



## Terms of Reference

April 2018

### 1. Introduction

With the development of Hobsons Bay 2030 and the Council Plan 2017-21 Council's previous advisory committees were reviewed to understand strengths, alignment with community needs, and opportunities for improvement.

The outcome of this review was to develop Councillor Portfolios and subsequent supporting committees, titled Portfolio Advisory Committees (advisory committees).

There are seven advisory committees in alignment with Hobsons Bay 2030, Council Plan 2017-21 and the vision of becoming a Council of Excellence. These include:

Portfolio	Focus
Integrated transport	Support sustainable transport planning, programs, investment, advocacy and operations in Hobsons Bay including a focus on reducing car dependency. Enhance walking and cycling outcomes along with improved public transport services. Embed a network approach to transport planning that is focussed on enhanced regional outcomes. Ensure infrastructure planning supports sustainable transport outcomes, particularly in relation to footpaths, bike paths and streets. Ensure an integrated approach to freight transport and advocate for rail freight outcomes. Implementation of the Integrated Transport Plan.
Planning	Supporting effective long term planning across Hobsons Bay including the development of housing, heritage studies, strategic site and economic policies. There will also be a focus on long term infrastructure planning to facilitate sustainable development to support our community.
Social wellbeing and community services	Fostering stronger, connected, resilient and inclusive communities, underpinned by local leadership and universal access to services, programs and opportunities for participation. Fostering a sense of belonging, connection to place and a culture of inclusion across community underpinned by diverse local leadership, community empowerment and participation, with particular focus on disability, GLBTIQ, multicultural, gender equity and Aboriginal inclusion.



# PORTFOLIO ADVISORY COMMITTEE

## Arts, culture and tourism



Environmental sustainability	Embed environmental sustainability in Council decision making, operations and services to enhance Hobsons Bay's position as a leading Council in the western region of Melbourne in regards to sustainability and environmental outcomes. Support the implementation of Council's suite of environmental and waste management policies and assist in identifying key advocacy opportunities in relation to sustainability and environmental issues of relevance to Hobsons Bay.
Active and inclusive communities	Supporting and promoting sport and recreation within Hobsons Bay, understanding current and future needs including within open space
Arts, culture and tourism	Supporting excellence in the arts, culture, events and tourism sectors for the positive liveability, cultural vitality and economic prosperity of the city.
Smart cities	Supporting and investigating opportunities for future integration of the built environment with innovative technology solutions. Building a smarter city to better adapt and support the future needs of our community.

Under Section 3 (1) of the *Local Government Act 1989* (the Act), committees may be established to provide strategic input from a broad cross section of the community or from individuals with specialist expertise in particular areas of Council's operations.

Advisory committees are designed to have an advisory function and cannot determine matters before them. They are not responsible for expenditure and cannot direct Council officers.

## 2. Purpose

To bring together local knowledge, expertise and stakeholders to support the development and implementation of Council's strategic directions outlined in the Council Plan 2017-21 in response to Hobsons Bay 2030 Community Vision.

## 3. Objectives

- advise Council on current and emerging trends relating to the portfolios
- promote and support Council's roles through engagement and advocacy
- act as a network to strengthen the portfolio areas

## 4. Strategic Directives

Any recommendations identified by the committee must align/support the following Hobsons Bay City Council policies and strategic plans:

- Creative City - Hobsons Bay Arts and Culture Plan 2018-2022 (draft)



- Hobsons Bay Economic Development Strategy 2015-2020
- Hobsons Bay Events and Festivals Plan 2016-2021
- Hobsons Bay Events and Festivals Funding Policy and Guidelines 2015
- Hobsons Bay Public Art Policy 2012
- Public Art Strategy 2016-2020

## 5. Definitions

- **Chairperson** means the Councillor who is the Portfolio holder
- **Co-Chairperson/s** means the Councillor who is the joint Portfolio holder
- **Acting Chairperson** means an alternative Senior Council Officer/delegate, in the absence of the Chairperson/s
- **Chief Executive** means the Chief Executive Officer of Hobsons Bay City Council
- **Committee** means any Council created Portfolio Advisory Committee
- **Community Member** is a member of a Committee who is not a Councillor or a member of Council staff
- **Council** means Hobsons Bay City Council
- **Councillor** means a Councillor of Hobsons Bay City Council

## 6. Code of Conduct

- 6.1 Councillors are required to observe the provisions of the Hobsons Bay Councillor Code of Conduct and any other policy or requirement applicable to the proper functioning of the committee
- 6.2 Council officers are required to observe the provisions of the Hobsons Bay Employee Code of Conduct and any other policy or requirement applicable to the proper functioning of the committee
- 6.3 In performing the role of an Advisory Committee member, a person must:
  - act honestly
  - exercise reasonable care and diligence
  - not make improper use of their position
  - not make improper use of information acquired because of their position
- 6.4 Committee members should feel free to express their opinions and views without fear of recrimination. It is therefore important that Committee members respect each other (despite differences) and work together to create an open and trusting committee atmosphere.
- 6.5 A breach of the Code of Conduct may lead to the Member being expelled from the Committee and or other appropriate action.



## 7. Confidential and Sensitive Information

Committee members are required to comply with the confidential information provisions contained in Section 77 of the *Local Government Act 1989*.

It is recognised that members of the Committee may be in receipt of confidential or sensitive information that should not be disclosed without the consent of Council or the Hobsons Bay City Council Chief Executive Officer.

Such confidential or sensitive matters may relate to:

- information that would be of direct financial disadvantage to Council if made public
- politically sensitive information that may impact negatively on Council if made public
- information that is still only partly formulated and may, if released, give a misleading view to the community of what Council is planning
- any other information that would disadvantage Council if made public

Members must treat information they receive as confidential unless otherwise advised. Some documents presented to the Committee will often be in draft format and not ready for wider community distribution.

## 8. Media Protocol

- 8.1 The Portfolio Councillor/s is the authorised spokesperson/s for the Committee
- 8.2 Committee Members are not to represent the Committee to the media

## 9. Conflict of Interest and Privacy

- 9.1 Committee members including Councillors must disclose a Conflict of Interest in accordance with the *Local Government Act 1989*.
- 9.2 An assembly of Councillors form must be completed at each meeting of the Committee at which a Councillor is present
- 9.3 Where the member of the committee has an actual or perceived interest or conflict of interest in relation to a matter in which the committee is concerned, or is likely to be considered or discussed, the member 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 and the assembly of Councillors form.

- 9.4 All members of Council Committees are required to observe the provisions of the Hobsons Bay City Council Privacy Policy relating to their access to personal information
- 9.5 Privacy legislation governs the collection, holding, use, correction, disclosure and transfer of personal information. More information about the legislation, can be obtained by contacting Council's Privacy Officer.





- 9.6 Should a member become aware of any breach of the security, or misuses, of Council's confidential or personal information, please contact the Privacy Officer.

## 10. Membership and Attendance

### 10.1 Appointments

Council shall undertake an expression of interest process calling for community members where an Advisory Committee is to be established.

The following criteria shall apply for the section of members:

- skills and other attributes of the member
- qualifications of the member
- the level of experience and interest in the work of the Committee
- representation of members that reflect the diversity of Hobsons Bay
- representation of members in terms of the geographic location within the municipality

Necessary arrangements will be made by Council to facilitate the short-listing and selection of community members for Committees.

Where professional membership is necessary (ie. Industry specialist), an invitation will be extended to the appropriate body, seeking the appointment of a representative.

The committee will be convened by Council and shall comprise:

- (a) up to 10-12 Community members selected from a public Expression of Interest process;
- (b) committee Sponsor will be a Council Director or delegated Council Officer;
- (c) delegated Council Officer from applicable lead area

### 10.2 Period of Membership

The advisory committee will run on a 24 month term with an annual review. The annual review is to ensure the groups are still meeting community and organisational needs, as well as identifying opportunities for improvement and potential future directions.

The advisory committees will expire on 30 June bi-annually.

In order to keep momentum and knowledge within each committee, at the end of each 24 month term, half of the committee members will be invited to remain for an additional 24 month term and the other half will be recruited for.

Where a member of the Committee is absent for three consecutive meetings (unless leave of absence has been sought and approved by the Committee), that position will be deemed vacant.



Should a membership become vacant within the term for any reason, Council will call for nominations ensuring membership remains in accordance with these terms of reference.

## 11. Chairperson

11.1 Meetings will be chaired and co-chaired by Portfolio holder Councillor/s

11.2 Duties and discretions:

- (a) must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, Committee Member, member of Council staff, or member of the community
- (b) must call to order any person who is disruptive or unruly during any meeting
- (c) must ensure that all members have an opportunity to voice their opinion/thoughts in the meeting and is heard
- (d) must ensure that section 9 conflict of interest and confidentiality is adhered to
- (e) must ensure the committee only operates in an advisory capacity and does not direct expenditure or direct operations

## 12. Operations

12.1 The Committee will operate in accordance with adopted the Terms of Reference for each advisory committee

12.2 The Committee has no budgetary responsibilities, decision-making powers or delegated authority but serves to make recommendations for Council's consideration

12.3 The Committee shall follow the general consensus principle, when determining its preferred position on matters under discussion

12.4 Committee members will not publicly comment on behalf of the group. Neither will it seek to advocate on the needs of individual organisations

12.5 Council staff will provide the necessary support to assist the Committee to function effectively including:

- (a) maintaining contact details of members
- (b) preparing and distributing agendas and prior reading materials. The agenda must be provided to members of the committee at least 48 hours before the time fixed for the holding of the meeting.
- (c) preparing and distributing meeting minutes. The minutes of a Committee meeting will be recorded by Council staff and must:
  - contain details of the proceedings and motions made
  - be clearly expressed
  - be self-explanatory
  - in relation to advice recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process



- minutes must be approved by the chair before being published or distributed and then formally endorsed at a subsequent meeting
- records of agendas and minutes are to be maintained by Council staff in accordance with *Public Records Act 1973* requirements

(d) preparation of an Assembly of Councillors' record as required under the *Local Government Act 1989*

(e) Council will provide support to members who require it with attending and participating at meetings. Council will achieve this by ensuring all meetings are held in an accessible venue, and members have access to transport to and from meetings, along with access to attendant care, child care, respite care, and a sign or language interpreter if appropriate.

The appropriate Council lead department will take primary responsibility for the administrative role of the Committee.

## 13. Meeting Procedures

The meeting procedures for the Committee are as follows:

- the advisory committee will meet at least three times per year as agreed by the committee members, and one combined meeting where all advisory committee members will come together
- meetings will be held at the Hobsons Bay Civic Centre 115 Civic Parade, Altona or at locations and at dates and times agreed by the Committee
- the Committee is not required to give public notice of its meetings and meetings are not required to be open to the public
- a quorum of at least 50 per cent of members and at least one chair must be present in order for the meeting to proceed

## 14. Voting Rights

In cases where advice to Council requires a vote:

- each member has voting rights
- Council officers and councillors have no voting rights
- the consensus view of the group will be reported to Council
- the view of an individual member that departs significantly from the views of the group will also be reported to Council
- advice of the Committee does not have affect unless carried by a simple majority
- advice provided by the Committee is not binding on Council

The Committee is an advisory group and not a decision making body.



## 15. Reporting Procedure

The reporting procedure for the Committee will be as follows:

- after each meeting a delegate report will be presented to Council for noting
- recommendations from the Committee may be referred to Council via the delegates report, the committee's Councillor chair/s or within future reports to Council as part of the consultation process
- the delegated Council officer is required to prepare a formal report to Council at the end-of-term of its appointment
- the report must be formally adopted by the Committee and should directly reflect the objectives and the performance measures of the Committee as set out in these Terms of Reference

## 16. Sunset Clause

The membership of the Committee will conclude in accordance with Clause 10.2. A report must be presented in the new Council term that includes a review of the Committee Terms of Reference and seeks direction from Council on its continued operation.