



# THE PINES MANAGEMENT COMMITTEE

## TERMS OF REFERENCE

<i>Responsible Officer/s</i>	Personal Assistant to Director Commercial and Community Services Commercial and Community Services
<i>Relevant Legislation / Documents</i>	Section 41 of the Local Government Act
<i>Adopted</i>	18 June 2010
<i>Reviewed</i>	16 April 2021
<i>Next Review</i>	April 2023

### A. Name

Pursuant to Section 41(1) of the Local Government Act 1999, the District Council of Loxton Waikerie resolved on 15 August 2003 to establish a Committee to be known as:

#### **THE PINES MANAGEMENT COMMITTEE (the Committee)**

### B. Purpose of the Committee

Undertake the management of the property known as 'The Pines' which is held by the District Council of Loxton Waikerie UPON TRUST for and on behalf of the people and citizens of the Town of Loxton and for a permanent display to visitors and for entertainment purposes.

The management Committee, formed under the direction and guidance of the Council, is to maintain the character of the facility and to attend to the up keep and maintenance of "all House Property and House Assets" and keeping the same at all times in good order, repair and condition.

### C. Membership

The Committee shall consist of not less than five (5) or more than nine (9) members.

The members of the Committee shall be appointed or removed by resolution of Council and may consist of or include persons who are not members of the Council. Elected Members will be appointed for a period to November 2022.

Council will invite registrations of interest from members of the Loxton community to participate on the initial management Committee.

Members of the Committee shall hold office from the date of their appointment for a term until the first meeting of Council following the next general Council election, and shall be eligible for re-appointment.

The chairman of the Committee shall be appointed by Council.

The Mayor shall be an ex officio member of the management Committee.

#### D. Quorum

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

#### E. Members liability

No civil Liability shall attach to a member of a 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.

#### F. Conflict of interest

The provisions of sections 73, 74 and 75 of the Local Government Act 1999 will apply to all members of the Committee, in relation to meetings and any business or proposed business of the Committee.

#### G. Register of interest

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

#### H. Meetings and proceedings of the Committee

The Committee shall be subject to the provisions of the Local Government (Procedures at Meetings) Regulations 2000, Part 3.

The Committee shall meet at least quarterly and whenever requested by any of the following:-

- the Council
- the Chairman of the Committee
- any two members jointly

Unless by agreement within the Committee, a notice of meeting and agenda shall be provided to each Committee member at least 3 clear days before each meeting.

The **Order of Business** of each meeting shall be:-

1. Opening of the meeting
2. Attendance -
3. Members Declaration of interest
4. Confirmation of minutes
5. Business arising
6. Questions on notice
7. Notice of motion
8. Recommendation reports
9. Information reports
10. Questions without notice

- 11.Motion without notice
- 12.Confidential reports
- 13.Close

#### I. Reporting & accountability

Administration support will be provided by Council (if required) to a person mutually agreed to by 'The Pines' Management Committee and Council. This person will take on the role and responsibilities of Executive Officer of the Committee.

If the Executive Officer is an officer of Council or a non-management Committee person, then the Executive Officer will not have any voting rights.

A copy of the Minutes of every meeting, together with a year to date financial statement shall be provided to the Chief Executive Officer for inclusion in the Agenda of the next Council Meeting.

Where a particular matter requires the specific resolution or the attention of the Council, the minutes will be accompanied by a report from the Executive Officer.

**The Committee is accountable to the District Council of Loxton Waikerie in all things.**

#### J. Annual Business Plan

The Committee is responsible to develop an Annual Business Plan including budget requirements which must be submitted to Council in April of each year.

The budget must also set out a schedule of all fees and charges associated with 'The Pines' for which the Committee is responsible.

Any surplus income generated in excess of the approved budget can be spent on 'The Pines' property at the discretion of the Management Committee.

#### K. Disputes

Should a dispute arise over any matter, the decision of the Council will be final.

#### L. Insurance

Council shall be responsible for the insurance of its own assets and liabilities only insofar as it has an insurable interest.

Where an asset is occupied or used by a third party, that body shall be responsible for the insurance of its own goods and chattels and any liability which it may incur as the result of the use or occupancy of Councils premises and evidence of a \$10m Public Risk policy will be required by the Committee.

#### M. Volunteers

The Committee shall if using the services of any volunteers,

- maintain a register of volunteers.
- provide each volunteer with a volunteer's information kit.
- ensure safe work practices are undertaken and adhered to.

## N. Hiring of facilities

The Committee must ensure that an inspection of **'The Pines'** is conducted before and after any hire arrangement, to ensure that they are maintained in a clean and sound condition.

The Committee may require a bond to be paid before any hiring of the facility is undertaken.

Any third party hiring or occupying the facility will be required to insure its own goods and chattels and provide evidence to the management Committee of a \$10m Public Liability policy which indemnifies Council and the Committee or take out a policy under Council's Public and Products Liability Insurance (Special Events Permit).

## O. Assets

All assets and property which the Committee cares for, controls or manages shall be and remain the property of the Council including any improvements, fixture and fittings located in or on the facility at any time irrespective of whether the Committee or the Council purchased or installed them.

An amount of \$100,000 is available in a capital trust fund held by Council for the development and maintenance of **'The Pines'**.

The objective of the capital trust is to maintain the fund for as long as possible to generate income and 50% of the interest received from the invested funds is to be retained in the capital trust account each year.

Access to funds in the capital trust is only available to the Committee upon a formal written application being submitted to Council by the Committee.

## P. Review and amendment to Terms of Reference

Council may at any time amend or alter these terms of reference by resolution of the Council.

The Committee shall annually review these Terms of Reference to ensure that they properly reflect the role and function of the Committee.

## Q. Powers and duties

The Committee shall be responsible to the District Council of Loxton Waikerie for the management, maintenance and administration of the property and assets known as **'The Pines'**.

The Committee is responsible for its own operations, expenditure, budget and supervision of volunteers and contractors.

The Committee may recommend fees and charges and expend monies on behalf of the Council within the approved Committee budget and Annual Business Plan submitted to and approved by Council.

The Committee shall at all times keep the property buildings in good order, repair and condition.

The Committee has no delegated regulatory authority or function on behalf of the Council.

No power is given to act outside of the approved budget without the approval of Council.

The Committee has no authority to maintain a bank account.

The Committee can expend funds it raises during the year on **'The Pines'** which has not been allocated as income in the budget.

The Committee has no power to engage or dismiss staff, other than routine Council contractors for the purposes of carrying out the work of the Committee.

The Executive Officer of the Committee is responsible at all times for the supervision of staff.

The Committee may establish sub Committees for no greater period than 12 months for any specific purpose projects.

All sub Committees will be bound by the Terms of Reference of **'The Pines'** management Committee.

Any sub Committee of **'The Pines'** established under the terms of reference must be chaired by a member of the management Committee.

The Chairman of **'The Pines'** Management Committee will be an ex officio member of any sub Committee so established.

#### R. **Relations with other organisations**

The Committee shall comprise of representatives from:

2 persons nominated by the District Council of Loxton Waikerie, and not less than three (3) persons nor more than seven (7) persons nominated by the Loxton Community and approved by Council.

Signed:

**Committee Chairman**

Date:

**Chief Executive Officer**

Date:

Approved at the meeting of Council held on: 16 April 2021

## S. Document history and version control

<b>Date</b>	<b>Version</b>	<b>Authorisation</b>	<b>Amendment Details</b>
15/08/2003	1.0	Council meeting of 15 August 2003	First version
18/06/2010	2.0	Council meeting of 18 June 2010	Removal of the 3 and 4 year encumbrance on the eligibility for the re-appointment of sitting members.
20/10/2017	2.1	Council meeting of 20 October 2017	Notation of the Chief Executive Officer (rather than the District Manager) removal of the reference to responsibility for the special project and removal of a review date (review was not completed on the date noted)
14/12/2018		Council meeting of 14 December 2018	Council determined that elected members would be appointed for the period to November 2019
17/04/2020	3.0	Ordinary Council meeting 17 April 2020	<ol style="list-style-type: none"> <li>1. Amendment to order of business to align with all Section 41 Committee meetings.</li> <li>2. Minor grammar and formatting amendments.</li> </ol>
1/03/2021	4.0	Ordinary Council Meeting 16 April 2021	Update Director of Commercial and Community Services position and Council record number