Handbook for Advisory Committees

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CONTENTS

1. INTRODUCTION 1

2. SCOPE 1

3. PROCEDURE FOR THE INITIAL APPOINTMENT OF AN ADVISORY COMMITTEE 2

3.1 COMMITTEE MEMBERSHIP 2
3.2 THE RESPONSIBILITIES OF THE CHAIRPERSON 3
3.2.1 Before a meeting 3
3.2.2 During the meeting 3
3.3 THE RESPONSIBILITIES OF THE SECRETARIAT 3
3.3.1 Before a meeting 3
3.3.2 During the meeting 3
3.3.3 After the meeting 3
3.3.4 Outside the meeting 4
3.4 COMMITTEE MEETINGS 4
3.4.1 Meeting Procedures 4
3.4.2 Frequency of meetings 4
3.4.3 Quorum 4
3.4.4 Office bearers 5
3.4.5 Meeting agenda 5
3.4.6 Meeting minutes 5
3.4.7 Conflicts of Interest 6
3.4.8 Attendance by members of the public 6
3.4.9 Correspondence 6
3.4.10 Recommendations made by the Committee to Council 7
3.4.11 Insurance 8

4. REVIEW 8

5. ATTACHMENTS 8

5.1 Example of Agenda 8
5.2 Example of Minutes 8

1. INTRODUCTION

The appointment of Council committees is a mechanism by which the substantive work involved in investigating, reporting on and formulating decisions with respect to particular issues or areas of Council's jurisdiction can be delegated to a select group of people.

A committee can be constituted to deal with a particular matter or area of jurisdiction on an on-going basis or can be constituted for a defined period only to examine and deal with a specific subject or issue, on completion of which, the committee will then normally be disbanded.

The *Local Government Regulation 2012* provides that a local government may:

(a) appoint, from its councillors, standing committees or special committees; and
(b) appoint advisory committees

While membership of standing committees or special committees can only include councillors, an advisory committee may include in its members, persons who are not councillors.[1]

Although advisory committees are generally appointed to investigate and report on specific issues or areas of operation, they can also have an on-going operation depending on the particular matters referred to them.

The appointment of persons who are not councillors to an advisory committee enables Council to:

- Access knowledge, experience, information and expertise that exists within the wider community and that may not otherwise be available to Council;
- Secure community input to projects and activities to ensure that community needs and wishes are recognised and considered by Council

2. SCOPE

An advisory committee, as its name implies, can only provide advice and recommendations to Council - it does not have any delegated decision making authority itself. The committee must act in accordance with any legislative requirements of the Local Government Act and Regulation and also abide by any Code of Conduct, terms of reference, meeting rules (Standing Orders) or guidelines established by Council. It must also keep Council advised of what it is doing. Many of the guidelines in this handbook are to ensure that Council is kept aware of a committee's activities.

From a legal perspective, it is important to be aware, as noted above, that the committee cannot make decisions on Council's behalf and can only provide advice or recommendations to Council. The committee must, at all times, act within the bounds of its terms of reference and relevant legislation. If it does not then its members may be liable for their actions and they may not be covered by Council's insurance.

Council values the contribution of external appointees as members of its advisory committees. If any committee member has any questions, either about matters covered in this handbook or the

[1] See *Local Government Regulation 2012* (Qld) ss 264-265.

way in which the committee is operating, or should operate, they are requested to contact Council's Chief Executive Officer.

3. PROCEDURE FOR THE INITIAL APPOINTMENT OF AN ADVISORY COMMITTEE

Mareeba Shire Council must resolve at a Council meeting that an advisory committee will be appointed.

Council will either:

(a) call for expressions of interest from people who are interested in being members of that committee and then select people for the committee from those expressions of interest, or

(b) hold a public meeting, which is advertised via local media, a minimum of fourteen days prior to the chosen meeting date, and at that meeting call for nominations for the committee.

At a subsequent Council meeting, Council formally appoints the members who were nominated or selected for the committee.

Council may appoint a Councillor delegate to the committee and/or a Council staff member as an ex-officio member.

3.1 COMMITTEE MEMBERSHIP

Membership is either:

(a) open to all interested citizens from the local community, or

(b) in the case of some specialist committees, by invitation.

Reduced insurance benefits apply where persons are aged over 75 years in accordance with Council's personal accident insurance policy and this should be borne in mind when nominating people for membership of an advisory committee.

Members are selected/appointed either until the next Council election or for the lifespan of the committee, whichever is the earlier event, or unless they:

(a) fail to attend three consecutive meetings without leave of absence;

(b) advise, in writing addressed to the Secretariat of the committee, of their resignation; or

(c) receive written notification from Council that their membership of the committee has been terminated.

3.2 THE RESPONSIBILITIES OF THE CHAIRPERSON

3.2.1 Before a meeting

- Prepare the agenda (in consultation with the Secretariat or other members), setting out the items of business to be considered.
- Ensure the meeting is properly convened in accordance with these guidelines – e.g. a quorum is present.

3.2.2 During the meeting

- Chair the meeting, open the meeting, welcome and introduce members and guests.
- Keep individuals at the meeting focused on the topics being discussed and encourage all members to participate. Give all members an opportunity to speak on each topic.
- Ensure correct meeting procedures are followed and that control of the meeting is maintained, keeping track of time.
- Ensure the meeting content is in accordance with the purpose of the advisory committee.
- Make sure that recommendations are relevant and understood by members. Ensure that the minute taker has recorded all recommendations that the committee wishes to forward on to Council.
- Close the meeting.

3.3 THE RESPONSIBILITIES OF THE SECRETARIAT

3.3.1 Before a meeting

- Prepare the agenda (in consultation with the Chairperson).
- Make copies of the agenda if required and distribute via email or post to all members.

3.3.2 During the meeting

- Take the minutes.
- Record all recommendations that are to be forwarded on to Council.

3.3.3 After the meeting

- Draw up the minutes and distribute them to Committee members and Council.
- Ensure that accurate minutes are kept.
- Complete any actions as decided at the meeting (this role can be shared with other Committee members).

3.3.4 Outside the meeting

- Forward all correspondence to Council once it has been tabled at a meeting.
- Inform members of any urgent correspondence that is received.
- Maintain a contact list for members of the committee including but not limited to name, representative group, phone/mobile contact, postal and email address.

3.4 COMMITTEE MEETINGS

3.4.1 Meeting Procedures

Each committee may adopt its own meeting procedures. Meeting procedures can be very complex, technical and legalistic. Council considers that its advisory committees should not be burdened with a complex meeting procedure but that meetings should proceed on the basis of some fundamental rules and the use of common sense. These rules relate to the keeping of minutes, the tabling of correspondence, the consideration of recommendations to Council and the recording of those recommendations. Responsibilities of the Chairperson and Secretariat can be found at 3.2 and 3.3 of this handbook.

Meetings should follow the agenda. Matters not listed on the agenda can be raised in general business (which should be included as an agenda item), however, as a general rule, only minor, non-substantive issues should be considered in general business with all other items of significance or importance listed on the formal agenda. The Chair should ensure that the meeting is conducted in an orderly manner. In general business, discussion should be limited to matters relevant to the committee.

Should any committee member be in any doubt over the correct procedure on any point, they can discuss the issue with Chief Executive Officer.

All proposed recommendations to Council that have been agreed by the committee should be referred on to Council.

3.4.2 Frequency of meetings

Generally, the purpose for which the committee has been appointed will dictate the frequency of meetings but, as a minimum, committees should hold at least two meetings per year.

3.4.3 Quorum

No meeting can be held unless a quorum of members is present. A quorum is defined as being 50% of the total number of members on the committee, unless specified otherwise by Council.

If there is no quorum present at the start time of a scheduled meeting, those present should wait for 10 to 15 minutes. If a quorum is still not present 15 minutes after the scheduled start time for the meeting, then the meeting will have to be abandoned. The meeting can then be either rescheduled to another date, or cancelled and the committee not meet again until the date for the next meeting. In any event, minutes should be kept of the cancelled meeting and these should be forwarded to Council, as with any other minutes. These minutes would only list those present and the fact that no quorum was present at the time it was decided to abandon the meeting.

3.4.4 Office bearers

At the first meeting following the appointment of members, if Council has not already nominated the Chairperson of the committee, the committee shall appoint a Chairperson (and, if required, a Secretariat).

Once elected, the Chairperson presides at all meetings of the committee. However, if he/she is not in attendance at any particular meeting, the members present at that meeting shall elect a Chair for that meeting. Responsibilities of the Chairperson and Secretariat can be found at 3.2 and 3.3 of this handbook.

3.4.5 Meeting agenda

An agenda shall be prepared for each meeting and circulated to all members one (1) week prior to the meeting. This is generally done by the Secretariat of the committee. Example of agenda can be found in Attachment 1 to this handbook.

3.4.6 Meeting minutes

Unless the minutes are taken by a Council officer, the Secretariat shall take the minutes of each meeting. Example of minutes can be found in Attachment 2 to this handbook.

A copy of the minutes shall be forwarded to Council within 14 days after each meeting. The Secretariat should also circulate a copy of the minutes to all members. Committee members should be aware that the minutes are public documents and are available to all members of the public. The Secretariat shall therefore ensure that no scandalous or defamatory comments are recorded in the minutes.

The minutes of each meeting must include the following:

(a) the date, time and place of meeting;

(b) the names of councillors or committee members present at the meeting;

(c) a list of apologies received from members unable to attend;

(d) the adoption of the minutes of the previous meeting;

(e) any business arising from those minutes;

(f) a list of correspondence tabled at the meeting;

(g) a record of all recommendations of the Committee to be forwarded to Council;

(h) the date, time and place of the next meeting.

Any conflict of interest that is declared by a member during the course of the meeting shall be recorded in the minutes against the item of business to which it relates.

Once the minutes of a meeting have been adopted at the next meeting of the committee, they shall be signed by the Chairperson and kept by the Secretariat.

3.4.7 Conflicts of Interest

A conflict of interest can arise when a member has other involvements or interests that make it difficult for them to always remain impartial when involved in committee discussions and decision-making.

These can include:

- business or professional activities
- employment or accountability to other people or organisations
- membership of other community organisations or clubs
- ownership of property or other assets

The conflict may lead to:

- Financial benefit – eg sale of goods or privileged information
- Political benefit – eg gaining or losing political support
- Personal benefit – eg career advancement or increased standing in the community

Committee members are responsible for immediately declaring any conflict of interest on matters to be discussed at an advisory committee meeting.

The *Local Government Act 2009* (Qld) provides that any person considering, discussing or voting on a decision in a local government meeting is subject to the provisions under the Act for the handling of conflicts of interest.[2]

Handling of conflicts of interest in the context of Advisory Committee Meetings will be undertaken in accordance with the relevant provisions of Council's Standing Orders for Council Meetings.[3]

3.4.8 Attendance by members of the public

Every advisory committee meeting is a public meeting and members of the public may attend. As such, it should be held in a public place. Members of the public who attend a meeting cannot participate unless invited to do so by the Chairperson.

3.4.9 Correspondence

All correspondence either received by or sent by the committee (generally this will be sent or received by the Secretariat on behalf of the committee) shall be tabled at the next meeting of the committee and recorded in the minutes. Members should have the opportunity at each committee meeting to discuss the correspondence and, if appropriate, determine how the committee is going to respond to correspondence.

Following the meeting, any correspondence tabled shall be forwarded to Council for retention.

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[2] See *Local Government Act 2009* (Qld) s 150EE(aa)(a). See also sch 4 for definition of 'local government meeting'.

[3] See *Standing Orders (Meeting Procedures) for Council Meetings* ss 3.9-3.14.

3.4.10 Recommendations made by the Committee to Council

The role of the committee is to make recommendations to Council on those issues that the committee is tasked to consider.

These recommendations shall, in the first instance, be forwarded to the relevant Director/Manager. If they are included in the minutes of a committee meeting, the Secretariat will need to ensure that a copy of the minutes is forwarded to Council. If there are no Council officers in attendance at the meeting, the committee should ensure that any recommendations are highlighted and brought to the relevant Director/Manager's attention.

The Director/Manager will report any recommendations to a meeting of Council. This may take the form of a written report nominating items for determination and attaching (or tabling) any report received from the committee supporting its recommendations. The report will include a detailed assessment of the committee's recommendation(s) using the appropriate assessment tools and, based on that assessment, will contain the Director/Manager's recommendation to the Council. While the committee's recommendations will generally be submitted to Council "as is", the Director/Manager may hold a different view based on his/her knowledge, technical expertise and experience and the recommendation made by him/her to Council may not necessarily reflect the position of the committee.

Alternatively, it may be more appropriate for the Director/Manager to include the Committee's report and recommendations in the "For Information" section of the Council meeting agenda. The receipt and notation of a Committee report by Council does not mean that the position, views, assertions and opinions expressed by the Committee or any of its members, is supported, reinforced or adopted by the Council. A recommendation from the Committee is not adopted by the Council unless it is articulated in a resolution adopted by the Council.

In both instances, the Council will consider the report and may formulate and adopt a resolution/s on the matter/s in question.

3.4.11 Insurance

As an appointee to one of Council's committees, members are covered by:

(a) Council's Public Liability insurance, and

(b) Council's Personal Accident insurance

while acting in their capacity as a member of that committee and their actions are within the scope of the committee as an Advisory Committee of Council.

Council's Public Liability insurance covers committee members for any claim that may be made against them (as a member acting within the scope of the committee as an Advisory Committee of Council) by a third party, where it is claimed that their negligence has caused injury to someone or damaged property.

Council's personal accident insurance provides members with certain benefits should they be accidentally injured while on Committee business. The policy provides certain capped benefits in the case of such injury occurring.

Reduced insurance benefits apply where persons are aged over 75 years in accordance with Council's personal accident insurance policy.

4. REVIEW

It is the responsibility of the Director Corporate and Community Services to monitor the adequacy of this handbook and recommend appropriate changes. This handbook will be formally reviewed every four years or as required by Council.

5. ATTACHMENTS

5.1 EXAMPLE OF AGENDA

5.2 EXAMPLE OF MINUTES

ATTACHMENT 1

****NAME** ADVISORY COMMITTEE**

Insert date, time and place of meeting

AGENDA

1. Apologies
2. Minutes of the previous meeting
3. Business arising from those minutes
4. Correspondence
5. Here list specific items of business that it is intended to discuss at the meeting
6. General business
7. Date of next meeting

ATTACHMENT 2

Minutes of the ** Advisory Committee
Day/date
Commenced at (time)

Present:

Visitors:

1. WELCOME

2. APOLOGIES

3. CONFIRMATION OF PREVIOUS MINUTES - (date)

Moved: **Seconded:**

That the minutes of the previous meeting be confirmed.

Carried

4. BUSINESS ARISING FROM THE PREVIOUS MINUTES

5. ITEMS

5.1 Chairman's Report

Moved: **Seconded:**

That the report presented by the Chairman be received and noted.

Carried

8. GENERAL BUSINESS

8.1

9. NEXT MEETING

The next meeting will be held on (date).

10. CLOSURE

There being no further business the meeting closed at (time).