



Advisory Committee of Council Policy



Yarriambiack
SHIRE COUNCIL

Advisory Committee of Council Policy

Yarriambiack Shire Council encourages a working environment which promotes gender equality and models non-violent and respectful relationships.

Contents

1	Objective	3
2	Responsibility.....	3
3	Policy Statement and Scope	3
3.1	Formation of an Advisory Committee	3
3.1.1	Special Interest Groups.....	3
3.2	Powers and Functions of an Advisory Committee.....	4
3.3	Advisory Committee Governance.....	4
3.4	Advisory Committee Meeting Agendas and Minutes	4
3.5	Membership	5
3.6	Appointment of Councillors to Advisory Committees	6
3.7	Appointment of Community Representatives to Advisory Committees	6
3.8	Executive.....	6
3.9	Role of the Chairperson	6
3.10	Advisory Committee Meetings.....	6
4	Conduct and Interest Provisions	6
4.1	Confidential Information	7
4.2	Conflict of Interest.....	7
4.2.1	General Conflict of Interest.....	7
4.2.2	Private Interest.....	7
4.2.3	A Material Conflict of Interest.....	8
4.2.4	Affected Person	8
4.2.5	Direct or Indirect	8
4.2.6	Pecuniary or Non-pecuniary	8
4.2.7	Disclosure and Reporting	8
4.3	Media	9
4.4	Financial Management.....	9
4.5	Sponsorship, Donations and Fundraising	9
5	References.....	9
6	Definitions	10
7	Consistency with Governance Principles Local Government Act 2020.....	10
8	Review of Policy	13

1 Objective

The aim of this policy is to provide a framework for the establishment of Advisory Committees that promote:

- a) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.
- b) The inclusion of a cross section of the community to be engaged in strategic planning that informs Council's decision making.
- c) Innovation and continuous improvement.
- d) Collaboration with statutory bodies, Councils, and other agencies for the betterment of the Shire.
- e) The ongoing financial viability of the Council; and
- f) The transparency of Council decision making.

~~This policy will support Council in ensuring good governance and appropriate management of Advisory Committees that aims to:~~

- ~~a) Outline how Advisory Committees can be formed.~~
- ~~b) Outline how such Committees are to be governed; and~~
- ~~c) Specify limits of an Advisory Committees power.~~

This policy supports Council in upholding good governance and effective management of Advisory Committees by:

- a) Defining the process for establishing Advisory Committees;
- b) Setting out the governance requirements for these Committees; and
- c) Clarifying the scope and limitations of their authority.

2 Responsibility

The Chief Executive Officer (or their delegate) is responsible for the governance oversight to ensure the Advisory Committees operate in accordance **with their responsibilities and in alignment with the Local Government Act 2020.** ~~with their duties that align with the Local Government Act 2020.~~

3 Policy Statement and Scope

~~This policy applies to all members of Advisory Committees, Councillors and employees responsible for Advisory Committees.~~

This policy is applicable to every individual involved in the operation and oversight of Advisory Committees within the Council. This includes all appointed members of Advisory Committees, Councillors who participate in or are responsible for these Committees, as well as Council employees who have duties related to the administration, governance, or support of Advisory Committees. By clearly defining the scope of its application, the policy ensures that all relevant parties are aware of their responsibilities and are guided by consistent standards and expectations in the establishment, management, and conduct of Advisory Committees.

3.1 Formation of an Advisory Committee

The formation of, appointment to, and administration of an Advisory Committee is subject to input from the Council.

Advisory Committees must be formed (and rescinded) by Council Resolution, and the Terms of Reference (ToR), and membership must also be endorsed by Council resolution.

3.1.1 Special Interest Groups

~~Kindergarten Parent Advisory Groups (PAG's) that are incorporated, are not governed by this Policy. PAG's are to be registered not for profit organisations, recognised by a funding body agreement.~~

Incorporated Kindergarten Parent Advisory Groups (PAGs) are not subject to the provisions of this Policy. Instead, PAGs must be registered as not-for-profit organisations and must be formally recognised through a funding body agreement. This distinction ensures that while PAGs play an important role within the community, their governance and operations are managed separately from the Council's Advisory Committees, in accordance with their own regulatory and funding requirements.

3.2 Powers and Functions of an Advisory Committee

Advisory Committees do not have any executive, financial or delegated powers.

Advisory Committees do not have the power to sub-delegate or form sub-committees without the approval of Council, via the Chief Executive Officer through a Council resolution.

~~The role of an Advisory Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its ToR in order to facilitate decision making by Council in relation to the discharge of its responsibilities.~~

~~An Advisory Committee can offer specialised advice and assistance with research on issues of interest to Council and the Community.~~

The principal function of an Advisory Committee is to report to Council, offering well-considered advice and recommendations on matters within its Terms of Reference (ToR). This guidance is intended to support Council in making informed decisions and fulfilling its responsibilities effectively.

In addition, Advisory Committees may provide specialised expertise and conduct research on topics of significance to both Council and the broader community.

3.3 Advisory Committee Governance

~~Advisory Committees are subject to a ToR. Council has a standard ToR which may be amended slightly but must be adopted at the time the Committee is formed and/or reviewed at the commencement of each Council Term.~~

All Advisory Committees operate under a Terms of Reference (ToR). Council maintains a standard ToR, which may be amended as needed to suit the specific requirements of each committee. However, any amendments must be formally adopted by Council at the time the committee is established and/or reviewed at the beginning of each Council term.

~~The CEO will assign a Council Officer to the Advisory Committee, who will be responsible for ensuring that the ToR are met, to provide guidance on administrative matters and to ensure that the Committee functions appropriately and in accordance with Council's Governance Rules.~~

The Chief Executive Officer will appoint a Council Officer to each Advisory Committee. This appointed officer is responsible for ensuring that the ToR are fulfilled, providing guidance on administrative matters, and supporting the effective and compliant functioning of the Committee in accordance with Council's Governance Rules.

~~Council must review, within the period of 6 months after a general election, all Advisory Committees and Advisory Committee memberships.~~

Council is required to conduct a comprehensive review of all Advisory Committees and their memberships within six months following each general election.

3.4 Advisory Committee Meeting Agendas and Minutes

~~The agendas and minutes of all Advisory Committee Meetings will be completed in the~~

~~appropriate Corporate Template, as prescribed by the Chief Executive Officer and forwarded to Council's Information Management and Governance Officer in a timely manner, to be presented at the next scheduled Council Meeting.~~

Agendas and minutes for all Advisory Committee meetings must be prepared using the designated corporate template, as specified by the Chief Executive Officer. Once completed, these documents should be promptly forwarded to Council's Governance Support Officer to ensure they are included for endorsement at the next scheduled Council Meeting.

3.5 Membership

All Advisory Committees must have a minimum of six members, comprising of:

- A minimum of one Councillor;
- The Chief Executive Officer (CEO), or a Council Officer appointed by the CEO;
- A minimum of four external independent members; and
- One Chairperson.

Advisory Committee memberships will be capped at sixteen external independent members.

~~Memberships should aim to be equitable in gender, diversity and include local indigenous representation wherever possible.~~ Membership of Advisory Committees should strive to achieve gender equity, reflect broader diversity, and include local Indigenous representation wherever possible. Particular emphasis will be placed on ensuring a diverse mix of backgrounds, perspectives, and skills among committee members, so that Advisory Committees are inclusive and representative of the community they serve.

~~Any community member may become a member of an Advisory Committee if appointed by Council (or the CEO pursuant to the ToR), and any such member will have the same entitlement to participate as a Councillor.~~

Any member of the community may be appointed to an Advisory Committee by Council, or by the Chief Executive Officer in accordance with the Terms of Reference. Once appointed, community members have the same rights and entitlements to participate in committee activities as Councillors.

~~Weight will be given to ensuring diversity of membership and skills on an Advisory Committee.~~

~~All Advisory Committees will have an elected Chairperson, and will where necessary, have the casting vote.~~ Each Advisory Committee will have an elected Chairperson, in accordance with the ToR. Where required, the Chairperson will hold the casting vote to resolve tied decisions.

~~Where appropriate, representatives of external bodies may be required to be members of a Council Advisory Committees, and where this is applicable, it will be written into the Terms of Reference.~~ Where appropriate, representatives from external organisations may be required to serve as members of Council Advisory Committees. When this applies, their membership will be explicitly detailed in the relevant Terms of Reference.

~~Advisory Committee meetings will be included in the Councillor's Calendar. Any Councillor can attend a meeting of any Advisory Committee. Only Councillors who are appointed to the Advisory Committee may vote.~~

Advisory Committee meetings will be scheduled in the Councillor's Calendar, allowing any Councillor to attend meetings of any Advisory Committee. However, only those Councillors who have been formally appointed to a specific Advisory Committee are entitled to vote on matters before that committee.

~~If the Councillor appointed to an Advisory Committee is unable to attend a meeting, they can nominate another Councillor to attend the meeting on their behalf.~~

If the Councillor appointed to an Advisory Committee is unable to attend a meeting, they may nominate another Councillor to attend in their place. The nominated Councillor will act as a proxy for the absent Councillor and will have voting rights in accordance with the Terms of Reference.

3.6 Appointment of Councillors to Advisory Committees

Councillors will be appointed to an Advisory Committee:

- a) At the establishment of the Advisory Committee, and
- b) At the Annual Statutory meeting in November of each year thereafter.

3.7 Appointment of Community Representatives to Advisory Committees

Community representatives will be appointed to an Advisory Committee of Council through an expression of interest and selection process.

- a) Expressions of interest will be sought by public notice in accordance with Council's Community Engagement Policy and Procedure.
- b) Council will appoint the committee members to the Advisory Committee at a scheduled Council Meeting.
- c) Every effort should be made to ensure a representative cross section of people from the relevant area are elected to serve on the Advisory Committee.
- d) Appointment to Advisory Committees will be based on the membership criteria outlined in the relevant Terms of Reference.
- e) Appointment to an Advisory Committee will be for a period of between one to three years.
- f) A member of an Advisory Committee can resign at any time.

3.8 Executive

The executive composition will consist of a Chairperson only.

The Chairperson may be the appointed Councillor, or a nominated independent member. This will be defined in the Terms of Reference.

The secretary will be appointed by the Chief Executive Officer and will be a Council Officer.

3.9 Role of the Chairperson

The role of the Chairperson is to:

- a) Chair all meetings;
 - b) Be the spokesperson of the Advisory Committee back to Council, including corresponding with Council Officers, including the CEO;
 - c) Moderate committee meetings; and
- Promote behaviour in line with the Conduct and Interest Provisions included in the Terms of Reference (and section 4 of this policy).

3.10 Advisory Committee Meetings

The following rules apply to Advisory Committee Meetings:

- a) A quorum of the Committee will be half the members plus one and must include at least one Councillor.
- b) Voting will be by a majority of votes through a show of hands.
- c) Only Committee members in attendance are entitled to vote.
- d) The Chairperson shall have the casting vote in the event of an equality of votes.

4 Conduct and Interest Provisions

In performing the role of Advisory Committee member, a person must:

- a) Act with integrity;
- b) Impartially exercise their responsibilities in the interests of the local community;
- c) Not improperly seek to confer an advantage or disadvantage on any person;
- d) Treat all people with respect and have due regard to the opinions, beliefs, rights and responsibilities of other persons;
- e) Commit to regular attendance at meetings; and
- f) Not make improper use of information acquired because of their position or release information that the member knows, or should reasonably know, is confidential in nature.

4.1 Confidential Information

During a member's tenure on the Advisory Committee, they may be exposed to information that must be treated confidentially. Except in the proper course of a member's duties, any unauthorised use or disclosure of information relating to the conduct of the Council is prohibited. In general, this includes:

- a) Not disclosing information relating to proceedings at the Advisory Committee, unless authorised to do so by the Chief Executive Officer.
- b) Not to attempt to use confidential information gained by virtue of an official position for the purpose of securing a private benefit, whether directly or indirectly.
- c) **Disclosing** proposals for the sale or purchase of land or the rezoning of land. Entering into contracts of any kind, if prior knowledge of those proposals could confer an unfair financial advantage on any person.
- d) Information that is subject to legal obligations of confidence.
- e) Information including the consideration of legal advice concerning litigation or which would otherwise be privileged from production in legal proceedings on the ground of a legal professional privilege.
- f) The disclosure of information of which would prejudice the maintenance of the law.
- g) Matters affecting the security of Council, Councillors, Council staff or Council property.

Council operates under and complies with the *Privacy and Data Protection Act 2014*, *Health Records Act 2001*, and other relevant legislation.

4.2 Conflict of Interest

A conflict of interest exists when someone is able to derive personal benefit from actions or decisions made whilst performing their professional duties. This includes being a member of an Advisory Committee.

4.2.1 General Conflict of Interest

A person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interest could result in that person acting in a matter that is contrary to their public duty or role.

4.2.2 Private Interest

Private interest means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.

A private interest may relate to the relevant person themselves, such as:

- A financial gain or loss to the person, either directly or indirectly.
- An impact on their reputation or responsibilities, such as an award or promotion.

- A change to their personal circumstances, such as a change to their residential amenity.

A private interest may be indirect, relating to an impact on a person associated with the relevant person, such as:

- A matter affecting the interests of a relative, friend or work colleague.
- A cost or benefit to an organisation that financially supported a Councillor's election campaign.
- A cost or benefit for an Advisory Committee member's immediate or past employer.

4.2.3 A Material Conflict of Interest

A relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

4.2.4 Affected Person

An affected person can be:

- The relevant person.
- Family member of the relevant person.
- A businessperson of a relevant person.
- A beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee.
- A person from whom the relevant person has received a gift.
- A business partner of the relevant person.
- An employer of the relevant person or a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body.

The *Local Government Act 2020* (the Act) states that a benefit or loss, for material conflicts of interest, includes benefits or losses that are:

- Direct or indirect; and
- Pecuniary or non-pecuniary.

4.2.5 Direct or Indirect

A direct benefit or loss includes where the affected person is the immediate recipient or suffers the loss themselves. An indirect benefit or loss includes where the affected person would gain a benefit or suffer a loss because of the impact on another person or body, or as an indirect effect of a process.

4.2.6 Pecuniary or Non-pecuniary

A benefit or loss does not have to be pecuniary. A pecuniary benefit or loss is one that can be measured in money.

Examples of non-pecuniary benefits or losses might include:

- An impact on a person's residential amenity (such as a proposed change in use of a nearby property that will impact on their enjoyment of their home or a change to parking arrangements in their street).
- A permit allowing a person to conduct an activity.

4.2.7 Disclosure and Reporting

~~Advisory Committee members are required to comply with the conflict of interest provisions as set down in the *Local Government Act 2020* and Council's Governance Rules. When an Advisory Committee member declares a conflict of interest in relation to~~

~~a matter in which the committee is concerned, they must disclose the interest to the committee before the matter is considered or discussed at the meeting.~~

~~Disclosure must include the nature of the relevant interest and be recorded in the minutes of the meeting. The member must leave the room while the matter is being considered and may return only after consideration of the matter and all votes on the matter have occurred.~~

Advisory Committee members must comply with the conflict-of-interest provisions outlined in the *Local Government Act 2020* and Council's Governance Rules. If a member identifies a conflict of interest in relation to a matter before the committee, they are required to disclose the nature of that interest to the committee prior to any discussion or consideration of the matter. This disclosure must be clearly recorded in the meeting minutes. The member must then leave the room while the matter is being discussed and may only return once the committee has finished considering the matter and all votes have been taken.

For any identified conflicts of interest, a 'Conflict of Interest Declaration Form' must be completed and submitted to the Council employee representative of the committee. The Council employee will then coordinate the finalisation of the form with the Governance Support Officer, who will record and register the conflict of interest in accordance with Council's governance requirements.

4.3 Media

Contact with the media by Advisory Committee members will be conducted in accordance with Yarriambiack Shire Council's Media and Communications Policy.

Committee members should defer all media enquiries to the Chief Executive Officer in the first instance and should take care not to respond as a representative of the Advisory Committee of Council.

4.4 Financial Management

- a) Council will hold the funds of the Advisory Committee.
- b) Decisions to spend the funds will be made by Council on the advice of the Advisory Committee.
- c) Funds are to be expended in accordance with Council's Procurement Policy.

4.5 Sponsorship, Donations and Fundraising

~~Council Advisory Committees cannot accept sponsorship, donations or fundraise, and are governed by Council's Gifts, Benefits and Hospitality Policy requirements.~~

Council Advisory Committees, whether as a whole or as individual members, are not permitted to accept sponsorships, donations, or engage in fundraising activities. All such matters are governed by the requirements set out in Council's Gifts, Benefits and Hospitality Policy.

All offers of gifts, benefits, or hospitality must be promptly reported to the Council employee representative of the committee. The Council employee will assist with completing the Gift, Benefits and Hospitality Declaration Form. Once completed, the Council employee will coordinate with the Governance Support Officer to finalise the form, ensuring that the declaration is properly recorded and registered in accordance with Council's governance requirements.

5 References

- a) Governance Rules
- b) Public Transparency Policy
- c) Community Engagement Policy and Procedure
- d) Gifts, Benefits and Hospitality Policy

- e) **Procurement Policy**
- f) **Media and Communications Policy**
- g) Advisory Committee Terms of Reference Template
- h) *Local Government Act 2020*
- i) *Local Government Act 1989*
- j) *Equal Opportunity Act 2010*
- k) *Charter of Human Rights and Responsibilities Act 2006*
- l) *Privacy and Data Protection Act 2014*

6 Definitions

TERM	DEFINITION
Council	Means Yarriambiack Shire Council.
Act or The Act	Means <i>Local Government Act 2020</i> .
Advisory Committee	Means an Advisory Committee established under this policy.
Advisory Committee Meeting	Means a meeting of an Advisory Committee of Council.
Advisory Committee Report	Means a formal report produced by an Advisory Committee.
CEO	Means the Chief Executive Officer.
Committee Meeting	Means a meeting of an Advisory Committee of Council.
Council	Means Yarriambiack Shire Council.
External Independent Members	Means people who are not Councillors or Council Officers.
Terms of Reference (ToR)	Means a document that defines the purpose, scope, and structure of a project, committee, or other group to ensure a clear, shared understanding among stakeholders.
Quorum	Means the absolute majority of members present at the meeting and must include at least one Councillor.

7 Consistency with Governance Principles Local Government Act 2020

Governance Principle	Section of policy where covered
a) Council decisions are to be made and actions taken in accordance with the relevant law;	Section 1
b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;	Section 1 and 3

Governance Principle	Section of policy where covered
c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;	Section 1 and 3
d) the municipal community is to be engaged in strategic planning and strategic decision making;	Section 1
e) innovation and continuous improvement is to be pursued;	Section 1 and 3
f) collaboration with other Councils and Governments and statutory bodies is to be sought;	Section 1
g) the ongoing financial viability of the Council is to be ensured;	Section 1 and 4
h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;	Section 1 and 3
i) the transparency of Council decisions, actions and information is to be ensured.	Sections 1, 3 and 4

In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—

Community Engagement Principles	<ul style="list-style-type: none"> • A community engagement process must have a clearly defined objective and scope. • Participants in community engagement must have access to objective, relevant and timely information to inform their participation. • Participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement. • Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement. • Participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.
Comment:	<p>This Policy upholds the community engagement principles by actively ensuring that the concerns, perspectives, and issues raised by the community are meaningfully considered in Council decision-making. Advisory Committees serve as a formal mechanism through which community voices are not only heard but also directly inform the advice and recommendations provided to Council. The</p>

	composition of these committees, comprising independent members and community representatives, creates an inclusive forum for open dialogue, enabling a diverse cross-section of the community to engage with Council. By facilitating this structured engagement, the Policy guarantees that community input is both valued and integrated into Council processes, thereby fostering transparency, responsiveness, and a genuine partnership between Council and the community it serves. This approach aligns with the broader objectives of promoting representative participation, supporting informed decision-making, and ensuring that Council actions reflect the needs and aspirations of the municipal community.
Public Transparency Principles	<ul style="list-style-type: none"> • Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act. • Council information must be publicly available unless— <ul style="list-style-type: none"> (i) the information is confidential by virtue of this Act or any other Act; or (ii) public availability of the information would be contrary to the public interest. • Council information must be understandable and accessible to members of the municipal community. • Public awareness of the availability of Council information must be facilitated.
Comment:	This policy adheres to the public transparency principles by mandating that the agendas and minutes of all Advisory Committee meetings are prepared using a designated corporate template and promptly forwarded to the Governance Support Officer. These records are then presented for endorsement at the next scheduled Council Meeting, ensuring that the community has access to accurate and timely information about committee deliberations and recommendations. This process not only facilitates transparency in Council decision-making but also allows for public scrutiny and accountability of Advisory Committee activities.
Strategic Planning Principles	<ul style="list-style-type: none"> • An integrated approach to planning, monitoring and performance reporting is to be adopted. • Strategic planning must address the Community Vision. • Strategic planning must take into account the resources needed for effective implementation. • Strategic planning must identify and address the risks to effective implementation. • Strategic planning must provide for ongoing monitoring of progress and regular reviews to identify and address changing circumstances.
Comment:	This Policy demonstrates adherence to the strategic planning principles by establishing clear processes that ensure the advice and recommendations provided to Council are accurate, timely, and thoroughly considered. The policy emphasises the importance of drawing on diverse expertise and community input, which enhances the quality and relevance of advice presented to Council. By

	requiring regular reviews, clear terms of reference, and a focus on continuous improvement, the Policy ensures that all recommendations are not only well-informed but also aligned with Council's long-term objectives and resource considerations. This approach supports evidence-based decision-making and helps Council to proactively identify and manage risks, ultimately contributing to effective and sustainable outcomes for the municipal community.
Financial Management Principles	<ul style="list-style-type: none"> Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans. Financial risks must be monitored and managed prudently having regard to economic circumstances. Financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community. Accounts and records that explain the financial operations and financial position of the Council must be kept.
Comment:	Not applicable.
Service Performance Principles	<ul style="list-style-type: none"> Services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community. Services should be accessible to the members of the municipal community for whom the services are intended. Quality and costs standards for services set by the Council should provide good value to the municipal community. A Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring. Service delivery must include a fair and effective process for considering and responding to complaints about service provision.
Comment:	Not applicable.

8 Review of Policy

This policy is subject to a formal review every three years to ensure its ongoing relevance and effectiveness.

From time to time, circumstances may require minor administrative changes to be made to this Policy. Where an update does not materially alter this Policy, such a change may be made administratively and need not be considered and adopted by Council.

Where any change or update may materially change the intent of this policy, or the legal responsibilities of any member of the community, it must be considered and adopted by Council, or by the Chief Executive Officer in reliance on delegated authority.

Council Approved Policy

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YARRIAMBIACK SHIRE COUNCIL

34 Lyle Street, Warracknabeal Vic 3393

T: (03) 5398 0100

E: info@yarriambiack.vic.gov.au

PO Box 243, Warracknabeal Vic 3393

W: www.yarriambiack.vic.gov.au

www.facebook.com/yarriambiack