



## City of Victor Harbor Boating Advisory Committee

### Terms of Reference

#### 1. Establishment

Pursuant to the provisions of Section 41 of the Local Government Act, 1999 (The Act), the Council establishes a Committee to be known as the Victor Harbor Boating Advisory Committee (the Committee).

#### 2. Purpose

The Council has a significant responsibility for places used by the community for various diverse purposes, for the environment and for the management, provision and enhancement of public infrastructure, as outlined in the *Community Plan* and the Act. Each year, the Council takes on the planning necessary for the delivery of multiple projects in order to meet that responsibility.

The Committee is established for the purpose of supporting boating initiatives and any other relevant marine based activities that enhance the livability and the economy of the City of Victor Harbor. It is expected that the Committee in achieving its purpose will give due consideration to any environmental, social and economically sustainable issues. The committee will work to meet the following objectives.

- 2.1 Provide advice to Council on current and future boating and marine facilities.
- 2.2 Consider Council Resolution OC6632016 that the Eastern Boat Ramp idea be considered during FY2017/18 budget deliberations to further investigate the viability of adding additional infrastructure to the Causeway Boat Ramp and that \$20,000 be allocated and provide advice to council.
- 2.3 Carry out an annual review of any fees and charges related to boating, levied by the Council (between December to February) and provide a recommendation to Council by no later than March each year.
- 2.4 Consider the relevance to future planning of the "Victor Harbor Boating Strategy" July 2004 and any other relevant documents.
- 2.5 Work with SA Boating Industry Association.
- 2.6 Work with the Department of Planning, Transport and Infrastructure, Marine Section and consider any advice they provide.

### 3. Membership

The membership of the Committee shall consist of:

#### ) **Community Representative Positions**

Six (6) representatives from the community:

- 3.1.1 Victor Harbor Sea Rescue (One Representative)
- 3.1.2 Victor Harbor Yacht Club (One Representative)
- 3.1.3 Four (4) Community Representatives

Persons appointed under this section are referred to as "Member/Members" throughout this Terms of Reference.

#### ) **Council Representative Positions**

Two (2) Elected Members  
The Mayor of the City of Victor Harbor (ex-officio)

Members are appointed by Council and listed as per Schedule 1 to this Terms of Reference.

### 3.1 Appointment, role and term of the Chairperson

- ) The Council shall appoint a Chairperson and determine the term of office. A Deputy Chairperson will be appointed by the Council, or if not by the Council, the Council Committee. Both appointments shall be Elected Members of Council.
- ) The Chairperson is to preside at all meetings of the committee at which he/she is present and in his/her absence, the Deputy Chair shall preside.
- ) The Chairperson of a Committee is not excluded from debate but should be respectful and provide opportunity for all other committee members to contribute in a way that deliberations are not 'lead from the Chair'.
- ) If both the Chairperson and Deputy Chairperson of the Committee is absent from a meeting, then the Mayor or elected member delegate will preside at the meeting until the Chairperson or Deputy Chairperson is present.

The role of the Presiding Member includes:

- ) Overseeing and facilitating the conduct of meetings in accordance with this Terms of Reference and Council Committee Meetings Procedures/Code of Practice which is developed in accordance with the Local Government Act 1999 and the Local Government (Procedures at Meetings) Regulations 2013.
- ) Ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner; and

- ) Where a matter has been debated significantly and no new information is being discussed to call the meeting to order and ask for the debate to be finalized and the motion to be put.
- ) If after considering advice from the Chief Executive Officer (CEO) or delegate, the Presiding Member of the Committee is authorized to cancel the respective Committee meeting, if it is clear that there is no business to transact for that designated meeting.

### **3.2 Term of Office**

The term of office for each member shall be for two years or as resolved by the Council.

### **3.3 Vacancies**

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

### **3.4 Removing Members**

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):

- ) If the member breaches the relevant Code of Conduct.
- ) If a member is declared to be (by a medical practitioner), not of sound mind.
- ) If the member knowingly acts in serious breach of the Council's policies or the legislative provisions i.e. failing to declare a pecuniary conflict of interest; not maintaining confidentiality, committing fraud or corruption etc.
- ) If the member is convicted of any criminal offence which prescribes a term of imprisonment or brings discredit upon the Council or the Committee;
- ) If the member is consistently unsupportive of the objectives of the Committee.

### **3.5 Leave of Absence**

Any member absent for three (3) or more consecutive meetings without apology or leave of the Committee shall have their position declared vacant and Clause 3.3 shall be invoked.

#### **4. Role and Responsibilities of Committee Member**

The role of a member is to:

- ) Participate in the deliberations of the Committee, with regard to the policy and business which is before it.
- ) Be mindful of the strategic objectives and policies of the Council as they relate to the business of the Committee.
- ) Be conscious of the Committee resources, budget and Environment and Infrastructure Business Plan, and the need for efficient and effectiveness in the activities for which the Committee has been established.
- ) Be well informed on issues before the Committee, to prepare adequately for meetings and seek additional information if required.
- ) Read thoroughly all reports, agendas and previous minutes prior to the scheduled meeting.
- ) 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.
- ) Promote Victor Harbor Boating Advisory initiatives of the Committee and Council.
- ) Support the delivery of Committee initiatives where appropriate.
- ) Represent the nominating sector, body or organisation honestly and fairly.
- ) Observe confidentiality when it is required.
- ) Abide by the Council's volunteer Code of Conduct.

#### **5. Meetings**

##### **5.1 Ordinary Meetings**

A minimum of four meetings are to be held per annum.

The Committee shall resolve by majority a twelve (12) month schedule of meetings including the date, time and location in accordance with Section 87(2) of the Local Government Act.

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**

Special Meetings may be called by the Chair or at least two (2) Members of the Committee at any time.

##### **5.3 Meeting Procedures**

Meetings will be held in accordance with the Terms of Reference and Council's Committee Meeting Procedures/Code of Practice developed in accordance with Chapter 6 of the Local Government Act 1999 and the Local Government (Procedures at Meetings) Regulations (Part 3).

### **5.3 Quorum**

A quorum for the committee shall constitute half of the membership, ignoring any fraction from the division, plus one (1) and shall include at least one Elected 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 Presentations**

The Committee may receive presentations from members of the community, an organization or Council officer on matters directly related to Item 2 - Purpose.

Presentations must not exceed 10 minutes except with the consent of the Committee.

### **5.5 Petitions**

All petitions are received by Council. However, the Council may refer a matter arising from a petition to the Committee for consideration.

## **6. Notice of Meetings**

A notice of the meeting is to be provided to each Committee member in writing, setting out the date, time and location of the meeting; and be accompanied by an agenda.

The agenda for ordinary meetings of the Committee shall be forwarded to members of the Committee electronically (where possible) at least three (3) clear days prior to the meeting.

A minimum of four (4) hours' notice shall be given for any Special Meetings of the Committee.

A copy of the notice of meeting, agenda and accompanying reports will be placed at the Council office as soon as practicable following circulation to members of the Committee. In addition the Notice and Agenda will be provided on Council's website.

## **7. Minutes**

Minutes shall be kept of all meetings of the Committee. Each Committee member shall receive a copy of the minutes within five (5) days of the meeting of the Committee. The minutes shall be confirmed at the next regular meeting with or without amendments (from Council).

One (1) copy of all minutes shall be supplied to the Council before its next meeting following that of the Committee. A copy of the minutes shall be placed on public exhibition at the Council Office within five (5) days of the meeting of the Committee.

## **8. Mayor as Ex-Officio**

The Council may appoint the Mayor of the Council as an ex officio member of all Council Committees, the Mayor will not be taken to be included in the membership of the Committee unless actually present at a meeting of the Committee.

The Mayor if appointed as ex-officio member of Council Committees should be provided with a copy of all Committee agendas and minutes unless advised otherwise.

## **9. Interruption of Meetings by Members**

A Member of a Council Committee must not behave in an improper or disorderly manner; or cause an interruption or interrupt another member who is speaking (Section 29 of the Local Government (Procedures at Meetings) Regulations 2013).

## **10. Conflict of Interests**

Sections 73 to 75 of the Local Government Act 1999 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.

## **11. Voting**

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.

Each member of the Committee present at any meeting shall have one (1) vote on any matter.

The Chairperson or Deputy Chairperson has a deliberative vote but does not, in the event of an equality of votes, have a casting vote.

Each member present at a meeting of the Committee must vote on all questions arising for a decision at that meeting.

## **12. Sub-Committees**

For the purposes of this section sub-committee can be substituted for Working Party or Project Group.

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 (unless otherwise specified by Council).

The sub-committee may second non-committee members where particular skills are required. The nomination of seconded committee members shall be presented to the Committee for ratification.

## **13. Finance**

A record of the financial transactions of the Committee shall be maintained by Council's finance department.

The Committee does not have the power to incur expenditure, unless approved by Council (via the budget). Expenditure of approved funds is to occur in accordance with Council's Internal Control Manual and Procurement Policy including related procedures.

## **14. Delegations**

Council may delegate matters to the Committee in accordance with Section 41 of the Local Government Act 1999.

The Committee may:

- ) Approve Minutes as a true and accurate record of proceedings.
- ) Appoint a Deputy Chair (if not provided by Council)
- ) Approve their work plan and annual report of the Committee
- ) Form sub-committees
- ) Determine if a matter should be considered in confidence.

## **15. Public access**

Meetings of the Committee shall be held in Public.

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, subsection (3) of the Local Government Act 1999.

Minutes, agendas, reports and documents produced by the Committee may be inspected at the Council Office at any time or viewed on Council's website.

Matters subject to a resolution in terms of the confidentiality provisions will be excluded from inspection or purchase for a period as determined by the Committee.

## **16. Reporting and accountability**

The Committee shall report (via the Minutes) to the next available meeting of the Council with a covering report highlighting recommendations to Council. The Committee will review its performance against these Terms of Reference annually and the result of these reviews will be submitted to Council and reported in Council's Annual report.

### **16.1 Staff**

The Committee shall be supported by the services of the Environment and Infrastructure staff as approved by the CEO.

The CEO and/or Director for Environment and Infrastructure may from time to time invite additional staff to attend meetings where the topic of discussion directly relates to their role.

Council staff required to attend the Committee will participate equally with others in terms of discussion and debate but will not have any voting rights.

The Director of Environment and Infrastructure will coordinate administrative support for the Committee. Such support will include the preparation and distribution of the notice of meeting, agenda, reports, recording of minutes and subsequent distribution. Council administration will also be responsible for arranging the meeting venue and assist with facilitating presentations to the Committee.

## **17. Audit**

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

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.

**18. Media Protocol**

Members are not to speak to the media in their capacity as Committee members.

In accordance with Council's Media Policy, the Mayor and the CEO are the principle spokespersons for the Council.

**19. Liability of Members**

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.

**20. Dissolution**

The Council may at any time abolish the Committee.

Such an action by the Council may include, but is not limited to:

- ) The Committee has fully achieved its purpose for establishment.
- ) The Committee has become unproductive.
- ) The Committee can no longer attract membership.
- ) The Committee no longer serves the service priorities and/or core business of the Council.
- ) Legislation has changed the roles and responsibilities of the Council.
- ) Council resolves to consider community places and infrastructure issues and advice through a different forum (eg community forums, project working parties).

**21. Interpretation**

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

**22. Alteration of the charter**

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 this Terms of Reference.

**23. Adoption by council**

These are the functions and rules of the Committee and have been approved by the Council, by resolution passed on the 22 July 2017.



**SCHEDULE 1**

**Boating Advisory Committee Membership**

Council Elected Member	Cr Nick Hayles
Council Elected Member	Cr Tim Glazbrook
Mayor (ex-officio)	Mayor G Philp
Victor Harbor Sea Rescue	
Victor Harbor Yacht Club	
Community Representative	
Community Representative	
Community Representative	
Community Representative	

**Office Bearers**

Chair	Cr Nick Hayles
Deputy Chair	Cr Tim Glazbrook