

## APPENDIX A



# GUIDELINES FOR COUNCILLORS ON ADVISORY COMMITTEES

This Policy was approved by resolution of Darebin City Council on 5 May 2014

## **1. Purpose of the Guidelines**

1.1 The purpose of the Guidelines for Councillors on Advisory Committees (**Guidelines**) is to:

1.1.1 outline Council's expectations of a Councillor who is appointed to, or otherwise becomes a member of, one (or more) of Council's Advisory Committees; and

1.1.2 provide guidance for Councillors who are appointed to, or otherwise become a member of, one (or more) of Council's Advisory Committees on their behaviour during their term on the Advisory Committee(s).

1.2 By complying with these Guidelines, it is expected that Councillors will fulfil their role as members of Advisory Committees with the necessary levels of courtesy and respect, and avoid any conflict with their role as Councillors.

## **2. Scope of the Guidelines**

2.1 The Guidelines apply to all Councillors who are appointed to an Advisory Committee and operate in conjunction with Council's Councillor Code of Conduct 2013.

2.2 The term 'Advisory Committee' is used in the Guidelines to refer to a committee or other group (eg reference group) established by Council which does not have delegated authority to determine the matters before it for consideration but provides recommendations or guidance to Council from time to time.

## **3. Preliminary Matters**

3.1 A meeting of an Advisory Committee, where at least one Councillor is present, is an 'assembly of Councillors' as defined by the *Local Government Act 1989 (Act)* and, as such, Councillors are bound by the relevant provisions of the Act.

3.2 Without limiting the generality of paragraph 3.1 above, Councillors on Advisory Committees must:

3.2.1 disclose any conflict of interest in a matter before the Advisory Committee and leave the meeting of the Advisory Committee, in accordance with section 80A(3) and (4) of the Act; and

3.2.2 respect and maintain the confidentiality of any confidential information (as defined by section 77(2) of the Act) before an Advisory Committee.

## **4. Establishment of Advisory Committees**

4.1 Advisory Committees are established by Council to discuss and consider matters within their Terms of Reference (**ToR**) and make recommendations to Council in respect of those matters.

4.2 The ToR of an Advisory Committee are adopted by Council and address matters like:

4.2.1 its composition, including whether its members will be Councillors, staff, community members or a combination;

4.2.2 the types of matters which it is established, and is empowered, to consider;

4.2.3 the frequency, timing and proceedings of meetings; and

4.2.4 the frequency with which it reports to Council.

4.3 An Advisory Committee can be established indefinitely, or for a specified term.

## **5. Process of Advisory Committees**

5.1 Advisory Committees fulfil a purely advisory function and cannot finally determine matters before them for discussion and consideration.

5.2 Where a matter is before an Advisory Committee for discussion and consideration, the following process will be followed:

5.2.1 the Advisory Committee will reach a decision on each matter before it for consideration, which will be evidenced by a resolution supported by a majority of the members and may form a recommendation to Council;

5.2.2 if a matter considered by the Advisory Committee requires a decision of Council to be actioned, a report will be prepared by a member of Council staff setting out the Advisory Committee's recommendation about the matter; and

5.2.3 Council will consider a report prepared under paragraph 5.2.2, including the Advisory Committee's recommendation, and make a final and binding decision in respect of the matter.

5.3 A Councillor who is appointed as a member of an Advisory Committee can provide Council with additional insight into the rationale of the Advisory Committee in making its recommendation.

## **6. Role of Councillors on Advisory Committees**

6.1 Councillors are appointed to Advisory Committees to represent Council's interests in the matters within the scope of the Advisory Committee's ToR.

6.2 The position of a Councillor who is appointed to an Advisory Committee is no different to that of any other member of the Advisory Committee. As such:

6.2.1 all members of an Advisory Committee are to be provided with the opportunity to contribute to its proceedings; and

6.2.2 no one member of the Advisory Committee takes precedence over the other members (with the exception of the Chair, when necessary).

6.3 Councillors appointed to Advisory Committees cannot exercise any power independently of other members and must not seek to direct other members in their contributions to, or voting on, matters before the Advisory Committee.

6.4 Councillors appointed to Advisory Committees are expected to treat all other members of, and those who are otherwise involved with, Advisory Committees with courtesy and respect.

## **7. Council Staff and Resources**

7.1 Council resources will generally be assigned to Advisory Committees to assist them in their functions, including:

7.1.1 Council staff to provide administrative support;

7.1.2 meeting rooms;

- 7.1.3 stationery; and
- 7.1.4 equipment and facilities.
- 7.2 All Council resources assigned to an Advisory Committee are to be used solely for purposes associated with the Advisory Committee's functions.
- 7.3 A Councillor who is appointed to an Advisory Committee is expected to :
  - 7.3.1 treat all Council staff appointed to provide administrative support with courtesy and respect; and
  - 7.3.2 refrain from attempting to direct, or directing, Council staff appointed to provide administrative support.
- 7.4 A Councillor who is appointed to an Advisory Committee may request information from Council staff that is relevant to their functions as a member of the Advisory Committee, provided that such requests are made in accordance with Council's Interaction Protocols.

## **8. Review**

These Guidelines will be reviewed in December 2014, unless Council determines, by resolution, that they should be reviewed sooner.