



Charter

East Gippsland Agriculture Sector Advisory Committee

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Purpose

The East Gippsland Agriculture Sector Advisory Committee (the Advisory Committee) will provide advice, guidance and recommendations to East Gippsland Shire Council (Council) on matters that affect the **agriculture sector** in East Gippsland and its communities.

Scope

This Charter will guide the operation of the East Gippsland Agriculture Sector Advisory Committee and apply to all its members.

Policy Context

A strong, competitive and sustainable economy is essential for the future of rural and regional areas. In the case of East Gippsland, Council recognises the importance of a strong and resilient agriculture sector to the generation of the confidence, investment and job opportunities that are key to providing quality of life for current and future generations.

Food manufacturing and production are fundamental drivers of East Gippsland's economy. The Victorian Government has identified the food and fibre sector as one of the growth areas vital to the future economic prosperity of Victoria.

The East Gippsland Agriculture Sector Advisory Committee will provide a valuable forum through which Council can gain timely and informed insight into the issues that are impacting on individual agriculture 'streams', and/or the agriculture sector more broadly.

Policy Statement

1. Formation, Powers and Limitations

Council has established an East Gippsland Agriculture Sector Advisory Committee that will comprise representatives of Council and a range of stakeholders in East Gippsland's agriculture sector.

The East Gippsland Agriculture Sector Advisory Committee will be an Advisory Committee of Council as defined in the *Local Government Act 1989* (the Act).

East Gippsland Agriculture Sector Advisory Committee members have authority to:

- provide advice to Council on agriculture sector issues and priorities;
- provide an effective communication channel between Council and members of the agriculture sector;
- make enquiries and canvas public views relating to issues of importance to the agriculture sector; and
- advocate for decisions of Council in respect of matters that fall within the Advisory Committee's Charter.

Neither the East Gippsland Agriculture Sector Advisory Committee or its members are authorised to make decisions on Council's behalf or to act for Council.

Because Council maintains an Economic Development Advisory Committee, the East Gippsland Agriculture Sector Advisory Committee's Charter does not include working with Council, the Economic Development Advisory Committee or any other group on initiatives to encourage or

facilitate new agribusiness in East Gippsland. However, the Advisory Committee may refer matters to Council or another Council Advisory Committee for consideration (see also clause 3 below).

2. Objectives

The East Gippsland Agriculture Sector Advisory Committee's primary role is to advise Council on matters that are important to the prosperity and sustainability of agriculture in East Gippsland and the wellbeing of those engaged in it.

It will do this through the provision of advice and recommendations on matters relevant to its Charter and Duties (detailed at clause 3) to facilitate decision-making by Council and its officers in discharging their responsibilities.

3. Charter and Duties

The East Gippsland Agriculture Sector Advisory Committee will:

1. Discuss and provide input on significant initiatives or programs Council is considering implementing to support the agriculture sector in East Gippsland and/or improve its resilience in the longer term.
2. Assist Council to formulate appropriate responses to significant existing or emerging issues that are impacting or are likely to affect the sector (e.g. fire, flood, drought, pest plagues).
3. Discuss and provide feedback on strategic documents of Council that impact on the sector, e.g:
 - planning scheme amendments;
 - policies;
 - draft Council Plan, draft Budget (including draft Capital Works program) and draft Rating Strategy;
 - any other matter likely to impact significantly on the use of land in East Gippsland for agricultural purposes.
4. Act as an Advisory Committee and provide recommendations to Council and other stakeholders on matters that fall within the Advisory Committee's Charter or are otherwise consistent with the intent and purpose of the Advisory Committee.
5. Act as a communication channel for the agriculture sector and its communities in East Gippsland.
6. Refer matters for consideration by Council or another Council Advisory Committee if they are relevant to the agriculture sector but fall outside the East Gippsland Agriculture Sector Advisory Committee's Charter.

East Gippsland Agriculture Sector Advisory Committee members will:

1. Actively participate in and contribute to the work of the East Gippsland Agriculture Sector Advisory Committee.
2. Proactively make the East Gippsland Agriculture Sector Advisory Committee aware of changes or proposed changes to relevant strategic directions of key stakeholders (e.g. actual or impending legislative, regulatory or other changes that may impact adversely on the agriculture sector).
3. Bring matters to the attention of the East Gippsland Agriculture Sector Advisory Committee as necessary to ensure Council retains a good understanding of what is happening 'on the ground'. Examples could include:

- Longer-term environmental factors such as climate adaption and water security, and their impact on farming individuals, communities and industries.
 - Inability to benefit from technological advances for any reason.
 - Any other matters impacting on the health and wellbeing of businesses, practitioners and communities engaged in agriculture.
4. Participate in community engagement as advocates for the agriculture sector and its communities.

(Also see the 'Roles and Responsibilities' section of this Charter)

4. Membership

The East Gippsland Agriculture Sector Advisory Committee will comprise of a maximum of 16 members, as follows:

- Two East Gippsland Shire **Councillors**, one of whom will be the Mayor¹.
- One representative of each of the following organisations:
 - Agriculture Victoria;
 - East Gippsland Catchment Management Authority;
 - Food & Fibre Gippsland.
- Eleven representatives of companies, businesses, families and single practitioners who are actively engaged in the agriculture sector in East Gippsland. Ideally, these members will be broadly representative of the sector, to engender the widest possible range of views. To achieve this, diversity in membership will be actively sought across such aspects as:
 - companies / businesses / family or individual practitioners;
 - nature of operation (e.g. retail, manufacturing, service provision, fishing/aquaculture, cropping, animal agriculture, apiary, viticulture, dairy, etc.)
 - location of operation;
 - size of operation (e.g. large, medium, small);
 - gender, age, etc.

From time to time additional representatives and stakeholders can be co-opted to the East Gippsland Agriculture Sector Advisory Committee for limited periods, to provide advice or assistance on specific issues. Co-opted representatives and stakeholders will not be entitled to vote.

The size and composition of membership may be varied at any time by Council resolution.

Any member of the East Gippsland Agriculture Sector Advisory Committee that is absent from three consecutive ordinary meetings without having first applied for leave of absence will be considered to have vacated their position. In extenuating circumstances members can seek a leave of absence for an extended time, which may be approved at the discretion of the Chair.

The **responsible General Manager** will attend East Gippsland Agriculture Sector Advisory Committee meetings but will not be a member of the Advisory Committee. The General Manager will ensure that appropriate secretariat services are provided to support the work of the Advisory Committee.

¹ *If the Mayor chooses to relinquish their ex officio membership of the East Gippsland Agriculture Sector Advisory Committee, a second Councillor will be elected through the same mechanism and for the same term as the other Councillor representative.*

Term of Membership

Appointments to the East Gippsland Agriculture Sector Advisory Committee will be made for the following terms, using the appointment method nominated:

Membership type	Appointment method	Length of tenure
Two Councillors, comprising: <ul style="list-style-type: none"> the Mayor; and one other Councillor 	<i>Ex officio</i> unless Mayor chooses to relinquish that right ² Formal resolution of Council	Duration of their term as Mayor 12 months, reviewed annually following Council's Statutory Council Meeting.
One representative of each of the following organisations: <ul style="list-style-type: none"> Agriculture Victoria East Gippsland Catchment Management Authority Food & Fibre Gippsland 	Direct appointment by the organisation that will be represented	Four years
Eleven representatives, each of whom will represent a company, business, family or individual practitioner that is actively engaged in the agriculture sector in East Gippsland.	Formal resolution of Council following a public expressions of interest process and consideration of a recommendation from a panel comprising the Chair and responsible General Manager. In evaluating candidates, the Panel will make every effort to ensure broad representation from a diverse range of agriculture sector practitioners and businesses.	Two years with the option to extend for a further two years.

East Gippsland Agriculture Sector Advisory Committee members (other than Councillors) may serve a maximum of two consecutive terms. Following a break of one term's duration, a former member may re-apply for membership. If appointed, the two-term provision would then recommence.

Chair: The Chair of the East Gippsland Agriculture Sector Advisory Committee will be the Mayor. If the Mayor chooses not to take up membership of the Advisory Committee, the Chair will be another Councillor appointed by resolution of Council.

In the absence of the Chair, another Councillor or their delegate will chair the meeting.

(Also see 'Roles and Responsibilities' section of this Charter)

5. Meetings

- The East Gippsland Agriculture Sector Advisory Committee will meet at least four (4) times per year, once in each quarter.
- Additional meetings may be convened at the written request of any member of the East Gippsland Agriculture Sector Advisory Committee or as considered necessary by the Chair or responsible General Manager.

² *If the Mayor chooses to relinquish their ex officio membership of the East Gippsland Agriculture Sector Advisory Committee, a second Councillor will be elected through the same mechanism and for the same term as the 'one other Councillor'.*

- A quorum will exist if at least eight East Gippsland Agriculture Sector Advisory Committee members are present.
- Decisions of the East Gippsland Agriculture Sector Advisory Committee will generally be made by consensus. If consensus is not possible, matters will be resolved by a show of hands and a simple majority of votes cast by members in attendance. The Chair will have the casting vote if the votes are equal.
- In accordance with section 79 of the *Local Government Act 1989* (Disclosure of Conflict of Interest), East Gippsland Agriculture Sector Advisory Committee members must declare all conflicts of interest before any discussion occurs on the matter for which the conflict of interest has arisen. (*Also refer to clause 6 - Conflicts of Interest and Disclosure of Conflicts of Interests below.*)
- Councillors who are not members of the East Gippsland Agriculture Sector Advisory Committee may attend its meetings as observers and through the Chair, may ask questions in relation to matters listed on the agenda.
- Agenda items can be submitted to the responsible General Manager for inclusion in the agenda of East Gippsland Agriculture Sector Advisory Committee meetings. The final composition of the agenda and associated documents will be determined by the responsible General Manager in consultation with the Chair.
- Minutes of East Gippsland Agriculture Sector Advisory Committee meetings will be kept and when the draft minutes have been approved by the Chair, circulated to Advisory Committee members and East Gippsland Shire Councillors as Unconfirmed Minutes. The Unconfirmed Minutes will be confirmed at the next meeting of the Advisory Committee.
- A report on the activities of the East Gippsland Agriculture Sector Advisory Committee will be presented to the next Ordinary Meeting of Council following each quarterly meeting of the Advisory Committee.

6. Conflicts of Interest and Disclosure of Conflicts of Interests

A conflict can arise when a person has the potential to be influenced, or appear to be influenced, by personal or private interests. Where such a conflict exists, it should be resolved in the best interests of East Gippsland Shire and its agricultural community, rather than the individual's private interest.

If a member of the East Gippsland Agriculture Sector Advisory Committee considers that they have, or might reasonably be perceived to have, an interest in a matter before the Advisory Committee, they will clearly state the nature of their interest at the beginning of the meeting and immediately before the matter is considered. Having declared a conflict, the East Gippsland Agriculture Sector Advisory Committee member must leave the room before discussion on the matter starts and remain outside the room in an area out of sight or hearing of the room until the matter has been concluded. This will be done on every occasion that the matter is considered by the Advisory Committee.

Further guidance is available through the Victorian government's publication, *Conflict of Interest – A Guide for Members of Council Committees*, October 2012.

7. Confidentiality

Members of the East Gippsland Agriculture Sector Advisory Committee will be bound by the provisions of section 77 of the *Local Government Act 1989* in relation to confidentiality. In this regard, members are expected to maintain confidentiality in relation to matters under consideration from time to time that have been declared as confidential, particularly those matters of a commercial in confidence nature.

8. Indemnity

Members of the East Gippsland Agriculture Sector Advisory Committee will be covered by Council's insurance when engaged on or attending to their duties in accordance with this Charter.

Roles and Responsibilities

Following is a list of positions with designated responsibilities under this Charter:

Party / Parties: Roles and responsibilities:	
Chair	<p>Conduct meetings efficiently to ensure all matters listed for consideration are afforded appropriate time and attention.</p> <p>Exercise a casting vote where:</p> <ul style="list-style-type: none">(a) consensus cannot be reached; and(b) a formal vote is required to resolve the matter; and(c) voting numbers are equal. <p>Approve the Unconfirmed Minutes of each meeting for circulation to East Gippsland Agriculture Sector Advisory Committee members, Councillors and others.</p> <p>Consider applications from Advisory Committee members for leave of absence.</p> <p>Together with the responsible General Manager, participate in the selection process for relevant East Gippsland Agriculture Sector Advisory Committee members.</p> <p>Together with the responsible General Manager, ensure compliance with this Charter by East Gippsland Agriculture Sector Advisory Committee members and address any matters of concern arising in respect of an East Gippsland Agriculture Sector Advisory Committee member's conduct.</p>
East Gippsland Agriculture Sector Advisory Committee members	<p>Make every effort to attend scheduled meetings of the East Gippsland Agriculture Sector Advisory Committee.</p> <p>Ensure that matters are considered fairly and consistently and facilitate open and respectful sharing of opinions.</p> <p>Form conclusions and recommendations based on the best available information.</p> <p>Keep confidential any matter or documents that have been declared to be confidential.</p> <p>In accordance with section 79 of the <i>Local Government Act 1989</i> (Disclosure of Conflict of Interest), make a full disclosure of all conflicts of interest prior to discussion of the matter for which the conflict of interest has arisen. Further, having declared such a conflict, leave the room and remain outside the room and any gallery or other area in view or hearing of the room until the matter has been concluded.</p>

Party / Parties: Roles and responsibilities:	
	<p>As prescribed by section 76D of the Act, members must not misuse their position on the East Gippsland Agriculture Sector Advisory Committee to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or cause, or attempt to cause, detriment to Council or any person.</p> <p>Complete the Register of Interest returns required by section 81 of the Act within the stipulated timeframes.</p>
Responsible General Manager	<p>Responsible for the implementation, review and updating of this Charter.</p> <p>While not a member of the Advisory Committee, attend all meetings of the East Gippsland Agriculture Sector Advisory Committee (or arrange for another General Manager to do so) and provide guidance and advice.</p> <p>Also:</p> <ul style="list-style-type: none"> • ensure that an appropriate agenda is formulated for scheduled meetings and circulated to members in a timely fashion; • facilitate meetings by arranging for appropriate Council officers or others to attend to provide pertinent information, as necessary; • provide secretariat services in respect of matters before the Advisory Committee; • after each quarterly meeting, ensure that a report describing the activities of the East Gippsland Agriculture Sector Advisory Committee and explaining any recommendations or key findings is tabled at an ordinary meeting of Council and the Economic Development Advisory Committee; • ensure that accurate minutes of East Gippsland Agriculture Sector Advisory Committee meetings are taken, circulated to Advisory Committee members, Councillors and others in a timely fashion and once confirmed, stored securely in Council's electronic document record management system; • coordinate the selection process for relevant East Gippsland Agriculture Sector Advisory Committee positions and together with the Advisory Committee's Chair, comprise the interview panel for these positions; and • together with the Advisory Committee's Chair, address any matters of concern arising in respect of an East Gippsland Agriculture Sector Advisory Committee member's conduct.
Officers in Attendance	<p>Together with the responsible General Manager, the Manager responsible for Economic Development and Tourism or their delegate, and Council's Drought Assistance Officer will attend all meetings of the East Gippsland Agriculture Sector Advisory Committee.</p> <p>The Chief Executive Officer or other members of Council's staff may attend the Advisory Committee's meetings from time to time to provide information or respond to queries.</p>

References and Supporting Documents

Applicable Legislation:

Section 76D of the *Local Government Act 1989* (the Act) - Misuse of Position

Section 77 of the Act - Confidential Information

Section 79 of the Act - Disclosure of Conflict of Interest

Supporting Documents:

- Council Plan 2017-2021
- Conflict of Interest – A Guide for Members of Council Committees. October 2012

Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council in connection with the East Gippsland Agriculture Sector Advisory Committee will be handled in accordance with all applicable privacy legislation and will be used only for the purpose of investigating audit matters.

The East Gippsland Agriculture Sector Advisory Committee's Charter has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Definitions

For the purposes of this Charter, the following definitions apply:

Term	Meaning
Advisory Committee	A committee established by the Council, other than a special committee, that provides advice to: (a) Council; or (b) a special committee; or (c) a member of Council staff who has been delegated a power, duty or function of the Council under section 98 of the <i>Local Government Act 1989</i> .
Agriculture sector	Organisations, businesses, enterprises, trusts and individuals involved in the cultivation of crops, timber, animals, fish, and other life forms for commercial purposes, and the processing of these commodities into finished products for food and fibre.
East Gippsland Agriculture Sector Advisory Committee member	A member of East Gippsland Shire Council's East Gippsland Agriculture Sector Advisory Committee.
Chief Executive Officer	Person appointed by Council to the position of Chief Executive Officer.
Conflict of Interest	The <i>Local Government Act 1989</i> requires members of Council and many Council committees to disclose conflicts of interest that may impair an individual's ability to serve the Board in a fair, impartial manner. This mechanism is intended to demonstrate that in performing the role to which they were appointed, East Gippsland Agriculture Sector Advisory Committee members are not attempting to serve their own interests or the interests of someone close to them.
Councillor	Person who has been elected to the office of "Councillor" of East Gippsland Shire Council.
Council officer	A current member of East Gippsland Shire Council staff with the authority to engage in activities on behalf of Council.
Officers in Attendance	Council officers attending East Gippsland Agriculture Sector Advisory Committee meetings to provide information or respond to queries. No officers hold membership of the Advisory Committee.
Mayor	Councillor elected by other Councillors to fill the role of Mayor.

Term	Meaning
Responsible General Manager	General Manager delegated by the Chief Executive Officer to support the work of the East Gippsland Agriculture Sector Advisory Committee.

Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1	Approved	05/05/2020	Council		Original version
2	Approved	3/08/2021	Council	9131842	Change the member terms from four year to two-year terms with the option of a further two-year term. To increase the number of industry representatives from 10 to 11