

Council Policy

Advisory Group Operation and Conduct



COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	ADVISORY GROUP OPERATION AND CONDUCT
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Policy Number:	GOV-15
Responsible Department(s):	Governance & Performance
Other Relevant Policies:	<i>Council Member Conduct Informal Council and Committee Gatherings and Discussions Volunteer Engagement</i>
Relevant Procedure(s):	Nil
Relevant Legislation:	<i>Local Government Act 1999 Local Government (General) Regulations 2013</i>
Policies and Procedures Superseded by this policy on its Adoption:	<i>Procedures for Advisory Groups, v1.0, 13 December 2013</i>
Adoption Authority:	Council
Date of Adoption:	18 December 2018
Effective From:	2 January 2019
Minute Reference for Adoption:	Item 12.3, 326/18
Next Review:	No later than December 2021 or as required by legislation or changed circumstances

ADVISORY GROUP OPERATION AND CONDUCT POLICY

1. INTRODUCTION

- 1.1 Council has used Advisory Groups (in various forms) over many years to provide advice to the Administration (i.e. Council Officers) and, ultimately, to the Council in relation to a variety of subject matters.
- 1.2 While the specific composition arrangements of each Advisory Group vary, they provide the means by which the Administration can access technical and/or community advice to inform the development of Council strategies, policies and initiatives.
- 1.3 In contrast to the more formal meeting structures such as Council and Council Committees (created under s41 of the *Local Government Act 1999*), Advisory Groups do not have any legal standing but, due to the membership containing Council Members, are required to comply with the informal gatherings legislative provisions.

2. OBJECTIVES

- 2.1 The objectives of this policy are:
- To provide clear guidance to Council Members, Officers and Independent Members on the operational arrangements and conduct expectations of Advisory Groups; and
 - To ensure that Advisory Groups are conducted in accordance with the applicable obligations contained in legislation.

3. DEFINITIONS

- 3.1 “**Executive Officer**” means the Council Officer appointed by the Chief Executive Officer to coordinate and conduct the respective Advisory Group
- 3.2 “**Designated informal gathering or discussion**” is an event organised and conducted by or on behalf of the Council or Chief Executive Officer (CEO) to which Members of the Council or Council Committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council Committee. (Regulation 8AB(2), *Local Government (General) Regulations 2013*)

4. SCOPE

- 4.1 This policy applies to all Council Members, Officers and Independent/Community Members appointed to Advisory Groups.

5. POLICY STATEMENT

- 5.1 Council values the experience and specialist knowledge that exists in the Adelaide Hills community and is committed to seeking opportunities to access this expertise for use in developing Council strategies, policies and initiatives.

6. ROLE AND FUNCTIONS

- 6.1 An Advisory Group is a group formed by Council to provide advice to its Executive Officer on specific matters. For clarity, it is not a committee formed pursuant to Section 41 of the *Local Government Act 1999* which would provide advice direct to Council.
- 6.2 Each Advisory Group has a Terms of Reference adopted by Council and the Group is expected to stay within these terms.
- 6.3 Advisory Groups will not commission work on their own initiative or have any decision making powers delegated by Council, but rather provide advice to their Executive Officer.
- 6.4 Given that Advisory Groups provide advice to their Executive Officer, it is appropriate that only the Mayor, Council's CEO and where delegated, the Executive Officer, be the media spokespersons on behalf of the Group.

7. MEMBERSHIP

- 7.1 The membership of each Advisory Group is set out in the respective Terms of Reference.
- 7.2 The Mayor is an ex-officio member of all Advisory Groups.
- 7.3 Council Members can attend meetings of all Advisory Groups.

8. APPOINTMENTS

- 8.1 Appointments to Advisory Groups shall be at the Council's sole discretion and be based upon the skills, knowledge and experience of appointees relevant to the Advisory Group.
- 8.2 In the general course of events, the selection process for Advisory Groups will begin with an advertising campaign calling for nominations. Advertising will be through Council's website, newspapers, council service centres and libraries. Interested parties will be requested to submit a written application which will identify responses to the selection criteria.
- 8.3 For a small number of Advisory Groups, the Terms of Reference will identify an alternative process for appointing the Independent Members (i.e. as representatives of other organisations).
- 8.4 The selection process for independent members will be conducted by a panel comprising two (2) Council Members (preferably those familiar with the business of the Advisory Group) appointed by the Council, Council's Chief Executive Officer (or delegate), and the Executive Officer.
- 8.5 Recommendations for independent membership of Advisory Groups will be made to Council and appointment will be made by resolution.

8.6 Council Members will be appointed to Advisory Groups by resolution of the Council.

9. TERM OF OFFICE

9.1 The term of office for Independent Members on an Advisory Group will be two (2) years or such other time as resolved by Council at the time of appointment.

9.2 The term of office for Council Members will be two (2) years or such other time as resolved by Council.

9.3 Casual vacancies may be filled using the selection process with any appointment(s) made by resolution of Council. Where a vacancy occurs less than six (6) months before the expiry of the term of office, the vacancy may remain unfilled.

10. STATUS OF OFFICE OF MEMBERS

10.1 Independent Members of Advisory Groups have status as volunteers of the Council and are insured in accordance with the Volunteer Insurance Policy that is part of the Council's membership of the Mutual Liability Scheme.

10.2 Independent Members are not indemnified by the Council against any liability arising as a result of their actions or omissions related to their involvement with the Advisory Group or undertaken in connection with their role as a member of an Advisory Group.

10.3 Council Members' involvement with an Advisory Group constitutes the exercise of official functions and duties of office of an elected member under the *Local Government Act 1999*. Council Members are, therefore, protected from civil liability in their role as Advisory Group members pursuant to section 39 of the *Local Government Act 1999*.

11. MEETINGS

11.1 An Advisory Group shall meet at least four times per year, or more frequently if determined by the Executive Officer in consultation with the Group Members.

11.2 The Executive Officer will determine the meeting schedule in consultation with Advisory Group Members.

11.3 A special meeting may be convened to consider a matter of urgency by the Executive Officer with at least five calendar days' notice. If such a special meeting is at the request of a member of an Advisory Group, then such a request shall have the support of the majority of the members before it can be convened.

11.4 While Advisory Groups do not make formal decisions, there is no specific requirement for a quorum. If however the Executive Officer determines that the likely number of attendees will be insufficient to generate the required advice, the meeting will be cancelled and alternative communication methods used.

11.5 In accordance with the *Informal Council and Committee Gatherings and Discussions Policy*, meetings will be advertised on Council's website, and held in venues open to the public unless the meeting has been declared by the Chief Executive Officer to be a 'confidential informal discussion'.

12. PRESIDING MEMBER

- 12.1 The Executive Officer (or their delegate) will be the Presiding Member of the Advisory Group.
- 12.2 The role of the Presiding Member includes:
- Overseeing and facilitating the conduct of meetings in accordance with *Local Government Act 1999*, the *Local Government (General) Regulations 2013* and the *Informal Council and Committee Gatherings and Discussions Policy* ; and
 - Ensuring all Group Members have an opportunity to participate in discussions in an open and encouraging manner

13. AGENDAS

- 13.1 The Executive Officer will determine the matters to be discussed at the Advisory Group meeting on the basis of the advice required.
- 13.2 In accordance with the *Informal Council and Committee Gatherings and Discussions Policy*, only matters listed on the published Agenda will be discussed during the Advisory Group meeting.
- 13.3 The Agenda will be distributed to Members by email no later than five (5) days prior to the next meeting date.
- 13.4 The Agenda will be distributed to Members no later than five (5) days prior to the next meeting date.

14. MINUTES

- 14.1 As an Advisory Group is not a formal meeting of Council, the minutes will reflect this lack of formality but will (as minimum) record:
- The place, date and time at which the designated informal gathering or discussion was held;
 - The meeting attendees and apologies;
 - The topics discussed; and
 - Recommendations arising from the discussion and advice provided to the Executive Officer (see Recommendations section below).

15. RECOMMENDATIONS OF ADVISORY GROUPS

- 15.1 Advisory Groups provide advice to their Executive Officer which may be in the form of recommendations.
- 15.2 These recommendations will be made by consensus. Consensus decision-making is a group decision making process that seeks the consent of all participants. Consensus may be defined as an acceptable resolution, one that can be supported, even if not the "favourite" of each individual.

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- 15.3 The minutes will record if consensus on a matter was not able to be achieved
- 15.4 An Advisory Group may make recommendations on changes to these Terms of Reference to its Executive Officer to enhance achievement of the Advisory Group's purpose and role.
- 16. CONDUCT OF ADVISORY GROUP MEMBERS**
- 16.1 Council Members and Council Officers have conduct standards set by both legislation and policy and are required to comply with these in the context of Advisory Group meetings.
- 16.2 Independent/Community Members will be expected to:
- a) Comply with Council's policies in relation to volunteers;
 - b) Be honest and fair when dealing with all persons present at meetings;
 - c) Deal with information received in their capacity as a member in a responsible manner;
 - d) Be aware of any conflicts (real or perceived) between their role as a Group Member and their private interests and disclose these conflicts either prior to the relevant matter being discussed or as soon as the conflict becomes apparent;
 - e) Endeavour to provide accurate information to the Group and to the public at all times; and
 - f) Endeavour to establish and maintain respectful relationships with all Group members and Council staff, regardless of difference of views and opinions.
- 16.3 Matters presented to an Advisory Group as confidential shall be dealt with and remain in confidence until such time as confidentiality is withdrawn as advised by the Executive Officer.
- 16.4 A Member of an Advisory Group may be removed from office on the grounds that:
- He or she was absent, without leave from the Advisory Group, from two or more consecutive meetings; or
 - Has made public statements that may be detrimental to the effective functioning of the Advisory Group; or
 - Has, or is, behaving in a way which is detrimental to the smooth, efficient and effective workings of the Advisory Group.
- 16.5 The determination as to whether a Member's conduct constitutes grounds for removal from office will be made by a Reference Panel comprising the Mayor, Chief Executive Officer (or delegate) and the Executive Officer. The Reference Panel will observe the principles of natural justice in making any decision to remove a member from office. That is, the member will be given an opportunity to comment in relation to any adverse allegations against him/her and in relation to any proposal that he/she be removed from office. Any comments made by the member will be taken into account by the Reference Panel before a decision is made.

17. DELEGATION

17.1 The Chief Executive Officer has the delegation to:

- Approve, amend and review any procedures that shall be consistent with this Policy; and
- Make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

18. AVAILABILITY OF THE POLICY

18.1 This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website www.ahc.sa.gov.au. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.