

Muswellbrook Shire Council Advisory Committee Operational Guidelines



Committee Operational Guidelines October 2011

Prepared by
Bill Spicer
Updated by
Scott McNamara

Table of contents

INTRODUCTION	4
1. ADVISORY COMMITTEE OPERATIONAL GUIDELINES	5
1.1 Council May Establish Committees	5
1.2 Functions of Committees.....	5
1.3 Voting for Committee Members and Casual Vacancies.....	6
1.4 Committee Membership	6
2. COMMITTEE CHAIRPERSON	6
2.1 Chairperson and Deputy Chairperson of Committees	6
3. MEETINGS	8
3.1 Notice of Committee Meetings to be given	8
3.2. Meeting Procedure.....	8
4. GENERAL BUSINESS IN COMMITTEES.....	8
5. ORDER OF BUSINESS FOR COMMITTEES	8
6. QUORUM AT COMMITTEE MEETINGS.....	9
7. MINUTES OF A COMMITTEE MEETING	9
8. REPORTS OF A COMMITTEE MEETING	9
9. ATTENDANCE AT COMMITTEE MEETINGS	9
10. ABSENCE FROM COMMITTEE MEETINGS.....	11
11. ORDER AND DISORDER	11
11.1 Disorder in Committee Meetings.....	11
11.2 Questions of Order	11
11.3 Acts of Disorder	11
11.4 How Disorder at a Meeting May be Dealt With	12
11.5 Power to Remove Persons from Meeting after Expulsion	12
11.6 Sanctions.....	14
11.7 Disorder in Committee Meetings.....	14
12. CONFLICT OF INTEREST	14
12.1 Disclosure of and Presence at Meetings.....	14
12.2 Pecuniary Interest (of Councillors) in Committees	15
12.3 Non - Pecuniary Interest (of Councillors) in Committee	15
12.4 Pecuniary and Non-Pecuniary Interest Council Employees.....	15
12.5 Pecuniary and Non-Pecuniary Interest Community Members	15
12.6 No Debate	15
12.7 Chairman not to Decide.....	17
13 QUESTIONS	17
13.1 Questions May be Put to Councillors and Council Employees	17
13.2 Questions May be Put to Persons in Public Participation	17
14. PUBLIC PARTICIPATION AND ACCESS	17
14.1 Open Meetings	17
14.2 Addressing the Committee	17
14.3 Time Limit on Address	18
14.4 Public access to correspondence and reports	18

15. MISCELLANEOUS	20
15.1 Tape Recording Prohibited Without Permission	20
15.2 Mobile Phones and Pagers	20
15.3 News Media Releases.....	20
15.4 Tabling of Documents	20
15.5 Presentations to Members of the Public	21
16. DEFINITIONS	21
APPENDIX A - SPECIFIC DECLARATION OF INTEREST	23
APPENDIX B – COMMUNITY NOMINATIONS PROCEDURE	25
APPENDIX C – COMMUNITY NOMINATIONS FORM	27

MUSWELLBROOK SHIRE COUNCIL DRAFT ADVISORY COMMITTEE OPERATIONAL GUIDELINES

INTRODUCTION

This operational guideline has been produced to assist advisory committees function efficiently and within legal requirements. This operational guideline should also inform newly appointed committee members of their responsibilities thus ensure a more rewarding association with Council. Following requests from members of some advisory committees, information has been included in determining how conflicts of interest can be identified and how to deal with them.

It should be stressed that the operational guideline is intended to be best practice. Whilst legal requirements have been identified, this guideline goes beyond legal requirements.

The operational guidelines should also assist committees demonstrate that they are operating in a transparent and unbiased manner.

Background

An advisory committee means a committee established by the Council which is comprised of Councillors and community representatives. Council staff may also be appointed to advisory committees. The committee is described as a “wholly advisory committee”. A committee has no decision making powers and can make recommendations only to Council in the form of a report prepared by the Staff Liaison Officer. However, the advice given is heavily relied on by Council to assist decision making on many complex and sensitive issues. Therefore, Council expects advisory committees (and all of its committees) to exhibit the same strict standards which the Council sets for itself.

Code of Conduct and Council Policies

Council has adopted a code of conduct. The code of conduct has been based on the model code of conduct issued by the Department of Local Government.

The code applies to Council officials. Council officials are defined as

“council official” includes councillors, members of staff of council, administrators appointed under section 256 of the Act, members of council committees, conduct reviewers and delegates of council

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council’s code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal

circumstances with this in mind. Council contractors and volunteers will also be required to observe the relevant provisions of council's code of conduct.”¹

The guideline requires all community representatives to observe councils policies which are applicable to the Committees operations.

Committee Procedures

Council has adopted a Code of Meeting Practice governing Council meetings and Council Committees of which all members are Councillors. The operational guidelines are the equivalent governing document which all members of an advisory committee are bound by.

Conflict of Interest

One of the main items for committee members to consider is conflict of interest.

*Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.*²

1. ADVISORY COMMITTEE OPERATIONAL GUIDELINES

10.1 1.1 Council May Establish Committees

1. Council may, by resolution, establish such committees as it considers necessary.
2. A committee is to consist of the Mayor and such other councillors as are elected by the councillors or appointed by the Council.
(Regulation Clause 260)

(NOTE: The Mayor is ex-officio a member of all Committees.

The Council, at the ordinary meeting held in September each year, determines Committees, appoints delegates etc.)

10.2 1.2 Functions of Committees

1. Council must specify the functions of each of its Committees (called terms of reference) when the Committee is established, but may from time to time amend those functions.
(Regulation Clause 261)
2. Council may delegate certain functions to a Committee as provided in Section 355 of the Act.
(LGA Section 355)

¹ DLG Model Code of Conduct – June 2008

² Model Code of Conduct

3. Any Committee established by the Council, except as provided in subclause 7.2.2 is determined to be a 'wholly advisory' Committee unless otherwise specified when the Committee is established.

10.3 1.3 Voting for Committee Members and Casual Vacancies

1. Council appoints members of committees annually in September (*in accordance with the Code of Meeting Practice*).
2. The method of appointment of Committee members is provided for in the Code of Meeting Practice.
3. If a Committee is established at any time (other than annually in September) the method of appointment of Committee members will be as provided in the Code of Meeting Practice.
4. If a casual vacancy occurs on a Committee, a new representative will be appointed following the procedure set out in the Code of Meeting Practice.

(Council Policy)

10.4 1.4 Committee Membership

New Members

When new members are recruited for a position on the committee they are to be provided with a copy of this operational guideline prior to submitting their application. New candidates should acknowledge, in writing, with their application that they have read the operational guideline.

Rotation of Membership

Community representatives will be appointed to a Council Advisory Committee for a maximum period of four (4) years. After the expiration of four (4) years, positions will be declared vacant and nominations called for members. A retiring member may re-nominate for a position on the Committee. Membership will be determined by the Council. Community Representatives will be able to resign from the Committee at any time if they wish to do so.

Council has also resolved to prepare an appropriate advertisement and information sheet when calling for community representatives, which sets out obligations to comply with the code of conduct and other council policies. Any appointment letter should refer to the code of conduct and attached a copy (or summary) of the code.

2. COMMITTEE CHAIRPERSON

10.5 2.1 Chairperson and Deputy Chairperson of Committees

1. The chairperson of each advisory committee of the Council, must be:
 - a. the Mayor; or
 - b. if the Mayor does not wish to be the chairperson of a committee - a member of the committee elected by the Council; or
2. A Council may elect a member of a committee as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

3. If neither the chairperson nor the deputy chairperson of a committee is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
4. The chairperson is to preside at a meeting of a committee. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

(Regulation Clause 267)

3. MEETINGS

10.6 3.1 Notice of Committee Meetings to be given

1. The liaison officer must send to each Committee member, at least 3 days before each meeting of a Committee, a notice specifying:
 - a. the time and place at which and the date on which the meeting is to be held; and
 - b. the business proposed to be transacted at the meeting.
2. However, notice of less than 3 days may be given of a Committee meeting called in an emergency.

(Based on Regulation Clause 262)

10.7 3.2. Meeting Procedure

1. Each advisory committee is required to use this operational guideline.
2. Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.
3. Voting at a committee meeting is to be by open means (such as on the voices or by show of hands)

(Regulation Clause 265 and Council Policy)

It shall not be necessary for committee members to stand in their place when debating matters in committee.

(Council Policy)

10.8 4. GENERAL BUSINESS IN COMMITTEES

In relation to Committees, items of general business are required to be submitted to the chairperson or council employee appointed as staff liaison officer, prior to commencement of the meeting but no later than 9am prior to the start of the meeting on that day.

(Council Policy)

10.9 5. ORDER OF BUSINESS FOR COMMITTEES

The agenda for the Advisory Committees shall be as follows:

1. Apologies
2. Declarations of Interest
3. Minutes of the Previous Meeting
4. Business Arising (Comment of pervious minutes)
5. Business (Reports)
6. General Business (Matters to be discussed)
7. Date of Next Meeting.

10.10 6. QUORUM AT COMMITTEE MEETINGS

1. Council has resolved that the quorum for all committees shall be a majority of members appointed to the committee.
(Council Policy)
2. If a quorum of the committee is not present and discussions are held by those members present, a record of the proceedings should be kept in the same format as minutes would be recorded. A copy of the record of proceedings should be included in the Council business paper at the Council meeting immediately following the committee meeting.
3. The record of proceedings may request a report be presented to the Council.
(Council Policy)

10.11 7. MINUTES OF A COMMITTEE MEETING

1. Each committee must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:
 - a. details of each motion moved at a meeting and of any amendments moved to it;
 - b. the names of the mover and seconder of the motion or amendment;
 - c. whether the motion or amendment was passed or lost.
2. As soon as the minutes of an earlier meeting of a committee have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.
(Regulation Clause 266)
3. The minutes of all advisory committee meeting will be delivered to Councillors as a summary of meeting report included in the business paper, with minutes attached as an appendix for information purposes only. These minutes must be approved by the relevant director of that liaison officer before they can be included in the summary report.

10.12 8. REPORTS OF A COMMITTEE MEETING

1. Any item which needs to be presented to Council must be written in the standard report format.
2. Until a resolution of Council is made on the separate report detailing the recommendation of the advisory committee, the committee's decision will not be endorsed or adopted by Council.

10.13 9. ATTENDANCE AT COMMITTEE MEETINGS

Non-Members entitled to attend committee meetings

1. A Councillor who is not a member of a committee is entitled to attend and speak at, a meeting of the committee.
2. However, the Councillor is not entitled;
 - a. to give notice of business for inclusion in the agenda for the meeting, or
 - b. to move or second a motion at the meeting, or
 - c. to vote at the meeting.

(Regulation Clause 263)

10.14 10. ABSENCE FROM COMMITTEE MEETINGS

1. A member ceases to be a member of a committee if the member (other than the Mayor):
 - a. has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences; or
 - b. has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

Note: The expression "year" means the period beginning 1 July and ending the following 30 June.

(Regulation Clause 268)

10.15 11. ORDER AND DISORDER

10.16 11.1 Disorder in Committee Meetings

1. The provisions of this Code and of the Act and Regulations relating to the maintenance of order in Council meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council.

(Regulation Clause 43)
2. The provisions of this Code and of the Act and Regulations relating to the maintenance of order shall apply to community members and other members of Committees (*appointed as set out in Clause 3.3 of this Code.*)

(Council Policy)

10.17 11.2 Questions of Order

1. The Chairperson, without the intervention of any other committee member, may call any committee member to order whenever, in the opinion of the Chairperson, it is necessary to do so.
2. A committee member who claims that another committee has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter.
3. The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the committee.
4. The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

(Regulation Clause 270)

10.18 11.3 Acts of Disorder

1. A committee member commits an act of disorder if the committee member, at a meeting of a committee:
 - a. contravenes the Act or any regulation in force under the Act; or

- b. assaults or threatens to assault another committee member or person present at the meeting; or
- c. moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or addresses or attempts to address the Committee on such a motion, amendment or matter; or
- d. insults or makes personal reflections on or imputes improper motives to any other committee member or council staff; or
- e. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt.

2. A Committee member commits an act of disorder if they:

Act of disorder	Remedy
contravenes the Act or regulation	apologise without reservation
assaults or threatens to assault another Councillor or person present at the meeting	apologise without reservation
moves or attempts to move a motion or amendment that has an unlawful purpose	withdraw a motion or amendment and, where appropriate, to apologise without reservation
insults or makes personal reflections on or imputes improper motives to any other Councillor	to retract and apologise without reservation for an act of disorder
says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt.	to retract and apologise without reservation for an act of disorder

10.19 11.4 How Disorder at a Meeting May be Dealt With

- 1. If disorder occurs at a meeting of a committee, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the Chair. The committee, on reassembling, must, on a question put from the Chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of committee members.
- 2. A member of the public may, as provided by section 10(2) (a) or (b) of the Act be expelled from a meeting of a committee for engaging in or having engaged in disorderly conduct at the meeting.
(Regulation Clause 271)
- 3. Two warnings from the Chairperson will be sufficient cause to suspend a committee member from a committee meeting.
(Council Policy)

10.20 11.5 Power to Remove Persons from Meeting after Expulsion

- 1. If a committee member or a member of the public fails to leave the place where a meeting of a committee is being held:
 - a. immediately after the committee has passed a resolution expelling the committee member or member from the meeting; or
 - b. where the committee has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being

directed by the person presiding to leave the meeting, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.

(Regulation Clause 258)

10.21 11.6 Sanctions

Grounds for removal from committee

1. The Council may remove a member from a committee for the following reasons
 - Lodging of vexatious complaints.
 - Making insults against any committee member or advisory staff of the Council.
 - Failure to declare an interest which is considered by the Council to be of significance.
 - Persistent actions to frustrate a committee in meeting the terms of reference.
2. Prior to making a decision to remove a member from a committee, the Council will consider a report in writing outlining details of the circumstances of the matter. A copy of the report will be given to the member concerned.
3. The member concerned may provide information to the Council within 7 days following receipt of notice of the proposed removal.

10.22 11.7 Disorder in Committee Meetings

1. The provisions of this Code and of the Act and Regulations relating to the maintenance of order in Council meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council.

(Regulation Clause 43)
2. The provisions of this Code and of the Act and Regulations relating to the maintenance of order shall apply to community members and other members of Committees (*appointed as set out in Clause 3.3 of this Code.*)

(Council Policy)

12. CONFLICT OF INTEREST

12.1 Disclosure of and Presence at Meetings

1. This subclause applies to a Councillor or a member of a Committee of the Council (*and Council Advisory Committee*) who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
2. The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - a. At any time during which the matter is being considered or discussed by the Council or Committee, or
 - b. At any time during which the Council or Committee is voting on any question in relation to the matter.

(LGA Section 451)
3. A person must declare any pecuniary or significant non-pecuniary interest they may have in relation to any item or matter being dealt with by the Committee in the same manner as if the person were a Councillor participating in a meeting of the Council.

4. a person must not vote in or join in any discussion about any item or matter being dealt with by the Committee if that person has a pecuniary or significant non-pecuniary interest in that item or matter.
5. A person appointed to a Committee because of some special or specific interest shall be permitted to join in any discussion about any item or matter being dealt with by the Committee in respect of the matter or issue for which they were appointed.

(Council Policy)

12.2 Pecuniary Interest (of Councillors) in Committees

1. A Councillor who has been appointed by the Council to a position on a Committee of the Council has the same obligations to pecuniary interest as set out in Clause 7.1 of Code of Meeting Practice.

(LGA Section 451 and Council Policy)

12.3 Non - Pecuniary Interest (of Councillors) in Committee

1. A Councillor who has a non-pecuniary interest in any matter in which the Council is concerned is required to disclose the nature of the interest to the meeting of an Advisory Committee as soon as practicable in accordance with the Council's Code of Meeting Practice.

(Council Policy)

12.4 Pecuniary and Non-Pecuniary Interest Council Employees

1. The Senior Staff of the Council are required to declare pecuniary and non-pecuniary interests in a similar manner to Councillors as set out in the Council's Code of Meeting Practice.
2. A designated person must disclose in writing to the General Manager (or if the person is the General Manager, to the Council) the nature of any pecuniary interest the person has in any Council matter with which the person is dealing.
3. However, subclause 2. does not require a designated person who is a member of staff of the Council to disclose such a pecuniary interest if the interest relates only to the person's salary as such a member of staff or to his or her other conditions of employment or the like.
4. The General Manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
5. A disclosure by the General Manager must, as soon as practicable after the disclosure is made, be laid on the table at the meeting of the Council and the Council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

(LGA Section 459)

12.5 Pecuniary and Non-Pecuniary Interest Community Members

1. This is outlined in subclause 12.1.

12.6 No Debate

No debate on conflict of interest matters is to take place at a meeting of the committee. It is up to each committee member to determine whether an interest exists and type of interest. If an interest exists, it must be declared in the normal manner.

12.7 Chairman not to Decide

The Committee Chairperson is not responsible to determine whether or not a conflict of interest exists.

The Committee is not responsible to determine whether or not a conflict of interest exists.

13 QUESTIONS

10.23 13.1 Questions May be Put to Councillors and Council Employees

1. A committee member:
 - a. may, through the Chairperson, put a question to another committee member; and
 - b. may, through the Chairperson, put a question to a council employee.
2. However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient time to enable reference to be made to other persons or to documents.
3. The committee member must put every such question directly, succinctly and without argument.
4. The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.

(Regulation Clause 249)

13.2 Questions May be Put to Persons in Public Participation

A committee member may, through the Chairperson, put a question to a person making a presentation in the public participation section of a meeting.

(Council Policy)

14. PUBLIC PARTICIPATION AND ACCESS

14.1 Open Meetings

Except as provided in this operational guideline, all meetings of the Committee shall be open to the public.

(LGA and Regulations)

14.2 Addressing the Committee

1. No automatic right exists to address the committee. It is at the absolute discretion of the committee to determine whether or not a member of the public who has requested permission to address a meeting of the committee is permitted to do so.

2. Committees will allow a Public Participation Session for a fifteen (15) minute period at each meeting.
3. Any person may utilise the Public Participation Session to address the Committee on any matter in accordance with the provisions of this Code.
4. Any person may make a request to the General Manager or Staff Liaison Officer either in writing, verbally or other electronic means for permission to address a meeting of the committee on the following basis:
 - a. up to 9am on the day of the meeting if the item the person wishes to address the committee is on the agenda as part of the order of business for the meeting.
5. Any person wishing to address a meeting of the committee has to provide the General Manager or Staff Liaison Officer, the following:
 - a. Name
 - b. Organisation or group represented (if applicable)
 - c. Details of the issue to be addressed and the item number in the business paper
 - d. A clear statement as to whether the person is for (supports) or against (opposes) the recommendation in the business paper.
 - e. The interest of the speaker (eg affected person, neighbour, applicant, applicant's spokesperson, and interested citizen).
 - f. A written copy of any questions asked by the person addressing the meeting, in order that responses to those questions could be provided in due course.
 - g. Copies of any material the person addressing the meeting wishes to be distributed to committee members.
6. The number of speakers on any one item is to be limited to three in support of any proposal and three in opposition.
7. A person addressing a committee will be informed that they do not enjoy any privilege and that permission to speak may be withdrawn should they make inappropriate comments, if they transgress.
8. A person addressing a committee will be informed that they should be prepared to answer questions from committee members following their address.

(It should be noted that speakers at meetings of a committees do not have absolute privilege (parliamentary privilege). A speaker who makes any potentially offensive or defamatory remarks about any other person may render himself or herself open to legal action.)

(Council Policy)

14.3 Time Limit on Address

Total time allowed for public participation at each Committee meeting will be 15 minutes unless the Committee otherwise extends such time. The number of speakers in each Public Participation Session will be divided into 15 and each allowed equal time for the address, unless the Committee otherwise extends such time.

(Council Policy)

14.4 Public access to correspondence and reports

An Advisory Committee may, during or at the close of a meeting, or during the business day following the meeting, give reasonable access

to any person to inspect correspondence and reports tabled at, or submitted to, the meeting.

This section does not apply if the correspondence or reports contains confidential information or is considered not to be in the public interest.

15. MISCELLANEOUS

10.24 15.1 *Tape Recording Prohibited Without Permission*

1. A person may, as provided by Section 10 (2) (a) or (b) of the Act, be expelled from a meeting of an Advisory Committee meeting for using or having used a tape recorder in contravention of this clause.
2. If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

A tape recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

(Regulation Clause 273)

15.2 *Mobile Phones and Pagers*

1. Mobile phones and pagers must be turned off when entering the meeting room when a meeting is being conducted.
2. A person will be given a warning from the Chairperson and may be expelled from a meeting of an Advisory Committee for receiving or using a mobile phone or pager in contravention of this clause.
3. The Chairperson may allow a mobile phone or pager to remain turned on if the user has a matter of urgency, which may arise during a meeting. The user must advise the Chairperson prior to the meeting of the circumstances, which may warrant this action. The Chairperson will advise the meeting that permission has been granted for a mobile phone or pager may be left on but is not required to disclose the reasons for the decision.

(Council Policy)

15.3 *News Media Releases*

1. The only official spokespersons for contact with the media regarding the business conducted at an Advisory Committee meeting shall be authorised by Council policy.
2. All news media releases in respect of matters dealt with at an Advisory Committee meeting shall be approved by the General Manager before distribution.

(Council Policy)

15.4 *Tabling of Documents*

1. Any document tabled at an Advisory Committee meeting forms part of the business paper and subsequent minutes. As such the document will be available to members of the public, for inspection, free of charge subject to special conditions in accordance with the Government Information (public access).

2. When a document has been presented to an Advisory Committee meeting, the Chairperson will announce the document and ensure it is laid on the table at that meeting.
3. The Liaison Officer will record in the minutes the title of the document tabled and record on the document the corresponding minute number. The document is then to be stored in archives.

(Council Policy)

15.5 Presentations to Members of the Public

1. The Chairperson at a meeting of an Advisory Committee may, at the commencement of a meeting, stand the meeting adjourned to make presentations to members of the public in recognition of achievements made.

16. DEFINITIONS

In this Code:

<i>“Advisory Groups”</i>	means organisations operating “outside” the Council structure on which Council may be represented. <i>These groups may include the Hunter Regional Organisation of Councils, Association of Mining Related Councils and Muswellbrook Shire Concert Band.</i>
<i>“Agenda”</i>	means a list of items, in order, to be discussed at a duly convened meeting.
<i>“Business Paper”</i>	means the reports and documents to be considered at a meeting and may include the agenda.
<i>“Committee of the Council”</i>	means a Committee established by the Council of which all members are Councillors.
<i>“Council Advisory Committee”</i>	means a Committee established by the Council of which members consist of Councillors and Community representatives and is wholly advisory.
<i>“Community Consultative Committee”</i>	means a Committee formed to operate independently from Council but which has Councillors as Committee members. <i>These Committees are usually required as a condition of development consent and membership consists of Councillors, community representatives, operating company representative, other local councils and government agencies.</i>

“ <i>designated person</i> ”	means those persons defined in Section 441 of the Act.
“ <i>ex-officio</i> ”	means by right of position or office.
“ <i>external (non-Council) organisations</i> ”	means non-Council bodies to which Council is entitled to elect delegates by virtue of a membership, invitation etc.
“ <i>Management (Section 355) Committees</i> ”	means a Committee appointed to undertake management of a Council owned facility and has been given delegated authority by the Council.
“ <i>Regulation</i> ”	means the Local Government (Meetings) Regulation 1999 as amended.
“ <i>Statutory Committee</i> ”	means a Committee required by legislation. <i>These Committees may include Traffic and Development Committee and Local Emergency Management Committee.</i>
“ <i>Staff Liaison Officer</i> ”	means an employee of the Council designated to prepare agendas, take minutes and carry out approved by Council.
“ <i>Wholly advisory</i> ”	means a Committee whose terms of reference require advice to be given to the Council and has no delegated authority from the Council to undertake functions as set out in Section 355 of the Act.

APPENDIX A - SPECIFIC DECLARATION OF INTEREST

Agenda Item Form 2

MUSWELLBROOK SHIRE COUNCIL

DECLARATION OF INTEREST

NAME OF PERSON MAKING DECLARATION:	
NAME OF MEETING:	Ordinary Council
DATE OF MEETING:	DOM

ITEMS RELATING TO DECLARATION:

1)	Section in Agenda:	
	Item No.	Page No
	Item Title	
	Item Description	
	Type of Interest:	Pecuniary / Non-Pecuniary
	Reasons for Declaration:	

2)	Section in Agenda:	
	Item No.	Page No
	Item Title	
	Item Description	
	Type of Interest:	Pecuniary / Non-Pecuniary
	Reasons for Declaration:	

Signed:		Date:	
---------	--	-------	--

APPENDIX B – COMMUNITY NOMINATIONS PROCEDURE

The following procedure must be followed when appointing community representatives to committees. Council will call for nominations from the community to be considered for Committee membership. Nominations will be called for all Community Representation positions at the Mid-term of the elected Council's Quadrennium. All current Community Representatives may re-nominate for a position at this time.

1. The following documents should be prepared:
 - a. A Newspaper advertisement, including;
 - Privacy Act requirements relating to collection of private information and publishing details in the business paper
 - Fact sheet
 - Application form
 - b. Fact sheet, including;
 - Obligation to comply with Code of Conduct, Code of Meeting Practice and other Council Policies
 - How to apply
 - Appointment process
 - Induction process
 - Details of when the committee meets etc
 - c. Application form including;
 - Reference to personal details appearing in business paper
2. Applications should be assessed according to the following criteria:
 - a. Where the committee to which the applicant has applied is a specialist committee, any specialist knowledge or experience the applicant may have in the likely business coming before the committee or in the functions of the committee generally;
 - b. Any interest that the community representative may have in the likely business coming before the committee or in the functions of the committee generally and the likely weight that could be given to the representative's contributions or submissions made to the Committee as a result of that interest by the Council;
 - c. The preservation of representation which reflects the demographic characteristics of the Shire more generally whether by age, gender, geographic representation, or any other relevant matter;
 - d. The aims and objectives of Council generally;
 - e. Any other relevant matter.

3. Prepare a Section 10A(2)(a) LGA Confidential Report to Council recommending the appointment of particular Applicant(s) to the Committee addressing the criteria set out in clause 2 above.
 - i. Should two suitable applicants be considered, voting is to be by open means (such as on the voices or by show of hands). The method of determining votes is set out in Part B - Appendix B of the Code of Meeting Practice. If votes are equal, the steps set out in schedule 3 of the Elections Regulation will apply.
4. Following appointment, send an appointment letter to the Committee member referring to the Code of Conduct and the Code of Meeting Practice. (refer sample attached)
5. Where the Committee member has not previously completed an induction session, arrange an induction session within the first six months of that Committee member's appointment setting out, amongst other things, the duties of disclosure and non-disclosure of confidential information obligation that the member has.

APPENDIX C – COMMUNITY NOMINATIONS FORM

Committee nomination form

Complete this form before printing and signing then return to Muswellbrook Shire Council by the fax, email or mail address listed above. Your nomination will then be forwarded to the respective company/committee for consideration. Your details will also be published in Council's Business Paper (a public document) for consideration and adoption.

Name			
Address			
Postal Address			
Day-time Ph		Evening Ph	
Mobile		Fax	
E-mail			

Nomination details

Choose the committee you are nominating for
Have you read the terms of reference of this committee? YES <input type="checkbox"/> NO <input type="checkbox"/>
Outline your interest in the Muswellbrook Local Government Area and reasons for becoming a member.
What would you like to achieve on this committee?
Outline any experience you have which is relevant to the activities of the committee you are nominating for.
Provide an outline of how you can contribute to the committee.
List all committees/organisations you are currently involved with and the capacity of your involvement

Nominee's declaration

Your nomination will not be accepted without your acknowledgement of the privacy terms and declaration.

Signature

Date

Yes/No, I have read the Privacy Notification below and understand its content.

Privacy notification: The personal information that Council is collecting from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998. The intended recipients of the personal information may be Officers within the Council, Data service providers engaged by the Council from time to time, any other agent of the Council and relevant Council Committee or companies who facilitate the Advisory or Community Consultative Committees. The supply of the information by you is voluntary. If you cannot provide or do not wish to provide the information sought, Council will be unable to process your nomination. Council is collecting this personal information from you in order to consider your nomination to fill a vacancy for an Advisory or Community Consultative Committee. You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the Act. Council is to be regarded as the agency that holds the information however nominations will be referred to the relevant company and/or the Director General of the Department of Planning and Infrastructure for consideration and comment. Please also note that nominations are submitted to Council for comment and are therefore published in the Business Paper which is a public document. Address enquires concerning this matter to the Public Officer.