

# Terms of Reference

Local Advisory Groups

March 2022



Liverpool  
Plains  
Shire Council

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Further Document Information and Relationships	
<b>Related Legislation*</b>	
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*\*Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.*

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## 1 Objective

These Terms of Reference complement the contemporisation of Council's committee governance structures To bring together interested community members to engage with Council on matters within the Liverpool Plains Shire with the view of:

- More effectively harnessing available social capital within communities whilst reducing current administrative burdens;
- Focusing community development activities towards key priority areas;
- Enabling staff and Councillor time to be utilised more effectively and efficiently;
- Making better use of Council resources (human, financial and capital);
- Managing assets more strategically; and
- Ensuring Council's governance and legislative obligations are being met.

The Liverpool Plains Local Advisory Groups (LAGs) operate in accordance with the provisions of the *Local Government Act 1993*. The LAGs maintain no decision-making powers and are wholly advisory in their capacity.

Community Committees are representative of the local community or interest group of the facility or function, which the Committee manages. Volunteers over 90 years and under ten years of age are not covered under Council's volunteer insurance.

## 2 Function of the Local Advisory Group (LAG)

The Liverpool Plains Shire Council (LPSC) Local Advisory Group aims to achieve positive community outcomes whilst satisfying Council's various legislative obligations.

An overview of where the LAG is positioned within the Committee and decision-making hierarchy is detailed in Figure 1.



**Figure 1: Overview of LAG Structure**

The primary function of the Advisory Group is to align with Council's Delivery Program to:

- Provide strategic advice to Council in respect of matters generally affecting the local community;
- To inform Council's strategic planning initiatives, particularly those contained within the Community Strategic Plan;
- To identify opportunities to promote local community development within the identified constraints and practical limitations of Council's legislative and financial context;
- To work within the guiding principles of Council's vision and mission statements and agreed strategic objectives.

### 3 Role of the Local Advisory Group

The Local Advisory Group(s) will advise on matters relating to community capacity building, social inclusion and cultural development, monitor the community's changing needs, and provide recommendations on how Council is to address these needs.

The Local Advisory Group(s) will consider actions and strategies which support the Liverpool Plains Shire Strategic Plans, such as;

- Community Strategic Plan
- Disability Inclusion Action Plan
- Arts and Culture Plan
- Economic Development Strategy
- Recreation Strategy
- LPSC Delivery Plan.

The Role of the Local Advisory Group(s) is to:

- Provide strategic advice to Council and the overarching Community Advisory Group (CAG) on matters pertaining to local community initiatives;
- Provide a forum for interested community members to collaborate and actively engage with Council on projects that will ultimately benefit their respective communities and align with the identified objectives of Council's Community Strategic Plan; and
- Comply with Council's standard Policies and Procedures, and all its legislative obligations, particularly those pertaining to Code of Conduct and the management of pecuniary interests.

### 4 Responsibilities of Individual Advisory Group Members

Members will be required to sign a declaration that they have read, understood and will abide by Council's Code of Conduct and will act in accordance with these Operational Guidelines and Terms of Reference. This includes:

- No negative communications or comments on social media or other media / platforms relating to Liverpool Plains Shire Council.
- Abiding by Council's Code of Conduct and associated protocols.
- Being respectful of the diverse opinions of others during discussions.
- Not using meetings of the Local Advisory Committee as a platform for personal accusations / defamatory statements or as an interrogation of Council business.

In respect of LAGs generally:

- To act professionally and with integrity; and
- To work respectfully and in collaborative partnership with the view of achieving positive outcomes for the broader LPSC community.
- Providing guidance in respect of strategic local community development matters;
- Considering opportunities for the preparation, lodgement and submission of grant funding applications; and
- Acting in a fair and reasonable manner and making balanced recommendations in the broader public interest.

## 5 Interaction Between Staff/Volunteers and Councillors

Councillors and volunteers must interact in an appropriate manner. Councillors must not seek to direct, influence or interfere with staff or volunteers in the performance of their duties. Inappropriate interactions are a breach of the Code and include:

- Councillors approaching staff/volunteers and staff/volunteer organisations to discuss individual and operational staff/volunteer matters other than broader workforce policy issues;
- Council staff/volunteers approaching Councillors to discuss individual and operational staff/volunteer matters other than broader workforce policy issues;
- Council staff/volunteers refusing to give information that is available to other Councillors to a particular Councillor;
- Councillors being overbearing or threatening to Council staff/volunteers;
- Councillors making personal attacks on Council staff/volunteers in a public forum; and
- Councillors directing or pressuring staff/volunteers in the performance of their work, or recommendations they should make.

## 6 Obligations of Volunteers

The General Manager is responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation of the decisions of the Council without delay.

Volunteers of Council **must**:

- give their attention to the business of their Committee while on duty;
- ensure that their work is carried out efficiently, economically and effectively;
- carry out lawful directions given by any person having authority to give such directions; and

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- give effect to the lawful decisions, policies, and

## 7 Membership Selection and Tenure

The LAGs are comprised of volunteer representatives, who work collaboratively and inclusively for the benefit of their individual communities on a range of initiatives. There are no limitations on membership numbers.

One (1) LAG may operate at each community/settlement, as follows:

- Blackville
- Currabubula
- Premer
- Spring Ridge
- Wallabadah
- Warrah
- Willow Tree
- Werris Creek

One (1) nominated and appointed member of each of the above mentioned LAGs shall report to the overarching Community Advisory Group.

The LAGs largely operate in a largely informal manner and will be supported by professional and technical staff, as required. Such staff may include Town Planners, Building Surveyors and Engineers, and will attend the LAG Meetings providing technical and professional advice, at the discretion of Council's General Manager.

Community member representatives are to be recruited through a public Expression of Interest (EOI) process which will be advertised in the local media and on Council's website.

Selection will be based on set criteria which will be outlined as part of the EOI process. Membership will be dissolved / renewed in line with the electoral term of Council.

When positions become vacant, the selection of new committee members will be undertaken:

- through a public invitation for EOI by applicants
- by consideration of applications by Council
- by Council approval of successful applicants

The following factors will be taken into consideration when determining members:

- the person's relevant experience & expertise
- whether the person is a resident of the Liverpool Plains Shire Local Government Area
- there is representation from across the full Liverpool Plains Shire geographical area
- committee members are able to demonstrate that they are "connected and representative" of the community.



## 8 Formation of a Community Committee

- The formation and appointment of Committees is at the discretion of Council.
- Council aims to form Committees that are representative of the local community or interest group of the facility or function, which the Committee manages.
- Council, at its discretion, will choose to hold either a public Inaugural Meeting or call for Expressions of Interest from the community to gain membership for a new Committee.
- Council must appoint new members before being able to vote or take part in the meetings of the Committee.
- Committees are formally appointed by the Councillors in office, therefore after the General Election of Council, all Committee members will cease to hold office unless otherwise reappointed by Council.
- All nominations as members of a Committee are required to be formally submitted in writing to Council for appointment. Noting the recommendation in the Committee minutes and forwarding the minutes to Council will satisfy this requirement.

## 9 Community Committee Membership

A Committee will comprise those people appointed to it by Council. The duration of Committee Membership aligns with the term of Council. Members may stand for re-election.

- Committee membership will not number less than five, including office bearers and no more than nine committee members.
- Whilst no particular qualifications are necessary, a positive commitment to the activities of the Committee and a willingness to be actively involved in Committee issues is essential.
- Members of Committees are volunteers and therefore do not receive payment for their involvement or pecuniary benefit.
- The executive will advise new members that this manual is available on the internet at [Policies and codes - Liverpool Plains Shire Council \(nsw.gov.au\)](https://www.liverpoolplains.nsw.gov.au/policies-and-codes) and contains the information they need to effectively perform the roles and functions of the Committee.
- To hold office and be responsible for the management of a council facility or function, all Committee members must be appointed by Council.
- Council must appoint new members before being able to vote or take part in meetings of the Committee, however, if the minutes of the meeting do not reach Council in sufficient time to be presented at the next Council Meeting, new members will be given discretion to vote at the next ordinary meeting of the Committee.

- If Council rejects the Committee's recommendation on a new member, the Committee will need to review all decisions that the person had voted on prior to the recommendation.
- To become a member of a Committee the individual may either write to the Committee requesting to become a member or attend an Ordinary Meeting and request membership.
- It is expected that a member would serve a minimum of one year and a maximum of one term of Council.
- Liverpool Plains Shire Council reserves the right to appoint a Council representative to each Committee with full voting rights.
- Community representatives nominated for the Committee are required to be citizens of the Liverpool Plains Shire Council (LPSC) area.
- Committee membership should reflect the community organisations which use the facility and must be open to representatives of user groups and interested community members. Equal representation of two members from each user group is recommended

## 10 Election of Office Bearers

- The Committee must, from its own members, elect an executive of the Committee:
- Chairperson;
- Deputy Chairperson;
- A Deputy Chairperson is optional depending on the Committees needs.
- Executive positions may be held by an individual for a maximum of two years, unless otherwise approved by Council.
- Executive positions must be held by individuals 18 years or over.
- At the discretion of the Council, executive positions may be combined.
- Volunteers over 90 years and under ten years of age are not covered under Council's volunteer insurance.

## 11 Delegations

The following delegations will apply to the Local Advisory Group(s):

- The LAG does not have the authority to incur expenditure;
- The LAG does not have the authority to bind Liverpool Plains Shire Council without approval from Council;
- Members of the LAG are not permitted to speak to the media or social media in the guise of a representative of Council unless approved by the General Manager.

## 12 Dissolution of Community Committee

- Council may dissolve a Committee at any time if that Committee is not complying with its roles and responsibilities.

- The Committee can also be dissolved by a vote of 75% of members entitled to vote present at an Ordinary or Extraordinary Meeting convened to consider this option.

### 13 Vacation of Office

- A person will cease to be a member of a Committee if the member resigns from office by notification in writing to the Committee and Council. Notation in the minutes forwarded to Council is acceptable.
- The Committee can recommend the removal of members who are absent for more than three Meetings without leave of absence through the following procedure:
  - Inform the individual in writing of the lapse of membership and impending removal. The Committee must then allow a two week period for a response from the member to indicate any interest to continue as a member.
  - Should no response be received, the Committee can then vote to remove the member at the next Ordinary Meeting and verify outgoing correspondence in the minutes of meeting.
  - Removal of membership must be noted by the Secretary in the Minutes of the Committee meeting to be forwarded to Council, failure of the Committee to do this may result in those members being able to vote at AGM's and Ordinary Meetings. Council has the right to refuse the recommendation.
- Council reserves the right to pass a resolution to remove a member from the Committee at any time.
- Should a member fail to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter they may be removed from the Committee at the discretion of Council. For the purposes of this provision "pecuniary interest" has the same meaning given to that term in Section 442 of the *Local Government Act 1993*.
- If the member was a representative from a user group, upon receipt of the resignation the Committee members will call for nominations from the user group with which the member was affiliated and refer this nomination to Council for concurrence.

### 14 Limitations of powers

The Committee may not make decisions concerning the following:

- Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control);
- Borrowing any monies without the express written consent of Council on each such occasion;
- The sale, lease or surrender of any land or other property vested in its care under the provision of the *Local Government Act 1993* (as amended);
- The acceptance of tenders which are required to be called by Council;
- A decision under Section 356 of the *Local Government Act 1993* to contribute or donate money to individuals or organisations, unless prior approval has been granted from Council;

- Formation of submissions to government policies or implementation of policies without the prior written consent of Council;
- The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council. No reimbursements will be made by Council without prior written consent;
- No payment is to be made to Committee members or volunteers without the prior written approval from Council;
- Unreasonably withholding consent for the hiring of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing the acceptable hiring period is available; and
- The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of Council, or in writing by Council staff to the Committee.
- The Committee will observe any rules and regulations determined by Council, in relation to the facility/function under its management and control.

If at any time the Committee is deemed to be functioning outside the limits of its delegated function as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or the General Manager's representative.

## 15 Responsibilities of the Chairperson

The Chair, appointed by the volunteer LAG members, shall convene the individual LAG meetings. In relation to any procedural matter, the ruling of the Chair shall be final.

- The Chairperson generally has the following specific duties which make up the major part of their responsibility:

### **Before a meeting**

- Prepares the agenda (in consultation with members, or can delegate this role to a committee member), setting out the items of business to be considered.
- Ensures meeting is properly convened in accordance with the Code of Meeting Practice, i.e. proper notice of a meeting is given and a quorum is present.

### **During the meeting**

- Opens the meeting, welcomes and introduce members and guests.
- The Mayor has the right to take the chair at any meeting he/she attends and this offer should be extended by the Chair at the beginning of the meeting.
- Keeps individuals and the meeting focussed on the topics being discussed and encourages all members to participate, ensuring adequate opportunity is given to members who wish to speak.
- Ensures correct meeting procedures are followed, as per the Code of Meeting Practice, and control of the meeting is maintained, keeping track of time (or delegates someone to do this).
- Makes sure members are aware of decisions being made and that the minute taker has recorded decisions of the meeting.

- Acts impartially and uses discretionary powers in the best interests of members and in accordance with the agreed standing orders, i.e. method of conducting meetings, and ensures all statutory regulations and organisation's rules are observed.
- Closes meeting after business at hand has been properly concluded.

The Chairperson needs to be aware of certain issues and procedures and the importance of establishing and maintaining a working relationship with Council. Particularly in regard to Government funding, Risk Management, Council's budget, including Council and community involvement and requirements.

The Chairperson is responsible for providing assistance to all members of the Community Committee and ensuring that they fulfil their respective roles. The Chairperson is the 'spokesperson' for the Committee.

## 16 Committee Obligations During Meetings

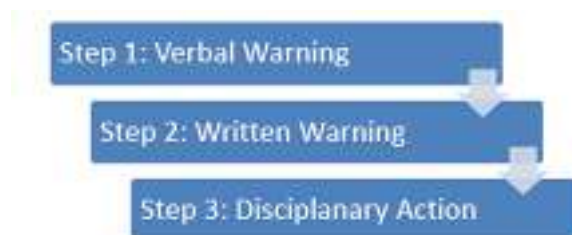
You must act in accordance with Council's Code of Meeting Practice and the *Local Government (General) Regulation 2005* during Committee Meetings and show respect to the Chairperson, other Council officials and any members of the public present during Committee Meetings. The Code of Meeting Practice may be viewed on Council's website.

### Maintain Integrity of the Code of Meeting Practice

You **must not**:

- conduct yourself in a manner that is likely to undermine confidence in the integrity of the Code or its administration;
- make a complaint or cause a complaint to be made under the Code for an improper purpose. A complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit;
- take detrimental action or cause detrimental action to be taken against a person in reprisal for a complaint they have made under the Code or for a function exercised under the Code.

Any Committee member who acts outside the delegated function of the Committee, who acts in a way that contravenes Council's Risk Management policy and/or Council's Code of Conduct or who behaves in a manner that is found to be contrary to the expectations of Council will be subject to the same disciplinary action as any employee (volunteer) of Council. A summary of this process follows:



## 17 Legislation Regarding Pecuniary Interest

Sections 441-448 of the *Local Government Act 1993* specify those who are required to make disclosures of interest.

These are:

- Councillors
- 'Designated persons'
- General Managers;
- other senior staff;
- other members of staff and delegates of the Council who are designated by the Council to make such disclosures because of the type of Council functions they exercise; and
- members of certain Community Committees who are designated by the Council because of the type of Council functions exercised by the committee.
- Other members of Community Committees (who are not Councillors or designated persons)

### Statutory Duties imposed by Part 2 of Chapter 14

- Members of Committees (who are not Councillors or designated persons)
- To disclose to the meeting any pecuniary interest in a matter before the meeting (s.451(1));
- Not to participate in the discussion of the matter before the Committee in which the member has a pecuniary interest (s.451(2)).
- Not to vote on the matter before the Community Committee meeting in which the member has a pecuniary interest (s.451(3)).

## 18 Code of Conduct

- Council has an adopted Code of Conduct available on Council's website [Policies and codes - Liverpool Plains Shire Council \(nsw.gov.au\)](https://www.liverpoolplains.nsw.gov.au/policies-and-codes) register. Every Council volunteer needs to be aware of this Code and how it applies to them.
- The Code of Conduct sets minimum standards of behaviour for Council officials and applies to Councillors, staff and volunteers. The Code of Conduct covers:
  - general conduct;
  - fairness and equity;
  - development decisions;
  - other business or employment;
  - conflict of interests;
  - personal benefits/gifts;

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- improper and undue influence;
  - relationships between council officials;
  - access and use of information and council resources;
  - confidential and personal information; and
  - maintaining the integrity of the Code.

You **must not** conduct yourself, in carrying out your functions, in a manner that is likely to bring the Council or Councillors into disrepute. You must **not** act in a way that:

- contravenes the *Local Government Act 1993*, associated regulations, Council's relevant administrative requirements and policies;
- is detrimental to the pursuit of the Charter of Council;
- is improper or unethical;
- is an abuse of power or otherwise amounts to misconduct;
- causes, compromises or involves intimidation, harassment or verbal abuse;
- causes, compromises or involves discrimination, disadvantage or adverse treatment in relation to employment; and
- causes, compromises or involves prejudice in the provision of a service to the community.

You **must**:

- consider all issues consistently, promptly, fairly and in a non-discriminatory manner;
- treat others with respect at all times;
- take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Breaches of the Code of Conduct must be reported to the General Manager, in writing. Reports regarding the General Manager are to be made to the Mayor, in writing. Allegations of suspected breaches must not be made to Councillors, at Council Meetings or in public forums.

## 19 Meetings

Ordinary Meetings of the Committee are required where applicable to address correspondence, hiring of the facilities, finance matters, organising of events, risk management matters and maintenance of the facility.

The Committee should hold meetings at least quarterly per annum. However, if required Ordinary Meetings of the Committees may occur more regularly to ensure that any outstanding matters are dealt with.

A Volunteer Sign On/Sign Off Form must be completed prior and at the conclusion of each meeting or activity.

Minutes of the matters discussed will be kept, a copy made available to all Committee members and Council:

- by email: [council@liverpoolplains.nsw.gov.au](mailto:council@liverpoolplains.nsw.gov.au)

Any items requiring action by Council are to be the subject of a separate letter addressed to the General Manager and forwarded to Council as above.

All meetings will be conducted in accordance with Council's document "Code of Meeting Practice".

A quorum will normally consist of half the total number of voting members plus one. However, a request for approval to have a quorum of a differing number may be submitted to Council.

Should a quorum of members not be in attendance at 15 minutes after the starting time, the meeting will be adjourned to the same time and place at the next scheduled meeting.

The appointed Group Chair may manage Agenda items at their discretion but should include standing agenda items for all Local Advisory Committees:

- Acknowledgement of Country
- Disclosure of interests
- Attendance & Apologies
- Confirmation of Minutes
- Tasks / Actions
- General Business
- WHS

## 20 Minute Format and Meeting Papers

All meeting minutes will be kept and a copy forwarded to Council for presentation to a forthcoming Ordinary Meeting of Council. Keep them short, clear and concise, and consistent.

It is not required to record every statement made at the meeting. Accurately record each motion/resolution – note mover and seconder.

A copy of the minutes should be retained as a permanent record of the meeting. It is the chairperson's responsibility to see the minutes are unaltered after adoption and are signed as an accurate record.

Circulate minutes as soon as possible following the meeting, allowing follow-up action in a timely manner. The preparation of minutes and meeting papers is at the discretion of each LAG.

## 21 Procedure for Motions

Any motion must be 'seconded' before it can be accepted by the chairperson and opened for debate. Record the mover and seconder. If there is no seconder, the matter lapses.



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The LAG will make recommendations by consensus. If this is not possible, recommendations may need to be voted upon and a majority vote will be needed for a decision to be recorded.

## 22 Amendments

Amendments may be made to a motion. The amendment must be clear and be part of the motion being considered, have a seconder and be put to the vote before the motion is carried.

Out-of-session communication will be conducted using Council's applicable Project Platform.

## 23 Variation of the Terms of Reference

These Terms of Reference may be added to, repealed or amended by resolution of the Council in consultation with or upon the recommendation of the LAG.

The Terms of Reference will be reviewed two years after adoption by Council.

## 24 Grants

Identifying Grants and Funding Opportunities:

- Decide what you need a grant for. Is this item listed in your Committee's current/adopted Strategic Plan? If not, seek Council approval to apply for funding. Consult your Coordinator.
- Grant guidelines generally state what is eligible and ineligible for any particular grant.
- Before you begin:
- Ensure your budget is detailed and includes everything from stationery to promotion and equipment. Include absolutely every item that will be utilised in the project.
- Check the guidelines; you may be able to add in a percentage for administration or project costs.
- When obtaining quotations for your budget, go to local suppliers wherever you can. Check funding guidelines for the number of quotes required.
- Grant providers like to see the funds supporting the community wherever possible.

Some grants are ongoing (no closing date) and some have specific rounds (publicised opening and closing dates). Be proactive towards grants; be aware of what grants are available to your Committee and what their applicable timeframes are. Your Coordinator will advise of available opportunities as they arise.

Once you have completed your application, forward it to Council for approval to submit. Please allow ample time (10 working days) for Council to review and clarify any matters.