



# MODEL REFERENCE GROUP TERMS OF REFERENCE

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## 1. PURPOSE

- 1.1 Advisory Committees and Reference Groups include representatives of the community, other stakeholders or government agencies and play an important role in the implementation of Council's priorities in a manner that complements staff competencies and expertise. Advisory Committees support Council through the provision of technical advice on a range of strategic issues, while Reference Groups support Council through the provision of local knowledge and engagement of community resources on a range of action-oriented initiatives. The scope of each Advisory Committee and Reference Group is set out in its Terms of Reference.
- 1.2 Council and its staff may have regard to the advice and recommendations provided by its Advisory Committees and Reference Groups as part of Council's decision-making processes. However, in carrying out their respective responsibilities, Advisory Committees and Reference Groups must at all times recognise that primary responsibility for strategic decision making rests with the governing body of Council and the day to day operations and management is the responsibility of the General Manager, as defined by the *Local Government Act 1993*. Consequently, Advisory Committees and Reference Groups do not have power to make decisions or direct staff.
- 1.3 The primary objectives of the **insert name** Reference Group are to:
  - a. **Insert objectives. These should have an action-oriented focus, in keeping with the overall purpose of a Reference Group.**

## 2. ALIGNMENT WITH COMMUNITY STRATEGIC PLAN

- 2.1 Council has a long-term Community Strategic Plan that identifies the community's main priorities and aspirations for the future. All other Council plans, such as the four-year Delivery Program and annual Operational Plan, must support the achievement of these objectives. Council's Advisory Committees and Reference Groups are an important mechanism for consultation, advice and feedback to staff on the implementation and review of the Community Strategic Plan and related Council plans and policies.
- 2.2 The **insert name** Reference Group assists Council to achieve the following Community Strategic Plan objectives:
  - a. **Insert objectives.**
- 2.3 The **insert name** Reference Group assists Council to achieve the following Delivery Program objectives:
  - a. **Insert objectives.**

### 3. MEMBERSHIP, SELECTION AND TENURE

- 3.1 The Reference Group will consist of the following voting members:
  - a. Up to two Councillors
  - b. A minimum of **insert number** and a maximum of **insert number** community representatives
  - c. **Insert number and type of other representatives as applicable.**
- 3.2 The Reference Group will select one of its members as the Chairperson.
- 3.3 Council appoints all members subject to these Terms of Reference.
- 3.4 A Councillor who is not a member may attend meetings as an observer. However, the Councillor is not entitled to give notice of business for inclusion in the agenda for the meeting or to vote at the meeting. The Councillor as a courtesy should in advance of the meeting advise the Chairperson of their intention to attend the meeting.
- 3.5 Council staff, as determined by the General Manager, will attend meetings to act as the secretary and to provide technical advice and support and respond to enquiries. Council staff are not members and hold no voting rights.
- 3.6 The meetings are not open to the public; however, other persons with relevant expertise and skills may be invited to attend the meetings at the request of the Chairperson on behalf of the Reference Group to provide advice and assistance where necessary. These invitees have no voting rights.
- 3.7 Community representatives should have the following skills and knowledge relevant to the purpose of the Reference Group:
  - a. **List desired skills and knowledge.**
- 3.8 Community representatives are to be recruited through a public expression of interest process. The selection will be based on set criteria which will be outlined as part of the nomination process and consistent with the required skills and knowledge, a complementary mix of interests, talents and experience, and an understanding of the local community's needs and aspirations. Nominations will be assessed by a selection panel comprised of Council staff and the details of the recommended nominees will be reported to Council for endorsement and appointment.
- 3.9 To enable diversity of civic participation, community representatives are limited to holding a maximum of two concurrent memberships of an Advisory Committee or Reference Group and should also only be appointed for a maximum of two consecutive Council terms. In the circumstance where specialist knowledge or experience is required and there is no suitable alternate nominee for a community representative position, a member may serve an additional term on a Reference Group.
- 3.10 Agencies or industry bodies can nominate any suitable candidate from their organisation to participate, who should generally be the same person but can be replaced by an alternate where unavailable.

- 3.11 Reference Groups will generally be dissolved/renewed in line with the electoral term of Council. Members are appointed for the current Council term. However, Reference Groups will maintain a caretaker role until the new Reference Groups are formally appointed by Council. The caretaker role permits the outgoing Reference Group to continue with its routine business as set out in these Terms of Reference.

#### **4. ROLES AND RESPONSIBILITIES**

- 4.1 The Chairperson is responsible for the effective conduct of meetings, drawing on the expertise of each member, and for guiding the Reference Group's work towards fulfilling the responsibilities established in the Terms of Reference. This is a vital position, which requires an effective Chairperson to:
- a. Work cooperatively with the committee support staff
  - b. Ensure that the Reference Group operates within the scope of the Terms of Reference
  - c. Conduct business in the order set out in the agenda
  - d. Keep discussion focused on the item as set by the agenda
  - e. Make sure that a decision has been reached before going onto the next item on the agenda
  - f. Maintain order and ensure the correct meeting procedures are being followed
  - g. Allow everyone to speak and be heard
  - h. Exercise a casting vote, as well as an original vote, whenever the voting on a motion is equal
  - i. Make sure a clear and accurate record is kept of all decisions.
- 4.2 Reference Groups consider reports, discuss options and contribute to the successful delivery of relevant Council projects and events. Through a Reference Group a member can offer an alternate view, identify issues and represent the diverse demographics, views and interests of the local community. All Reference Group members are expected to:
- a. Actively participate in a constructive, respectful and courteous manner
  - b. Understand the relevant legislative and regulatory requirements appropriate to Council
  - c. Contribute the time needed to review meeting agendas and other materials and understand the papers provided prior to a meeting
  - d. Apply good analytical skills, objectivity and judgment
  - e. Express opinions frankly and ask questions
  - f. Fully consider matters before voting on them
  - g. Respect confidentiality and privacy
  - h. Comply with the Terms of Reference.
- 4.3 Council provides secretariat support for the Reference Group in the form of committee support staff, as determined by the General Manager, who attend each meeting in a non-voting capacity. Under the supervision of the responsible Manager, the committee support staff are responsible for:
- a. Organising calendar notifications and the meeting venue
  - b. Preparing the meeting agenda
  - c. Ensuring that relevant matters are brought before the Reference Group
  - d. Distributing the agenda and minutes electronically

- e. Recording the minutes for distribution to the Reference Group and reporting to Council
  - f. Coordinating the implementation of action items and identifying any decisions which may require further consideration by Council or the Executive Leadership Group.
- 4.4 The responsible Manager is a liaison point for Reference Group members regarding matters within the scope of the Terms of Reference. The committee support staff report to the responsible Manager, not the Reference Group. The responsible Manager may direct the committee support staff to provide administrative support and communicate certain advice to the Reference Group relating to the Terms of Reference and Council policies.
- 4.5 Reference Group membership is not a forum for making an action request of Council staff. Such requests must be made through regular channels.

## **5. MEETING VENUE AND FREQUENCY**

- 5.1 Meetings are generally held in person **bimonthly** at the **insert venue** or other suitable venue as necessary. Meetings may also be held online using video conferencing software. The Chairperson shall determine the mode of meeting subject to any overriding Council policy or direction from time to time.
- 5.2 Special meetings may be called by the Chairperson if urgent matters are required to be considered by the Committee. This should only occur following consultation with Council staff, to confirm that there are adequate staff resources available to provide the necessary administrative arrangements for the special meeting.

## **6. MEETING PROCEDURE**

- 6.1 Subject to these Terms of Reference, the Reference Group may regulate its own meeting procedure consistent with good order and effective conduct. The ruling of the Chairperson is final in respect of all procedural matters.
- 6.2 Short-term working groups may be created by a Reference Group for a particular purpose and disbanded when that purpose is achieved.

## **7. QUORUM, VOTING AND CASUAL VACANCIES**

- 7.1 No quorum is required for meetings of the Reference Group. However, the Chairperson shall use their discretion to determine if any item on the agenda should be deferred to a future meeting if it is considered there are insufficient people at the meeting to consider the item.
- 7.2 If the Chairperson is absent from a meeting, the first business of every such meeting is to elect a Chairperson for that meeting from the members present.
- 7.3 Decision-making by the Reference Group shall ideally be through consensus. However, where consensus cannot be reached, then a vote shall be taken of members present. Each voting member present (including the Chairperson) shall have one vote. In the event of a tied vote, the Chairperson shall have a casting vote. Voting does not necessarily mean that any decisions will be implemented by Council.

- 7.4 As a courtesy, Reference Group members should tender an apology when they know in advance that they cannot attend a meeting. The apology should initially be tendered to the Committee secretary, who will subsequently inform the Chairperson.
- 7.5 A Reference Group member who is temporarily unable to fulfil their obligations as a member may request a leave of absence from the Reference Group. Typical reasons for needing to take a period of leave include but are not limited to personal health, carer responsibilities, work or family commitments. A leave of absence may be granted for a period of up to 6 months. During a leave of absence, a member may not participate in votes of the Reference Group.
- 7.6 If a Reference Group member misses three consecutive meetings without a leave of absence or is found to have breached the Code of Conduct, their membership will be withdrawn and the position will be deemed vacant.
- 7.7 A casual vacancy for a community representative caused by the resignation or death of a Reference Group member, or the withdrawal of membership, will be filled through a review by Council staff of nominations received through the previous Expressions of Interest process with the details of any recommended nominees being reported to Council for endorsement and appointment. If there are no suitable nominees who are available or if Council so resolves, a new Expressions of Interest process will be undertaken.
- 7.8 If a casual vacancy is for a position that represented an organisation, the organisation will be invited to nominate a replacement representative (if no alternate member has previously been nominated).

## **8. AGENDAS, MINUTES AND REPORTING REQUIREMENTS**

- 8.1 The Reference Group secretariat produces the meeting agenda. Members should raise items they would like to be included on the agenda at least **10 working days** prior to the meeting. Items will only be considered for inclusion on the agenda if they are relevant to the scope of the Terms of Reference and are submitted with the required notice. If a proposed item is not included on the agenda, the responsible Manager must notify the relevant member (including the reasons for this decision) prior to the distribution of the meeting agenda.
- 8.2 Community feedback provided to Reference Group members should also be dealt with as an agenda item, to ensure fair and proper consideration by the Reference Group.
- 8.3 General business should not be used to bypass the requirements for giving notice of business and therefore should not be raised for consideration at a meeting, unless the Chairperson rules the matter as urgent.
- 8.4 The agenda should be distributed to the Reference Group at least **five working days** prior to any meeting giving notice of the proposed meeting and the items of business.
- 8.5 The Chairperson can elect to request a briefing from Council staff prior to the

meeting.

- 8.6 A forward meeting plan should be approved by the Reference Group annually for each financial year. The forward meeting plan will cover all responsibilities of the Reference Group as detailed in the Terms of Reference.
- 8.7 The structure of the agenda will be agreed by the Reference Group as part of its annual forward meeting plan, but will include as a minimum:
  - a. Acknowledgement of Country
  - b. Attendance and Apologies
  - c. Declaration of Interests
  - d. Acceptance of Previous Minutes and Business Arising
  - e. Outstanding Actions Report
  - f. Standing Agenda Items.
- 8.8 Full and accurate minutes of the proceedings for each meeting must be kept. The meeting minutes must record all motions and amendments put to the meeting, and the results. Minutes should include the mover and seconder of motions. Although the minutes should contain enough detail to make the Reference Group's recommendations understood, they are not meant to be a detailed transcript of proceedings nor a record of the contribution of individual members. However, there may be occasions when it is appropriate to succinctly record the general content of discussions.
- 8.9 Committee support staff will ensure that the meeting minutes are prepared and provided to the Chairperson for approval within **five working days** of the meeting. The approved minutes will then be circulated to Reference Group members within **10 working days** of the meeting.
- 8.10 The meeting minutes of Reference Groups are to be reported to Councillors via a Councillor Update. Any matters arising that require a separate decision of Council may at the discretion of the General Manager be reported at a Council meeting for formal consideration by Councillors.
- 8.11 Once reported to Councillors, the meeting minutes will be published on Council's website.
- 8.12 All agendas and minutes are distributed electronically via email. Committee support staff are not responsible for printing and distributing hard copies of meeting agendas and minutes to Reference Group members.
- 8.13 All documents and records relating to the Reference Group will be registered in Council's electronic document management system by Council staff in accordance with the *State Records Act 1998*.
- 8.14 A Register of Committees and Groups will be maintained by Council staff. This will include the names of Reference Group members.

## **9. CODE OF CONDUCT AND OTHER POLICIES**

- 9.1 Reference Group members are required to adhere to Council's Code of Conduct. Compulsory training on the Code of Conduct and other policies that may be applicable to the operation of the Reference Group will be provided

to all members, and must be completed by each individual member before they can attend meetings. Additional training may be requested by the Reference Group where relevant to its purpose.

9.2 As outlined in the Code of Conduct, the general conduct obligations of Reference Group members are to:

a. Refrain from engaging in conduct that:

- i. Is likely to bring Council or other Council officials into disrepute
- ii. Is contrary to statutory requirements or Council's administrative requirements or policies
- iii. Is improper or unethical
- iv. Is an abuse of power
- v. Causes, comprises or involves intimidation or verbal abuse
- vi. Involves the misuse of your position to obtain a private benefit
- vii. Constitutes harassment or bullying behaviour under the Code of Conduct, or is unlawfully discriminatory.

b. Act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out Reference Group functions.

9.3 Members are required to declare and manage any conflicts of interest in accordance with Council's Code of Conduct. In the case of a pecuniary or significant non-pecuniary interest, this includes a requirement that the member does not participate in consideration of, or decision making in relation to, the matter. Details of any conflict of interest should be appropriately documented in the minutes.

9.4 Council's volunteer management policy framework applies to Reference Group members who are defined as volunteers under that framework. Generally, this will be committee members who are not a paid representative from another organisation, acting on their behalf or as a requirement of their employer.

## **10. WORK HEALTH AND SAFETY**

10.1 Under work health and safety legislation, volunteers (including Reference Group members) are considered workers and must comply with health and safety legislation as amended from time to time as well as Council's policies and procedures. Reference Group members must take reasonable care that their acts or omissions do not adversely affect their health or safety and that of other persons.

## **11. FINANCIAL ARRANGEMENTS**

11.1 The operational costs of convening the Reference Group will be met by Council's budget. No fees or out of pocket expenses will be paid to members.

## **12. VARIATION OF TERMS OF REFERENCE**

12.1 These Terms of Reference may only be amended by a resolution of Council.