



5.2 APPOINTMENTS OF COUNCILLORS TO COMMITTEES

EXECUTIVE MEMBER: KYLIE BENNETTS, DIRECTOR, OFFICE OF THE CEO

PREPARED BY: MURRAY CHICK, COORDINATOR GOVERNANCE

1. PURPOSE

- 1.1 To appoint Councillors to special committees, internal community reference (advisory) committees and external committees for the 2019 calendar year and to advise Council of the outcomes of the recent review of Advisory Committees and to recommend changes to the Council's Advisory Committee structure.

2. EXECUTIVE SUMMARY

- 2.1 Council at its meeting held on 6 December 2017 made its Councillor appointments to its special committees, internal community reference (advisory) committees and external committees for the 2018 calendar year.
- 2.2 As these appointments expire at the end of 2018, this report recommends Council making appointments to all of its committees for the 2019 calendar year. Council also at that 6 December 2017 meeting required officers to undertake a review of its advisory committee structure and requested a further report back to Council on the outcomes of the review.
- 2.3 Officers conducted an initial review of its Advisory committee structure and Council at its meeting held on 20 June 2018 noted this initial review and requested a further report on advisory committee structure options be presented to Council in late 2018.
- 2.4 The review of the Advisory Committee structure has been undertaken in consultation with members of each committee and the outcomes of this review is that the following changes are proposed:
 - 2.4.1 Minor amendments be made to the Esplanade Market Reference Committee Terms of Reference to improve efficiency and better use of staff resources.
 - 2.4.2 The current Multicultural Forum be transitioned into a Multicultural Seniors Network to be facilitated and administered by MiCare and that a new broader based Council Advisory committee be established to be known as the Multicultural Advisory Committee.
 - 2.4.3 All of the other eight discretionary Advisory Committees would continue with no changes proposed to their current Terms of Reference.
- 2.5 This report recommends no changes to the structure of Council's special committees or the list of external bodies that Council currently has representation on. However, this report does recommend that Councillor representatives on external Boards and committees report back to a Council meeting as soon as practicable after each meeting.



3. RECOMMENDATION

That Council:

- 3.1 Makes the appointments of Councillors as representatives to the special committees, community reference (advisory) committees and external committees for the 2019 calendar year unless Council resolves an earlier expiry date (Attachment 1).
- 3.2 Notes that the Fishermans Bend Community Forum is extended until 30 June 2019 and that a further review of this Forum will be conducted prior to that date.
- 3.3 Notes that a review of community reference (advisory) committees has been undertaken in accordance with the previous resolution carried by Council on 20 June 2018 and as an outcome of this review makes the following changes:
 - 3.3.1 Transitions the Multicultural Forum to MiCare the local migrant resource centre to facilitate and provide administrative support and that this group be called the "Multicultural Seniors Network".
 - 3.3.2 Establishes, pursuant to section 86 of the Local Government Act 1989, a new Advisory Committee of Council named the "Multicultural Advisory Committee" and notes that a new Terms of Reference for that committee and a communications and engagement strategy for recruitment is proposed to be presented to Council by the first quarter of 2019.
 - 3.3.3 Adopts the revised Terms of Reference for the Esplanade Market Reference Committee (Attachment 2).
- 3.4 Determines that the following Advisory Committees will continue with no change to their existing Terms of Reference: Community Grants Assessment Panel; Cultural Heritage Reference Committee; Fishermans Bend Community Forum; Cultural Development Fund; Art Acquisition Reference Committee; Rupert Bunny Foundation Visual Arts Fellowship Reference Committee; Friends of Suai / Covalima Reference Committee and the Older Persons Consultative Committee.
- 3.5 Requests all Councillor representatives to external Boards and committees to report back, as soon as practicable after each meeting, to a Council meeting during agenda item "Reports by Councillor delegates".
- 3.6 Notes the operational improvements contained in this report regarding the implementation of new processes to ensure all Councillors are kept informed of the outcomes of other Board meetings where Council is not officially represented but has an interest in (e.g. CaSPA Care); utilising the Youth Advisory Committee to reach the younger demographic; and the establishment of internal forums for Executive Officers of Advisory Committees to be facilitated by Governance.



4. KEY POINTS/ISSUES

- 4.1 Council annually makes appointments to its special committees, internal community reference (advisory) committees and external committees. This report facilitates those appointments. Council can determine the appointments as it deems appropriate and can at any time amend or add new committee appointments.
- 4.2 Special committees of Council have been established by Council under section 86 of the Local Government Act (the Act). Each committee has specific powers delegated to it by Council. These special committees are empowered to act only within the powers delegated to them by the Council.
- 4.3 Council currently has the following four special committees of Council:
 - 4.3.1 Planning Committee (comprised solely of Councillors). This committee was established by Council on 6 December 2017.
 - 4.3.2 Inner Melbourne Action Plan Implementation Committee (comprised of Councillors and officers of the municipalities of Port Phillip, Melbourne, Maribyrnong, Yarra and Stonnington). This committee was last reviewed by Council on 1 February 2017.
 - 4.3.3 Council Neighbourhood Programs Committee (comprised of Councillors and an officer). This committee was last reviewed by Council on 18 October 2017.
 - 4.3.4 South Melbourne Market Committee (comprised of Councillors, externals and an officer). This committee was last reviewed by Council on 3 October 2018 where Council agreed to a revised Committee Charter, membership and Instrument of Delegation to take effect from 1 March 2019. The change in membership structure as at 1 March 2019 requires two Councillors to be nominated as members, the current Charter which applies up to 28 February 2019 states two to three Councillors. Council currently has three representatives. The appointment schedule in Attachment 1 lists three Councillors to be appointed up to 28 February 2019 and then two Councillors from 1 March 2019 to the end of the calendar year. However alternatively Council could appoint two Councillors for the whole of 2019.
- 4.4 This report makes no recommendations regarding changes to the structure of any of these four special committees.
- 4.5 In addition to the four special committees, Council has 11 community reference committees (advisory committees). One of these is the Audit and Risk Committee which is a mandatory committee required to be established under the Act. The operation and continuance of the balance of the ten Advisory committees or the establishment of additional advisory committees is at the discretion of Council.
- 4.6 In undertaking the review of its advisory committee structure as requested by Council at its 6 December 2017 meeting, the below policy priorities that Council would seek to achieve were used in the review and to recommend the changes to the current advisory committee structure proposed in this report:



- 4.6.1 Equity - a wide range of community members who are at different life stages and from different backgrounds have an easy and accessible way to provide advice to Council.
 - 4.6.2 Agility – community members have a way of providing advice at the right time to influence Council decision making. Meanwhile, the Council can alter or add to these advisory committees (if necessary) to respond to emerging community needs or areas that may be under-represented.
 - 4.6.3 Integration - community views, knowledge and advice is consolidated around the delivery of each Council priority.
 - 4.6.4 Transparency – the broader community and Council are aware of the good work and civic engagement of the advisory committees.
 - 4.6.5 Simplicity – the governance structure is easy to understand and makes best use of community members, Councillors and officers’ skills, expertise, knowledge and time.
 - 4.6.6 Clarity – roles and responsibilities are understood by all advisory committee members and in particular for Councillor and staff representatives strikes the right balance between fiduciary duties required to these groups with their primary role.
 - 4.6.7 Governance – advisory committees are well supported by the Council to undertake their civic engagement activities to the best of their ability.
- 4.7 Council officers Kylie Bennetts (Director CEO’s Office) and Murray Chick (Coordinator Governance) met with the following personnel as representatives of each of the ten Advisory Committees to receive their feedback on how the committee is operating, discuss how the committee is aligned with the Council’s strategic priorities and to recommend a way forward. Below is a brief summary of the consultation.
- 4.7.1 Esplanade Market Reference Committee, Councillor Andrew Bond - 17 July 2018 and Councillor David Brand – 1 August 2018. Committee meetings are currently held quarterly and are quite resource intensive. Given that there are no contentious issues it was agreed to recommend that the Terms of Reference be amended so that committee meetings be held six monthly and that the committee’s operation be further reviewed in two years’ time. The proposed changes to the meetings schedule would enable resources to be more focussed on administering the operation of the market. There would also be some minor cost savings in catering. The current Terms of Reference requires copies of meeting minutes to be distributed to all Councillors.
 - 4.7.2 Community Grants Assessment Panel, Councillor Louise Crawford and Councillor Marcus Pearl (via telephone link) - 18 July 2018. Assessment Panel is working well in accordance with its Terms of Reference and is recommended to continue with no change. Community Grant Assessment Panel funding recommendations are provided to Council annually for decision.

SPECIAL MEETING OF COUNCIL 12 DECEMBER 2018



- 4.7.3 Cultural Heritage Reference Committee, Councillor Bernadene Voss – 31 July 2018. Committee is working well in accordance with its Terms of Reference and is recommended to continue with no change. The Terms of Reference requires copies of committee meeting minutes to be distributed to all Councillors.
- 4.7.4 Fishermans Bend Community Forum, Councillor Bernadene Voss – 31 July 2018. Forum is working well in accordance with its Terms of Reference and is recommended to continue with no change, noting that Council resolved at its meeting held on 20 June 2018 to extend the term of the Forum until 30 June 2019 or to an earlier time directly following the State Government's announcement of the governance arrangements for the Fishermans Bend Urban Renewal Area. The current Terms of Reference requires meeting outcomes to be distributed to all Councillors. As the State Government has now released its governance arrangements for the Fishermans Bend Urban Renewal Area, this report recommends that a further review of this committee be undertaken prior to 30 June 2019.
- 4.7.5 Cultural Development Fund, Councillor Katherine Copsey – 31 July 2018. Committee is working well in accordance with its Terms of Reference and is recommended to continue with no change. Cultural Development Fund grant recommendations are provided to Council annually for decision.
- 4.7.6 Art Acquisition Reference Committee, Councillor David Brand – 1 August 2018. Committee is working well in accordance with its Terms of Reference and is recommended to continue with no change. It is a requirement of the Terms of Reference that Council are advised of art acquisition decisions.
- 4.7.7 Rupert Bunny Foundation Visual Arts Fellowship Reference Committee, Councillor David Brand – 1 August 2018. Committee is working well in accordance with its Terms of Reference and is recommended to continue with no change. The Terms of Reference requires Council to be notified of any dispersal of Rupert Bunny Foundation funds.
- 4.7.8 Friends of Suai / Covalima Reference Committee, Megs Alston (Committee Chair) and Carlene Harlock (Coordinator Friends of Suai / Covalima) – 3 August 2018. Committee is working well in accordance with its Terms of Reference and is recommended to continue with no change. This committee provides an annual report to Council.
- 4.7.9 Older Persons Consultative Committee, Dr Jane Sims (Committee Chair) and Laura Cattapan (Coordinator Access and Inclusion). Committee is working well in accordance with its Terms of Reference and is recommended to continue with no change. This committee provides an annual report to Council.
- 4.7.10 Multicultural Forum, Councillor Ogy Simic – 1 August 2018 and 9 October 2018 (this meeting was also attended to by Mary McGorry (Manager Diversity and Inclusion), Laura Cattapan (Coordinator Access and Inclusion) and Ciaran McCormack (Multicultural Liaison Officer). The meeting further discussed opportunities regarding transitioning the Multicultural Forum to MiCare the local migrant resource centre and the establishment of a new Multicultural Advisory Committee. Following these discussions this report recommends the transition



of the existing committee to MiCare and the establishment of a new committee with a new Terms of Reference.

- 4.8 Currently the Multicultural Forum is operating as an informal information sharing network rather than a formal advisory committee. There is an opportunity to transition the Multicultural Forum to MiCare, the local migrant resource centre to facilitate and provide administrative support.
- 4.9 Council is currently negotiating a new funding agreement with MiCare and KPI's would be developed as part of this agreement that would see MiCare undertake the responsibility of facilitating and supporting the Forum. Council's Multicultural Liaison Officer has flagged the possibility of these changes at several meetings of the Forum and the members had no issues with this proposal. The Multicultural Forum is proposed to be called the Multicultural Seniors Network.
- 4.10 The benefits to the current Multicultural Forum members of this proposed transition are:
- 4.10.1 MiCare has established relationships with the current Multicultural Forum membership and is well regarded by our older multicultural communities.
- 4.10.2 MiCare come with expertise and knowledge of the needs and issues regarding our local older multicultural communities and are well equipped to customise meetings to address this.
- 4.10.3 The meeting format could be more flexible to better address feedback from local clubs and older residents from multicultural backgrounds on issues that are important to them. Meetings could operate more as information sharing and community/health education/awareness sessions.
- 4.10.4 There would be an opportunity to invite more members from our local clubs to attend.
- 4.10.5 In consultation with the Forum members MiCare could provide dedicated information sessions specific to the needs of these groups. These sessions could be conducted in their languages and open for all their members to attend. Forums on diabetes and the NDIS were trialled during Cultural Diversity Week this year, with much positive feedback.
- 4.10.6 MiCare are already an established and participatory member who have a prominent platform at the meetings. This would not be a radical change for members.
- 4.10.7 To ease the transition, meetings would still be held at the same time in St Kilda Town Hall. The Forum would still be consulted on relevant Council strategies/issues when appropriate. There will still be an option for a Councillor representative to attend the meetings.
- 4.11 The profile of cultural diversity in Port Phillip has changed significantly since the original formation of the Multicultural Forum. Previously the profile of our Culturally and Linguistically Diverse (CALD) residents corresponded with post-war migration patterns so the largest communities were from Greece, Poland, Ukraine and Russia. As these



communities age, they are being replaced by much younger cohorts from other regions, notably for example from Asia (India and China), other European countries and South America.

- 4.12 As the transition occurs to the Multicultural Seniors Network, a new committee can be established. It is proposed to call this committee the Multicultural Advisory Committee. This committee would be chaired by a Councillor and convened by the Multicultural Liaison Officer. Membership of the Committee would be expanded to ensure that there is a mixed group from our community including a mix of ages and experience. If Council agrees to the establishment of the new Multicultural Advisory Committee, a Terms of Reference and communications and engagement strategy for recruitment will be developed and a further report is proposed to be presented to Council in the first quarter of 2019. This would be followed by recruitment of the new committee to be endorsed by Council by June 2019. The formation and support of this new committee and the transition of the Multicultural Forum would be done through the existing budget and no additional expenditure would be required.
- 4.13 Council also has the opportunity of appointing Councillors to external bodies. Attachment 3 contains a list of these bodies including information on the external committee's purpose, structure and meeting frequency. The only addition to this list is the Fishermans Bend Mayors Forum. This Forum has been set up by the State Government as part of the new governance arrangements for Fishermans Bend. The membership consists of the Mayors and CEO's of the City of Port Phillip and the City of Melbourne (or their agreed nominees), the Chair of the Fishermans Bend Development Board (or in her absence her Board nominee) and the CEO of the Fishermans Bend Taskforce. The Forum will meet as required but is expected to meet two monthly. The St Kilda Tourism and Events committee has been deleted as this committee no longer meets.
- 4.14 In the interests of keeping all Councillors informed as to the outcomes of the external Board and committee meetings that Council is represented on, this report recommends that Councillor representatives on external Boards and committees report back to a Council meeting as soon as practicable after each meeting. In addition, as an operational improvement, Governance will liaise internally with officers to determine which other Boards that Council has an interest in and implement processes to ensure all Councillors are kept informed of the outcomes of those particular Board meetings (e.g. CaSPA Care).
- 4.15 During the review two common themes arose. The first was the challenge to reach the younger demographic and the second related to the opportunity of Executive Officers of Advisory Committees to hold meetings to swap ideas and information. Consequently, two further operational improvements are being implemented.
- 4.16 In relation to reaching the younger demographic, information about each committee has been passed onto Council's Youth Events and Participation Officer who discussed Council's Advisory Committee structure at a recent meeting of the Youth Advisory Committee (YAC). It is proposed that when applications are being sought for various committees, that YAC be used as a vehicle to reach the younger demographic through the committee itself and social media channels.



- 4.17 Regarding improving connection between Executive Officers of Advisory Committees, Governance will facilitate six monthly internal forums for Advisory Committee Executive Officers to learn from each other's experiences and to share information on governance issues and tips on presenting to various groups.
- 4.18 Attachment 1 lists the various special committees, internal community reference (advisory) committees and external committees to which appointments are required. These appointments will be for the 2019 calendar year. The list of advisory committees presented to Council in Attachment 1 has been amended to reflect the recommendations contained in this report as a result of the advisory committee structure review.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 The changes proposed in this report have been discussed with members of the Multicultural Forum and the Esplanade Market Reference Committee. Neither of the committees have any objections to the proposals.
- 5.2 Council officers met with either the Chair and / or the Councillor representative of each of the ten Advisory Committees to receive their feedback on the review of the committee's operations.
- 5.3 Councillors have discussed internally the proposed appointment of Councillors to its various committees.
- 5.4 Councillors currently can use the standing item on the Council agenda "Reports by Councillor delegates" to report back to Council and the community on the activities of the respective bodies.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Council is required by section 76 of the Local Government Act 1989 (the Act) to keep Councillors indemnified whilst they are undertaking the duties of a Councillor. The legislation states: "A Council must indemnify and keep indemnified each Councillor, member of a Council committee, member of Council staff and any person exercising a function or power on behalf of a Council against all actions or claims (whether arising during or after the term of office or employment of that Councillor or member) in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of any function or power conferred on the Council or Council committee or any Councillor, member of the Council committee or member of Council staff by or under this or any other Act."
- 6.2 This indemnity covers Councillors whilst acting in good faith and representing Council on these bodies.
- 6.3 Section 86 of the Act states, amongst other things, that apart from advisory committees that Council may establish it can also establish Special Committees with delegated powers.
- 6.4 Section 139 of the Act states that Council must establish an Audit Committee and that this committee is an Advisory Committee of Council.



7. FINANCIAL IMPACT

7.1 The Audit and Risk Committee provides guidance to Council on:

7.1.1 Internal and external financial reporting

7.1.2 Management of financial and other risks

7.1.3 Effectiveness of the internal and external audit function

7.1.4 The compliance framework and its external financial and performance accountability and responsibilities.

7.2 Appointment of Councillors to these committees has minor impact on budget resources and has been factored into Council's current budget structure, however, it is acknowledged that there is a time commitment from Councillors to be involved in, and to attend the meetings of such committees.

8. ENVIRONMENTAL IMPACT

8.1 Membership of the Association of Bayside Municipalities involves the identification, resolution and advice on matters of common interest to Bayside Councils to improve the overall management of the Port Phillip Bay environment.

9. COMMUNITY IMPACT

9.1 The continuation of Advisory Committees provides for civic engagement by Council with the community and facilitates community views, knowledge and advice being provided to Council and its officers to assist decision making.

9.2 Appointments to external bodies is at the discretion of the Council, however, there is a possibility that Council and the community would lose a significant voice in an important forum, for example, the Municipal Association of Victoria, the Metropolitan Transport Forum, etc., if Council was not represented.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

10.1 The appointment of Councillors to committees is consistent with Council's strategic direction and commitment to the community of a financially sustainable, high performing, well governed organisation that puts the community first.

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

11.1.1 The appointments are effective for the 2019 calendar unless Council resolves an earlier expiry date.

11.1.2 If Council agrees to the establishment of a new Multicultural Advisory Committee, it is proposed that a further report will be presented to Council in the first quarter of 2019 to approve the Terms of Reference and

SPECIAL MEETING OF COUNCIL 12 DECEMBER 2018



communications and engagement strategy for the recruitment of the new Committee. Council would then be asked to endorse the new membership by June 2019.

11.2 COMMUNICATION

- 11.2.1 Once the appointments are determined, relevant Council staff will advise the respective committees and external bodies of the appointments made and ensure that Councillors' calendars are updated with the appropriate meeting dates.

12. OFFICER DIRECT OR INDIRECT INTEREST

- 12.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

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ATTACHMENTS

1. Council appointments to committees for 2019
2. Esplanade Market Committee revised Terms of Reference
3. Summary information external committees