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# Portfolio Advisory Committee

## Terms of Reference

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### 1. Purpose

To support strategy and policy development for the municipality and ensure Council's decisions are evidence based and informed by strong community input.

### 2. Objectives

Objectives of the committee are to provide a forum whereby members:

- Provide advice to Council on environmental and sustainability issues, including contributing to the development of environmental sustainability policy, strategy and programs. The focus will be on sustainability programs under the MV2040 strategy.
- Assist Council to engage with, obtain feedback from and work collaboratively with the community on matters related to environmental sustainability.
- Connect with one another, as well as external partners and networks, which may lead to members initiating projects to create a sustainable Moonee Valley.
- Identify sustainability issues, initiate ideas and refer these to Council. The committee may also make recommendations to Council.
- Respond to particular issues referred by Council to the Committee.

### 3. Definitions

- **Acting Chairperson** means an alternative Senior Council Officer/delegate, in the absence of the Chairperson
- **Chairperson** means the Portfolio holder Councillor
- **Chief Executive** means the Chief Executive Officer of Council
- **Committee** means any Council created Portfolio Advisory Committee

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- **Community Member** is a member of a Committee who is not a Councillor or a member of Council staff
- **Council** means Moonee Valley City Council
- **Councillor** means a Councillor of Moonee Valley City Council

#### 4. Code of Conduct

- 4.1 All members of the Committee are required to observe the provisions of the Moonee Valley City Council Code of Conduct and any other policy or requirements applicable to the proper functioning of the Committee. For further information refer to Appendix A.
- 4.2 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 (often despite differences) and work together to create an open and trusting committee atmosphere.
- 4.3 It is essential for Committee Members to accept collective responsibility, and remain loyal to decisions of the Committee, even where they may not have agreed with the final decision.
- 4.4 A breach of the Code of Conduct may lead to the Member being expelled from the Committee and/or other appropriate action.

#### 5. Conflict of Interest and Confidentiality

- 5.1 Committee Members must disclose a Conflict of Interest in accordance with the *Local Government Act 1989*.
- 5.2 In the event of a Conflict of Interest arising the Committee Member:
- (a) Must disclose the interest and clearly state the nature of the interest at the meeting before the matter is considered.
  - (b) Must leave the room and not participant in any discussion and/or decision.
  - (c) The disclosure must be recorded in the meeting minutes.
- 5.3 Members may have contact with confidential or personal information retained by Council. If so, Members are required to maintain the security of any confidential or personal information and not access, use or remove any information.
- 5.4 All members of Council Committees are required to observe the provisions of the Moonee Valley City Council Privacy Policy relating to their access to personal information.
- 5.5 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.

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- 5.6 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.

## 6. Media Protocol

- 6.1 The Portfolio Councillor is the authorised spokesperson for the Committee.
- 6.2 Committee members are not permitted to speak to the media in their capacity as a portfolio committee member. Any media enquiries must be referred to the chairperson and the Council Sponsor Director.

## 7. Dates, Times and Places of Meetings

- 7.1 The Portfolio Advisory Committees will hold a minimum of three meetings per year.
- 7.2 Meetings shall be held at Moonee Valley City Centre, 9 Kellaway Avenue, Moonee Ponds or an appropriate alternative location.
- 7.3 An agenda for meetings held, will be delivered to each Committee member up to 5 working days before a scheduled meeting.
- 7.4 Allowances will be made to make remote access for meeting attendance possible. This is subject to prior approval of the Chair.

## 8. Membership and Attendance

### 8.1 Appointments

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

The following criteria shall apply for the selection of members:

- Skills and other attributes of the applicant
- Qualifications of the applicant
- The level of experience and interest in the work of the Committee
- A broad distribution of applicants, in terms of the geographic and physical location within municipality
- Broad representation of applicants that reflect the diversity of Moonee Valley

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

Where professional membership is necessary (i.e. 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:

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- a. Up to 10 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 Business Unit.

**8.2 Term of Appointment**

Councillor members shall be appointed for a period, as deemed appropriate, so long as the period of appointment does not extend past the Council term.

The period of appointment for Community members shall be for the duration of the existing Council term.

The period of appointment for professional membership shall be for the life of the Committee, or as deemed necessary by the Chairperson.

**8.3 Attendance**

A Committee member shall endeavor to advise the Chairperson and/or delegate of non-attendance at any meeting.

**8.4 Failure to Attend Meetings**

Any member who is unable to attend three (3) consecutive Portfolio Advisory Committee meetings shall notify the Chairperson or Chief Executive in writing as to their availability to continue to be a member of the Committee.

**8.5 Resignation of Committee Member**

A Committee member may resign from the Committee by advising the Chairperson and Chief Executive Officer in writing. In the event of resignations, Council may call for Expression of Interest on an as needed basis to fill Committee vacancies.

**9. Quorum**

9.1 A quorum is the majority of appointed members, but must include either the Chairperson and/or Acting Chairperson and delegated Council Officer.

9.2 Where possible a quorum will be present for the meetings. If a quorum is not present, the meeting will proceed but all decisions deferred until a quorum has been reached.

9.3 Business that is unfinished at the completion of a meeting may at the discretion of the Chairperson be referred to the next meeting of the Committee.

**10. Chairperson**

10.1 Meetings will be chaired by the Portfolio holder Councillor.

10.2 Duties and Discretions

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- (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; and
- (b) must call to order any person who is disruptive or unruly during any meeting

## 11. Operations

- 11.1 The Committee will operate in accordance with adopted Terms of Reference for each Portfolio Advisory Committee.
- 11.2 The Committee has no budgetary responsibilities, decision-making powers or delegated authority but serves to make recommendations for Council's consideration.
- 11.3 The Committee shall follow the general consensus principle, when determining its preferred position on matters under discussion.
- 11.4 Committee members will not publicly comment on behalf of the group. Neither will it seek to advocate on the needs of individual organisations.
- 11.5 The Council will provide the necessary support to assist the Committee to function effectively including:
- (a) Maintaining contacts details of members.
  - (b) Preparing and distributing agendas and prior reading materials.
  - (c) Preparing and distributing meeting minutes.
  - (d) Preparation of an Assembly of Councillors' record as required under the *Local Government Act 1989*

## 12. Sub-Committees

- 12.1 The Portfolio Advisory Committee may auspice the establishment of Sub-Committees as needed to progress specific initiatives for a defined period of time.
- 12.2 Subject to the approval of the Committee, these Sub-Committees may invite other members as required to address the specific subject matter at hand.
- 12.3 All Sub-Committees will comprise two or more Committee Members and may include relevant Council Staff.

## 13. Reporting

- 13.1 Endorsed minutes of the Committee meetings shall be presented to the next practicable Ordinary Meeting of Council and published to the Council webpage.

## 14. Review

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14.1 A review of the role, function, membership and productivity of the Portfolio Advisory Committee will be conducted June 2018 and thereafter once every four years or as required to ensure currency, effectiveness and stakeholder engagement.

14.2 Council retains the right to:

- (a) Review, amend or alter the operations and membership of this Committee as it deems appropriate and necessary.
- (b) Revoke these Terms of Reference at any time

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# PORTFOLIO ADVISORY COMMITTEES

## TERMS OF REFERENCE

### APPENDIX A CODE OF CONDUCT

#### 1. Introduction

In line with Moonee Valley policies that are underpinned by Victorian and Australian legislation, Portfolio Advisory Committee members are required to respect the principles of human rights and equality and:

- act with integrity
- impartially exercise their responsibilities in the interests of the Moonee Valley community and
- not improperly seek to confer an advantage or disadvantage on any person.

#### 2. Code of Conduct

Portfolio Advisory Committee members are expected to:

- avoid conflicts between their public duties and their personal interests and obligations
- act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person
- treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other persons
- exercise reasonable care and diligence
- endeavour to ensure that public resources are used prudently and solely in the public interest
- act lawfully and in accordance with the trust placed in the person as an elected representative and
- support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the Portfolio Advisory Committees.
- abide by all Council adopted policies, protocols and guidelines.

A breach of any of these will be deemed to be a breach of this Code of Conduct.

Where an alleged breach of this Code of Conduct is reported:

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- the Portfolio Advisory Committee members concerned will agree to work towards resolving the dispute by the appointment of an arbiter who is suitably independent and able to carry out the role of arbiter fairly.
- this Arbiter, as nominated by the Chief Executive Officer will be acceptable to both parties.

### 3. Child Safety Principles

Under Victorian law children and young people have the right to both feel and be safe all of the time.

Portfolio Advisory Committee members will uphold appropriate behaviours demonstrating a zero tolerance to child abuse and will:

- support the empowerment and participation of children by upholding their right to be heard
- responding responsibly and respectfully to children's views and concerns, in the practice of engagement, developing policies and implementing decisions.

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