



City of
Mount Gambier

Economic and Environment Committee

TERMS OF REFERENCE

A Committee of Council

established pursuant to the provisions of

Section 41
of the Local Government Act 1999

Terms of Reference for the conduct of the business of the Economic and Environment Committee were approved and adopted by the City of Mount Gambier at its meeting held on 20th August 2019.

Economic and Environment Committee

The Economic and Environment Committee has been established with a strategic and key project focus on the areas of broad relationship to the Council's Strategic Planning suite.

The term '*strategic*' is used in two senses:

- Important, general aspects of something (such as a policy), especially when these are decided in advance, which may affect the organisational focus and direction; and/or
- Being of size and scale that makes the project of significance to the organisation or the whole community.

The term 'key project' is used in the sense of a project of scope and scale to be considered significant to the Council (in terms of finance or risk), but which is not a form of capital expenditure.

Economic and Environment Committee

CONTENTS

1.	Name	1.
2.	Interpretation	1.
	Notices	1.
3.	Establishment	1.
4.	Objectives	2.
5.	Membership	2.
6.	Quorum	2.
7.	Meetings of the Committee	2.
8.	Procedures at Meetings	3.
9.	Liability of the Committee	3.
10.	Delegation	3.
11.	Sub-Committees	3.
12.	Minutes of the Committee	4.
13.	Amendments to these Terms of Reference	4.
14.	Interpretation of these Terms of Reference	4.
15.	Winding Up	4.

1 NAME

- 1.1 The name of the Council Committee shall be the Economic and Environment Committee (in these Terms of Reference referred to as “the Committee”).

2 INTERPRETATION

- 2.1 For the purpose of these Terms of Reference, unless inconsistent with the subject matter or context:
 - 2.1.1 “Act” means the Local Government Act 1999 and includes all Regulations and Schedules.
 - 2.1.2 “Committee” means the Committee of Council established pursuant to clause 3.
 - 2.1.3 “Committee Member” means the persons appointed by the Council to the Committee pursuant to clause 5.
 - 2.1.4 “Commencement Date” means the date on which the Committee is established and becomes operative pursuant to clause 3.
 - 2.1.5 “Council” means the City of Mount Gambier that established the Committee and to which the Committee reports.
 - 2.1.6 “Presiding Member of the Committee of Council” means the person appointed to that position pursuant to clause 5.
 - 2.1.7 “Observers” means those persons attending any meeting of the Committee of Council, but not having a vote on any matter to be determined by the Committee and not having been appointed as Committee Members.
 - 2.1.8 “Sub-Committee” means a sub-committee established in accordance with the Act.
- 2.2 Any words, phrases or terms used in these Terms of Reference that are defined in the Act shall have the same meaning as are given in the Act.
- 2.3 A reference in these Terms of Reference to a “singular” includes a reference to the “plural” and a reference to a “plural” includes a reference to the “singular”.
- 2.4 These Terms of Reference shall be interpreted in line with the provisions of the Act.
- 2.5 Notices
 - 2.5.1 All communication to be given to the Committee shall be addressed to:

City of Mount Gambier Economic and Environment Committee
PO Box 56
MOUNT GAMBIER SA 5290
Email: city@mountgambier.sa.gov.au

3 ESTABLISHMENT

- 3.1 The Economic and Environment Committee is established under Section 41 of the Local Government Act 1999.
- 3.2 The Committee will be established and become operative from the time a resolution of the Council is passed.

- 3.3 The Committee is established by the Council with a strategic and key project focus on the areas of broad relationship to the Council's Strategic Planning suite and in particular the Council's Strategic Plan.
- 3.4 The Committee will focus primarily, but not exclusively, on matters which relate to economic and environmental matters, noting that there may be overlap or duplication between this Committee and the People and Place Committee, where Council will determine the Committee best placed to deal with the subject matter.

4 OBJECTIVES

- 4.1 The Committee is created with the express objective of providing considered advice to Council within the scope of its purpose and reasons for establishment.

5 MEMBERSHIP

- 5.1 Membership of the Committee will comprise eight Councillors.
- 5.2 The Mayor has Ex-Officio membership on this Committee.
- 5.3 The Committee has the right to co-opt individual members who have special expertise to assist the Committee under its objective. Such co-opted members have the right to attend meetings and participate in discussion but will have no voting rights on the Committee.
- 5.4 Council will appoint a Presiding Member.
- 5.5 Council reserves the right not to appoint, to remove or to replace any co-opted member.

6 QUORUM

- 6.1 At all Meetings of the Committee a quorum must be present.
- 6.2 A quorum will be determined by dividing by 2 the number of Members formally appointed to the Committee ignoring any fraction and adding 1 (excluding Mayor as ex-officio).

7 MEETINGS OF THE COMMITTEE

- 7.1 The Committee shall hold ordinary meetings at least bi-monthly.
- 7.2 No business shall be transacted at any meeting of the Committee unless a quorum of Members is present.
- 7.3 The Presiding Member, when physically present, shall preside at all meetings of the Committee and at any other time the Committee shall appoint an Acting Presiding Member who shall preside at that meeting.
- 7.4 Each Member of the Committee including the Presiding Member present at any meeting of the Committee must vote on any matter requiring determination and all decisions shall be decided on a simple majority of votes cast.
- 7.5 Each Member of the Committee including the Presiding Member present at any meeting of the Committee shall have one deliberate vote only.

8 PROCEDURES AT MEETINGS

- 8.1 The procedure to be observed in relation to the conduct of meetings of the Committee is in accordance with Local Government (Procedures at Meetings) Regulations 2013.
- 8.2 In accordance with s89 of the Act, insofar as a procedure is not prescribed by regulation, it shall be as determined by the Council, and insofar as a procedure is not determined by the Council, it shall be as determined by the Committee itself.

9 LIABILITY OF THE COMMITTEE

- 9.1 A liability incurred by the Committee rests against Council.
- 9.2 No liability attaches to a Member of the Committee for an honest act or omission by that Member of the Committee in the performance or discharge, or purported performance or discharge, of the Member's or the Committee's functions or duties.
- 9.3 All members of the committee are bound by the Council Member Code of Conduct as published in accordance with Section 63 of the Act.

10 DELEGATION

- 10.1 The Committee has no delegation to act with all recommendations of the Committee (and of any Sub-Committees established by the Committee) to be considered by full Council for final decision and resolution.

11 SUB-COMMITTEES

- 11.1 The Committee may establish a Sub-Committee to assist it in a matter directly related to the Committees objectives.
- 11.2 When establishing a Sub-Committee the Committee must set out the Terms of Reference for the subcommittee.
- 11.3 The Committee may appoint to a Sub-Committee Council Members who are not members of the Committee, Council Officers and members of the public with skills or expertise in a field relevant to the matters which the Sub-committee is established to assist with.
- 11.4 A Sub-Committee established in accordance with this clause will report to the Committee and will have the same meeting notice, minute keeping and procedural obligations as the Committee as defined in the Act.
- 11.5 If a Sub-Committee Member is absent from 2 or more consecutive meetings of the Sub-Committee without an apology accepted by the Committee and Council then that Sub-Committee Members position shall be considered vacant.
- 11.6 If a Sub-Committee established under this Clause 14 fails to achieve quorum on 2 consecutive occasions then the Sub-Committee will be considered to be in recess and the Chief Executive Officer is to present a report to the Committee for consideration.

12 MINUTES OF THE COMMITTEE

- 12.1 The CEO or his appointee must cause minutes to be kept of the proceedings of the Committee.
- 12.2 Minutes of the Committee shall be available to all Members of the Committee, Council and the public.
- 12.3 The Minutes of the proceedings of a meeting are to comply with the requirements of the Act.
- 12.4 Minutes of the Committee Meeting shall be submitted for confirmation at the next meeting of the Committee and if confirmed, shall be signed by the Presiding Member or other person presiding at the subsequent meeting.
- 12.5 Minutes of the Committee Meeting and any recommendations (including the minutes and recommendations of any Sub-Committee established by the Committee) shall be submitted to Council and shall be of no effect until endorsed as a resolution of Council.

13 AMENDMENTS TO TERMS OF REFERENCE

- 13.1 It will be lawful for the Council by resolution to revoke, vary or add to any of the provisions of these Terms of Reference at its own discretion within the parameters of the Act and any other relevant legislation.
- 13.2 Notwithstanding 16.1 hereof before the Council resolves to revoke, vary or add to any of the provisions of these Terms of Reference it may, but will be under no obligation, to obtain the opinion of the Committee.

14 INTERPRETATION OF TERMS OF REFERENCE

- 14.1 Should there be any dispute as to the definition and/or interpretation of these Terms of Reference, or any part thereof or any irregularities whatsoever that are unable to be resolved by the Presiding Member then the Council shall determine the dispute and the decision of the Council shall be final and binding.

15 WINDING UP

- 15.1 The Council may cease the operation of the Committee and the Committee may make such recommendation to the Council on the completion of its function.