will have the same entitlement to participate as a Councillor. Weight will be given to ensuring diversity of membership and skills on an Advisory Committee.

All Advisory Committees will have an elected Chairperson, and will where necessary, have the casting vote.

Where appropriate, representatives of peak external bodies may be required by members of Advisory Committees, and where this is applicable, it will be written into the Terms of Reference.

Advisory Committee meetings will be included in the Councillor's Calendar. Any Councillor is able to attend a meeting of any Advisory Committee. Only Councillors who are appointed to the Advisory Committee may vote.

If the Councillor appointed to an Advisory Committee is unable to attend a meeting, they can nominate another Councillor to attend the meeting on their behalf.

9.1 Appointment of Councillors to Advisory Committees

Councillors will be appointed to Advisory Committees during the Annual Statutory meeting in November of each year.

9.2 Appointment of community representatives to Advisory Committees

Community representatives will be appointed to Council through an expression of interest and selection process.

- Expressions of interest will be sought by public notice in the local media and on Hindmarsh Shire Council's website in March of every second year.
- Council will appoint the committee members to the Advisory Committee during the May Council Meeting.
- Every effort should be made to ensure a representative cross section of people from the relevant area are elected to serve on the Advisory Committee.
- Appointment to Advisory Committees will be based on the membership criteria outline in the relevant Terms of Reference.
- Appointment to an Advisory Committee will be for a period of two (2) years, commencing at the start of a financial year.
- A member of an Advisory Committee is able to resign at any time.

9.3 Executive

The executive composition of the Committee is to be elected at the first Advisory Committee Meeting in a financial year.

The executive composition of the Committee will be:

- Chairperson;
- Secretary; and
- up to 2 other office bearers as determined by the Advisory Committee.

9.3.1 Role of the Chairperson

The role of the Chairperson is to:

- chair all meetings;
- be the spokesperson of the Advisory Committee (a spokesperson for specific projects may be delegated by the chairperson to another committee member);
- moderate committee meetings; and
- promote behaviour in line with clause 13 – Code of Conduct.

10 Advisory committee meetings

The following rules apply to Advisory Committee:

- A quorum of the Committee will be half the members plus one and must include at least one Councillor.
- Voting will be by a majority of votes by a show of hands.
- Only Committee members in attendance are entitled to vote.
- The chairperson shall have the casting vote in the event of an equality of votes.

11 Conflict of Interest

Any member who has a conflict of interest in their role as a member of an Advisory Committee must:

- Disclose the conflict of interest before the item is raised during the meeting; and
- Exclude themselves from the discussion in relation to that matter, including any vote on the matter and any action in relation to the matter.

Where a determination regarding a matter has been made in accordance with the prior points and relates to an ongoing activity, event or program, the member who has declared a material conflict of interest may still participate in activities related to the matter, provided that they:

- Act honestly;
- Exercise reasonable care and diligence;
- Not make improper use of their position;
- Not make improper use of information acquired as a result of their position.

The conflict should be noted in the minutes and the member may be required to develop a Conflict of Interest Management Plan in consultation with the Council Officer and/or Advisory Committee Chairperson.

An exemption can be made where the interest is held in common with other residents, ratepayers, business owners, or any other large class of persons and the Committee Member's interest doesn't exceed the interest generally held by those people. If a conflict of interest is declared and this exemption is invoked by the member making the declaration, the Chairperson shall determine whether the 'interests in common' exemption applies.

12 Confidential Information

Committee members must not disclose information that they know, or should reasonably have known is confidential information.

Committee members have an obligation to not disclose any materials or information that is not publically available unless approved by the Chairperson or a representative of Hindmarsh Shire Council.

Committee members should be mindful of their obligations under the *Privacy and Data Protection Act 2014* regarding the use or disclosure of information.

13 Code of Conduct

Advisory committee members must:

- act with integrity;
- impartially exercise their responsibilities in the interests of the local community;
- not improperly seek to confer an advantage or disadvantage on any person including themselves;
- treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of Councillors, Advisory Committee members and officers;
- commit to providing a safe, inclusive and productive environment free from discrimination, harassment and bullying by not engaging in behaviour that is intimidating or that may constitute discrimination, harassment or bullying;
- take reasonable care of their own health and safety and that of others; and
- commit to regular attendance at meetings.

Any breaches of this code of conduct may result in termination of membership.

14 Media

Contact with the media by Advisory Committee members will be conducted in accordance with Hindmarsh Shire Council's Media Policy.

Committee members should defer media enquiries to the Chairperson in the first instance and should take care not to respond as a representative of the Advisory Committee.

15 Financial Management

Any financial management relating to an Advisory Committee will be completed by Hindmarsh Shire Council Officers.

15.1 Spending

Any decisions to spend money must be approved at the Advisory Committee meeting and noted in the minutes, with expenditure over the Advisory Committee's delegation requiring approval by Council. An Advisory Committee member is not guaranteed reimbursement if they spend their own money for a committee event or activity without having approval from the Committee or Council (if applicable).

15.2 Receiving Money

Whenever an Advisory Committee receives money, a receipt should be issued. A carbon duplicate book should be used to record all receipts, unless an electronic receipt can be issued.

There may be times when issuing a receipt is not feasible. For example if the Advisory Committee is organising a fundraising event or calculating entry fees, it would be impractical to write out a receipt for every person. Two members of the Committee should be responsible for collecting and counting the money. All money is to be taken to a Council customer service centre for receipting accompanied by signed supporting documentation. A receipt will be provided by Council upon receipt of the money to the customer service centre.

Any money collected should be handed over to Hindmarsh Shire Council as soon as reasonably practicable, but within 5 business days.

16 Fundraising

Where an Advisory Committee wishes to fundraise for an event or a town improvement activity they should submit the request to info@hindmarsh.vic.gov.au. The request will then be considered by the CEO.

Fundraising should be undertaken for a specific purpose so that people know where their money is going and what it is going to be used for.

Any fundraising undertaken by an Advisory Committee can only be undertaken where it has been approved by the CEO.

17 Sponsorship

Where an Advisory Committee wishes to enter into a sponsorship agreement with a business for an event they are running, it should be referred to the staff liaison so that a sponsorship agreement can be drafted.

18 Non-financial Donations

Non-financial donations should not be accepted by an Advisory without approval from the CEO. All non-financial donations are to be reported to the CEO as soon as possible after receipt.

19 Volunteering

All volunteers of an Advisory Committee should be registered with Council as a volunteer. Members of Advisory Committees are taken to be Council volunteers and must adhere to all requirements of Council volunteers as contained within Council policies.

20 Events

Where an Advisory Committee wishes to run an event, an Intention to Hold and Event Form needs to be completed 6 weeks before the event and submitted to Council for approval. This helps Council to determine whether any permits or requirements are needed such as:

- **Local Laws** – road closures, traffic management, permission for public land access, alcohol consumption
- **Planning** – permits to hold an event on private land
- **Environmental Health** – temporary food permits
- **Building** – permits for temporary structures such as fencing, stages and marquees
- **Maintenance** – servicing of public toilets
- **Risk and Safety** – event management plan, risk assessment

21 Incident Reporting

If an incident occurs at an Advisory Committee event, activity or meeting, the delegated Council Officer should be advised immediately so that the incident can be logged.

22 Monitoring and Review

Council is committed to monitoring the overall level of success of the policy’s implementation. A periodic review of this policy will be undertaken to ensure its relevance aligns with the public interest. As a minimum, a review will occur in line with a new Council Term.

However, a Council can amend its policy at any time. The formation of any future Advisory Committees will require a decision of Council; therefore it is likely that this policy would be reviewed and adopted by Council at this time.

23 References

Related documents	Legislation
<i>Governance Rules</i>	<i>Local Government Act 2020</i>
<i>Public Transparency Policy</i>	<i>Charter of Human Rights and Responsibilities Act 2006</i>
<i>Community Engagement Policy</i>	<i>Equal Opportunity Act 2010</i>
<i>Advisory Committee Standard Terms of Reference</i>	<i>Freedom of Information Act 1982</i>
	<i>Local Government Act 1989</i>
	<i>Local Government Act 2020</i>
	<i>Privacy and Data Protection Act 2014</i>

24 Document Control

Advisory Committees Policy		Policy Category	COUNCIL
Version Number	1.2	Policy Status	ADOPTED
Approved/Adopted By	COUNCIL	Date Adopted	31 May 2023

Responsible Officer	DCCS	Review date	3 YEARS FROM APPROVAL
Version history	Date	Version	Description
	September 2021	1.0	Initial policy
	November 2022	1.1	Updated Conflict of Interest provisions
	May 2023	1.2	Updated to align with Terms of Reference