



DISTRICT COUNCIL OF LOXTON WAIKERIE

Waikerie Delivers – Terms of Reference

<i>Adoption Date:</i>	21 April 2017
<i>Last Review:</i>	21 June 2019
<i>Next Review Date:</i>	
<i>Responsible Officer(s):</i>	Director Corporate and Community Services
<i>Council File GDS Reference:</i>	
<i>Relevant Legislation:</i>	Section 41 of the Local Government Act 1999

Preamble

As a result of the Waikerie Prosperity Strategy (WPS) the council wishes to establish a formal committee that brings together community leaders and councillors to advise the council on the implementation of the strategy. Additionally the committee channels community initiatives to the council that it believes might have merit and warrant consideration.

1. Name

- 1.1 Pursuant to section 41(1) of the Local Government Act 1999, the District Council of Loxton Waikerie (Council) resolved on 17 February 2017 to establish a committee to be known as

Waikerie Delivers (the Committee).

2. Membership

- 2.1 The members of the Committee shall be appointed or removed by resolution of Council and will consist of no less than 6 and no more than 10 persons, comprising 2 Elected Members and up to 8 members of the community with relevant skills, experience or qualifications in advancing the responsibilities of the Committee. Council will appoint an elected member as a proxy for times of leave.
- 2.2 The Mayor is an ex officio member of the Committee
- 2.3 14/12/2018 – elected members will be appointed for the period to November 2019
- Term of membership shall be 2 years with half of the members retiring at any one time. In the initial term this will be decided by drawing lots. Retiring members shall be eligible to seek reappointment.
- 2.4 The Presiding Member shall be recommended by the committee but appointed by Council.
- 2.5 Only members of the Committee are entitled to vote in committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Committee for decision.

- 2.6 Council staff may attend any meeting as directed by the Chief Executive Officer for the provision of advice or the conduct of administrative functions, but are not entitled to vote.
- 2.7 No additional allowance will be paid to an elected member representative over and above the allowance already received by the elected member in accordance with the Local Government (Members Allowances and Benefits) regulations 1999.

3. Quorum

- 3.1 A quorum shall consist of half the appointed members plus one, but shall not include the Mayor unless actually present.

4. Members liability

- 4.1 No civil Liability shall attach 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 members or committee's functions or duties. A liability that would but for the foregoing attach to a member of a committee, attaches instead to the Council.
- 4.2 Pursuant to the rules of the LGAMLS, the Council must apply prudent industry based risk management practices across all of its operations.
- 4.3 Any liability or risk management issues must be communicated within the Council.

5. Conflict of interest

- 5.1 The provisions of sections 73, 74, 75, 75A and 75B the Local Government Act 1999 will apply to all members of the Committee.

6. Register of interest

- 6.1 The provisions of section 68 of the Local Government Act 1999 will not apply to members of the Committee.

7. Proceedings the committee meetings

- 7.1 The Committee shall be subject to the provisions of the Local Government (Procedures at Meetings) Regulations 2000, Part 2.
- 7.2 The Committee shall meet at least monthly, or otherwise as required, and the purpose and outcomes of the Committee be reviewed each 12 month period to determine the ongoing need for the Committee.
- 7.3 A notice of meeting and agenda shall be provided to each committee member at least 3 clear days before each meeting.
- 7.4 Special Meetings may be held at any time, at the request of the Presiding Member of the Committee or at least three members of the Committee.
- 7.5 All resolutions of the Committee shall act as recommendations to Council, subject to the Committee being granted delegated authority to act according to Council policy and

procedures in designated matters, or where Council has previously approved a course of action.

- 7.6 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.
- 7.7 All members of the Committee who are present at a meeting shall have a deliberative vote.
- 7.8 The Presiding Member shall also have a casting vote if required.
- 7.9 In accordance with the principles of open, transparent and informed decision making, Committee meetings must be conducted in a place open to the public. The agenda and minutes of Committee meetings are also required to be made available to the public, subject to any items that are discussed in confidence under Section 90 of the Local Government Act 1999 and subsequently retained as confidential under Section 91 of the Act.

8. Duties of the Presiding Officer

8.1 The duties of the Presiding Officer of the committee are:

- a) to preside at meetings of the committee
- a) preserve order at meetings so that the business may be conducted in due form and with propriety
- b) upon confirmation of the minutes, sign them in the presence of the meeting
- c) responsibility to the Council for the proper observance of these Terms of Reference
- d) if requested, to provide advice to the Responsible Officer between committee meetings on the implementation of the decisions of the committee
- e) to act as the principal spokesperson of the committee
- f) to exercise other functions of the committee as the Council determines
- g) to carry out the ceremonial duties of the committee.

9. General Duties of Members of the Committee

9.1 Members are expected to:

- a) act honestly and within the law at all times
- b) act in good faith and not for improper or ulterior motives
- c) act in a reasonable, just and non discriminatory manner
- d) undertake their role with reasonable care and diligence
- e) conduct their ongoing relationship with fellow Council members, Council employees and the public with respect, courtesy and sensitivity
- f) use information in a careful and prudent manner.

10. Casual Vacancies

10.1 The position of member on the committee becomes vacant if the member:

- a) resigns by notice in writing to the Chairman of the committee; or

- b) is removed from office by the Council on the grounds that he or she has been absent without leave of the Committee from three or more consecutive meetings, the first of which having been held three months or more before the last; or
 - c) is removed by the Council at its sole discretion; or
 - d) is declared a bankrupt or applies for the benefit of the law for the relief of insolvent debtors; or
 - e) is convicted of an indictable offence punishable by imprisonment; or fails to meet the qualification criteria for membership contained in the membership clause above.
- 10.2 The Committee shall forthwith inform the Council if any member forfeits their seat in such a manner.
- 10.3 In respect of disqualification by reason of absence for three months or more, the member forfeiting their seat under these circumstances shall however be eligible for re-election to the committee of which they were a member.
- 10.4 If a casual vacancy occurs on the committee, Council shall determine the process to fill that vacancy.
- 10.5 In the event that a casual vacancy occurs within five (5) months of the next date of appointment of the committee, the Council may elect to continue until the next date of appointment without filling the casual vacancy.
- 10.6 In the event that three (3) positions become vacant concurrently for whatever reason, the Committee must immediately suspend the performance of its duties and obligations conferred by this Term of Reference and forthwith inform the Chief Executive Officer of the Council, who shall give consideration to the cause of the casual vacancies and seek determination from Council.

11. Functions of the committee

11.1.1 The Committee has the following functions:

- a. Play a significant role in the activation of Waikerie business and community roles in the Waikerie Prosperity Strategy (WPS)
- b. Capture and communicate ideas and initiatives so that council, Regional Development Australia, business, service and community groups are kept up to date with activation of the WPS
- c. Provide timely and appropriate information and encouragement in relation to the WPS
- d. Provide advice to Council regarding the use and development of public open spaces, walking / bike trails and the like
- e. Undertake public consultation on behalf of the council on the WPS and other matters agreed between the committee and council
- f. To establish sub committees of its membership to provide more in depth consultation, direction and support to projects
- g. Recommend priorities to the council's Annual Business Plan and Long Term Financial Management Plan arising from the implementation of the WPS
- h. Undertake other projects as referred by the council
- i. Develop a public consultation strategy for projects considered under the functions of the committee.

12. Reporting & accountability

- 12.1 Administrative support will be provided by Regional Development Australia Murraylands and Riverland through direction of Councils Chief Executive Officer
- 12.2 Council will provide a Responsible Officer by direction of Councils Chief Executive Officer
- 12.3 A copy of the agenda and minutes of every meeting shall be provided to the Chief Executive Officer for inclusion in the agenda of the next Council meeting, provided for public display and on council's website.
- 12.4 Where a particular matter requires a specific resolution or the attention of the Council, the minutes will adequately reflect a recommendation to be considered by Council.
- 12.5 The committee is accountable to the District Council of Loxton Waikerie in all things.
- 12.6 The agenda for each meeting will include the status of all projects and resolutions of the committee until their completion.

13. Disputes

- 13.1 Should a dispute arise over any matter, the matter shall be handled in accordance with Council's Grievance Procedures, however the decision of the Council will be final.
- 13.2 The Council is committed to transparent decision making processes and to providing access to a fair and objective procedure for the hearing of review of decisions. Grievances may arise as a result of dissatisfaction with a decision about a policy, procedure, service or fee.

14. Review and amendment to terms of reference

- 14.1 Council may at any time amend or alter these terms of reference by resolution of the Council. The committee shall at least annually, review these Terms of Reference to ensure that they properly reflect the role and function of the committee.

15. Cessation of the committee

- 15.1 The Committee shall be dissolved upon the earlier of a decision of Council, or the end of the current term of Council, being November 2022

(Please refer to the Committee Register for current membership)

16. Document history and version control

Date	Version	Authorisation; Council/ Committee/ Senior Management Team	Amendment details
17/02/2017	.01	Council at the meeting of 17 February 2017 (Item 16.1)	First version
26/04/2017	1.0	Council at the meeting of 21 April 2017 (Item 15.12)	Adopted version
18/05/2018	2.0	Council at the meeting of 18 May 2018 (Item 15.1)	Amended to reflect membership
19/10/2018	3.0	Council at the meeting of 19 October 2018 (Item 19.2)	Amended to include preamble, additional functions noted (e)-(i) and the requirement for the agenda to note the status of projects and resolutions of the committee until completion.
21/11/2018	4.0	Council at the meeting of 21 November 2018 (Item 9)	Membership amended to that of ... "no less than 6 and no more than 12 persons, comprising 4 elected members and up to 8 members of the community.." and noting that the current term of council ends November 2022
14/12/2018	5.0	Council at the meeting of 14 December 2018	Council determined that elected members would be appointed for a period up to November 2018
21/6/2019	6.0	Council at the meeting of 21 June 2019	That the TOR be amended to reduce the amount of council members on the committee from four to two.....