

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

1. Purpose

This policy has been developed to provide a consistent approach to the establishment, ongoing management and review of Council endorsed committees in accordance with this policy.

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 Delegated Committee established under section 63 or a Joint Delegated Committee established under section 64 of the Act;
- An Audit and Risk Committee established under section 53 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 2020
Committee Member	Means a person appointed to a Council Committee and includes Councillors, Community Members and Organisational Representatives.

Committee Secretariat	Means the Council officer(s) appointed by the relevant General Manager having responsibility for administering the committee.				
Community Member	means a person appointed to a Council Committee to represent their own views.				
Council	means the Yarra City Council				
Council Committee	means the following types of Committee: <table border="1"> <tr> <td>Advisory Committee</td><td>means a committee established by Council to enable stakeholder engagement that provides input and guidance to support Council decision-making in accordance with the Council Plan</td></tr> <tr> <td>Community Reference Group</td><td>means a committee established by Council to provide advice and facilitate consultation in the delivery of a specific project, policy development or other time limited project in a set period and provide a mechanism to engage with the community to achieve specific pre-determined objectives</td></tr> </table>	Advisory Committee	means a committee established by Council to enable stakeholder engagement that provides input and guidance to support Council decision-making in accordance with the Council Plan	Community Reference Group	means a committee established by Council to provide advice and facilitate consultation in the delivery of a specific project, policy development or other time limited project in a set period and provide a mechanism to engage with the community to achieve specific pre-determined objectives
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Community Reference Group	means a committee established by Council to provide advice and facilitate consultation in the delivery of a specific project, policy development or other time limited project in a set period and provide a mechanism to engage with the community to achieve specific pre-determined objectives				
Organisational Representative	means a person appointed to a Council Committee to represent the views of an organisation, community group or club.				
Delegated Committee	Means a committee with delegated authority established under section 63 or a Joint Delegated Committee established under section 64 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 in accordance with the Council Plan. 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 two distinct types of Council Committees:

Advisory Committees provide advice to Council or a Delegated Committee. Advisory Committees are supported by a formal structure and support mechanisms.

Community Reference Groups may be convened in relation to a specific project, policy development 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	Community Reference Group
3.1 Establishment	Council	Council or Chief Executive Officer or relevant General Manager
3.2 Purpose	Terms of Reference	Project Management Framework
3.3 Membership	Councillors Community Members Organisational Reps	Councillors Community Members Organisational Reps Council officers
3.4 Selection	Chief Executive Officer	Council or Chief Executive Officer or relevant General Manager
3.5 Chair	Terms of Reference	None Terms of Reference
3.6 Working Sub-Groups	Yes	No
Reporting to Council	Minutes presented to Council	Project status reports
Record of meetings	Minutes	Meeting Notes
Public reporting	Summary of minutes on website	Consultation results to Council

3.1. Establishment of Committees

Advisory Committees

Advisory Committees can only be established by resolution of Council.

Prior to the establishment of an Advisory Committee, Council shall consider a report setting out the case for the establishment of the committee and a Terms of Reference in accordance with section 3.2. At a minimum, the report is to include:

- the role of the committee and why it is required;
- connection to the Council Plan;
- 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.

Community Reference Group

Community Reference Groups can be established by resolution of Council or by the Chief Executive Officer or relevant General Manager.

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

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

A Community Reference 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 Community Reference 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,
- Council Plan objectives,
- the make-up of members to be appointed to the committee;
- the make-up and numbers of each classification of members;
- the term of appointment of members;
- any specific skills, experience, qualifications or categories of expertise or representation sought in members to be appointed to the particular committee;
- governance obligations, e.g. conflict of interest, confidentiality, quorum, standards of conduct, role of Council staff, reporting responsibilities
- 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).

3.3. Membership and duration of term

The membership of a Council Committee will be limited to a maximum of 10 members (not including Councillors) and may comprise any combination of the following as set out in their respective Terms of Reference:

- Councillors;
- Community Members; and/or
- Organisational representatives.

As far as practicable, the composition of community members will reflect the diversity of the community, and an extensive recruitment process will be undertaken at the beginning of each Council term in an effort to attract members that represent Yarra's community including (but not limited to):

- Aboriginal and Torres Strait Islander people
- People from CALD backgrounds
- People with Disabilities, and
- Individuals at different life stages.

To encourage diversity of participation, preference will be given to those who are not members of other Advisory Committees.

Appointment will be for a period of two years, with a maximum of two (2) terms i.e. four (4) years. At the conclusion of a 4 year term Committee members may reapply, however new members will be given preference. Members representing organisations can apply for reappointment at the end of four (4) years.

Membership on a Committee will cease if the member no longer fulfills the criteria for membership in the Terms of Reference.

Councillors

All Advisory Committees shall include two Councillors, with each Councillor being appointed annually. Councillor appointments are made at an Ordinary Council meeting as soon as practicable after the Ceremonial Council Meeting.

Community Reference 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

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

All Councillors have a standing invitation to attend Council Committees as a guest.

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.

The following process applies to the appointment of members to Advisory Committees and Community Reference Groups:

Step 1:

Upon the establishment of a new Committee or the expiry of the term of an existing Committee, Council officers shall place notices on the Council's public website, newsletters, social media feeds and/or and any other relevant media:

- summarising the purpose of proposed Committee and its makeup,
- noting any desired attributes or skills of interested community or other non-Councillor representatives,

- inviting Expressions of Interest from suitably qualified or experienced persons seeking to be considered,
- noting that the Council will, following consideration of EOI's received, formally resolve to appoint the selected members

Step 2:

Following receipt of Expressions of Interest, the relevant Council Officer shall:

- prepare a summary report including a listing of submitted names, the appropriate experience/qualification of the nominee/s (where applicable) and any other relevant information as required by the Terms of Reference of the particular Committee which is being established;
- convene an assessment panel for the purpose of reviewing the submitted EOI list of names and prepare a report for presentation to Council setting out the background to the Committee and the required composition of the membership. The report should include a confidential attachment which provides recommendation/s of names being presented to Council for final determination, including a detailed outline as to why/how the recommended names best meet the Terms of Reference requirements to the particular Committee.

Step 3:

An Officer's report shall be presented to Council in open session, with a Councillor including the recommended names in the motion, which shall then be included in the Minutes of the meeting and made public.

In the event that a Councillor wishes to alter the names recommended for appointment, Council may resolve to close the meeting to the public before debating the merits of a particular nominee.

Step 4:

The Council will **by resolution** make the final determination on the selection and appointment of members to any Council Committee.

The Council may also choose to appoint the Chairperson of the Committee at this time if the Terms of Reference for the Committee require it.

Casual Vacancies

Where a position becomes available due to the resignation or departure of one or more individual Committee Members, the Secretariat will notify the Governance and Integrity Branch and will be recorded in the casual vacancies register to be reviewed biannually. Where casual vacancies exist in every biannual review, the following process shall be initiated:

- The Council Officer responsible for the Committee shall advise the Chief Executive of the vacancy.
- The Chief Executive shall make a determination as to whether the vacancy requires filling. In making this determination, the Chief Executive shall have regard to:
 - Whether the vacancy leaves an absence of diversity, viewpoint or representation that limits the Committee's capacity to fulfil its Terms of Reference;
 - The number of vacancies as a proportion of the Committee size;
 - The length of time remaining in the current Committee term;
 - Advice from the Council Officer responsible for the Committee;
 - The views of the Mayor, Councillors and Committee members (where known).
- If the Chief Executive determines that the vacancy requires filling, they shall determine the most appropriate process for recruitment from one of the following options:
 - Identification of an appropriate candidate from among Council's existing networks.
 - Identification of an appropriate previously unsuccessful candidate from the most recent

Expression of Interest process.

- Conduct of a full Expression of Interest process as set out above.
- Following the identification of a replacement Committee Member, the Chief Executive shall notify all Councillors of the intention to make an appointment and provide relevant details of the recommended appointee to support their candidature. The Chief Executive shall provide seven days for Councillors to raise any objections to the appointment of that candidate.
- If, after a period of seven days, no Councillor objects to the intended appointment, the Chief Executive shall appoint the recommended appointee to the Committee.
- If a Councillor does object to the Committee appointment within seven days, the Chief Executive may:
 - Submit the identified candidate to a Council Meeting for Council's determination;
 - Identify an alternative candidate and submit their name to Councillors; OR
 - Abandon the process and determine not to appoint a candidate.

Committee members appointed as a result of a 'mid-term' vacancy will serve the balance of the former Committee member's term. Nothing in this section prohibits the Chief Executive Officer from initiating an Expression of Interest process for casual vacancies prior to the next biannual review of the casual vacancies register.

Where a position becomes available due to the resignation or departure of a Committee Member that has been appointed to represent a particular organisation (the sponsoring organisation), the following process shall be initiated:

- The sponsoring organisation shall nominate an alternative Committee Member who is able to serve on the Committee.
- The Chief Executive shall provide relevant details of the recommended appointee to support their candidature. The Chief Executive shall provide seven days for Councillors to raise any objections to the appointment of that candidate.
- If, after a period of seven days, no Councillor objects to the intended appointment, the Chief Executive shall appoint the recommended appointee to the Committee.
- If a Councillor does object to the Committee appointment within seven days, the Chief Executive may:
 - Submit the sponsoring organisation's candidate to a Council Meeting for Council's determination;
 - Ask the sponsoring organisation to identify an alternative candidate and submit their name to Councillors; OR
 - Abandon the process and determine not to appoint a candidate.

Nothing in this policy limits the ability of Council, by resolution, to appoint or revoke the appointment of members of Committees, to alter the Terms of Reference of Committees or to dissolve Committees.

3.5. Working Sub-Groups

Working Sub-Groups may be established as required for a specific purpose and on a limited timeframe to enable a focus on a specific task or project for the particular committee. These are subject to the approval by the relevant General Manager after consideration of their specific need, the availability of resources to support their operation and their agreed timeframes and tenure. All Working Sub-Groups must report back to the committee on any actions undertaken.

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 Terms of Reference, Council Plan objectives and the development and delivery of policies and programs within Council's control and to Council's broader advocacy agenda.

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 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*

Standards of Conduct

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. Committee members will abide by the Standards of Conduct outlined in the Terms of Reference.

The following steps must be undertaken for any alleged breach of the standards of conduct of a committee member:

- 1) In the first instance the matter should be reported to the Chairperson if it can be resolved or mediated informally.
- 2) Should the breach not be able to be resolved informally, then a written complaint should be provided to the Manager Governance and Integrity for investigation.
- 3) The Manager Governance and Integrity can issue a warning if the breach is substantiated or can progress the matter through a Council report if the matter is serious and would warrant removal from the Committee.
- 4) In urgent circumstances, the Chief Executive Officer may dismiss the person who has committed a breach.

The Chief Executive Officer may immediately dismiss a committee member if there is a risk in Occupational Health and Safety obligations under the responsibility of the Chief Executive Officer.

Complaints regarding the behaviour of a Councillor or a member of Council staff must be reported in writing to the Manager Governance and Integrity. Councillors are bound by the Model Councillor Code of Conduct. Officers are bound by the Staff Code of Conduct.

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 must not speak for Council and are not authorised to speak to the media in respect of the Committee's activities and deliberations.

Privacy and Confidentiality

Committee members must respect the confidential and sensitivity of information as appropriate.

Information discussed, received, used or created by the Committee must be treated as confidential. Any member of a Council Committee must not disclose, record, retain or reproduce information that they know, or should reasonably know, is confidential.

Committee members should be mindful not to disclose the private information of individuals, including other Committee members.

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 general conflict of interest within the meaning of section 127 of the Act or a material conflict of interest within the meaning of section 128 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 this policy.

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 General 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*

Minutes of meetings

The minutes of each Advisory Committee will be presented to the next appropriate Council meeting for noting.

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-

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, Chief Executive Officer or relevant General Manager ~~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 *
- minutes of each meeting

* *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 Community Reference 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 Advisory 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 must include:

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

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 within Council's control, noting that committees are advisory in nature and cannot direct officers to raise new work projects.

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 motion 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 Community Reference Groups do not require formal minutes – meeting notes kept by the Committee Secretariat are sufficient.

The minutes of meetings will be published on Council's website no later than 14 days after the meeting, however confirmation of the minutes will occur at the subsequent Committee 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 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. Establishment and Sunsetting of Advisory Committees

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 2020
- Privacy and Data Protection Act 2014