



# Advisory Committee Policy

## Purpose

This policy supports Council in ensuring good governance and appropriate management of its Advisory Committees. It outlines how Advisory Committees can be formed, how they are to be governed, and outlines the limits of their responsibilities and powers.

This policy is intended to be read in conjunction with the Advisory Committee Terms of Reference Template.

## Governance Principles

Section 9 of the Local Government Act 2020 (the Act) specifies the overarching governance principles and supporting principles that Council must adhere to in the performance of its role and functions.

This policy gives effect to the following overarching governance principles outlined in Section 9(2) of the Act:

- Council decisions are to be made and actions taken in accordance with the relevant law;
- Priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- The municipal community is to be engaged in strategic planning and strategic decision making;
- Innovation and continuous improvement is to be pursued;
- Collaboration with other Councils and Governments and statutory bodies is to be sought;
- The transparency of Council decisions, actions and information is to be ensured.

This policy also takes into account the following supporting principles defined in Section 9(3) of the Act:

- The community engagement principles (Community Engagement Policy)

- The public transparency principles (Public Transparency Policy)

## Definitions

For the purposes of this policy, Council adopts the following definitions:

- **The Act** means the *Local Government Act 2020*.
- **Advisory Committee** means an Advisory Committee established under this policy.
- **Advisory Committee Meeting** means a meeting of an Advisory Committee.
- **Community** means the people of Baw Baw Shire.
- **Council** means Baw Baw Shire Council.
- **Councillor** means a current elected Councillor of Council.
- **Independent Member** means a community representative appointed to an Advisory Committee.
- **Staff Liaison** means the member of Council's Management Team appointed to support an Advisory Committee.
- **Terms of Reference** means a document which outlines the scope, purpose, authority and protocols of an Advisory Committee.
- **Quorum** means that one Councillor plus half of the independent members are present at the meeting; a Quorum is required to hold a formal meeting of an Advisory Committee where recommendations to Council can be made.

## Scope

This policy applies to all staff, Councillors and community representatives who are members of Advisory Committees, or responsible for their administration.

The policy is also relevant to all staff and community members who may interact from time to time with an Advisory Committee.

## Legislative context

The following Acts also have relevance to this policy:

- *Charter of Human Rights and Responsibilities Act 2006*
- *Equal Opportunity Act 2010*
- *Freedom of Information Act 1982*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*

## Related policies and documents

The Model Councillor Code of Conduct and Council's:

- Governance Rules
- Public Transparency Policy
- Community Engagement Policy
- Councillor – Staff Interaction Policy
- Advisory Committee Terms of Reference Template

## Policy principles

The objectives of this policy are to:

1. Support good governance practices while facilitating consultation between Council and the community through Advisory Committees.
2. Clearly outline the roles Advisory Committees play in Council's decision-making process.
3. Define the respective responsibilities of Council Staff, Councillors and community members who participate in Advisory Committee meetings.

## Policy detail

### 1. Establishment and Recission

- 1.1. Advisory Committees must be established and rescinded by Council Resolution.
- 1.2. Advisory Committees cannot be established without an associated Terms of Reference that has been endorsed by Council.
- 1.3. Terms of Reference may be updated via Council Resolution.
- 1.4. Terms of reference shall be reviewed at a minimum of every two years.
- 1.5. A Terms of Reference template can be found in the appendix of this policy and may be adapted to suit the needs of the Advisory Committee.

### 2. Powers and Functions

- 2.1. Advisory Committees do not have any executive, financial or delegated powers.
- 2.2. Council is not obligated to endorse the recommendation of an Advisory Committee.
- 2.3. Advisory Committees do not have the power to sub-delegate or form sub-committees or groups.

- 2.4. Advisory Committees cannot make a decision on behalf of Council or Council Officers.
- 2.5. The role of an Advisory Committee generally is to provide appropriate advice and recommendations to Council on matters relevant to its Terms of Reference to facilitate decision making by Council in relation to the discharge of its responsibilities.
- 2.6. An Advisory Committee can offer specialised advice and assistance with research on issues of interest to Council and the Community.

### 3. Administration and Support

- 3.1. Advisory Committees are assigned to the relevant member of Council's Management Team to provide administrative support ensure that the Terms of Reference are met and that the committee functions in accordance with Council's Governance Rules.
- 3.2. The CEO may also elect to assign more than one responsible staff member to an Advisory Committee.
- 3.3. Staff representatives have no delegated power and are not a voting member of the committee.
- 3.4. Agendas and Minutes of all Advisory Committee meetings will be completed on the appropriate template, and at a minimum include the following sections:
  - Time, date, location, meeting name
  - Attendances and apologies
  - Declaration of conflicts of interests
  - Acceptance of minutes from the previous meeting
  - Note of actions from previous meeting
  - Reports and Presentations
  - Matters arising not on the agenda
  - Action items from this meeting
  - Date of next meeting
- 3.5. Agendas and Minutes for Advisory Committee Meetings must be prepared and distributed to all committee members within seven days of and after the meeting.
- 3.6. Advisory Committee meetings will be included in the Councillors Calendar. Any Councillor is able to attend a meeting of any advisory committee. Only Councillors who are appointed to the committee may vote.
- 3.7. The staff liaison will manage the costs for committee operations in their existing operating budget and in accordance with Council policies.

## 4. Membership and Tenure

- 4.1. Advisory Committee membership must be endorsed by Council at a Council Meeting.
- 4.2. Council can appoint independent members to fill any vacancy that occurs within the Council term by Council Resolution.
- 4.3. All Advisory Committees must have a minimum of five members, comprising of a minimum of two Councillors and three independent members.
- 4.4. Advisory Committee membership will be capped at ten, with a minimum of two Councillor members and maximum of three, and a minimum of three independent members and maximum of eight.
- 4.5. Advisory Committee membership should aim to be equitable and represent the diversity of the municipality.
- 4.6. Community members wishing to serve as an independent member may nominate for successive terms without restriction.
- 4.7. Advisory Committee vacancies will be filled via a public expression of interest process.
- 4.8. Independent member appointment recommendations will be made to Council by the committee's staff liaison.
- 4.9. When considering expressions of interest, weight will be given to ensuring diversity of membership and the skills required for meaningful contributions to the Advisory Committee, as outlined in its Terms of Reference.
- 4.10. Where appropriate, representatives of peak bodies may be required members of Advisory Committees, and where this is applicable, it will be written into the Terms of Reference.
- 4.11. All Advisory Committee appointments lapse at the beginning of the Election Period prior to a General Election of Council.

## 5. Committee Chairperson

- 5.1. All Advisory Committees will have an elected Chairperson, who must be a Councillor.
- 5.2. The Committee will elect a Chair on an annual basis.
- 5.3. The Chairperson is responsible for ensuring that the Terms of Reference are met and that the Committee functions in accordance with Council's Governance Rules.

## 6. Meeting Governance

Council has elected to apply Section 61 of *the Act* to Advisory Committee members as if they were Councillors, the relevant provisions are outlined below:

- 6.1. Advisory Committee members must adhere to the same standards of conduct as the Council, as defined in the Model Councillor Code of Conduct.
- 6.2. A Quorum must be present for the committee to vote on any agenda item.
- 6.3. Committees unable to meet the minimum membership requirements or achieve a quorum for a period of 12 months will be reviewed and rescission of the committee will be recommended to Council.
- 6.4. Each appointed committee member present at an Advisory Committee Meeting is entitled to one vote.
- 6.5. Voting at a meeting must not be in secret, a member is not required to divulge their vote to the public.
- 6.6. If an item receives a majority of the votes from the members present at a meeting at the time the vote is taken, the vote is considered in favour.
- 6.7. Unless the vote relates to the Election of a Chair, or to declare the seat of Chair vacant, the Chair has the casting vote.
- 6.8. For the purpose of determining the result of a vote, a member present at the meeting who does not vote is to be taken to have voted against the motion.
- 6.9. Any member who has a conflict of interest in their role as a member of the Advisory Committee must disclose the conflict of interest in the manner stipulated in the Governance Rules.

## 7. Transparency and Reporting

- 7.1. In the interests of public transparency, all Advisory Committee's activity will be presented to Council at a Council Meeting open to the public.
- 7.2. Activity updates will be presented to future Council Meetings and include the following detail:
  - Meeting Minutes
  - Declarations of Conflicts of Interests
- 7.3. Council must review, within the period of 6 months after a general election, all Advisory Committees, Terms of Reference, and Advisory Committee membership.

Approval date	12 March 2025
Approval authority	Council
Effective from	13 March 2025
Review term	Council Term
Next review date	March 2029
Responsible position	Manager Governance
Responsible Director	Director Governance and Information Services
Version	2

## Revision History

Approval date	Version	Revision description
10 February 2021	1	2021 Advisory Committee Policy as Adopted by Council
12 March 2025	2	<p>1.2 - Added clarity relating to the requirements of an endorsed Terms of Reference</p> <p>1.3 - Added clarity relating to Council's mechanisms to review a committee's Terms of Reference</p> <p>1.4 - Added policy point to increase Terms of Reference Review timeframes</p> <p>2.2 - Added clarification that Council is not obligated to endorse the recommendation of an Advisory Committee</p> <p>2.4 - Added information relating to the committees' powers and functions relating to decisions of Council Officers</p> <p>3.4 - Added minimum specifications for meeting agendas</p> <p>3.5 - Moved meeting documentation timeframes from the Terms of Reference to the policy</p> <p>4.9 - Added mechanism for membership appointment recommendations</p> <p>4.12 - Added clarity relating to the formal end date of committee appointments</p> <p>6.1 - Updated to reflect change to Model Councillor Code of Conduct</p> <p>6.3 - Added mechanism to review poorly attended and non-functioning committees</p>

		7.2 - Removal of Chair summary report requirement Other – Removal of list of current Advisory Committees
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# Advisory Committee Terms of Reference Template

## 1. Objectives and Purpose

- 1.1 The Baw Baw Shire Council (Council) Advisory Committee (the Committee) is a formally appointed Advisory Committee of Council.
- 1.2 The role of an Advisory Committee generally is to provide appropriate advice and recommendations to Council on matters relevant to its Terms of Reference to facilitate decision making by Council in relation to the discharge of its responsibilities.
- 1.3 The Committee does not have any executive powers, nor does it have any delegated financial responsibility.
- 1.4 The Committee does not have the authority to delegate tasks or form sub-committees.
- 1.5 The Committee is to assist the Council by offering specialised advice and assistance with research on issues of interest to Council and the Community as outlined below.

## 2. Duties and Responsibilities

The Committee will carry out the following duties and responsibilities:

- 2.1 Provide advice and recommendations to Council to assist in the development/implementation of:
  - Items specific to Committee can be inserted here.
- 2.2 Provide appropriate advice and recommendations to Council Officers when requested.
- 2.3 The Committee's Staff Liaison will report to Council about committee activities, issues, and related recommendations through the circulation of minutes as outlined in the Advisory Committee Policy.
- 2.4 The Committee may be requested to help review its Terms of Reference and overall activity to help Council review the performance of its Advisory Committees.
- 2.5 Perform other activities related to this Terms of Reference as requested by Council resolution.

### 3. Membership and Tenure

- 3.1. The Committee will be a minimum of five members, consisting of:
  - 3.1.1. A minimum of two Councillors, with a maximum of three, appointed by the Council.
  - 3.1.2. A minimum of three external independent members, and a maximum of eight.
  - 3.1.3. A minimum of one representative from the following organisations: (if applicable).
- 3.2. Council Officers will support the Committee and will consist of representatives from the following Council Departments: List as appropriate for Committee.
- 3.3. Appointment of independent members shall be made by Council Resolution and be to the end of that current Council Term unless otherwise specified below:
  - 3.3.1. Membership Tenure: List as appropriate for Committee.
- 3.4. Appointment to the Committee may be decided by factors such as suitability, experience, expertise, and with a view to ensuring a diverse and well-balanced Committee.
- 3.5. The following skillsets or experience are required prerequisites for membership of the Name of Advisory Committee:
  - Insert committee specific requirements here

### 4. Conduct

- 4.1. While carrying out its duties, Advisory Committee members must adhere to the same standards of conduct as Council, as defined in the Model Councillor Code of Conduct.
- 4.2. Members are expected to:
  - 4.2.1. Contribute the time needed to study and understand the papers provided.
  - 4.2.2. Apply good analytical skills, objectivity and judgement.
  - 4.2.3. Express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of enquiry.
  - 4.2.4. Attend each Committee Meeting.
- 4.3. If a member misses two consecutive committee meetings without an accepted approval of absence, they will have disqualified themselves from membership.
- 4.4. Council may remove any member from the Committee if they have breached of the Terms of Reference or Model Code of Conduct.

- 4.5. If Council proposes to remove a member from the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard if that member so requests.

## 5. Meetings

- 5.1. The Committee will meet once a quarter. If circumstances require, additional meetings may be held, if approved by the relevant Director.
- 5.2. Meeting dates, times and locations shall be determined by the Staff Liaison in consultation with the Committee to ensure maximum attendance.
- 5.3. Meeting agendas and minutes will be provided electronically and in the timeframe specified in the Advisory Committee Policy.
- 5.4. Committee meetings will operate in accordance with Council's Governance Rules.
- 5.5. In the absence of the Chairperson from a meeting, the meeting shall be chaired by another present Councillor.

## 6. Conflicts of Interest

- 6.1. In accordance with Sections 126 to 130 of the Local Government Act 2020, members of the Committee are required to disclose all conflicts of interests and may not be eligible to vote on a matter or attend a meeting at which the subject of the conflict will be considered, depending on the nature of the conflict.
- 6.2. Members of the Committee are to comply with the provisions of the Local Government Act 2020, and any supporting Regulations, concerning conflicts of interest.
- 6.3. Failure to comply with provisions of the Local Government Act 2020 with regard to conflicts of interest may result in termination of the Member's appointment.

## 7. Confidentiality

- 7.1. All Members are subject to Section 125 of the Local Government Act 2020 in terms of information that the person knows, or should reasonably know, is confidential information as defined by the Act.
- 7.2. Failure to comply with provisions of the Local Government Act 2020 with regard to confidentiality may result in termination of the Member's appointment.
- 7.3. The Terms of Reference and Committee meeting minutes will be available on Council's website.
- 7.4. All independent members of the Committee shall sign a confidentiality agreement as shown below:

THIS AGREEMENT is made on (DATE)

BETWEEN

AND

I herewith agree that I must not whether during or after my membership of the Baw Baw Shire Council Committee Name Advisory Committee, unless expressly authorised by the Chief Executive Officer or in accordance with the law, make any disclosure or use of:

1. Any information or trade secrets of the Council;
2. The position of the Council or of any Councillor or Council Officer on any confidential matter;  
or
3. Any other information whatsoever, the disclosure of which may be detrimental to the interest of Council or of any other person who has provided it to the Council on a confidential basis, unless I am required to disclose the information by law. I must use my best endeavours to prevent the improper publication or disclosure or use of any such information by anyone else.

The termination or expiry of my membership of the Committee, for whatever reason, does not affect or derogate from my obligations of confidentiality set out above.

Signed by:

Date:

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ADVISORY COMMITTEE MEMBER

Signed by:

Date:

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(On behalf of Baw Baw Shire Council)

CHIEF EXECUTIVE OFFICER