

Guidelines for meeting practice - Advisory Committees

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1 Interpretation

- 1.1 **Act** means the *Local Government Act 1993* (NSW).
- 1.2 **CEO** means Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.
References to the Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993* (NSW).
- 1.3 **Chairperson** means a Member appointed pursuant to clause 8 and includes **Co-Chairperson**.
- 1.4 **City of Newcastle (CN)** means Newcastle City Council.
- 1.5 **Committee** means the advisory committee established by resolution of Council.
- 1.6 **Community Representative** means a Council Volunteer appointed to the Committee pursuant to clause 5.
- 1.7 **Council** means the elected Council.
- 1.8 **CN Volunteer** means an individual who gives their time to CN willingly for the common good and without financial gain.
- 1.9 **Facilitator** means a CN staff member appointed to fulfil the tasks set out in clause 11.
- 1.10 **Member** means each of the individuals appointed in accordance with clauses 3, 4 or 5.
- 1.11 **Secretary** means a CN staff member appointed to fulfil the tasks set out in clause 12.
- 1.12 **Stakeholder Organisation** means a stakeholder organisation nominated by the Chairperson to be represented on the Committee, pursuant to clause 4.

2 Authority

- 2.1 In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of CN rests with the Council and the CEO, as provided in the Act.
- 2.2 The Committee has no executive powers and cannot make decisions on behalf of CN. Furthermore, the Committee is not a committee delegated authority therefore it cannot exercise powers under s.355 of the Act.
- 2.3 Neither the Committee nor any of its Members may direct any CN staff member in his or her duties.
- 2.4 This Committee is not a CN committee as defined in section 260 of the Act, because its membership is not constituted solely by Councillors.
- 2.5 The Chairperson of the Committee may, if considered reasonably necessary and with the approval of the CEO, request external professional advice to allow the Committee meet its responsibilities.
- 2.6 The CEO may facilitate, and provide the necessary financial resources, to engage the provision of any such external professional advice required.

3 Election of Councillor Members

- 3.1 CN will call for nominations for Councillor Members at the commencement of each Council term (the Facilitator will arrange for a report to be provided to the Council).
- 3.2 Council will elect Councillor Members by resolution.

4 Appointment of Stakeholder Organisation representatives

- 4.1 The Chairperson, with the assistance of the Facilitator, will identify relevant Stakeholder Organisations to be represented on the Committee.
- 4.2 The Facilitator will invite the identified Stakeholder Organisation to nominate a representative for membership of the Committee.
- 4.3 If an appointed representative is unable to attend a meeting, the relevant Stakeholder Organisation may nominate an alternative representative to attend on their behalf, with prior notice to the Facilitator.

5 Appointment of Community Representatives

- 5.1 The appointment of Community Representatives to the Committee will:
 - 5.1.1 seek to achieve a mix of skills to facilitate the sound functioning of the Committee; and
 - 5.1.2 seek to represent the diversity within and interests of the community.
- 5.2 Community Representatives will be appointed following a public Expressions of Interest (**EOI**) process each Council term.
- 5.3 Written applications must be lodged with CN and address the selection criteria determined by the Councillor members of the Committee.
- 5.4 Applications will be assessed by the Councillor members of the Committee on merit according to the selection criteria.
- 5.5 If more applications than positions are received, and deemed suitable for appointment as Community Representatives, offers of membership will be made to the top applicants and the remainder placed on an eligibility list.

6 Termination of Membership

- 6.1 Each Member shall remain a member of the Committee until:
 - 6.1.1 the Member resigns, or
 - 6.1.2 the membership is terminated.
- 6.2 Membership of any Member of the Committee may be terminated by resolution of the Committee due to:
 - 6.2.1 the Member's non-attendance at three consecutive Committee meetings without prior notification of their non-attendance and the granting of leave by resolution of the Committee; or
 - 6.2.2 the Member's conduct being inconsistent with the committee terms of reference or CN's Code of Conduct.

- 6.3 Councillor membership terminates immediately upon a Councillor Member ceasing to be a Councillor.
- 6.4 If the terminated Member was a:
 - 6.4.1 Community Representative, the Chairperson in consultation with the Facilitator, will determine a replacement Member from the eligibility list where applicable. If not applicable, the Facilitator will commence a new selection process.
 - 6.4.2 Member from a Stakeholder Organisation, the Stakeholder Organisation should nominate a replacement Member to the Committee.

7 Responsibility of Members

- 7.1 Members are expected to:
 - 7.1.1 understand the relevant legislative and regulatory requirements applicable to CN;
 - 7.1.2 be able to contribute the time needed to understand the Committee's business papers and to attend Committee meetings; and
 - 7.1.3 provide advice and feedback on matters brought before the Committee.
- 7.2 Members must conduct themselves in accordance with CN's Code of Conduct.
- 7.3 Conflicts of Interest must be declared and managed in accordance with the Code of Conduct. A record of a declared conflict of interest in the minutes is sufficient.
- 7.4 Pecuniary or significant, non-pecuniary conflicts of interest must be managed by the Member excluding themselves from the meeting during the discussion of the relevant agenda item. Such exclusion should be recorded in the minutes.
- 7.5 Members who are Community Representatives must also comply with CN's Volunteer Framework.

8 Appointment and responsibility of Chairperson

- 8.1 The Chairperson will be appointed by Council resolution from among the Councillor members.
- 8.2 Where a Committee operates under a Co-Chairperson model, as determined by the Committee terms of reference, the election of a Co-Chairperson will take place at the first meeting of the Committee in a new Council term.
 - 8.2.1 The Facilitator will administer the Co-Chairperson election.
 - 8.2.2 If there are more than two nominees for the Co-Chairperson position, the nominee receiving the lowest number of votes will be eliminated and a further round of voting will take place to elect the Co-Chairperson. This process will continue until a nominee is elected.
- 8.3 The Chairperson will officiate and conduct each meeting.
- 8.4 If the Chairperson is absent from a Committee meeting, a Member of the Committee will be nominated by the Committee to chair the meeting.

- 8.5 The Chairperson will remain until the dissolution date, unless the Chairperson resigns and in this case, a new Chairperson should be appointed in accordance with this clause.
- 8.6 The Chairperson will officiate and conduct each meeting.
- 8.7 If the Chairperson and Co-Chairperson are absent from a Committee meeting, a Member of the Committee will be nominated by the Committee to chair the meeting.
- 8.8 The Chairperson and Co-Chairperson will remain until the dissolution date, unless the membership of the Chairperson or Co-Chairperson is terminated and in this case, a new Chairperson or Co-Chairperson should be appointed in accordance with this clause.

9 Attendance at meetings

- 9.1 In addition to Members, the following may be in attendance at any meeting of the Committee:
 - 9.1.1 The Lord Mayor (voting attendee);
 - 9.1.2 Councillors not appointed as Members of the Committee;
 - 9.1.3 CN staff; and
 - 9.1.4 External personnel by invitation of the Committee.
- 9.2 The attendees in 9.1.2 to 9.1.4 do not have voting rights.

10 Quorum

- 10.1 A quorum is constituted by attendance of a majority of Members including at least one Councillor Member.
- 10.2 If a quorum is not achieved, an informal meeting may be conducted at the discretion of the Chairperson.

11 Responsibility and requirements of Facilitator

- 11.1 The Facilitator will be a suitably qualified CN officer, appointed by the Director with functional responsibility for the Committee, who will undertake the following functions:
 - 11.1.1 oversee and be responsible for the functions of the Secretary;
 - 11.1.2 accept or reject (in consultation with the CEO) items of business;
 - 11.1.3 ensure Members are familiar with the committee terms of reference and CN's Code of Conduct;
 - 11.1.4 facilitate discussion at committee meetings, provide input to meetings and be an active (non-voting) Member of the Committee;
 - 11.1.5 focus the Committee on its responsibilities outlined in the terms of reference and the meeting agenda items;
 - 11.1.6 act as the communication link between the Committee and CN;
 - 11.1.7 manage the resources available to the Committee;
 - 11.1.8 manage the performance of the Committee;

- 11.1.9 where appropriate, liaise closely with the facilitators of CN's other committees to assist with the collaboration between committees, the sharing of information and the efficient and effective use of CN and committee resources; and
- 11.1.10 work closely with the Chairperson to administer the Committee and its meetings.
- 11.2 This position may be shared among a number of suitably qualified CN officers or be the same person.
- 11.3 The Facilitator may take on the role of a Secretary while performing her/his responsibilities as a Facilitator.

12 Responsibility and requirements of Secretary

- 12.1 The Secretary will be a suitably qualified CN officer who undertakes the following functions:
 - 12.1.1 prepare agendas;
 - 12.1.2 update the register of Members;
 - 12.1.3 maintain a meeting attendance register;
 - 12.1.4 take minutes at Committee meetings and prepare them for circulation (once approved by the Facilitator);
 - 12.1.5 collate Committee business papers prepared or submitted by CN officers, Committee Members, working parties and stakeholders;
 - 12.1.6 publish agendas, minutes and Committee business papers on CN's website;
 - 12.1.7 book meeting venues and organise the provision of any necessary equipment; and
 - 12.1.8 provide administrative assistance to the Facilitator.
- 12.2 This position may be shared among a number of suitably qualified CN officers or be the same person.

13 Meeting schedule

- 13.1 The Committee will meet at least four times per calendar year or as otherwise resolved by the Committee.
- 13.2 Meeting dates will be agreed by the Committee by no later than October each year for the following calendar year.
- 13.3 Additional meetings may be scheduled by the:
 - 13.3.1 Chairperson;
 - 13.3.2 Committee by resolution;
 - 13.3.3 Council; or
 - 13.3.4 Lord Mayor or CEO.
- 13.4 Unless otherwise resolved by the Committee, all meetings of the Committee will be closed to the general public.

14 Meeting agendas and business papers

- 14.1 The Facilitator will ensure that notice of meetings, including the agenda and business papers, are provided to the Committee at least five business days prior to the day of the meeting. These may be transmitted electronically.

15 Minutes

- 15.1 All Committee business will be properly minuted and recorded by the Secretary. The minutes will be:
- 15.1.1 approved by the Facilitator in draft;
 - 15.1.2 approved by the Committee as final by resolution. The Committee must then authorise the Chairperson to sign the confirmed minutes;
 - 15.1.3 managed in accordance with CN's Records Management Policy; and
 - 15.1.4 published on CN's website (ensuring CN meets its privacy obligations).
- 15.2 Draft minutes will be distributed to the Committee no later than 10 business days after the meeting.
- 15.3 Draft minutes of the previous meeting are to be adopted by resolution of the Committee at the following meeting.
- 15.4 At its first meeting, the Committee is to determine if adopted minutes should be placed on CN's website. Confidential and/or matters of a sensitive nature will be redacted from the published minutes at the discretion of the Chairperson or Facilitator.

16 Resolutions of the Committee

- 16.1 The Committee is expected to make decisions by open vote and record its resolutions in the minutes of the Committee meeting.
- 16.2 The CEO (or their delegate) may action resolutions as they deem appropriate in accordance with their individual delegations and authorisations.
- 16.3 A report to the Council for a decision will be required where resolutions fall outside the functions delegated to the CEO.

17 Reports to Council

- 17.1 It is the responsibility of the Chairperson and Facilitator to report to the Council:
- 17.1.1 at the commencement of each Council term calling for Councillor Members; and
 - 17.1.2 at least annually, which will include attendance records, performance review and a summary of key items of business; and
 - 17.1.3 where a Council resolution is required to enact a recommendation of the Committee, or where the Committee otherwise wishes to report information to the Council.

18 Performance of the Committee

- 18.1 The Chairperson with the assistance of the Facilitator must undertake a review of the Committee's performance annually using the template at **Attachment A** (the first review must be completed within 12 months of the first Council meeting of the Council term - for example by September 2018).
- 18.2 The performance review must to be completed in conjunction with a member of CN's Legal Service Unit.
- 18.3 The completed performance review must be endorsed by the Committee and included in the Committee's annual report to the Council.

19 Public Comment

- 19.1 The Lord Mayor and CEO are the official spokespeople for CN, in accordance with CN's Media Policy, and no Members should speak to the media or members of the public on behalf of CN or the Committee.

Attachment A

REPORT TO [INSERT NAME] ADVISORY COMMITTEE

**SUBJECT: REVIEW OF [INSERT NAME] ADVISORY COMMITTEE
PERFORMANCE**

REPORT BY: [DIRECTORATE]/ [SERVICE UNIT]/[FACILITATOR TITLE]

DATE: XXXX

PURPOSE

This performance review is presented to the [Insert name] Advisory Committee (**Committee**) in compliance with clause 18 of the Guidelines for meeting practice – Advisory Committees.

RECOMMENDATION / OUTCOME SOUGHT

1. The [insert name] Advisory Committee endorses the performance review at **Attachment A** and notes the Facilitator will include the performance review report in the annual report to the Council.

KEY ISSUES

2. It is important that CN committees operate effectively and in accordance with the terms of reference adopted by the Council.
3. Performance reviews are a mechanism of monitoring effective performance.

ATTACHMENT A

Performance of the [insert name] Advisory Committee

*(Note: performance is based on the previous year
- eg. review carried out in 2019 on Advisory Committee's performance in 2018)*

1. Did the [insert name] Advisory Committee (**Committee**) report to the Council as required? (the report should detail the dates of each report/s to the Council)

2. Detail the number of meetings required to be held per calendar year as provided for in the Guidelines for meeting practice – Advisory Committees.

3. Detail the number of meetings held in [insert year], that were quorate.

4. The Guidelines for meeting practice – Advisory Committees requires Members of the Committee to conduct themselves in accordance with the Code of Conduct. Does the agenda include a standing item for Members to declare a conflict of interest? (yes/no)

5. Do business papers of meetings:
 - a) Include relevant background information necessary to enable Members to make informed decisions (Yes/No).
 - b) Are distributed to Members in accordance with the required timeframe (Yes/No).

4. Do minutes of meetings:
 - a) Contain a summary of the decisions (Yes/No).
 - b) Are adopted by the Committee at a subsequent meeting (Yes/No).
 - c) Are distributed to Members in the required timeframe (yes/no - if no list details of reasons for delay).

5. Attach annual attendance details.

6. Have all Community Representatives attended induction? (Yes/No)

Approval

Committee Facilitator

Name:

Signature:

Date:

Legal Service Unit

Name:

Signature:

Date: