

8.1 ADVERTISING OF AMENDED POLICY NO. 4.2.12 - ADVISORY GROUPS

TRIM Ref: D23/114811

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Attachments:

1. Policy No. 4.2.12 - Advisory Groups(Current)
2. Policy No. 4.2.12 - Advisory Groups - (marked up)
3. Advisory Groups Policy - Draft

RECOMMENDATION

That Council **APPROVES** the proposed amendments to the Advisory Groups Policy, at Attachment 1, for the purpose of community consultation.

PURPOSE OF REPORT:

For Council to approve, for the purpose of community consultation, the proposed amendments to [Policy No. 4.2.12 – Advisory Groups](#) as detailed at **Attachment 2**.

BACKGROUND:

Council at its meeting 9 February 2010 adopted Policy No. 4.2.12 – Advisory Groups (Policy). The adoption of this Policy formalised the City’s position relating to its advisory groups.

Council at its meeting 11 October 2011 approved amendments to the policy **Attachment 1**. These amendments were proposed in response to advice received from the Department of Local Government stating:

“While Council may wish to form Working Groups without establishing them under the Act it is strongly recommended that rigorous procedures are adopted and applied to the Working Groups in accordance with the Department’s Guidelines on Council Forums to protect individual members, and the Integrity of the City’s decision making processes.”

Administration completed an initial review of the existing policy and tabled the requirement of provisions outlined in clause 1.3 of the [Policy Development and Review Policy](#) to Council Members through the monthly Policy Paper in July 2023.

DETAILS:

The City’s advisory groups fulfil an important role by providing advice to Council on a wide range of topics.

The role of an advisory group is to:

- facilitate Council Member, stakeholder and/or community input and involvement opportunities;
- provide advice; and
- support to the City, in regard to strategic, special interest and/or operational activities.

Section 5.8 of the *Local Government Act 1995* (Act) provides that a local government may establish committees of three or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Advisory groups are conducted in a more informal manner and are not intended to be committees established under the Act. There are no legislative or regulatory provisions governing the establishment or function of local government advisory groups.

Requirement for a documented Council position

The status of advisory groups is an informal meeting process that sits outside of the statutory decision-making structure of the Act.

A documented position is required to provide guidance to Council, Administration, and the community on the establishment and operation of its advisory groups. A comprehensive review has been undertaken of the policy and considered the purpose of the policy, consequently a number of provisions are proposed to be removed as they are largely operational matters which can be captured in the groups terms of reference.

Proposed Changes:

Removal of procedural content

Administration is proposing to remove the procedural content from the Policy. These aspects can be covered within the Terms of Reference (ToR) for the individual groups. They can then be specific to the group and its individual needs, if necessary, and be reviewed more frequently.

It is proposed to remove the following provisions:

- Role of the chairperson;
- Meeting Procedures; and
- Administrative Action and Support.

Membership and ToR

Council oversight of membership appointment and ToR reviews has been retained with proposal for reviews to occur every two years to align with the local government ordinary election cycle.

Clause 2.1 is proposed to enable membership, nomination processes and tenure of appointment, for each advisory group, to be set out in the respective ToR.

Extent of Authority

Advisory groups have no decision-making powers or authority to act on behalf of the City. In operation, the groups cannot direct employees, call tenders, award contracts, expend monies, direct volunteers or do anything which is the responsibility of the City.

Clause 3.1 and 3.2 have been added to reaffirm this status.

CONSULTATION/ADVERTISING:

In accordance with the City's [Community and Stakeholder Engagement Policy](#), community consultation of all new and significantly amended policies must be provided for a period exceeding 21 days in the following ways:

- notice published on the City's website;
- notice posted to the City's social media;
- notice published in the local newspapers.

Public notice of proposed amendments to the Policy will be provided from early September 2023.

LEGAL/POLICY:

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

The City's [Policy Development and Review Policy](#) sets out the process for the development and review of the City's policy documents.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to undertake community consultation of the proposed amendments to the policy.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

Innovative and Accountable

Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.

POLICY NO: 4.2.12**ADVISORY GROUPS****OBJECTIVES**

To provide guidance for the establishment and operation of the City's Advisory Groups.

POLICY STATEMENT**DEFINITIONS**

"Advisory Group" means and includes Working Groups referred to in this Policy and established by a resolution of the Council.

"Financial Interest" has the same meaning as given by Section 5.60A of the *Local Government Act 1995*.

"Proximity Interest" has the same meaning as given by Section 5.60B of the *Local Government Act 1995*.

"Impartiality Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having interest arising from kinship, friendship or membership of an association.

1. ESTABLISHMENT

1.1 The Council may establish an Advisory Group to:

- (a) facilitate Council Member, stakeholder and/or community input and involvement opportunities;
- (b) to provide advice; and
- (c) support to the City, in regard to strategic, special interest and/or operational activities.

1.2 Advisory Groups established pursuant to this Policy are not, and are not intended to be, Committees established under Section 5.8 of the *Local Government Act 1995*.

2. OPERATION

Operation of an Advisory Group is to occur in accordance with the following principles:

- 2.1 Advisory Groups may be established either by resolution of Council or at the recommendation of the City's Administration.
- 2.2 Advisory Groups will operate in accordance with the adopted Terms of Reference which provide:
 - (a) A clear statement of objective and the scope of activity to be undertaken.
 - (b) Membership/stakeholder representation.
 - (c) The operational and administrative framework by which activities are to occur.

3. TERMS OF REFERENCE AND ROLE

Advisory Groups are to operate within the Terms of Reference approved by the Council and the following general administrative framework:

- 3.1 The role of an Advisory Group is to act in an advisory capacity, providing the City's Administration and the Council with its views and/or proposals relevant to the Objectives for which the group was established.
- 3.2 The Advisory Group will only consider matters referred to it by the Council.
- 3.3 An Advisory Group has no decision making powers and does not have any authority to act on behalf of the City. In operation, the group cannot direct employees, call tenders, award contracts, expend monies, direct volunteers or do anything which is the responsibility of the City.
- 3.4 Advisory Group meetings will be conducted in an informal manner, providing opportunities for ideas to be raised and general discussion. The view and proposals of an Advisory Group are to be recorded in Minutes/meeting notes and retained in the City's record keeping systems.
- 3.5 Advisory Group members either collectively or individually are not authorised to speak on behalf of the City or provide comment to the media or other persons, in respect of any item under consideration, unless authorised by the Chief Executive Officer.

4. ROLE OF THE CHAIRPERSON

- 4.1 The Advisory Group Chairperson is to be appointed by the Council.
- 4.2 The Council appointed Chairperson will preside at all meetings. In the absence of the Chairperson, a person elected by the quorum will assume the Chair for that meeting. Preferably, the Advisory Group should be chaired by a Council Member (if possible), or then by a Senior City Officer.
- 4.3 The Chairperson (in liaison with the most Senior City Employee appointed to the Advisory Group) shall ensure that the Advisory Group operates in accordance with this Policy at all times.

5. MEETING PROCEDURES

5.1 Meetings

- (a) Unless approved by the Council or there is a need to address an urgent issue (the latter to be agreed by the Chairperson and the Chief Executive Officer), the Advisory Group shall meet as required. Additional meetings may be convened at the discretion of the Chief Executive Officer.
- (b) At the first meeting after convening, the Advisory Group shall determine a Schedule of Meeting dates for the remainder of the year. (These dates are to be included in the City's monthly "Calendar of Events".)

5.2 Quorum

A quorum will be by simple majority plus one.

5.3 Agendas

- (a) The Chief Executive Officer will determine the Agenda for each meeting. Members may submit items for consideration and listing on the Agenda.
- (b) All meetings shall be confined to items listed on the Agenda.

5.4 Minutes/Meeting Notes

- (a) The relevant Director having responsibility for the Advisory Group, in liaison with the Advisory Group Chairperson, shall be responsible to ensure the preparation and accuracy of the Minutes/meeting notes.
- (b) Items considered at the meeting will not be voted upon. The Minutes/meeting notes of the Group will record consensus agreement on actions and any points of agreement/disagreement. They will not reflect verbatim discussion on issues or matters discussed during debate prior to consensus agreement being reached. At the end of each meeting, the City's Officer in attendance will read out the agreed actions and any points of agreement to the meeting to ensure they are accurately reflected to the consensus view.
- (c) Minutes/meeting notes of the meeting will be prepared by the Responsible Officer and distributed to members within five (5) working days after the date of the meeting.
- (d) Advisory Group unconfirmed Minutes/meeting notes are to be reported through relevant Directorate reports with recommendations regarding the views and proposals of the Advisory Group to the next available Ordinary Council Meeting. (Minutes/meeting notes not requiring a Council decision will be included on the Information Bulletin). Reports will consider each proposal to ensure it is:
 - (i) Consistent with the City's established strategic and operational planning and the objective for which the Advisory Group was established.
 - (ii) Within the City's capacity relevant to staffing, resources and adopted budget and also operational effectiveness and efficiencies.
 - (iii) Endorsed by Council resolution, where funding from external sources is proposed.
- (e) The Minutes/meeting notes shall accurately record the details of any disclosure of interest and the extent of such interest. The Minutes/meeting notes shall also record the times any person who has made a disclosure, has departed and/or re-enters the meeting.

6. ADMINISTRATIVE ACTION AND SUPPORT

- 6.1 A City employee will be assigned to provide administrative support to the Advisory Group. This person will be responsible for the following:
- Issuing of the Agenda;
 - Recording of Apologies prior to the meeting;
 - Preparation of the Minutes/meeting notes;
 - Room booking; and
 - Catering requirements.
- 6.2 Any items which have been dealt with by the Advisory Group will not be implemented by the City's Administration until a report has been submitted to the Council for a decision.
- 6.3 The City's Administration will not action Advisory Group requests unless in accordance with Clause 5.4 – "*Minutes/Meeting Notes*" and Clause 6.2 – "*Administration Action and Support*", above.

7. CODE OF CONDUCT

- 7.1 Community Members of the City's Advisory Groups will be advised of the relevant provisions of the City's Code of Conduct and must comply with the relevant requirements.
- 7.2 The City's Code of Conduct shall apply to members of the Advisory Groups.
- 7.3 All Advisory Group members shall be required to declare any conflicts of interest in matters being considered by the Group.
- 7.4 A copy of the Council's Code of Conduct will be provided to each member upon their appointment.
- 7.5 The City's Chief Executive Officer is available to provide any assistance or guidance concerning the Code or any matters of Interest.

8. CONFLICT OF INTEREST

- 8.1 (a) Whilst the financial, proximity and impartiality interest provisions of the *Local Government Act 1995* do not apply to the City's Advisory and Working Groups (as it is not a Council appointed committee approved under section 5.8 of the *Local Government Act 1995* and does not have any legal status), all members need to be aware that any conflict of interest needs to be recognised, to ensure that probity is maintained at all times.
- (b) Generally, if a matter is being discussed by the Group and a member has an interest in the matter, then the member is required to declare the interest and remove themselves from the meeting whilst discussion on that issue is taking place.

- (c) If a Member discloses a financial or proximity interest in a matter under consideration by the Group and wishes to remain and participate in the meeting, the Member may seek approval from the Chairperson and meeting to determine whether the interest is:
- * Trivial or insignificant; or
 - * an interest in common to a significant number of electors or ratepayers.
- (d) The Member should make that request to the Chairperson at the meeting and not only disclose the nature of their interest, but also the extent of that interest.
- (e) The Member should then depart the meeting, whilst the meeting considers the request. The meeting should then be in a position to:
- determine that the Member should not participate in that part of the meeting;
 - remain in the meeting and participate in discussion; or
 - remain in the meeting only, but not participate in discussion on the matter.
- (Note: If the Disclosing Member is the Chairperson, such disclosure shall be made to the meeting.)
- (f) Once the meeting has made a decision concerning a request, the Chairperson shall inform the Member of the decision and the Member shall comply with the Meeting's decision.
- (g) The Minutes/meeting notes shall record the member's disclosure of interest and the extent of the interest. They shall also record the times a Disclosing Member has departed and/or re-entered the meeting and/or is absent from the meeting during the item of interest.
- (h) If a member is unsure whether they have an interest in a matter, they are encouraged to raise the issue with the Senior City Officer in attendance at the meeting.

- 8.2 Subject to 8.1 above, any person who has a financial or a proximity interest in a matter shall exclude themselves from the room and not participate in that part of the meeting.

9. INSURANCES

The City will arrange all insurance to cover Advisory Group members whilst discharging their normal course of duty, including travel to and from the meeting.

10. MEMBERSHIP

Membership of an Advisory Group is to be determined by the Council on a basis of relevancy to the purpose for which the group has been established. Membership may include; Council delegate/s (Council Members), employees and representatives of stakeholder organisations and members of the community.

- 10.1 Where Advisory Group membership includes representatives to stakeholder organisations, the City shall seek written nomination/s from the organisation/s.
- 10.2 Where Advisory Group membership includes representatives to be drawn from members of the community; the City shall publicly advertise and call for nominations to be received within a defined period. Members are to be appointed by the Council on the basis of demonstrated knowledge, skills and/or understanding relevant to the purpose for which the Advisory Group has been established.
- 10.3 The term of membership of an Advisory Group is to align with the local government elections cycle, with membership expiring at the next ordinary local government election, with the following exceptions:
 - (a) Where the Advisory Group's operations are likely to conclude within a period that does not exceed 12 months following the next ordinary local government elections, the community and/or organisation representation shall continue to the planned conclusion of the Advisory Group's operations. The Council Delegate/s representation shall however, be reappointed following the ordinary local government election.
 - (b) Where the Advisory Group's Terms of Reference have been fulfilled, the Advisory Group may be concluded at the determination of either the Council or the City's Administration, whichever was the convenor of the Advisory Group.
- 10.4 In any case, in order to facilitate specific aspects of the operations of an Advisory Group, membership with required skills or knowledge may also be co-opted on an 'as required' basis, by either the Chief Executive Officer or Advisory Group Chairperson.

11. TENURE OF APPOINTMENT

- 11.1 The Council will appoint a member to the Advisory Group including the prescribed Term and any conditions.
- 11.2 The Advisory Group Membership is normally for a period of two (2) years from the period of the ratification of the advisory group by the Council. (Generally the term is from November after the Ordinary local government elections to October of the second year). Membership of the Group terminates when an Ordinary local government election occurs every two years, in October.

- 11.3 If a member fails to attend three (3) consecutive meetings of the Advisory Group, his/her appointment shall be automatically terminated, unless Leave of Absence has been granted and approved by the Advisory Group. The Chief Executive Officer shall advise any member, in writing, when their membership of a Group is terminated.
- 11.4 The Council may terminate the appointment of any member prior to the expiry of his/her term, if:
- (a) the Chairperson and Chief Executive Officer are of the opinion that the member is not making a positive contribution to deliberations of the group; or
 - (b) the member is found to be in breach of the City of Vincent code of Conduct or a serious contravention of the *Local Government Act 1995*; or
 - (c) a member's conduct, action or comments brings the City of Vincent into disrepute.

12. VACANCIES

Vacancies shall be filled by calling for nominations of either the Council or community representatives. Members filling a vacated position will hold that position for the remainder of the two (2) years duration of the convened Advisory Group, as approved by the Council.

13. COUNCIL DECISION

The City's decision making obligations are guided by relevant legislative, strategic and operational requirements and therefore the views or proposals of an Advisory Group may not always prevail.

14. REVIEW

The operations of an Advisory Group shall be reviewed every two (2) years, or sooner if required.

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| Date Adopted: | 9 February 2010 |
| Date Amended: | 14 June 2011, 11 October 2011 |
| Date Reviewed: | 11 October 2011 |
| Date of Next Review: | October 2013 |

POLICY NO: 4.2.12**ADVISORY GROUPS****OBJECTIVES**

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POLICY STATEMENT**DEFINITIONS**

"Advisory Group" means and includes ~~Working Groups referred to in this Policy and~~ and group established by a resolution of the Council pursuant to this Policy.

"Conflict of Interest" means financial, proximity or impartiality interest.

"Financial Interest" has the same meaning as given by Section 5.60A of the *Local Government Act 1995*.

"Proximity Interest" has the same meaning as given by Section 5.60B of the *Local Government Act 1995*.

"Impartiality Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having interest arising from kinship, friendship or membership of an association.

1. ESTABLISHMENT

- 1.1 The Council may resolve to establish an Advisory Group to:
 - (a) facilitate Council Member, stakeholder and/or community input and involvement opportunities;
 - (b) ~~to~~ provide advice; and
 - (c) support to the City, in regard to strategic, special interest and/or operational activities.
- 1.2 Advisory Groups established pursuant to this Policy are not, and are not intended to be, Committees established under Section 5.8 of the *Local Government Act 1995*.
- 1.3 Advisory Groups will operate in accordance with the Terms of Reference approved by Council.
- 1.4 Council may resolve to terminate any advisory group at any time.

2. MEMBERSHIP

- 2.1 Membership, nomination processes and tenure of appointment for each advisory group is set out in the respective Terms of Reference.

2.2 Membership may include; Councillors, Officers, representatives of agencies and stakeholder organisations, and members of the community.

~~2. OPERATION~~

~~Operation of an Advisory Group is to occur in accordance with the following principles:~~

~~2.1 Advisory Groups may be established either by resolution of Council or at the recommendation of the City's Administration.~~

~~2.2 Advisory Groups will operate in accordance with the adopted Terms of Reference which provide:~~

~~(a) A clear statement of objective and the scope of activity to be undertaken.~~

~~(b) Membership/stakeholder representation.~~

~~(c) The operational and administrative framework by which activities are to occur.~~

~~3. EXTENT OF AUTHORITY~~

~~3.1 An Advisory Group has no decision making powers and does not have any authority to act on behalf of the City. In operation, the group cannot direct employees, call tenders, award contracts, expend monies, direct volunteers or do anything which is the responsibility of the City.~~

~~3.2 Advisory Group members either collectively or individually are not authorised to speak on behalf of the City or provide comment to the media or other persons, in respect of any item under consideration, unless authorised by the Chief Executive Officer.~~

~~4. REVIEW TERMS OF REFERENCE AND ROLE~~

~~4.1 Each group is responsible for drafting its own Terms of Reference which will be reviewed every two (2) years, or sooner if required.~~

~~4.2 Effectiveness of Advisory Groups will be reviewed against the objectives stated in the Terms of Reference, every two (2) years, or sooner if required.~~

~~Advisory Groups are to operate within the Terms of Reference approved by the Council and the following general administrative framework:~~

~~3.1 The role of an Advisory Group is to act in an advisory capacity, providing the City's Administration and the Council with its views and/or proposals relevant to the Objectives for which the group was established.~~

- ~~3.2 — The Advisory Group will only consider matters referred to it by the Council.~~
- ~~3.3 — An Advisory Group has no decision-making powers and does not have any authority to act on behalf of the City. In operation, the group cannot direct employees, call tenders, award contracts, expend monies, direct volunteers or do anything which is the responsibility of the City.~~
- ~~3.4 — Advisory Group meetings will be conducted in an informal manner, providing opportunities for ideas to be raised and general discussion. The view and proposals of an Advisory Group are to be recorded in Minutes/meeting notes and retained in the City's record-keeping systems.~~
- ~~3.5 — Advisory Group members either collectively or individually are not authorised to speak on behalf of the City or provide comment to the media or other persons, in respect of any item under consideration, unless authorised by the Chief Executive Officer.~~

~~4. — ROLE OF THE CHAIRPERSON~~

- ~~4.1 — The Advisory Group Chairperson is to be appointed by the Council.~~
- ~~4.2 — The Council appointed Chairperson will preside at all meetings. In the absence of the Chairperson, a person elected by the quorum will assume the Chair for that meeting. Preferably, the Advisory Group should be chaired by a Council Member (if possible), or then by a Senior City Officer.~~
- ~~4.3 — The Chairperson (in liaison with the most Senior City Employee appointed to the Advisory Group) shall ensure that the Advisory Group operates in accordance with this Policy at all times.~~

~~5. — MEETING PROCEDURES~~

~~5.1 — Meetings~~

- ~~(a) — Unless approved by the Council or there is a need to address an urgent issue (the latter to be agreed by the Chairperson and the Chief Executive Officer), the Advisory Group shall meet as required. Additional meetings may be convened at the discretion of the Chief Executive Officer.~~
- ~~(b) — At the first meeting after convening, the Advisory Group shall determine a Schedule of Meeting dates for the remainder of the year. (These dates are to be included in the City's monthly "Calendar of Events".)~~

~~5.2 — Quorum~~

~~A quorum will be by simple majority plus one.~~

~~5.3 — Agendas~~

- (a) ~~The Chief Executive Officer will determine the Agenda for each meeting. Members may submit items for consideration and listing on the Agenda.~~
- (b) ~~All meetings shall be confined to items listed on the Agenda.~~

5.4 Minutes/Meeting Notes

- (a) ~~The relevant Director having responsibility for the Advisory Group, in liaison with the Advisory Group Chairperson, shall be responsible to ensure the preparation and accuracy of the Minutes/meeting notes.~~
- (b) ~~Items considered at the meeting will not be voted upon. The Minutes/meeting notes of the Group will record consensus agreement on actions and any points of agreement/disagreement. They will not reflect verbatim discussion on issues or matters discussed during debate prior to consensus agreement being reached. At the end of each meeting, the City's Officer in attendance will read out the agreed actions and any points of agreement to the meeting to ensure they are accurately reflected to the consensus view.~~
- (c) ~~Minutes/meeting notes of the meeting will be prepared by the Responsible Officer and distributed to members within five (5) working days after the date of the meeting.~~
- (d) ~~Advisory Group unconfirmed Minutes/meeting notes are to be reported through relevant Directorate reports with recommendations regarding the views and proposals of the Advisory Group to the next available Ordinary Council Meeting. (Minutes/meeting notes not requiring a Council decision will be included on the Information Bulletin). Reports will consider each proposal to ensure it is:
 - (i) ~~Consistent with the City's established strategic and operational planning and the objective for which the Advisory Group was established.~~
 - (ii) ~~Within the City's capacity relevant to staffing, resources and adopted budget and also operational effectiveness and efficiencies.~~
 - (iii) ~~Endorsed by Council resolution, where funding from external sources is proposed.~~~~
- (e) ~~The Minutes/meeting notes shall accurately record the details of any disclosure of interest and the extent of such interest. The Minutes/meeting notes shall also record the times any person who has made a disclosure, has departed and/or re-enters the meeting.~~

6. ADMINISTRATIVE ACTION AND SUPPORT

- ~~6.1~~ A City employee will be assigned to provide administrative support to the Advisory Group. This person will be responsible for the following:
- ~~• Issuing of the Agenda;~~
 - ~~• Recording of Apologies prior to the meeting;~~
 - ~~• Preparation of the Minutes/meeting notes;~~
 - ~~• Room booking; and~~
 - ~~• Catering requirements.~~
- ~~6.2~~ Any items which have been dealt with by the Advisory Group will not be implemented by the City's Administration until a report has been submitted to the Council for a decision.
- ~~6.3~~ The City's Administration will not action Advisory Group requests unless in accordance with Clause 5.4 – "Minutes/Meeting Notes" and Clause 6.2 – "Administration Action and Support", above.

7.5. CODE OF CONDUCT

- ~~7.1~~ Community Members of the City's Advisory Groups will be advised of the relevant provisions of the City's Code of Conduct and must comply with the relevant requirements.
- ~~5.1~~ Community Advisory Group members will be requested to act in accordance with the Code of Conduct for City of Vincent Employees and Contractors .
- ~~7.12~~ The City's Code of Conduct shall apply to members of the Advisory Groups.
- ~~7.3~~ All Advisory Group members shall be required to declare any conflicts of interest in matters being considered by the Group.
- ~~7.24~~ A copy of the Council's Code of Conduct will be provided made available to each member upon their appointmentmembers of Advisory Groups.
- ~~7.5~~ The City's Chief Executive Officer is available to provide any assistance or guidance concerning the Code or any matters of Interest.

8.6. CONFLICT OF INTEREST

- ~~86.1~~ All members must disclose any conflicts of interest, and extent of the conflict, in matters being considered at a meeting.
- ~~86.2~~ The disclosing member must leave the room while the meeting discusses the matter.
- ~~86.3~~ The meeting will determine if the member should:
- ~~(i) not participate in that discussion;~~
 - ~~(ii) remain and participate in the discussion; or~~
 - ~~(iii) remain and not participate in the discussion.~~

86.4 The minutes or meeting notes must record the disclosure of interest, extent of the interest, and times the disclosing member left and returned to the meeting.

~~8.1 (a) Whilst the financial, proximity and impartiality interest provisions of the *Local Government Act 1995* do not apply to the City's Advisory and Working Groups (as it is not a Council appointed committee approved under section 5.8 of the *Local Government Act 1995* and does not have any legal status), all members need to be aware that any conflict of interest needs to be recognised, to ensure that probity is maintained at all times.~~

~~(b) Generally, if a matter is being discussed by the Group and a member has an interest in the matter, then the member is required to declare the interest and remove themselves from the meeting whilst discussion on that issue is taking place.~~

~~(c) If a Member discloses a financial or proximity interest in a matter under consideration by the Group and wishes to remain and participate in the meeting, the Member may seek approval from the Chairperson and meeting to determine whether the interest is:~~

~~* Trivial or insignificant; or~~

~~* an interest in common to a significant number of electors or ratepayers.~~

~~(d) The Member should make that request to the Chairperson at the meeting and not only disclose the nature of their interest, but also the extent of that interest.~~

~~(e) The Member should then depart the meeting, whilst the meeting considers the request. The meeting should then be in a position to:~~

- ~~• determine that the Member should not participate in that part of the meeting;~~
- ~~• remain in the meeting and participate in discussion; or~~
- ~~• remain in the meeting only, but not participate in discussion on the matter.~~

~~(Note: If the Disclosing Member is the Chairperson, such disclosure shall be made to the meeting.)~~

~~(f) Once the meeting has made a decision concerning a request, the Chairperson shall inform the Member of the decision and the Member shall comply with the Meeting's decision.~~

~~(g) The Minutes/meeting notes shall record the member's disclosure of interest and the extent of the interest. They shall also record the times a Disclosing Member has departed and/or re-entered the meeting and/or is absent from the meeting during the item of interest.~~

~~(h) — If a member is unsure whether they have an interest in a matter, they are encouraged to raise the issue with the Senior City Officer in attendance at the meeting.~~

~~8.2 — Subject to 8.1 above, any person who has a financial or a proximity interest in a matter shall exclude themselves from the room and not participate in that part of the meeting.~~

~~87.~~ **INSURANCES**

~~The City will arrange all insurance to cover Advisory Group members whilst discharging their normal course of duty, including travel to and from the meeting.~~

~~10.~~ **MEMBERSHIP**

~~Membership of an Advisory Group is to be determined by the Council on a basis of relevancy to the purpose for which the group has been established. Membership may include; Council delegate/s (Council Members), employees and representatives of stakeholder organisations and members of the community.~~

~~10.1 — Where Advisory Group membership includes representatives to stakeholder organisations, the City shall seek written nomination/s from the organisation/s.~~

~~10.2 — Where Advisory Group membership includes representatives to be drawn from members of the community; the City shall publicly advertise and call for nominations to be received within a defined period. Members are to be appointed by the Council on the basis of demonstrated knowledge, skills and/or understanding relevant to the purpose for which the Advisory Group has been established.~~

~~10.3 — The term of membership of an Advisory Group is to align with the local government elections cycle, with membership expiring at the next ordinary local government election, with the following exceptions:~~

~~(a) — Where the Advisory Group's operations are likely to conclude within a period that does not exceed 12 months following the next ordinary local government elections, the community and/or organisation representation shall continue to the planned conclusion of the Advisory Group's operations. The Council Delegate/s representation shall however, be reappointed following the ordinary local government election.~~

~~(b) — Where the Advisory Group's Terms of Reference have been fulfilled, the Advisory Group may be concluded at the determination of either the Council or the City's Administration, whichever was the convener of the Advisory Group.~~

~~10.4 — In any case, in order to facilitate specific aspects of the operations of an Advisory Group, membership with required skills or knowledge may also be co-opted on an 'as required' basis, by either the Chief Executive Officer or Advisory Group Chairperson.~~

11. TENURE OF APPOINTMENT

- 11.1 The Council will appoint a member to the Advisory Group including the prescribed Term and any conditions.
- 11.2 The Advisory Group Membership is normally for a period of two (2) years from the period of the ratification of the advisory group by the Council. (Generally the term is from November after the Ordinary local government elections to October of the second year). Membership of the Group terminates when an Ordinary local government election occurs every two years, in October.
- 11.3 If a member fails to attend three (3) consecutive meetings of the Advisory Group, his/her appointment shall be automatically terminated, unless Leave of Absence has been granted and approved by the Advisory Group. The Chief Executive Officer shall advise any member, in writing, when their membership of a Group is terminated.
- 11.4 The Council may terminate the appointment of any member prior to the expiry of his/her term, if:
- (a) the Chairperson and Chief Executive Officer are of the opinion that the member is not making a positive contribution to deliberations of the group; or
 - (b) the member is found to be in breach of the City of Vincent code of Conduct or a serious contravention of the *Local Government Act 1995*; or
 - (c) a member's conduct, action or comments brings the City of Vincent into disrepute.

12. VACANCIES

Vacancies shall be filled by calling for nominations of either the Council or community representatives. Members filling a vacated position will hold that position for the remainder of the two (2) years duration of the convened Advisory Group, as approved by the Council.

98. COUNCIL DECISION

The City's decision making obligations are guided by relevant legislative, strategic and operational requirements and therefore the views or proposals of an Advisory Group may not always prevail.

14. REVIEW

The operations of an Advisory Group shall be reviewed every two (2) years, or sooner if required.

CITY OF VINCENT POLICY MANUAL
GOVERNANCE & RISK
POLICY NO: 4.2.12 - ADVISORY GROUPS

| | |
|-----------------------------|--------------------------------------|
| Date Adopted: | 9 February 2010 |
| Date Amended: | 14 June 2011, 11 October 2011 |
| Date Reviewed: | 11 October 2011 |
| Date of Next Review: | October 2013 |

ADVISORY GROUPS



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|------------------------------------------------------------------|---------------------------------------------------------------------------|
| Legislation / local law requirements | Section 5.60A&B of the <i>Local Government Act 1995</i> . |
| Relevant delegations | Nil. |
| Related policies, procedures and supporting documentation | Local Government Operational Guidelines – Council Forums. |

PRELIMINARY

INTRODUCTION

Under Section 5.8 of the *Local Government Act 1995*, the Council may establish Committees to assist the Council and to exercise the powers and discharge the duties of the Council that can be delegated to a Committee. Committees report to the Council and can be established for a particular purpose, with a completion date, or can be ongoing.

Advisory groups are a collection of people that meet to assist the City in making recommendations or forming views for the Administration to progress or to be recommended to Council. Advisory groups will not be delegated decision making ability, or to exercise the powers or discharge the duties of the Council.

PURPOSE

The purpose of this policy is to establish strategic direction and principles guiding the establishment and operation of advisory groups within the City.

OBJECTIVE

To provide guidance for the establishment and operation of the City's Advisory Groups.

SCOPE

This policy applies to all advisory groups established within the City, including those formed in collaboration with external stakeholders.

ADVISORY GROUPS



POLICY PROVISIONS

DEFINITIONS

Advisory Group means and includes any group established by a resolution of Council pursuant to this policy.

Conflict of Interest means financial, proximity or impartiality interest.

Financial Interest has the same meaning as given by Section 5.60A of the *Local Government Act 1995*.

Proximity Interest has the same meaning as given by Section 5.60B of the *Local Government Act 1995*.

Impartiality Interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having interest arising from kinship, friendship or membership of an association.

POLICY

1. Establishment

- 1.1 The Council may resolve to establish an Advisory Group to:
 - (a) facilitate Council Member, stakeholder and/or community input and involvement opportunities;
 - (b) provide advice; and
 - (c) support to the City, in regard to strategic, special interest and/or operational activities.
- 1.2 Advisory Groups established pursuant to this Policy are not, and are not intended to be, Committees established under Section 5.8 of the *Local Government Act 1995*.
- 1.3 Advisory Groups will operate in accordance with the Terms of Reference approved by Council.
- 1.4 Council may resolve to terminate any advisory group at any time.

2. Membership

- 2.1 Membership, nomination processes and tenure of appointment for each advisory group is set out in the respective Terms of Reference.
- 2.2 Membership may include; Councillors, City of Vincent staff, representatives of agencies and stakeholder organisations, and members of the community.



ADVISORY GROUPS

3. Extent of Authority

- 3.1 An Advisory Group has no decision making powers and does not have any authority to act on behalf of the City. In operation, the group cannot direct employees, call tenders, award contracts, expend monies, direct volunteers or do anything which is the responsibility of the City.
- 3.2 Advisory Group members either collectively or individually are not authorised to speak on behalf of the City or provide comment to the media or other persons, in respect of any item under consideration, unless authorised by the Chief Executive Officer.

4. Review

- 4.1 Each group is responsible for drafting its own Terms of Reference which will be reviewed every two (2) years, or sooner if required.
- 4.2 Effectiveness of Advisory Groups will be reviewed against the objectives stated in the Terms of Reference, every two (2) years, or sooner if required.

5. Code of Conduct

- 5.1 Community Advisory Group members will be requested to act in accordance with the [Code of Conduct for City of Vincent Employees and Contractors](#) .

6. Conflict of Interest

- 6.1 All members must disclose any conflicts of interest, and extent of the conflict, in matters being considered at a meeting.
- 6.2 The disclosing member must leave the room while the meeting discusses the matter.
- 6.3 The meeting will determine if the member should:
 - (a) not participate in that discussion;
 - (b) remain and participate in the discussion; or
 - (c) remain and not participate in the discussion.
- 6.4 The minutes or meeting notes must record the disclosure of interest, extent of the interest, and times the disclosing member left and returned to the meeting.

7. Insurances

- 7.1 The City will arrange all insurance to cover Advisory Group members whilst discharging their normal course of duty, including travel to and from the meeting.

8. Council Decision

- 8.1 The City's decision making obligations are guided by relevant legislative, strategic and operational requirements and therefore the views or proposals of an Advisory Group may not always prevail.

ADVISORY GROUPS



DRAFT

| OFFICE USE ONLY | |
|---------------------------------|-----------------------------------------------------|
| Responsible Officer | Executive Manager Corporate Strategy and Governance |
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