



Recreation Centre Management Committee

Terms of Reference

1. ESTABLISHMENT

The Recreation Centre Management Committee is established under Section 41 of the *Local Government Act 1999*.

These terms of reference needs to be read in conjunction with the following documents:

Licence dated 17th March 1987 to the Minister of Education

Licence dated 29th May 1987 to the Victor Harbor Citizens Band Inc.

Licence dated 29th May 1987 to the Victor Harbor Youth Club Inc.

2. PURPOSE

2.1 The Committee is established for the purpose of providing advice to Council on the following:

2.1.1 Management of the Community Indoor Recreation Centre (the "Centre") being the buildings and surrounds situated on that portion of land described in Certificate of title Volume Book 4234 Folio 65 including:

2.1.1.1 The use of the Centre and its facilities.

2.1.1.2 Policy and rules relating to the use of Centre.

2.1.1.3 Hire fees for the use of the Centre and its facilities.

2.1.1.4 Operating expenditure and income.

2.1.1.5 Promoting the use of the Centre to ensure maximum use with a philosophy of access to the Centre facilities and participation in activities offered regardless of gender, age, race, religion, disability or location.

2.1.1.6 Furnishing, equipment and maintenance.

2.1.1.7 Work Health Safety obligations.

2.2 The committee shall not:

2.2.1 Grant any lease of the premises or any parts thereof or otherwise restrict or delegate its care, control or management of the Centre.

2.2.2 Make any alterations to the Centre or part thereof except in accordance with the plans and specifications approved by the Council.

3. MEMBERSHIP

3.1 The membership of the Committee shall consist of:

3.1.1 Regular User Group representation

- 3.1.1.1 One representative and proxy from each licensed user; and
- 3.1.1.2 Up to one representative and proxy from each user group with regular bookings (subject to acceptance of annual invitation).
- 3.1.1.3 City of Victor Harbor Mayor (ex-officio)

3.1.2 Council Representative Positions

- 3.1.2.1 Two Council Members

3.2 The Committee may co-opt up to two additional persons, if it is considered that additional skills and experience would benefit a specific project or add value to the general performance of the Committee.

3.3. User Group Members are nominated by their club and appointed by Council and listed as per Schedule 1 to this Terms of Reference.

3.4 Term of Office

3.4.1 Council Members are appointed in November for a 2-year term or at the discretion of the Council.

3.4.2 User Group Members are nominated and appointed by their club.

3.5 Vacancies

The filling of any vacancy occurring by resignation or removal of a member shall be at the discretion of the Council, usually appointing the replacement member as provided by the User Group.

3.6 Removing Members

- 3.6.1 The Council may at any time remove a member of the Committee but shall observe the principles of natural justice. Circumstances that may lead to a member being removed may include (but are not limited to):
- 3.6.1.1 If the member engages in serious and willful misconduct;
 - 3.6.1.2 If the member is declared to be not of sound mind;
 - 3.6.1.3 If the member knowingly acts in serious breach of the Council's policies in force from time to time;
 - 3.6.1.4 If the member breaches any confidentiality or fails to declare a conflict of interest in any matter before the Committee.
 - 3.6.1.5 If the member is convicted of any criminal offence which prescribes a term of imprisonment or brings discredit upon the Council or the Committee;
 - 3.6.1.6 If the member fails to attend three or more consecutive meetings without formal leave of the Committee.
 - 3.6.1.7 If the member is consistently unsupportive of the objectives of the Committee.

3.7 Leave of Absence

- 3.7.1 Any member absent for three or more consecutive meetings without apology or leave of the Committee shall have their position declared vacant and Clause 3.5 shall be invoked.

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 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 and at least once per year.
- 5.1.2 The Chief Executive Officer or delegate 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 a 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 Quorum

- 5.3.1 A quorum of the Committee shall constitute four members, one of whom shall be an Council Member. If at the expiration of 15 minutes from the time of commencement of the meeting a quorum is not present, the Presiding Member will adjourn the meeting.

5.4 Notice of Meeting

- 5.4.1 A notice of the meeting is to be provided to each Committee Members in writing setting out the date, time and place of the meeting; and be accompanied by an agenda for the meeting.
- 5.4.2 The agenda for the Ordinary Meetings of the Committee shall be forwarded to members of the Committee at least three clear days before the date of the meeting.
- 5.4.3 A minimum of four hours' notice shall be given for any Special Meetings of the Committee.
- 5.4.4 A copy of the notice of meeting, agenda and accompanying reports shall be place on Councils website as soon practicable after the time of the notice of the meeting is given to members of the Committee.

5.5 Minutes

- 5.5.1 Committee Meeting minutes will be supplied to each member of a Council Committee within five days after a meeting.
- 5.5.2 Resolutions of the Committee are to be presented to the next available formal meeting of Council as a representative report for endorsement before they can be enacted.
- 5.5.3 When Council decisions are required by the committee a specific report to Council from staff will be presented for resolution.

5.6 Meeting Procedure

- 6.7.1 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 these terms of reference.

5.7 Electronic Attendance at Meetings

- 5.7.1 Members may participate in a meeting of the CEO Performance Review Committee by electronic means which includes telephone, computer or other electronic device used for communication.
- 5.7.2 A member participating in the CEO Performance Review Committee meeting by electronic means is taken to be present at the meeting provided that the member:
 - 5.7.1.1 Can hear all other members present at the meeting;
 - 5.7.2.2 Can be heard by all other members present at the meeting; and
 - 5.7.2.3 Can be heard by the person recording the minutes of the meeting.

6. PRESIDING MEMBER

- 6.1 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 Council appointed Deputy Chair (Council Member) shall preside.

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 (1) vote on any matter.
- 7.3 The Chair or acting Chair shall have a deliberative vote only.

8. FINANCE

- 8.1 A record of the financial transactions of the Committee shall be maintained by Council's finance department.
- 8.2 The Committee may expend funds within the Council approved budget limitations and the business/operational/marketing plans of the Council.
- 8.3 Any variations to the budget shall require Council approval.
- 8.4 The Committee shall not operate any separate bank accounts unless authorised by the Council.

9. PUBLIC ACCESS

- 9.1 Meetings of the Committee shall be open to the Public
- 9.2 The Committee may resolve to exclude the Public from attendance at the meetings 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*.

10. DELEGATIONS

- 10.1 Council may delegate matters to the Committee in accordance with Section 41 of the *Local Government Act 1999*.
- 10.2 The Committee may:
 - 10.2.1 Approve Minutes as a true and accurate record of proceedings.
 - 10.2.2 Appoint a Deputy Chair (If not provided by Council).
 - 10.2.3 Approve their work plan and annual report of the Committee.
 - 10.2.4 Determine if a matter should be considered in confidence.

11. REPORTING

- 11.1 The Victor Harbor Recreation Centre Management Committee shall report to the next available meeting of the Council. The Committee's yearly activities shall be reported in Council's annual report.

12. AUDITOR

- 12.1 The Committee must cooperate with Council's 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. LIABILITY OF MEMBERS

- 13.1 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.

14. DISSOLUTION

- 14.1 The Council may at any time abolish the Committee. Such an action by the Council may be initiated for the following reasons:
- 14.1.1 The Committee has fully achieved its purpose for establishment;
 - 14.1.2 The Committee has become unproductive;
 - 14.1.3 The Committee can no longer attract membership;
 - 14.1.4 The Council has determined the Committee no longer serves the service priorities and/or core business of the Council;
 - 14.1.5 Legislation has changed the roles and responsibilities of the Council;
 - 14.1.6 Council resolves to management of the Recreation Centre through an alternative model (eg contracted management model).

15. ALTERATION TO THE TERM OF REFERENCE

- 15.1 The Council may, at any time, either on its own initiative or at the request of the Committee, alter, delete, or add to any provision of these terms of reference.

16. ADOPTION OF TERMS OF REFERENCE

- 16.1 These are the functions and rules of the Recreation Centre Management Committee and have been approved by the Council, by resolution passed on the 24 day of September 2001 and as amended on 27 February 2006, 20 November 2006, 13 March 2007, 9 July 2007, 11 March 2008, 10 November 2008, 18 October 2010, 29 November 2010, 28 March 2011, 26 September 2011, 29 January 2013, 25 February 2013 and 24 February 2014 and as amended on 23 June 2014.
- 16.2 Administrative amendment: Change to Clause 6.7 to Local Government (Procedures at Meetings) Regulations 2013 - 16 May 2014.
- 16.3 Revised Terms of Reference presented to the Management Committee 12 May 2015.
- 16.4 The Recreation Centre Management Committee reinstatement as a Section 41 Committee was endorsed at Council on 25 May 2015. The Minutes of the meeting held on 12 May 2015 was endorsed by Council.

- 16.5 The removal of Mayor as Ex-Officio from all Section 41 Committees was endorsed at Council on 26 March 2018 – OC1552018.
- 16.6 Amended to reflect resolution (OC2582018) of Council on 28 May 2018
- 16.7 Amended to reflect resolution of Council on 26 November 2018
- 16.8 Amended to reflect resolution (OC6452018) on 22 July 2019
- 16.9 Amended to reflect resolution (OC6072019) on 23 September 2019
- 16.10 Amended to reflect resolution (OC7452019) on 28 October 2019
- 16.11 Amended to reflect resolution (OC1722020) on 23 March 2020
- 16.12 Amended to reflect resolution (OC5532020) on 26 October 2020
- 16.13 Amended to reflect resolution (OC1682021) on 27 April 2021
- 16.14 Amended to reflect resolution (OC4862022 and OC4872022) on 12 December 2022
- 16.15 Amended to reflect updated representatives for the Great Southern Basketball Association – IREC33565223

SCHEDULE 1

Recreation Centre Management Committee Membership

Member	Representative	Appointed	Expires
City of Victor Harbor	Cr David Kemp	12 Dec 2022	Nov 2024
City of Victor Harbor	Cr Nick McKenzie	12 Dec 2022	Nov 2024
Victor Harbor City Band	Laura McLeod	23 Sept 2019	
Victor Harbor Youth Club	Dan Aubin Zoe Rowsell (Proxy)	23 Sept 2019	
Victor Harbor High School	Jacobus Geelan Kate Burdett (Proxy)	23 Sept 2019	
Great Southern Amateur Basketball Association	Gary Clarke Matt Parker (Proxy)	23 March 2020	
Mayor – Ex-Officio	Dr Moira Jenkins	12 Dec 2022	Nov 2026

Office Bearers	
Chairperson	Cr David Kemp