

Title	Council Committees Policy
Description	Council's policy on the operation of Council Committees.
Category	Governance
Type	Policy
Approval authority	Council
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Human Rights compatibility	This policy has been assessed and is compatible with the Victorian Charter of Human Rights of Responsibilities

1. Purpose

To record Council's Policy on the operation of the following types of Council Committees:

- Advisory Committees
- Interest Groups
- Project Consultative Groups

2. Preliminaries

2.1. Scope

The Policy applies to all Council Committees fitting the definition herein.

For the avoidance of doubt, the policy does not apply to the following:

- A Special Committees established under section 86 of the Act;
- An Audit Committee established under section 139 of the Act; or
- An external body to which Council is entitled or invited to appoint a delegate as its representative.

2.2. Definitions

Term / Abbreviation	Definition
Act	Local Government Act 1989
Committee Member	Means a person appointed to a Council Committee and includes Councillors, Community Members, Organisational Representatives and Staff.

Committee Secretariat	Means the Council officer(s) appointed by the manager of the relevant Council as having responsibility for administering the committee, and their line management.						
Community Member	means a person appointed to a Council Committee to represent their own views.						
Council	means the Yarra City Council						
Council Committee	means any of the following types of Committee: <table border="1"> <tr> <td>Advisory Committee</td><td>means a committee established by Council to provide advice to Council, a special committee or a Council officer.</td></tr> <tr> <td>Interest Group</td><td>means a committee established by Council to facilitate networking among members (including Council) on a subject of mutual benefit.</td></tr> <tr> <td>Project Consultative Group</td><td>means a Committee established by Council to provide advice and facilitate consultation in the delivery of a specific project.</td></tr> </table>	Advisory Committee	means a committee established by Council to provide advice to Council, a special committee or a Council officer.	Interest Group	means a committee established by Council to facilitate networking among members (including Council) on a subject of mutual benefit.	Project Consultative Group	means a Committee established by Council to provide advice and facilitate consultation in the delivery of a specific project.
Advisory Committee	means a committee established by Council to provide advice to Council, a special committee or a Council officer.						
Interest Group	means a committee established by Council to facilitate networking among members (including Council) on a subject of mutual benefit.						
Project Consultative Group	means a Committee established by Council to provide advice and facilitate consultation in the delivery of a specific project.						
Organisational Representative	means a person appointed to a Council Committee to represent the views of an organisation, community group or club.						
Special Committee	Means a committees with delegated authority established under section 86 of the Act.						
Staff Representative	means a member of Council staff appointed to a Council Committee to provide their professional advice and view.						

3. Policy

Council Committees are committees established by the Yarra City Council to assist the Council in fulfilling its obligations. Council Committees cannot make decisions or form policy on behalf of Council, cannot direct Council officers in the discharge of their responsibilities and are not responsible for expenditure. There are three distinct types of Council Committees:

Advisory Committees are defined in section 3 of the Local Government Act 1989 and provide advice to Council, a Special Committee or a Council officer with decision-making authority. Where Advisory Committee advice cannot be acted on within the delegated power of Council officers, it must be referred to Council for formal resolution before being acted on. Advisory Committees are supported by a formal structure and support mechanisms.

Interest Groups are established to facilitate networking among the membership (which may include Councillors and staff) on a subject of mutual interest and benefit. These committees are relatively informal, with support provided by Council.

Project Consultative Groups are convened in relation to a specific policy development, planning process, capital project or other time limited project and provide a mechanism to

engage with the community to achieve specific pre-determined objectives. These groups are established for a fixed period only.

Summary of policy provisions

Type of Committee	Advisory Committee	Interest Group	Project Consultative Group
3.1 Establishment	Council	Council	Council or delegate
3.2 Purpose	Terms of Reference	Terms of Reference	Project Management Framework
3.3 Composition	Councillors Community Members Organisational Reps	Councillors Community Members Organisational Reps Council officers	Councillors Community Members Organisational Reps Council officers
3.4 Selection	Council	Council	Council or delegate
3.5 Chair	Councillor	Committee Member	None
3.6 Working Groups	Yes	No	No
Reporting to Council	Delegates Reports	Delegates Report	Project status reports
Record of meetings	Minutes	Meeting Notes	Meeting Notes
Assemblies of Councillors	Yes	No	No
Public reporting	Minutes	Meeting Summaries	Consultation results

3.1. Establishment of Committees

Advisory Committees and Interest Groups

Advisory Committees and Interest Groups can only be established by resolution of Council.

Prior to the establishment of either type of Committee, Council shall consider a report setting out the case for the establishment of the committee. At a minimum, the report is to include:

- the role of the committee and why it is required;
- a Terms of Reference for the committee;
- the membership composition of the committee, including how a diverse range of experiences and views will be achieved; and
- the resource implications of the committee, including direct costs and secondary costs associated with staff time, venue operations and commitment of resources.

Project Consultative Groups

Project Consultative Groups can be established by resolution of Council or by a Council officer acting under delegated authority.

In addition to the relevant matters set out for an Advisory Committee, a decision to establish a Project Consultative Group is to include consideration of:

- the specific tasks or deliverables expected of the committee; and
- the appropriate lifespan of the committee.

A Project Consultative Group is to be seen as an addition to a consultation program, and should not be interpreted as a replacement for wider consultation of affected persons or communities.

3.2. Terms of Reference

Each Advisory Committee and Interest Group is to be supported by a Terms of Reference which sets out specific details of the Committee, including:

- the type of the committee;
- the purpose of the committee,
- the general or specific objectives of the committee;
- the make-up and total number of members to be appointed to the committee;
- the make-up and numbers of each classification of members;
- the term of appointment of members;
- the manner of the appointment of a Chair;
- any specific skills, experience, qualifications or categories of expertise or representation sought in members to be appointed to the particular committee;
- the expected frequency and timing of meetings.

In addition, each Terms of Reference shall spell out the circumstances where the operation of the committee departs from this policy (if any).

The structure of a Project Consultative Group is to be set out in the Project Management Framework for the specific project.

3.3. Composition

The membership of a Council Committee will vary depending upon its specific role, and may comprise a combination of:

- Councillors;
- Community Members;
- Organisational representatives; and/or
- Council officers (except for an Advisory Committee).

Councillors

All Advisory Committees shall include one or more Councillors, with each Councillor being appointed for a term of twelve months. Councillor appointments are made each year at the special Ceremonial Council Meeting.

Interest Groups and Project Consultative Groups are not required to include a Councillor, but where they do so, that Councillor is appointed for the life of the Committee or on other terms set out at the time of appointment.

Community Members

Where Council Committees provide for Community Members, they shall either be selected following a public expression of interest process or, in the case of a committee with 'open membership', following confirmation that they fit the membership criteria.

Community Members are expected to bring their personal views to committee discussions, and not be answerable to another organisation, community group or club.

Organisational Representatives

Where Council Committees provide for Organisational representatives, they shall be appointed on the basis of advice from their supporting organisation.

Organisational representatives are expected to represent the views of their supporting organisation, but are not required to seek formal endorsement of every position before contributing it to the discussion. Organisational Representatives are also expected to provide periodic reporting back to their supporting organisation about the subject matter of discussions.

Guests and Observers

Council Committees are not public meetings, and only appointed Committee Members, Observers and the Committee Secretariat may attend without an invitation from the Chair.

Observers play a role in some Council Committees as described in the Terms of Reference, and may freely participate in committee discussions. All Councillors have a standing invitation to attend Council Committees as an observer.

Guests may attend meetings by invitation in order to make presentations, provide specialist advice, participate in discussions or for any other reason. The Chair has discretion to the degree of participation by any committee guests.

3.4. *Appointment of Chair and Committee Members*

Appointment of Chair

The manner of appointment of the Chair shall be set out in the Terms of Reference. Unless otherwise provided for in the Terms of Reference, in the event of the Chair (or joint Chairs) not being in attendance, the Council Committee will appoint another member to chair that meeting.

Appointment of Committee Members

The selection of committee members is to be conducted in an inclusive and transparent manner.

Councillors are appointed to committees annually, at Council's Ceremonial Meeting in November.

Community Members and Organisational Representatives are appointed in accordance with the *Appointment of Members to Council Committees Procedure*. In cases where a committee has been established by a Council officer under delegation, then the members may be appointed by that same delegate.

Where a Council Committee is identified as having an 'open membership', then a formal selection process is not required, as all persons fitting the criteria set out in the terms of reference are welcome to attend. To facilitate this attendance, interested persons are required to notify the relevant Council officer of their wish to participate in advance of the meeting.

3.5. *Working Groups*

Working Groups may be formed by Advisory Committees only. Except where specifically provided for in the Terms of Reference, membership of Working Groups is limited to members of the relevant

Advisory Committee. Working Groups cover a specific area of interest relating to the Advisory Committee and have a narrower focus than the Advisory Committee itself.

Working Groups should be inclusive in design and informal in operation, with all Advisory Committee members having the opportunity to participate. Minutes are not required to be kept of Working Group meetings, but they are expected to report back to the next meeting of the Council Committee, with that report incorporated into the Advisory Committee minutes.

Working Groups are not Assemblies of Councillors as defined in section 3(1) of the Local Government Act 1989.

3.6. Operation of Committees

Setting the Agenda

The determination of matters for inclusion on the agenda shall be the responsibility of the Committee Secretariat, in consultation with the Councillors on the committee. In making this decision, the Committee Secretariat shall seek to focus the Committee on matters of interest to Council and relevant to the development and delivery of policies and programs within Council's control and to Council's broader advocacy agenda.

In addition to any formal committee business, all meetings shall provide an opportunity for 'general business' or 'matters from the membership' to enable all members to raise issues of interest to the group. While this provides an opportunity for the committee to address of mutual interest, if it is the Committee's view that Council officers should undertake further investigation, research or policy development, this request must form part of a subsequent Delegate's Report and be subject to Council resolution.

Consensus decision-making

Council Committees are to operate on a consensus basis. Instead of voting for items to identify a majority, a committee using consensus is committed to finding solutions that everyone actively supports or accepts. This ensures that all opinions, ideas and concerns are taken into account. Through listening to each other, the group aims to develop proposals that work for everyone.

Where consensus is unable to be achieved, committees should explore the development of advice that identifies differing positions and highlights the key issues for Council's consideration.

In rare situations where a formal position of an Advisory Committee is desired and a consensus position cannot be reached, the Chair may accept motions moved and seconded by Committee Members and conduct a vote in accordance with Council's meeting procedures. In order to conduct a vote:

- at least a majority of Committee Members must be present;
- only Committee Members may vote; and
- in the event of an equal number of votes, the matter is lost and the Chair may not exercise a casting vote.

Any advice provided by the Council Committee on the basis of a non-consensual position (ie following a vote) is to be qualified by the fact that the position was not unanimous and where relevant, a dissenting position is to be provided.

3.7. Expectations of Committee Members

Behaviour

Committee Members are expected to support the objectives of the Committee, and participate in meetings in a positive and constructive manner. Committee Members have been brought together to

share diverse views, actively listen to contrary arguments and be open to different interpretations and suggestions.

Attendance

An appointed member absent for three or more consecutive meetings without leave or reasonable explanation may be requested to explain their absence. In the event that absenteeism of a member is ongoing, the Committee Secretariat may request the Chief Executive Officer (in consultation with Councillors) to declare the position vacant.

Public statements

Committee members, with the exception of the Chair, must not make statements to the media or on social media about Council business or items discussed by the Council Committee in a way that purports to represent the views of the Council or Council Committee or discloses or reveals confidential information provided to them in the course of committee business.

Privacy and Confidentiality

Information discussed, received, used or created by the Committee is confidential. Any member of a Council Committee must not disclose information that they know, or should reasonably know, is confidential information (in accordance with Section 77 of the Act).

A Committee member must not in any way disclose, record, retain, or reproduce confidential information; nor may they permit non-members to do so.

Dissent

Committee members are not expected to agree with all advice of the Committee and are free to respectfully express their dissenting view during meetings of Council Committees.

Committee Members who are repeatedly unable to agree with or support the advice of the Council Committee are advised to consider their ongoing membership of the Council Committee.

Conflict of interests

If a Committee Member has a direct or indirect conflict of interest (ie interest by close association, financial interest, conflicting duty, personal gain or loss, or future interest as stated in Section 77A and 77B of the Act) in an item to be considered or discussed by the Committee while they are in attendance, the Committee Member must disclose this to the Chair.

Where the Chair is of the opinion that the circumstances of the conflict warrant it, the Committee Member may be asked to leave the meeting while the matter is discussed.

Elections (Community Members and Organisational Representatives only)

If a Community Member or Organisational Representative of a Council Committee nominates for election to Council, State Parliament or Federal Parliament they must seek leave of absence from their Committee position from the time of declaring they have nominated (or intend to nominate). Upon election, they are deemed to have resigned from the Committee.

Resignation

A member may resign from a Council Committee at any time by advising of their resignation in writing to the Chair, Mayor or Chief Executive Officer. Any additional appointment to fill the vacancy for the remainder of the term shall be made in accordance with the *Appointment of Members to Council Committees Procedure*.

Committee members are appointed by Council, and their appointment may be terminated at Council's sole discretion at any time without reason, irrespective of their term of appointment.

3.8. *Expectations of Council Officers*

The manager of the relevant Council Department is responsible for the appointment of a Committee Secretariat - the Council officer(s) to undertake administrative tasks of the Council Committee and to attend all meetings. The Committee Secretariat the primary contact for all Committee Members in relation to the business of the Council Committee.

While Council officers may participate freely in discussions, they are to recognise the purpose of the Committee is to hear diverse viewpoints and that the Council officer's role is not to direct or seek to influence this discussion. Council officers are primarily present to provide a professional viewpoint and provide technical advice.

3.9. *Providing Advice to Council*

Delegates Reports

Following each meeting of an Advisory Committee, a Delegate's Report may be provided by the Councillor(s) appointed to the committee at a subsequent ordinary meeting of Council. This Delegate's Report provides an opportunity to formally present the committee's advice to the Council and table any background reports, research findings or policy recommendations to the Council. While the Responsible Officer may assist in providing material to support the development of a Delegate's Report, responsibility for its preparation and submission rests with the relevant Councillor(s).

At a Councillor's request, and with the leave of the Mayor, a Community Member or Organisational representative may address the Council in the presentation of this report.

Similarly, if a Councillor is appointed to an Interest Group, they may submit a Delegate's Report if they choose to do so, either following a meeting or on a periodic basis.

Delegate's Reports are not submitted in relation to Project Consultative Groups, as their discussions are included in relevant project status reports and consultation results.

Delegate's Reports are to be presented to Council with a motion for noting only. Any business arising from such meetings requiring a Council resolution is to be presented as an item of General Business or Notice of Motion.

Committee Submissions to Council

Council meetings provide an opportunity for members of the public to make submissions on matters before the meeting. Council Committees may not use this opportunity to make submissions on behalf of the Council Committee, as the appropriate mechanism for a Committee to provide advice to Council is through a Delegate's Report. Committee members may address the Council in relation to these Delegate's Reports as provided for above.

Committee Submissions to external parties

From time to time, opportunities will arise to make submissions to other organisations in relation to the subject matter of the Committee. In these circumstances, Council may request the Council Committee to provide advice in relation to the development of a Council submission. While the Council Committee may provide significant advice, any final Council submission must be approved by the Council or Council officer under delegation, and must not be submitted by the Council Committee itself.

Submissions by Committee Members

Members of Council Committees are free to make individual submissions to Council or to third parties provided they:

- do not purport to speak on behalf of the Council or Council Committee;
- do not suggest they speak with the Council or Council Committee's endorsement or support;
- either do not describe themselves as a member of a Council Committee or, if they do so, make it expressly clear that they do not speak in this capacity;
- do not disclose or draw on any confidential information or research provided to them in the course of the Council Committee operation.

3.10. Transparency

In order to maintain transparency of Committee operations, the following information is to be published on Council's website in respect of each Advisory Committee:

- the Terms of Reference
- the names of all members *
- adopted minutes of each meeting
- Delegates Reports (in minutes of Council meetings)
- records of Assemblies of Council (in agendas of Council meetings)

* *Council has the discretion to appoint persons to a Council Committee without disclosing their name publicly if such disclosure would, or would be reasonably likely to, endanger the life or physical safety of that person. Where a person is appointed to a Council Committee in such circumstances, their name shall be redacted from publicly available Committee documents, including meeting minutes.*

In the case of Interest Groups, the following information is to be published on the website:

- the Terms of Reference
- the names of all members *
- A Meeting Summary listing the items discussed at each meeting
- Delegates Reports (in minutes of Council meetings)

In the case of Project Consultative Groups, information is to be made publicly available through project community updates, progress status reports to Council and publication of consultation results. The mechanism for publication of this information is to be determined on a case by case basis.

3.11. Administrative Arrangements

Meeting Agendas

Agendas of Council Committee meetings are to be circulated to all Committee Members at least seven days in advance of each meeting, with a copy available to all Councillors on request. Agendas should include all associated materials, such as background reports, research papers and officer reports.

The structure of an agenda may be determined by the Council Committee, but must include:

- a statement of recognition of Wurundjeri land;
- attendance and apologies;
- declarations of conflict of interest;
- adoption of minutes of the previous meeting; and
- business arising from the previous meeting.

Minutes of Meetings

Minutes of Advisory Committee meetings are to be circulated to all Committee Members following each meeting, and a copy is to be available to all Councillors. At the latest, the minutes are to be circulated within 14 working days of the meeting. The Minutes shall include:

- the name of the meeting;
- the date, time and place of the meeting;
- the time at which the meeting commenced and concluded and the times of any adjournment and resumption of the meeting;
- the names of the members or guests present and a record of their attendance during the whole meeting;
- details of any conflicts of interest disclosures made;
- a listing of the matters considered and discussed and, where a consensus position was reached, the details of that position; and
- in the event of a formal motion, the names of the mover and seconder and the outcome of any vote or division.

Meeting minutes should not contain any material that is confidential or prohibited from release under the Privacy and Data Protection Act 2014.

Meetings of Interest Groups and Project Consultative Groups do not require formal minutes – meeting notes kept by the Committee Secretariat are sufficient.

Assembly of Councillors

An Assembly of Councillors as defined in section 3(1) of the Local Government Act 1989.

Relevantly, the following are Assemblies of Councillors:

- an Advisory Committee with one or more Councillors present;
- an Interest Group with five or more Councillors present; or
- a Project Consultative Group with five or more Councillors present.

and the following are not Assemblies of Councillors:

- an Advisory Committee with no Councillors present;
- an Interest Group with less than five Councillors present; or
- a Project Consultative Group with less than five Councillors present.

Where a Council Committee meeting is an Assembly of Councillors, the Committee Secretariat is responsible for the completion of a record of an Assembly of Councillors form and its submission to the Governance Support Unit within seven days of the meeting.

Changes to the Terms of Reference

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to a Council Committee Terms of Reference. Where an update does not result in material change, such change may be made administratively. Examples include a change to the name of a Council or government department, an alteration to reflect an endorsed change to Council policy, a change resulting from a Council resolution and an update to legislation which does not have a material impact.

Any proposed change or update which materially alters the Terms of Reference must be made by resolution of Council.

Practical support for diverse membership

The Committee Secretariat is responsible for providing any necessary assistance to ensure barriers to participation in Council Committees are reduced. In particular, the Committee Secretariat shall ensure that meeting arrangements and selection processes do not discriminate against participants on the

basis of the protected characteristics set out in the Equal Opportunity Act 1994. Examples of such assistance might include a flexible meeting schedule to suit participants, use of accessible venues, provision of support for languages other than English or assistance with transport to/from meetings.

Reimbursement of Expenses

Members of Council Committees are not remunerated for their participation.

For Community Members and Organisational Representatives, reimbursement of reasonable expenses associated with attendance may be made, subject to prior agreement and approval. Such reimbursement may include (for example) costs associated with transport, child care or interpreting services.

For Councillors, expense reimbursements are to be made in accordance with the Councillor Support and Reimbursement of Expenses Policy.

3.12. Caretaker

The operation of Council Committees shall be suspended upon the commencement of the election period ahead of a general Council election. During that period, Council Committee meetings will not be held, although any outstanding Delegate's Reports may still be reported to an ordinary meeting of Council during this period.

Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

3.13. Sunset

All Council Committees will sunset on 30 June following each Council election.

Council's Governance Support Unit will be responsible for presenting a report to Council in advance of this date that recommends a committee structure to support the implementation of the Council Plan.

This report will include recommendations on:

- the proposed committee structure;
- the endorsement of Terms of Reference for each committee; and
- the process for appointment of members to each committee.

Where it is recommended that an existing committee continue in operation, the report will provide advice on the treatment of the existing Terms of Reference and the existing membership.

Where it is desirable for a decision on the future of an existing committee to be made earlier than the 30 June sunset date, a report can be made to Council any time following the swearing in of Councillors after the election.

4. Related Documents

Council Documents

- Individual Committee Terms of Reference
- Appointment of Members to Council Committees Procedure
- Councillor Support and Reimbursement of Expenses Policy
- Election Period Policy

Legislation

- Local Government Act 1989
- Privacy and Data Protection Act 2014