

# Stonnington Committees Policy

## Stonnington Committees Policy

Description	A policy providing for the establishment and operation of Advisory Committees and Working Groups.
Type	Policy
Approval authority	Council
Responsible officer	Coordinator Governance
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Human rights	This policy has been assessed and is compatible with the Victorian Charter of Human Rights and Responsibilities.

## 1 Introduction

Community engagement is a planned process for Council to work with individuals and groups to encourage active involvement in matters that affect them.

Effective community engagement results in better Council decisions, improved policy, enhanced services, plus greater community satisfaction and wellbeing. It builds respectful relationships and can result in community strengthening and capacity building.

Importantly, good community engagement ensures transparency, integrity and trust in Council processes.

The establishment of a series of Council Committees provides an opportunity for Councillors, members of the Stonnington community, representatives of aligned organisations and subject matter experts to work together toward a common goal.

Council Committees do not substitute for broader community engagement, they instead provide an additional mechanism to involve the community in Council's policy development and decision-making processes.

## 2 Purpose

To record Council's policy on the establishment and operation of Council Committees.

## 3 Scope

This policy applies to the operation of committees established by the Council which fall into one of the following two categories:

- Advisory Committees; and
- Working Groups

For the avoidance of doubt, this policy does not apply to:

- a delegated committee established under section 63 of the Act;
- a joint delegated committee established under section 64 of the Act;
- an Audit and Risk Committee established under section 53 of the Act; or
- an external body or organisation to which Council is entitled or invited to appoint a delegate as its representative.

## 4 Policy

Council Committees are committees established by the Stonnington City Council to assist the Council in fulfilling its obligations. Council Committees cannot make decisions or form policy on behalf of Council, cannot direct Council officers in the discharge of their responsibilities and are not responsible for expenditure. There are two types of Council Committees:

- Advisory Committees; and
- Working Groups

## 4.1 Committee types

### **Advisory Committees**

Advisory Committees provide advice to Council, a delegated committee or a Council officer with decision-making authority. Where Advisory Committee advice cannot be acted on within the delegated power of Council officers, it is referred to Council for formal resolution before being acted on.

Advisory Committees are established by Council, have a strategic focus, operate under an adopted terms of reference and have a membership appointed by Council resolution.

Membership of Advisory Committees includes one or more Councillors, members of the Stonnington community and/or representatives of organisations based in Stonnington or serving the Stonnington community. Council staff cannot be a member of an Advisory Committee.

Advisory Committees are established for the term of the Council, with each new Council having the opportunity to re-establish previous committees, or form new committees to align with its policy objectives.

The decision to establish an Advisory Committee must be made by Council resolution.

### **Working Groups**

Working Groups have an operational focus in relation to a specific policy, planning process, capital project or time limited project and provide a mechanism to engage with the community and/or subject matter experts to achieve specific pre-determined objectives.

Working groups are formed by management, with a terms of reference adopted by the Chief Executive Officer. Members are appointed by the Chief Executive Officer or delegate.

Membership of Working Groups includes one or more members of the Stonnington community, subject matter experts, representatives of organisations based in Stonnington or serving the Stonnington community and/or members of Council staff with appropriate responsibility and expertise. Councillors cannot be a member of a Working Group.

Working groups are established for a specified period to align with project objectives.

The decision to establish a Working Group can be made by Council resolution or by the Chief Executive Officer or delegate.

## 4.2 Establishment of Committees

Prior to the establishment of a Council Committee, a report shall be prepared setting out the case for its establishment. For an Advisory Committee, the report is prepared for consideration by the Council, and for a Working Group, the report is prepared for the Chief Executive Officer. At a minimum, the report is to include:

- the role of the committee and why it is required;
- a terms of reference for the committee;
- the membership composition of the committee, including how a diverse range of experiences and views will be achieved; and
- the resource implications of the committee.

The establishment of a Council Committee is to be seen as an adjunct to any community program, and should not be interpreted as a replacement for wider consultation of affected persons or communities.

### 4.3 Terms of Reference

Each Council Committee is to be supported by a terms of reference which sets out specific details of the committee, including:

- the type of the committee (Advisory Committee or Working Group);
- the purpose and objectives of the committee;
- the composition of the committee, including the total number of members and the number of members of each type (where applicable);
- the term of appointment of members;
- any specific skills, experience, qualifications or categories of expertise or representation sought in members to be appointed to the particular committee;
- the manner of the appointment of a Chair; and
- the expected frequency and timing of meetings.

In addition, each Terms of Reference shall spell out the circumstances where the operation of the committee departs from this policy (if any).

### 4.4 Composition

The membership of a Council Committee will vary depending upon its specific role, and may comprise a combination of:

- Councillors;
- Community Members;
- Organisational Representatives;
- Subject Matter Experts; and/or
- Council Officers.

#### **Councillors**

All Advisory Committees shall include one or more Councillors, with Councillors being appointed annually. In the first year of each Council term, the appointments are made upon endorsement of the committee structure, and in every other year the appointments are made at the Council meeting immediately following the meeting at which the Mayor is elected.

#### **Community Members**

Where Council Committees provide for community members, they shall be selected following a public expression of interest process.

Community members are expected to bring their personal views to committee discussions, and not be answerable to another organisation, community group or club.

#### **Organisational Representatives**

Where Council Committees provide for organisational representatives, they shall be appointed on the basis of advice from their supporting organisation.

Organisational representatives are expected to represent the views of their supporting organisation, but are not required to seek formal endorsement of every position before contributing it to the discussion. Organisational representatives are also expected to provide periodic reporting back to their supporting organisation about the subject matter of discussions.

### **Subject Matter Experts**

Where Council Committees provide for Subject Matter Experts, they shall be appointed on the basis of an assessment of the relevance and applicability of their expertise.

Subject Matter Experts representatives are expected to provide specialised knowledge and guidance in their area of expertise, offering insights, recommendations, and experience to inform decisions and ensure the committee's work is informed and effective.

### **Council Officers**

Where Council Committees provide for Council Officers, they shall be appointed on the basis of the position held within the organisation.

## **4.5 Appointment of Chair and Committee Members**

### **Appointment of Chair**

The manner of appointment of the chair shall be set out in the terms of reference. Unless otherwise provided for in the terms of reference, in the event of the chair (or joint chairs) not being in attendance, the Council Committee will appoint another member to chair that meeting.

### **Appointment of Committee Members**

Appointments to Council Committees are made in accordance with the Appointment of Members to Councils Committees Procedure (adopted by the Chief Executive Officer).

Members of Advisory Committees are appointed by Council resolution or, in the case of casual vacancies, by the Chief Executive Officer after consulting Councillors.

Members of Working Groups are appointed by the Chief Executive Officer or delegate.

## **4.6 Operation of Committees**

### **Setting the Agenda**

The determination of matters for inclusion on the agenda shall be the responsibility of the Committee Secretariat, in consultation with the Councillors on the committee (where applicable). In making this decision, the Committee Secretariat shall seek to focus the Committee on matters of interest to Council and relevant to the development and delivery of policies and programs within Council's control and to Council's advocacy agenda.

In addition to any formal committee business, all meetings shall provide an opportunity for 'general business' to enable all members to raise issues of interest to the group.

### **Consensus decision-making**

Council Committees are to operate on a consensus basis. Instead of voting for items to identify a majority, a committee using consensus is committed to finding solutions that everyone actively supports or accepts. This ensures that all opinions, ideas and concerns are taken into account. Through listening to each other, the group aims to develop proposals that work for everyone.

Where consensus is unable to be achieved, committees should explore the development of advice that identifies differing positions and highlights the key issues for Council's consideration.

In rare situations where a formal position of an Advisory Committee is desired and a consensus position cannot be reached, the Chair may accept motions moved and seconded by Committee Members and conduct a vote in accordance with Council's Governance Rules. In order to conduct a vote:

- at least a majority of Committee Members must be present;
- only Committee Members may vote; and
- in the event of an equal number of votes, the matter is lost and the Chair may not exercise a casting vote.

Any advice provided by the Council Committee on the basis of a non-consensual position (ie following a vote) is to be qualified by the fact that the position was not unanimous and where relevant, a dissenting position is to be provided.

### **Participation by Guests**

Council Committees are not public meetings, and only appointed committee members and the Committee Secretariat may attend without an invitation from the chair.

Guests may attend meetings by invitation in order to make presentations, provide specialist advice, participate in discussions or for any other reason. The chair has discretion to determine the degree of participation by any committee guests.

Councillors have a standing invitation to join any Advisory Committee meeting as a guest.

Councillors also have a standing invitation to attend any Working Group meeting as an observer.

### **Quorum**

As they are advisory in nature, Council Committees do not require formal quorum to be achieved in order to proceed. Where the Committee Secretariat forms the view that the likely attendance at a meeting will be too low to support a meaningful discussion, they may reschedule or cancel the meeting as need be.

## **4.7 Expectations of Committee Members**

### **Behaviour**

Committee Members are expected to support the objectives of the committee, and participate in meetings in a positive and constructive manner. Committee Members have been brought together to share diverse views, actively listen to contrary arguments and be open to different interpretations and suggestions.

Committee members are encouraged to engage in robust and respectful debate to thoroughly explore diverse viewpoints and ideas. Constructive discussions are vital for informed decision-making and allow the committee to address challenges effectively. Members are expected to challenge ideas, not individuals, and to uphold a professional and collaborative tone at all times. Disagreements should be handled respectfully and with an understanding that differing opinions are essential for progress and innovation.

**Attendance**

An appointed member absent for three or more consecutive meetings without leave or reasonable explanation may be requested to explain their absence. In the event that absenteeism of a member is ongoing, the Committee Secretariat may request the Chief Executive Officer (in consultation with Councillors) to declare the position vacant.

**Public statements**

Committee members must not make statements to the media or on social media about Council business or items discussed by the Council Committee in a way that purports to represent the views of the Council or Council Committee or discloses or reveals information provided to them in the course of committee business. For the avoidance of doubt, persons must not identify themselves as a member of a Council Committee when commenting on Council business.

**Privacy and Confidentiality**

Information discussed, received, used or created by the Committee may be confidential. Any member of a Council Committee must not disclose information that they know, or should reasonably know, is confidential information.

A Committee member must not in any way disclose, record, retain, or reproduce confidential information; nor may they permit non-members to do so.

**Dissent**

Committee members are not expected to agree with all advice of the Committee and are free to respectfully express their dissenting view during meetings of Council Committees.

Committee Members who are repeatedly unable to agree with or support the advice of the Council Committee are advised to consider their ongoing membership of the Council Committee.

**Conflict of interests**

If a Committee Member has a general conflict of interest within the meaning of section 127 of the Act or a material conflict of interest within the meaning of section 128 of the Act, in an item to be considered or discussed by the Committee while they are in attendance, the Committee Member must disclose this to the Chair.

Where the Chair is of the opinion that the circumstances of the conflict warrant it, the Committee Member may be asked to leave the meeting while the matter is discussed.

**Elections**

If a member of a Council Committee nominates for election to Council, State Parliament or Federal Parliament they must seek leave of absence from their Committee position from the time of declaring they have nominated (or intend to nominate). Upon election, they are deemed to have resigned from the Committee.

**Resignation**

A member may resign from a Council Committee at any time by advising of their resignation in writing to the Chair, Mayor or Chief Executive Officer. Any additional appointment to fill the vacancy for the remainder of the term shall be made in accordance with the Appointment of Members to Council Committees Procedure.

Committee members are appointed by Council, and their appointment may be terminated at Council's sole discretion at any time without reason, irrespective of their term of appointment.



## 4.8 Expectations of Council Officers

The Manager of the relevant Council team is the Committee Secretariat and has responsibility, in consultation with their Director, for managing the business of the committee. The Committee Secretariat is also responsible for the appointment of Council officer(s) to undertake administrative tasks of the Council Committee and to attend all meetings. The Committee Secretariat and their appointed staff are the primary contact for all Committee Members in relation to the business of the Council Committee.

While Council officers present at meetings may participate freely in discussions, they are to recognise the purpose of the Committee is to hear diverse viewpoints and that the Council officer's role is not to direct or seek to influence this discussion. Council officers are primarily present to provide a professional viewpoint and provide technical advice.

## 4.9 Providing Advice to Council

### **Advisory Committee Records**

Following each meeting of an Advisory Committee, a record of the Advisory Committee meeting must be prepared by the Committee Secretariat and provided for tabling at a subsequent meeting of Council. This report provides an opportunity to formally inform Councillors of the holding of the meeting, the matters discussed and the persons in attendance. Any conflicts of interest disclosed at the meeting must also be included.

The record of an Advisory Committee meeting is to be presented to Council with a motion to receive the report only. Any business arising from such meetings requiring a Council resolution is to be presented as an item of business.

### **Committee Submissions to Council**

Council provides opportunities for members of the public to participate in community engagement activities, make submissions and ask questions and make statements at Council meetings. Council Committees may not use these opportunities to make representations on behalf of the Council Committee itself.

### **Committee Submissions to external parties**

From time to time, opportunities will arise to make submissions to other organisations in relation to the subject matter of the Committee. In these circumstances, Council may request the Council Committee to provide advice in relation to the development of a Council submission. While the Council Committee may provide significant advice, any final Council submission must be approved by the Council or Council officer under delegation, and must not be submitted by the Council Committee itself.

### **Submissions by Committee Members**

Members of Council Committees are free to make individual submissions to Council or to third parties provided they:

- do not purport to speak on behalf of the Council or Council Committee;
- do not suggest they speak with the Council or Council Committee's endorsement or support;
- do not identify or describe themselves as a member of a Council Committee; and
- do not disclose or draw on any information or research provided to them in the course of the Council Committee operation.

## 4.10 Transparency

In order to maintain transparency of Committee operations, the following information is to be published on Council's website in respect of each Advisory Committee:

- the Terms of Reference of the Advisory Committee;
- the names of Councillor members and term of appointment; and
- the records of all Advisory Committee meetings held during the term of Council.

In the case of Working Groups, information is to be made publicly available through project community updates, progress status reports to Council and publication of consultation results. The mechanism for publication of this information is to be determined on a case by case basis.

Where a meeting of a Council Committee is attended by five or more Councillors and one or more members of Council staff, it will also constitute an Informal Meeting of Councillors in accordance with the Stonnington Governance Rules. In that case, the disclosure obligations of the Governance Rules must be met, in addition to those set out in this policy.

## 4.11 Administrative Arrangements

### **Meeting Agendas**

Agendas of Council Committee meetings are to be circulated to all Committee Members at least seven days in advance of each meeting, with a copy available to all Councillors on request. Agendas should include all associated materials, such as background reports, research papers and officer reports.

The structure of an agenda may be determined by the Council Committee, but must include:

- a statement of recognition of Wurundjeri Woi Wurrung and Bunurong land;
- attendance and apologies;
- declarations of conflict of interest;
- adoption of minutes of the previous meeting; and
- business arising from the previous meeting.

### **Minutes of Meetings**

Minutes of Advisory Committee meetings are to be circulated to all Committee Members following each meeting, and a copy is to be available to all Councillors. At the latest, the minutes are to be circulated within 14 working days of the meeting. The Minutes shall include:

- the name of the Council Committee;
- the date, time and place of the meeting;
- the time at which the meeting commenced and concluded and the times of any adjournment and resumption of the meeting;
- the names of the members or guests present and a record of their attendance during the whole meeting;
- details of any conflicts of interest disclosures made;

- a listing of the matters considered and discussed and, where a consensus position was reached, the details of that position; and
- in the event of a formal motion, the names of the mover and seconder and the outcome of any vote or division.

Meeting minutes should not contain any material that is confidential or prohibited from release under the Privacy and Data Protection Act 2014.

Meetings of Working Groups do not require formal minutes – meeting notes kept by the Committee Secretariat are sufficient.

### **Changes to the Terms of Reference**

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to a Council Committee terms of reference. Where an update does not result in material change, such change may be made administratively. Examples include a change to the name of a Council or government department, an alteration to reflect an endorsed change to Council policy, a change resulting from a Council resolution and an update to legislation which does not have a material impact.

Any proposed change or update which materially alters the Terms of Reference must be made by resolution of Council.

### **Practical support for diverse membership**

The Committee Secretariat is responsible for providing any necessary assistance to ensure barriers to participation in Council Committees are reduced. In particular, the Committee Secretariat shall ensure that meeting arrangements and selection processes do not discriminate against participants on the basis of the protected characteristics set out in the Equal Opportunity Act 1994. Examples of such assistance might include a flexible meeting schedule to suit participants, use of accessible venues, provision of support for languages other than English or assistance with transport to/from meetings.

### **Reimbursement of Expenses**

Members of Council Committees are not remunerated for their participation.

For Community Members, Organisational Representatives and subject matter experts, reimbursement of reasonable expenses associated with attendance may be made, subject to prior agreement and approval. Such reimbursement may include (for example) costs associated with transport, child care or interpreting services.

For Councillors, expense reimbursements are to be made in accordance with the Councillor Support Policy.

## **4.12 Sunset**

### **Advisory Committees**

All Advisory Committees will be stood down upon the commencement of the election period ahead of each general Council election.

Council's Governance Unit will be responsible for presenting a report to Council before 30 June in the year following the election which will include recommendations on:

- the proposed committee structure;
- the endorsement of Terms of Reference for each committee; and
- the process for appointment of members to each committee.

Where it is recommended that an existing committee resume operation, the report will provide advice on any changes to the existing Terms of Reference and membership that may be required.

Where it is desirable for a decision on the future of an existing committee to be made earlier than 30 June, a report can be made to Council any time following the swearing in of Councillors after the election.

### **Working Groups**

Working Groups shall sunset in accordance with provisions set out in their terms of reference.

## **5 Definitions**

<b>Term</b>	<b>Definition</b>
Act	means the Local Government Act 2020.
Advisory Committee	Means a committee established by Council in accordance with this policy to provide advice to Council, a delegated committee or a member of Council staff.
Committee Member	means a person appointed to a Council Committee in their capacity as a Councillor, Community Member, Council Officer, Subject Matter Expert or Organisational Representative.
Community Member	means a person appointed to a Council Committee to represent their own views.
Committee Secretariat	means the Manager of the relevant Council team and other Council officer(s) appointed to undertake administrative tasks of the Council Committee.
Council Committee	means either an Advisory Committee or Working Group established by Council.
Council Officer	means a member of Council staff appointed to a Council Committee to provide their professional advice and view.
Organisational Representative	means a person appointed to a Council Committee to represent the views of an organisation, group or club.
Subject Matter Expert	Means a person appointed to a Council Committee on the basis of their specialised knowledge and expertise in the matters to be considered by the committee.
Working Group	means a committee established by Council in accordance with this policy in relation to a specific policy development, planning process, capital project or time limited project.

## 6 Responsibilities

Party	Roles and Responsibilities
Council	<ul style="list-style-type: none"> <li>Approval of the establishment of Advisory Groups.</li> <li>Appointment of members to Advisory Groups.</li> </ul>
Committee Members	<ul style="list-style-type: none"> <li>Adherence to the provisions of this policy.</li> </ul>
Chief Executive Officer	<ul style="list-style-type: none"> <li>Approval of the establishment of Working Groups.</li> <li>Appointment of members of Working Groups.</li> <li>Filling of casual vacancies to Council Committees in accordance with the Appointment of Members to Council Committees Procedure.</li> </ul>
Committee Secretariats	<ul style="list-style-type: none"> <li>Administrative support to the Council Committee.</li> </ul>
Governance Team	<ul style="list-style-type: none"> <li>Periodic review of this policy.</li> <li>Conduct of the Council Committee review at the commencement of each Council term.</li> </ul>

## 7 Monitoring, Evaluation and Review

Council commits to monitoring processes, information sharing and decision making to understand the overall level of success in the Policy's implementation.

A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made.

Officers are authorised to make minor editorial amendments as needed for administrative or updated information purposes (for example, but not limited to: changes to position and roles, references to legislation, definitions etc). Officers may also make amendments to the list of related documents at such times where reference material or guidelines require updating.

## 8 Related Legislation and Policies

There are a range of legislation, codes and Council documents that inform and support this Policy. These include, but are not limited to:

Legislation	Council documents
<ul style="list-style-type: none"> <li>Local Government Act 2020</li> <li>Privacy and Data Protection Act 2014</li> </ul>	<ul style="list-style-type: none"> <li>Community Engagement Policy</li> <li>Appointment of Members to Council Committees Procedure</li> </ul>