



# Fleurieu Region Community Services Advisory Committee

## Terms of Reference

### 1. ESTABLISHMENT

- 1.1 The Fleurieu Region Community Services Advisory Committee (the Committee) is established under Section 41 of *the Local Government Act 1999*.

### 2. PURPOSE

- 2.1 The Committee is established for the purpose of assisting to improve the quality of life, independence, and well being of communities by supporting a regional approach between the City of Victor Harbor, and District Council of Yankalilla (the Councils) to the planning, development, and co-ordination of community wellbeing that respond to current and emerging regional community service needs, and local needs of regional significance. Specifically, the role of the Committee is to:
  - 2.1.1 Advise on planning, development and implementation of regional community service programs.
  - 2.1.2 Regularly monitor and review the operations of regional community service programs and make recommendations on the development of the programs.
  - 2.1.3 Identify current and emerging regional community service needs and make recommendations on priorities for future planning and service development.
  - 2.1.4 Facilitate regional advocacy and support for responses to local community wellbeing issues, and in particular local initiatives with regional significance.
- 2.2 Specific roles and responsibilities of partner Councils in relation to the operation of the Committee will be included in a memorandum of understanding.
- 2.3 Memorandum of understanding between partner Councils will be prepared in relation to the shared services arrangements for regional community service programs.

### 3. MEMBERSHIP

- 3.1 The membership of the Committee shall consist of:
  - 3.1.1 up to one Council Employee from each of the Councils; and
  - 3.1.2 two Council Members (or a community member as an alternative to a second elected member) from each of the Councils; and

- 3.1.3 up to two nominees from key health and community service organisations
- 3.1.4 up to three representatives from service or community organisations
- 3.1.5 representative from Flinders University Rural Medical School and Southern Fleurieu Health Advisory Council.
- 3.1.6 the Mayor of the City of Victor Harbor is appointed ex-officio of the committee

### **3.2 Term of Appointment**

- 3.2.1 The City of Victor Harbor Council Members are appointed until the end of the current Council term or as resolved by Council: and
- 3.2.2 The City of Victor Harbor Council Employee representative is appointed for a four-year term or otherwise determined by the Chief Executive Officer.
- 3.2.3 The District Council of Yankalilla Council Members and Council Employee Representative are appointed for a term determined by the District Council of Yankalilla.

### **3.3. Vacancies**

- 3.3.1 The filling of any vacancy occurring by resignation or removal of a member shall be at the discretion of Council through a Council resolution. Nominations and appointment for vacancies must be from the same sector or representative body as the vacant position.

### **3.4 Removing Members**

- 3.4.1 The Council may at any time remove a member of the Committee but shall observe the principles of natural justice.

### **3.5 Leave of Absence**

- 3.5.1 Any member absent for 3 or more consecutive meetings without apology or leave of the Committee shall have their position declared vacant and clause 4.2 shall be invoked.

### **3.6 Appointment of Proxy Members**

- 3.6.1 Each sector or body representative on the Committee may appoint a proxy representative who may attend meetings and have voting rights in the absence of the primary representative. Such proxy appointments shall be indicated to the Chairperson prior to the meeting for which such appointment is made.

## **4. ROLE AND RESPONSIBILITIES OF COMMITTEE MEMBERS**

- 4.1 The role of a Committee member is to:
  - 4.1.1 Participate in the deliberations of the Committee, with regard to the policy and business which is before it;

- 4.1.2 Be mindful of the objectives and policies of the Council as they relate to the business of the Committee;
- 4.1.3 Be aware of the Committee resources, budget and strategic plan, and the need for efficiency and effectiveness in the activities for which the Committee has been established;
- 4.1.4 Be informed on issues before the Committee, to prepare adequately for meetings and seek additional information if required;
- 4.1.5 Be mindful of the potential for a “Conflict of Interest” to occur through participation on the Committee and to declare such Interests as and when they arise;
- 4.1.6 Represent the nominating sector, body or organisation honestly and fairly; and
- 4.1.7 Observe confidentiality when it is required.

## **5. MEETINGS**

### **5.1 Ordinary Meetings**

- 5.1.1 The Committee shall meet at appropriate times and places as determined by the Committee.
- 5.1.2 The Chief Executive Officer is authorised, after consulting with the Chairperson of the Committee, to cancel the respective Committee meeting, if it is clear there is no business to transact for that designated meeting.
- 5.1.3 A meeting will be limited to a maximum of one and a half hours’ duration unless the Committee resolves to extend the meeting to particular time or the completion of business.

### **5.2 Special Meetings**

- 5.2.1 Special Meetings may be called by the Chairperson, or at least two members of the Committee at any time subject to consultation with the Chief Executive Officer or delegate.

### **5.3 Notice of meetings**

- 5.3.1 A notice of the meeting is to be provided to each Committee member in writing, setting out the date, time and place of the meeting; and be accompanied by an agenda for the meeting.
- 5.3.2 The agenda for Ordinary Meetings of the Committee shall be forwarded to members of the Committee at least three clear days prior to meetings.
- 5.3.3 A minimum of four hours’ notice shall be given for any Special Meetings of the Committee.

5.3.4 A copy of the notice of meeting, agenda and accompanying reports shall be placed on public exhibition at the Council Office. The Notice of meeting and agenda will be provided on Council's website as soon as practicable after the time that the notice of the meeting is given to members of the Committee.

#### **5.4 Minutes**

5.4.1 Minutes shall be kept of all meetings of the Committee.

5.4.2 Each Committee member shall receive a copy of the minutes within five days of the meeting of the Committee.

5.4.3 A copy of the minutes shall be placed on public exhibition at the Council Office within five days of the meeting of the Committee.

5.4.4 The minutes will be available on Council's website as soon as practicable after the minutes are given to members of the Committee.

5.4.5 The minutes shall be confirmed at the next regular meeting with or without amendments.

#### **5.5 Presiding Member**

5.5.1 The Council shall appoint a Chair (Council Member) to preside at all meetings of the committee at which he/she is present and in his/her absence, the appointed Deputy Chair shall preside.

#### **5.6 Quorum**

5.6.1 A quorum for the Committee shall constitute half the membership, ignoring any fraction from the division, plus one and shall include at least one Council Member from the City of Victor Harbor and at least one member (being a staff Employee or Council Member) of one of the other Councils.

#### **5.7 Meeting Procedure**

5.7.1 The procedures and protocols to be observed at the Committee meetings shall be as provided in Part 3 of the *Local Government (Procedures at Meetings) Regulations 2013*, unless varied by this Terms of Reference

#### **5.8 Electronic Attendance at Meetings**

5.8.1 Members may participate in a meeting of the Committee by electronic means which includes telephone, computer or other electronic device used for communication.

5.8.2 A member participating in the Committee meeting by electronic means is taken to be present at the meeting provided that the member:

- 5.8.2.1 Can hear all other members present at the meeting;
- 5.8.2.2 Can be heard by all other members present at the meeting; and
- 5.8.2.3 Can be heard by the person recording the minutes of the meeting.

## **6. SUB-COMMITTEES**

- 6.1 The Committee may appoint such sub-committees as it considers necessary provided that all actions of such sub-committees shall be approved or confirmed by the Committee.

## **7. VOTING**

- 7.1 A question arising for decision at a meeting of the Committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- 7.2 Each member of the Committee present at any meeting shall have one vote on any matter.
- 7.3 The Chair or acting Chair shall have a deliberative vote only.
- 7.4 Each member present at a meeting of the Committee must vote on all questions arising for a decision at that meeting.

## **8. CONFLICT OF INTEREST**

- 8.1 Sections 74, 75, 75A, 75B, 75C, 75D of the *Local Government Act 1999* (inclusive) refer to conflict of interest provisions. Committee members need to be aware of the circumstances under which a conflict of interest may arise and declare that interest to the membership present at the meeting.

## **9. STAFF**

- 9.1 The Committee will be supported by Community Wellbeing staff of the Council, with the Manager Community Wellbeing providing executive support to the Committee.

## **10. FINANCE**

- 10.1 A record of the financial transactions of the Committee and regional projects supported by the Committee shall be maintained by Council finance department and reported to the Committee on a regular basis.
- 10.2 The Committee must present an annual draft budget to Council for consideration within the context of Council's overall budget strategies.
- 10.3 The Committee may recommend expenditure of funds within the Council's approved budget limitations, and the business/ operational/marketing plans of the Committee.
- 10.4 Any variations to the budget shall require Council's prior approval.

10.5 The Committee shall not operate any separate Bank accounts unless authorised by the Council.

## **11. REPORTING**

11.1 The Committee shall supply to the Council a copy of all Committee minutes pursuant to clause 5.4, for the endorsement of the Council.

## **12. AUDIT**

12.1 The Auditor appointed by the Council from time to time shall be the auditor of the Committee finances and administrative procedures.

12.2 The Committee must cooperate with Council's Internal Audit Committee, established pursuant to section 126 of the *Local Government Act 1999*, and comply with the requirements within Council's' Internal Control Manual.

## **13. PUBLIC ACCESS**

13.1 Meetings of the Committee shall be open to the Public.

13.2 The Committee may resolve to exclude the Public from attendance at the meeting if it is considered necessary to receive, discuss or consider in confidence any information or matter listed in Section 90(3) of the *Local Government Act 1999*.

13.3 Minutes, Agendas, Reports and Documents produced by the Committee may be inspected at the Council Office at any time. Copies of Minutes, Agendas, Reports and Documents may be purchased from the Council Office at a fee prescribed by Council

## **14. LIABILITY OF MEMBERS**

17.1 In accordance with Section 41(12) of the *Local Government Act 1999*, no civil liability attaches to a member of the Committee for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the member's or Committee's powers, functions or duties. However, protection under these provisions may not apply for a breach of the Council's Election Caretaker Policy.

## **15. DISSOLUTION**

15.1 The Council may at any time abolish the Committee. Such an action by the Council may include but is not limited to:

15.1.1 The committee has fully achieved its purpose for establishment

15.1.2 The Committee has become unproductive

15.1.3 The Committee can no longer attract membership

15.1.4 The Committee no longer serves the service priorities and/or core business of the Council.

15.1.5 Legislation has changed the roles and responsibilities of the Council.

## **16. INTERPRETATION**

16.1 Any ambiguity or difficulty in interpretation of these Terms of Reference shall be referred to the Council for direction.

## **17. ALTERATION OF THE TERMS OF REFERENCE**

17.1 The Council may, at any time, either on its own initiative or at the request of the Committee, alter, delete, or add to any provisions of this charter.

## **18. ADOPTION BY COUNCILS**

18.1 These are the functions and rules of the Fleurieu Region Community Services Advisory Committee as approved by the Council, by resolution passed on 26 June 2006 and varied on 9 July 2007. Amended the incumbent membership – City of Victor Harbor on 10 November 2008. Amendments to various clauses – City of Victor Harbor 21 September 2009, 18 October 2010 and 29 November 2010, 11 February 2011, 28 March 2011 and 15 December 2014.

18.2 Administrative amendment: Change to Clause 6.7 to Local Government (Procedures at Meetings) Regulations 2013 - 16 May 2014.

18.3 Administrative amendment; Change to Clause 6.6 to clarify term “member” – 19 December 2016.

18.4 Administrative amendment: Change to Clause 6.6, Quorum. Changes to committee membership – nominee from key health organization and elected member nominee from City of Victor Harbor – July 2017.

18.5 Amended to reflect resolution of Council on 23 March 2018

18.6 Amended to reflect resolution of City of Victor Harbor on 26 November 2018 and Alexandrina Council on 19 November 2018 and District Council of Yankalilla on 20 November 2018.

18.7 Amended to reflect resolution of Council (OC6452018) on 22 July 2019.

18.8 Amended to reflect resolution of Council (OC4372020) on 24 August 2020.

18.9 Amended to reflect resolution of Council (OC5502020) on 26 October 2020

18.10 Amended to reflect resolution of Council (OC1352021) on 22 March 2021

- 18.11 Amended to reflect resolution of Council (OC4832022, OC4842022 and OC4852022) on 13 December 2022 and District Council of Yankalilla C202238 on 29 November 2022
- 18.12 Amended to reflect resolution of Council (OC352023) on 27 February 2023



## SCHEDULE 1

### Fleurieu Region Community Services Advisory Committee

#### Committee Membership

Member	Representative	Appointed	Expires
City of Victor Harbor	Cr Marilyn Henderson	12 Dec 2022	Nov 2024
City of Victor Harbor	Cr Angela Schiller	12 Dec 2022	Nov 2024
District Council of Yankalilla	Cr Tim Moffat	29 Nov 2022	Nov 2026
District Council of Yankalilla	Cr Bill Verwey	29 Nov 2022	Nov 2026
Flinders University Rural Medical School	Representative		
Southern Fleurieu Health Advisory Council	Representative		
City of Victor Harbor - Mayor (ex-officio)	Dr Moira Jenkins	12 Dec 2022	Nov 2026
<b>Staff</b>			
City of Victor Harbor	Manager Community Wellbeing	13 Dec 2022	Dec 2026
District Council of Yankalilla	Team Leader Community Services		

#### Office Bearers

Chairperson	Cr Marilyn Henderson
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