



Code Section:	1. Corporate Governance
Code Name:	Code of Practice for Working/Advisory Groups
Classification:	Public – Council Code of Practice
Adopted:	9 November 2021
Frequency of Review:	Biennial and after each General Election of Council
Last Review:	September 2021
Next Review Due:	September 2023
Responsible Officer(s):	Governance Officer and Chief Executive Officer
Policy and Code of Practice Manual File Ref:	CC10/2601
Council File Reference:	CR21/70407
Legislation Authority:	N/A
Related Policies and Codes:	Code of Practice for Council and Committee Meeting Procedures
Related Procedures:	N/A

1. BACKGROUND

- 1.1 This Code applies to Working/Advisory Groups that operate within the Council area. A Working/Advisory Group is a group established by the Council for the purposes of facilitating communication between the community and the Council in relation to specific matters that are relevant to the functions of the Council and to otherwise bring local matters to the Council's attention. Any group (howsoever named) which satisfies the above definition and which is not a Committee, Subsidiary, Incorporated Association or other recognised legal group or entity is a Working/Advisory Group for the purposes of this Code of Practice.
- 1.2 Working/Advisory Groups will not be established to consider matters that would more appropriately be considered in a Committee, Subsidiary or other statutorily regulated forum.
- 1.3 Working/Advisory Groups do not have any delegated decision making powers from the Council.
- 1.4 Working/Advisory Groups are established at the discretion of the Council.

2. PRINCIPLES

- 2.1 Working/Advisory Groups provide an opportunity for members of the public to meet, including with Council Members, to discuss various community issues, the outcomes of which discussions may subsequently be communicated to the Council or to a Council Committee by a Council officer or a Council Member for the purpose of Council decision-making.
- 2.2 The Council considers that the Working/Advisory Groups constitute a valuable link between Council and the community.
- 2.3 A Working/Advisory Group may only deal with matters relevant to its purpose as determined by the Council. The Council will describe the purpose and Terms of Reference of a Working/Advisory Group by resolution.
- 2.4 This Code:
 - 2.4.1 assists the Council in acting as a representative, informed, transparent and responsible decision maker in the interests of the community; and
 - 2.4.2 assists Council Members in fulfilling their role under section 59(1)(b) of the *Local Government Act 1999* to represent the interests of residents and ratepayers, to provide community leadership and to facilitate communication between the community and the Council.

3. OPERATING MATTERS

- 3.1 Membership of Working/Advisory Groups is to comprise residents and/or ratepayers of the Council area, or persons with an identified interest with Gawler, and Council Members and Council officers as follows, subject to an absolute discretion of the Council to determine the membership of any Working/Advisory Group:
 - 3.1.1 Council will request nominations from the public from persons who wish to be members of a Working/Advisory Group. This will occur by way of notice in local newspapers and on the Council's website. Only persons who fulfil the relevant selection criteria determined by the Council may nominate.
 - 3.1.2 In the event that there are less nominations than positions received, each of the persons nominated who satisfy the selection criteria will become a member of the Working/Advisory Group.
 - 3.1.3 In the event more nominations are received than positions available, the Council will appoint those persons who best fulfil the relevant selection criteria to be members of the Working/Advisory Group and will inform them accordingly.
 - 3.1.4 Each Working/Advisory Group can be assigned up to two (2) Council Members. The Council Members may attend and participate in meetings of the Group at their discretion.
 - 3.1.5 Each Working/Advisory Group will be assigned a Council Officer who will attend meetings of the Group on an as needs basis.
- 3.2 All members of a Working/Advisory Group hold membership by appointment by Council. No reasons are required for the removal of any member.
- 3.3 At the first meeting of each Working/Advisory Group a Chairperson must be appointed from amongst the Group's members. The Chairperson will chair meetings of the Group and is the person with whom Council staff will directly liaise.

- 3.4 The role of the Chairperson includes:
 - 3.4.1 Overseeing and facilitating the conduct of meetings of the Working/Advisory Group in a timely and efficient manner.
 - 3.4.2 Ensuring that the business discussed at Working/Advisory Group meetings is limited to the matters listed for discussion at that meeting.
 - 3.4.3 Ensuring all persons present have an opportunity to participate in discussions.
 - 3.4.4 Determining the time and place of the next meeting of the Working/Advisory Group in consultation with the members and the Council Officer.
- 3.5 Items for discussion at meetings of Working/Advisory Groups will be finalised as follows:
 - 3.5.1 Members of the Group may request, in writing, that the Chairperson include a matter on the list of items for discussion.
 - 3.5.2 The Chairperson is responsible for compiling the list of items for discussion which should include all matters contained in requests by members and may include any other matters the Chairperson considers fit and providing it to the Council Officer for comment and finalisation.
 - 3.5.3 The Chairperson, in conjunction with the Council Officer, is responsible for finalising the list of items for discussion at the Group meetings.
 - 3.5.4 The pro forma for the meeting format and list of items is shown at **Appendix 1**.
- 3.6 The 'Items for Discussion' for Working/Advisory Group meetings are as determined by the Group.
- 3.7 Each Working/Advisory Group is responsible for ensuring a record of its meeting is kept. At a minimum such record must contain:
 - 3.7.1 The persons present at the meeting.
 - 3.7.2 Any declaration of interest by Members
 - 3.7.3 A brief summary of matters discussed.
 - 3.7.4 Any agreements or conclusions reached and any recommendations which the Group has requested be taken to the Council or a Committee meeting by a Council Member or a Council officer.
- 3.8 The Working/Advisory Group must ensure a copy of the record of each meeting is provided to the Council Officer within 7 days of the meeting.
- 3.9 The level of support provided to a Working/Advisory Group is at the discretion of the Council.
- 3.10 The above provisions are subject to the specific Terms of Reference of a Working/Advisory Group, and to any other resolution of the Council.

4. CONDUCT AND INTEGRITY

- 4.1 Working/Advisory Groups are established to facilitate exploration and discussion of issues and ideas relevant to the Town of Gawler, its residents, ratepayers, and the community at large. A meeting of a Group is a forum consisting of differing, and sometimes conflicting, views.
- 4.2 Constructive debate in Working/Advisory Group meetings is encouraged. However, all members of Working/Advisory Groups must at all times treat each other with respect, and not engage in conduct directed towards disparaging other members, or which is not relevant to the proceedings of the Group, or which is obstructive to the proceedings of the Group.

- 4.3 No member of a Working/Advisory Group may within that Group discuss an issue in which they have an interest. An interest may be monetary or non-monetary, may be direct or indirect, and may constitute either a benefit to the member, a relative, a business associate or an organisation, or a detriment to a person or organisation (other than an interest that would be enjoyed or suffered in common with all or a substantial proportion of the ratepayers, electors or residents of the area or a ward or some other substantial class of persons).
- 4.3.1 A Member who has an interest in a matter before the Group must disclose the interest to the Group.
- 4.3.2 A Member in making a disclosure must provide full and accurate details of the relevant interest. A Declaration of Interests form is provided to each Member at each meeting to assist with completing this information for the minute taker.
- 4.3.3 There are three categories of conflict of interest under the *Local Government Act 1999*:
- a) material conflict of interest;
 - b) actual conflict of interest; and
 - c) perceived conflict of interest. 1
- 4.3.4 Council Members are required to familiarise themselves with the *Local Government Act 1999* provisions for Declarations of Interest (Chapter 5, Part 4, Division 3) prior to a Group meeting:
- a) Subdivision 1—Material conflicts of interest:
 - 73—Material conflicts of interest and
 - 74—Dealing with material conflicts of interest
 - b) Subdivision 2—Actual and perceived conflicts of interest:
 - 75—Actual and perceived conflicts of interest and
 - 75A—Dealing with actual and perceived conflicts of interest
- 4.4 If an issue in which a member has an interest arises for discussion at a Working/Advisory Group meeting, the member must disclose their interest and leave the meeting. The member must not return to the meeting until the conclusion of the discussion of the issue.

5. COMMUNICATION TO COUNCIL

- 5.1 Working/Advisory Group meetings are a means of gathering information to inform report writing and Council decision making. Minutes of the Working/Advisory Group will be presented at the next Ordinary Meeting of Council
- 5.2 Operational matters identified by the Working/Advisory Group that are outside of the Terms of Reference are to be raised with the Chief Executive Officer in the first instance, and may depending on resource requirements form the basis of a report to Council by the Council officer assigned to the Group or any other Council officer requested by the Chief Executive Officer to write the report.
- 5.3 Separately, if a Council Member attends a meeting of a Working/Advisory Group, he/she may individually seek to bring to the Council's or a Council Committee's attention any matters discussed at the Group meeting by way of a motion with or without notice.

6. REVIEW AND EVALUATION

The effectiveness of this Code will be reviewed biennially and after each Local Government general election.

The Chief Executive Officer will report to council on the outcome of the evaluation and if relevant make recommendations for amendments, alteration or substitution of a new Code.

The Code will not be altered or substituted so as to affect a process already commenced.

7. FURTHER INFORMATION

Further information about this Code can be obtained by:-

Telephone: 8522 9211

Email: council@gawler.sa.gov.au

Appointment: Town of Gawler Administration Centre 43 High Street, Gawler East

Letter: PO Box 130, Gawler SA 5118

8. AVAILABILITY OF CODE

The Code is available for inspection during ordinary business hours at the Council principal office, Town of Gawler Administration Centre 43 High Street, Gawler East or is available from the Council website at www.gawler.sa.gov.au

A copy of this Code will be provided to interested parties upon request, for a fee as contained in the Register of Fees and Charges.



Town of Gawler

.....(group title).....

WORKING GROUP MEETING

ITEMS FOR DISCUSSION

Meeting Date

1. MEETING OPENED
2. PRESENT
3. APOLOGIES
4. DECLARATIONS OF INTEREST
5. ITEMS FOR DISCUSSION
 - 5.1
 - 5.2
6. NEXT MEETING
Time/date/venue
7. MEETING CLOSED