


# *Council Policy*

## Advisory Group Operation and Conduct



## COUNCIL POLICY

 <p><b>Adelaide Hills</b> COUNCIL</p>	<h3 style="margin: 0;">ADVISORY GROUP OPERATION AND CONDUCT</h3>
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<b>Policy Number:</b>	<b>GOV-15</b>
<b>Responsible Department(s):</b>	<b>Governance &amp; Performance</b>
<b>Other Relevant Policies:</b>	<i>Council Member Conduct Information or Briefing Sessions Volunteer Engagement</i>
<b>Relevant Procedure(s):</b>	<b>Nil</b>
<b>Relevant Legislation:</b>	<i>Local Government Act 1999 Local Government (General) Regulations 2013</i>
<b>Policies and Procedures Superseded by this policy on its Adoption:</b>	<i>Advisory Group Operation &amp; Conduct Policy, 18 December 2018, Item 12.3, 326/18</i>
<b>Adoption Authority:</b>	<b>Council</b>
<b>Date of Adoption:</b>	<b>22 March 2022</b>
<b>Effective From:</b>	<b>5 April 2022</b>
<b>Minute Reference for Adoption:</b>	<b>57/22</b>
<b>Next Review:</b>	<b>No later than March 2025 or as required by legislation or changed circumstances</b>

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## Version Control

<b>Version No.</b>	<b>Date of Effect</b>	<b>Description of Change(s)</b>	<b>Approval</b>
1.0	2/1/2019	Initial Adoption	Council – Res 326/18
1.1	9/11/2021	Consequential amendments from adoption of <i>Information or Briefing Sessions Policy</i>	Council – Res 226/21
2.0	5/4/22	Streamlining of recruitment procedures and removal of special meeting provisions	Council – Res 57/22

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## 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. They also allow community members with the right skills and interests in a matter to influence decision making and direction.
- 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 information or briefing sessions legislative provisions contained in Section 90A of the *Local Government Act 1999* and Council's adopted policy positions contained in the *Information or Briefing Sessions Policy*.

### 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 and Council policy.

### 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 **"Information or briefing session"** is a session to which more than one (1) member of the council or a council committee is invited by the council or the chief executive officer (CEO) of the council to attend or be involved in for the purpose of providing information or a briefing to attendees [Section 90A(1)].
- 3.3 **"Electronic means"** includes a telephone, computer or other electronic device used for communication.

### 4. SCOPE

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

## **5. POLICY STATEMENT**

- 5.1 Council values the experience and specialist knowledge that exists in the Adelaide Hills community and its partnering organisations 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 the Executive Officer is seeking advice on.
- 6.2 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.
- 6.3 Each Advisory Group has a Terms of Reference adopted by Council and the Group is expected to stay within these terms.
- 6.4 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.
- 6.5 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.

### **Independent Members**

- 8.2 In the general course of events, the selection process will commence upon positions becoming vacant, or on the approach to positions becoming vacant at the end of a term(s) of membership, without needing reference back to Council, unless changes to the Terms of Reference or the continuance of an Advisory Group is being considered.
- 8.3 The selection process for Advisory Groups will begin with an advertising campaign calling for independent member 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.

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- 8.4 The selection process for independent members will be conducted by a Selection Panel comprising one (1) Council Member (drawn from the Council Members currently on the Advisory Group), Council's Chief Executive Officer (or delegate), and the Executive Officer.
- 8.5 Recommendations for independent membership of Advisory Groups will be made by the Selection Panel to Council and appointment will be made by resolution.
- 8.6 Where all independent member positions are not filled in a selection process or a casual vacancy occurs, the Executive Officer will endeavour to find appropriate candidates and the Selection Panel will consider these as they arise. The Chief Executive Officer will have the delegation to appoint the recommended candidate for the balance of the independent members' term on that Advisory Group.

### **Council Members**

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

### **Partnering Organisation Nominees**

- 8.8 For a small number of Advisory Groups, the Terms of Reference provide for membership of nominees of partnering organisations. As such there is no selection process by 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 (except partnering organisation nominees) have status and will be registered 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.

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- 11.2 The Executive Officer will determine the meeting schedule in consultation with Advisory Group Members.
- 11.3 A special meeting may be convened by the Executive Officer to consider a matter of urgency with at least five calendar days' notice.
- 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 clauses 6.2.7-8 of the *Information or Briefing Sessions Policy*, meetings will be open to the public under s90A(3) unless the confidentiality provisions of s90(3) apply. Meetings will not be conducted by electronic means and will not be live streamed.
- 11.6 Publication of meeting details on Council's website will be in accordance with clause 6.2.9 of the *Information or Briefing Sessions Policy*.

## **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 *Information or Briefing Sessions 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 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.

## **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 information or briefing session 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.
- 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 (where applicable);
  - 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 legislative, 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 on the Council's website [www.ahc.sa.gov.au](http://www.ahc.sa.gov.au).