

Nillumbik Shire Council

Panton Hill Bushland Reserves System (PHBRS) User Group Advisory Committee Terms of Reference

Name

Panton Hill Bushland Reserve System (PHBRS) User Group Advisory Committee (**Advisory Committee**)

Introduction:

The Panton Hill Bushland Reserve System (PHBRS) constitutes seven individual reserves spanning 140 hectares of bushland in the Watsons Creek catchment near the townships of Panton Hill and Smiths Gully.

Council adopted the Panton Hill Bushland Reserve System Management Plan and created the User Group in 2011.

Policy Statement:

The Panton Hill Bushland Reserve System (PHBRS) User Group Advisory Committee is a broad-interest advisory group facilitating community engagement including volunteer activities to protect the values of the PHBRS and to help manage user impacts.

Aims:

The aim of the PHBRS User Group is to encourage an understanding, appreciation, enjoyment and care within the community and the user groups of the significant natural features, biodiversity, social, educational, recreational, and historical values of the Panton Hill Bushland Reserves.

Objectives

- Represent the views and needs of the various PHBRS user groups.
- Facilitate the wider Nillumbik community's enjoyment and experience of the PHBRS.
- Assist in planning community initiatives and activities that promote and protect the natural features, biodiversity, social, educational, recreational, and historical values of the PHBRS.
- Assist in the implementation of initiatives and activities which protect and enhance these values.
- Engage the community in the implementation of these activities.

- Provide relevant advice and feedback to Council in relation to works and other matters as they may arise within the reserves.
- Assist in the development of appropriate policy that supports and facilitates these endeavours.
- Strengthen partnerships with residents, community groups and services about issues and actions surrounding the reserves.

Membership

The Advisory Committee membership will consist of up to 10 members and will include representation from:

- One representative of the Nillumbik Shire Council (Councillor/s)
- Up to nine community representatives will be selected to represent a broad spectrum of reserves users including:
 - bushwalking
 - environmental interests
 - horse riding
 - mountain biking
 - the indigenous community
 - the artistic community
 - the general community.

When a community representative is absent from a meeting, they may nominate another person from the same interest group to attend the meeting in their place. From time to time, the User Group may invite other people from the community or government agencies to provide input into a particular topic or project.

All Advisory Committee positions are unpaid positions unless otherwise specified in the Terms of Reference.

Council Directorate

The Advisory Committee falls within Council's Operations and Infrastructure Directorate and will be managed by Council's Environmental Works team.

Meeting Frequency

The Advisory Committee will be held three times per year in February, June and October.

Subcommittees around specific projects may be convened as required and meet on a more frequent basis.

Broader community involvement will be advertised as required for on-ground activities.

Endorsed by Council

These Terms of Reference were endorsed by Council on 23 August 2022

Next Review Due

August 2024

Informal Meetings of Councillors and Conflicts of Interest

The Advisory Committee is considered an Informal Meeting of Councillors as defined in Clause 19 of Council's Governance Rule - Meeting Procedure.

An Informal Meeting of Councillors Record must be completed and sent to Council's Governance team as soon as possible at the completion of the meeting for inclusion in the Agenda for the next Council Meeting.

The Informal Meeting of Councillors Record must outline:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor, Committee member or Council staff member; and
- whether an individual who has disclosed a conflict of interest leaves the meeting.

The Minutes of the meeting, including the matters discussed at the meeting must be tabled at the next convenient Council Meeting and recorded in the minutes of that Council Meeting.

Conflicts of Interest as defined by sections 126-131 of the *Local Government Act 2020*

Councillors, Committee members and Council staff are expected to understand the concept of conflicts of interest in the *Local Government Act 2020* and follow Council's procedure for disclosure in the Governance Rule – Decision-making.

Working groups

Working groups will be established as required to provide an opportunity for members to work collaboratively on specific issues and projects. Membership of the working groups will be open to Advisory Committee members and non-members. A working group member will be nominated to provide feedback at the Advisory Committee meetings.

Recruitment Process

Nominations for appointment of individual members shall be invited through local media and Council publications. Invitations will also be circulated through relevant Council Committees and networks. Representatives of key organisations will be recruited directly by Council staff members, and from other organisations will be sought through advertising.

Gender Equality, Diversity and Inclusiveness

The *Gender Equality Act 2020* commenced on 31 March 2021 and seeks to improve workplace gender equality in the Victorian public sector, universities and local councils.

Local councils are required to promote gender equality in policies, programs and services that impact the public. The committee will actively consider how community members of various ages, abilities, cultural and gender identities, sexual orientation, religions, locations and social economic backgrounds might access policies, programs or services differently and if there are any barriers which may hinder these groups from accessing these policies, programs or services.

Selection Criteria for Membership of Advisory Committees

Nominees for membership must be able to demonstrate:

- Qualification skills and expertise in a specific area – where necessary depending on the issue/project/topic.
- A strong understanding of the local community and its social, environmental and economic influences.
- Good knowledge and understanding of the local issues that are relevant to the subject matter.
- Endorsement by their own organisation. Individuals should provide two character referees as part of their application, unless they are a returning member.
- An ability to represent a broad range of views that reflect the diversity of the community.
- Current involvement in the community in the interest area that relates to the purpose of the Advisory Committee.
- Strong community networks and linkages.
- An ability to constructively participate in an advisory capacity.
- A willingness to contribute positively to meetings in a fair and unbiased manner.
- An ability to look beyond personal interests for the benefit of the community and residents in the Shire.
- An ability and willingness to encourage participation from and provide feedback to the community regarding an issue.
- A capacity to commit to the Advisory Committee for the required duration.
- A willingness to celebrate the success and achievements of the issue/s.

All Advisory Committee applications will be considered based on the Key Selection Criteria and Application.

Selection Panel to make recommendation of members on Advisory Committees

- Senior member of Council (CEO or Director/Executive Manager – or delegated Manager)
- Nominated Council staff member from the specific service area related to the issue
- Senior Manager of a local provider (if appropriate)
- Senior Manager of a local industry (if appropriate).

A recommendation about the membership is made for the endorsement of Council.

It is noted that once the committee has been appointed, this selection panel is disbanded.

A Councillor must not participate as a selection panel member because in doing so it will trigger the conflict of interest provision of the *Local Government Act 2020* whereby they will have to remove themselves from the decision making process at Council.

The following are examples of selection criteria relevant to the Committee's purpose that might be used in an expression of interest document.

An individual applicant may be selected on the basis of the following criteria:

- Qualifications, skills and experience the person can bring to the Committee.
- Current knowledge of issues relevant to the aims and objectives listed in the Terms of Reference.
- Living, working or engaging in activities in Nillumbik Shire.
- Willingness to commit to a two-year term.
- Ability to represent a diversity of views and interests of the community.

Representatives of organisations may be selected on the basis of that organisation:

- Having involvement and providing services to Nillumbik residents who work within the service industry covered by the Advisory Committee.
- The nature of the service the organisation provides to Nillumbik residents.
- Having capacity to provide a consistent representative for a two-year term.
- The resources and expertise that the organisation can offer the Committee.

Terms of Appointment

- Appointments will be for a two year term.
- Council will appoint a Councillor to chair the meetings.
- Members completing a two year term may re-apply for a further two year term.
- The operations of the Committee will be reviewed annually by Council.
- Members are free to resign in writing from an Advisory Committee at any time. At which time, Council may initially approach one of the unsuccessful applicants or undertake a new expression of interest.

Meeting Frequency

- The Advisory Committee will meet for the frequency listed above.
- It is expected that each member attend a minimum of 60 per cent of all meetings unless reasons are provided to the Chairperson. No reasonable explanation will be denied.

- A member's term of appointment may cease if the member fails to attend three consecutive meetings without prior apology.
- A quorum at a meeting of the Advisory Committee will consist of at least half of the appointed members (excluding Council staff).

Role of Councillor

The role of the Councillor is:

- To act as Chairperson of the Advisory Committee.
- To be the link between Council and the Advisory Committee.
- To table issues and concerns to Council on behalf of the Advisory Committee.

Should the Chairperson be absent from the meeting, the Advisory Committee is to appoint a temporary Chairperson by a majority vote of those members present.

Observers

When observers are invited to attend Advisory Committee meetings, their role is to observe only unless called upon by the Chairperson to participate.

Executive Support

Council's nominated Department or team managing the Advisory Committee will provide executive support to the Advisory Committee.

Role of Committee members

- Commit to serving for two (2) years.
- Prepare for, attend and actively participate in meetings.
- Take an active role in communicating the views of residents and organisations to Council.
- Provide feedback to Council via the Council staff member assigned to convene the Committee.
- Keep the Committee informed of current and emerging developments, and issues and activities relevant to the Committee.
- Respond to requests for input into and/or feedback on Council activities, policies and reports.
- Seek approval from Council prior to making public statements, submissions or announcements or issuing correspondence (including emails) to external stakeholders on behalf of the Committee or Council.

Accountability and Extent of Authority

- All Advisory Committee members have an active role to provide feedback and advice to Council on issues relating to the aims and objectives of the Advisory Committee within the municipality.
- All Advisory Committee members participate in discussions at Advisory Committee meetings.
- All Advisory Committee members have an advisory role and do not hold any authority to make decisions or commitments on behalf of Council.

Monitoring and reporting

- The minutes of Advisory Committee meetings will be circulated to members via email for confirmation, and then placed on Council's Advisory Committee website for viewing.
- All Committee minutes will be presented to Council at the next available Council Meeting for noting.
- Recommendations and requests arising from Advisory Committee meetings will be presented to Councillors for consideration. Where this occurs, the request will require the majority support of the Advisory Committee members present. Responses to recommendations will be determined based on Council's legislative role, stated commitments in Council's policies and plans and budgetary processes.
- Unless the Council staff member managing the Advisory Committee holds the appropriate delegation from Council to act on formal advice provided by the Committee, that advice must be referred to Council for formal resolution to act. Where formal advice provided by the Advisory Committee cannot be acted on with the delegated power of Council staff, it must be referred to Council for formal resolution before being acted on.

Evaluation and Review

The Advisory Committee Terms of Reference and membership will be reviewed and evaluated on an annual basis or as required for any significant changes.

Support to participate in meetings

Council will provide reasonable support for members to participate in the meetings. This will be negotiated with the members as needed.

Induction and Orientation

An induction and orientation process will occur for all members at the beginning of the term of the Advisory Committee. This process will include:

- Briefing members on the expectations and requirements of membership of the Advisory Committee.

- Providing members with an overview of the advisory structures (including working groups and sub-committees) and decision making processes of Council.
- Introduction to the Council Plan and other relevant Council policies, strategies and plans.
- An overview of key issues relating to the aims and objectives of the Advisory Committee.
- Establishing clear objectives and priorities for the two-year term of the Committee.
- Reviewing Advisory Committee Policy and expectations of members at Advisory Committee meetings and each member signing a declaration to abide by the conduct obligations.
- Providing information to members to ensure their understanding of obligations relating to:
 - Conflicts of interest
 - Confidentiality
 - Privacy
 - Health and safety, equal opportunity, bullying and harassment
 - Child Safe Standards
 - Social Media Protocol

Confidentiality

Councillors and other members of Advisory Committees established by Council must not disclose information defined in section 3(1) of the *Local Government Act 2020* as “confidential information”.

Privacy

Councillors and committee members on advisory committees established by Council are subject to the requirements of the *Privacy and Data Protection Act 2014* and Council’s Information Privacy Policy.

Breaches

Breaches of the Advisory Committee Policy or Terms of Reference will be dealt with under the Policy.