



City of
Mount Gambier

Heritage Sub-Committee

TERMS OF REFERENCE

A Sub-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 Council Sub-Committee were approved and adopted by the City of Mount Gambier at its meeting held on 18th July, 2017.

Heritage Sub-Committee

The Heritage Sub-Committee has been established to:

1. Raise awareness of the importance of heritage conservation to develop a stronger sense of place and identity.
2. Build networks of stakeholders across the community with knowledge and expertise in heritage related matters to advise on particular matters as required.
3. Develop opportunities to partner with community groups and other agencies to build and enhance conservation of heritage assets including adjoining local government areas.
4. Promote the natural, cultural and historic heritage of the City of Mount Gambier through educative and tourism programs.
5. Provide advice to Council, staff and the community about heritage events to encourage greater engagement .
6. Advocate and support processes that contribute to developing the richness and number of heritage assets across the community
7. Seek pathways to influence legislation and policy in relation to heritage matters.
8. Work with community groups to seek funding for priority projects especially with regard to Indigenous cultures and assets relevant to this region .
9. Monitor achievements of the Heritage Committee against the Council Strategic and Community Plans.
10. Provide advice to the Council on the identification, conservation, preservation and promotion of places of cultural heritage significance in the City of Mount Gambier.
11. Review and provide recommendation to the Council on current Council Policies in regard to heritage matters.
12. Make recommendations to maintain and update the register of places of heritage significance as contained within the City of Mount Gambier Development Plan.

Heritage Sub-Committee

CONTENTS

1.	Name	1.
2.	Interpretation	1.
	Definition	1.
	Defined Terms	1.
	Local Government Act	1.
	Notices	2.
3.	Establishment	2.
4.	Objectives	2.
5.	Membership	2.
6.	Casual Vacancies and Replacement of Representatives	2.
7.	No Proxy	3.
8.	Resignation of Representatives	3.
9.	Quorum	3.
10.	Meeting of the Sub-Committee	3.
11.	Procedures at Meetings	4.
12.	Liability of the Sub-Committee	4.
13.	Minutes of the Sub-Committee	4.
14.	Amendments to these Terms of Reference	5.
15.	Interpretation of these Terms of Reference	5.
16.	Winding Up	5.

1. NAME

The name of the Council Sub-Committee shall be the Heritage Sub-Committee (in these Terms of Reference referred to as “the Sub-Committee”).

2. INTERPRETATION

For the purpose of these Terms of Reference, unless inconsistent with the subject matter or context: -

2.1 Definition

- 2.1.1 “Act” means the Local Government Act 1999 and includes all Regulations and Schedules.
- 2.1.2 “Sub-Committee” means the Sub-Committee of Council established pursuant to 3.0.
- 2.1.3 “Sub-Committee Member” means the person appointed by the Standing Committee.
- 2.1.4 “Commencement Date” means the date on which the Sub-Committee is established and becomes operative pursuant to 3.2.
- 2.1.5 “Council” means the City of Mount Gambier.
- 2.1.6 “Presiding Member of the Sub-Committee of Council” means the person appointed to that position pursuant to 5.3.
- 2.1.7 “Observers” means those persons attending any meeting of the Sub-Committee of Council, but not having a vote on any matter to be determined by the Sub-Committee and not having been appointed as Members.
- 2.1.8 “Singular” includes a reference to the “plural”.
- 2.1.9 Standing Committee means the Committee that established the Sub-Committee and to which the Sub-Committee reports.

2.2 Defined Terms

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 Local Government Act

The Terms of Reference shall be interpreted in line with the provisions of the Act.

2.4 Notices

All communication to be given to the Sub-Committee shall be addressed to: -

Heritage Sub-Committee
PO Box 56
MOUNT GAMBIER SA 5290
Email: city@mountgambier.sa.gov.au

3. ESTABLISHMENT

- 3.1 The Sub-Committee is established under Section 41 of the Local Government Act 1999.
- 3.2 The Sub-Committee will be established and become operative from the time a resolution of the Standing Committee is passed.
- 3.3 The Sub-Committee is established by the Standing Committee to assist in the co-ordination and administration of Heritage related matters for the achievement of Council Strategic and Community Plans.

4. OBJECTIVES

- 4.1 The Mount Gambier Heritage Sub-Committee has been established to assist the Mount Gambier City Council achieve its strategic goals as outlined in the Community Plan – The Futures Paper 2016-2020. Goal Number 4 refers to Our Climate, Natural Resources, Arts, Culture and Heritage and notes that; “Creative cities value cultural heritage and find innovative solutions to promote and implement sustainable environmental practices. Preserving the environment is regarded by the community as an important measure of the quality of life in Mount Gambier”.

5. MEMBERSHIP

- 5.1 Membership of the Sub-Committee will comprise two (2) or more City of Mount Gambier Elected Members, a representative from the South East Heritage Advisor Program and six (6) community representatives. The Mayor has Ex-Officio membership on this Sub-Committee.
- 5.2 City of Mount Gambier Elected Members will serve on the Sub-Committee for a term determined at the pleasure of Council.
- 5.3 Community Members appointment will be for a four (4) year term commencing midway through the Council term. Community Members will be stood down (with a right to re-nominate) midway through the Council term to enable effective succession. To enable this process to occur the initial term of Community Members to be for a term of at least three years to conclude at the end of October 2020.
- 5.4 Notwithstanding Clauses 5.1 and 5.3 all Sub-Committee Members hold office at the pleasure of the Council.
- 5.5 The Sub-Committee will appoint a Presiding Member.
- 5.6 If a Sub-Committee Member is absent from 2 or more consecutive meetings of the Sub-Committee without an apology accepted by the Standing Committee and Council then that Sub-Committee Members position shall be considered vacant.

- 5.7 The Standing Committee reserves the right not to appoint any nominee, to remove and replace any Sub-Committee Member, or to leave any Sub-Committee member position vacant.
- 5.8 The Heritage Sub-Committee has the right to co-opt individual members who have special expertise to carry out specific projects under its objective. Such co-opted members have the right to attend meetings and participate in discussion and will have no voting rights on the Heritage Committee.

CASUAL VACANCIES AND REPLACEMENT REPRESENTATIVES

- 5.1 The Standing Committee may replace any Member on the Sub-Committee or fill any casual vacancies, by notifying the Sub-Committee the identity of the person proposed to replace the representative or fill the casual vacancy.

6 NO PROXY

- 6.1 The appointment of a person as proxy for any Member on the Sub-Committee is not permissible.

7 RESIGNATION OF REPRESENTATIVES

- 7.1 Any Sub-Committee Member may resign from the Sub-Committee, but such resignation shall not be effective until the Presiding Member has received written notice to that effect.

8 QUORUM

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

9 MEETINGS OF THE SUB-COMMITTEE

- 9.1 The Sub-Committee shall hold at least 5 ordinary meetings per calendar year in accordance with a meeting schedule prepared in conjunction with the presiding member.
- 9.2 The CEO or his appointee shall give notice to each Sub-Committee Member at least five clear days prior to any meeting.
- 9.3 The CEO or his appointee shall send a copy of the notice of a meeting and minutes of the Sub-Committee to the Standing Committee.
- 9.4 The CEO or his appointee must, at the request of the Presiding Member or three other Members, call a special meeting of the Sub-Committee.

- 9.5 All notices of meetings shall be issued by the CEO or his appointee.
- 9.6 No business shall be transacted at any meeting of the Sub-Committee unless a quorum of Members is present.
- 9.7 Each Member of the Sub-Committee including the Presiding Member present at any meeting of the Sub-Committee must vote on any matter requiring determination and all decisions shall be decided on a simple majority of votes cast.
- 9.8 Each Member of the Sub-Committee including the Presiding Member present at any meeting of the Sub-Committee shall have one deliberate vote only.

10 PROCEDURES AT MEETINGS

The procedure to be observed in relation to the conduct of meetings of the Sub-Committee is in accordance with Local Government (Procedures at Meetings) Regulations 2013.

11 LIABILITY OF THE SUB-COMMITTEE

- 11.1 A liability incurred by the Sub-Committee rests against Council.
- 11.2 No liability attaches to a Member of the Sub-Committee for an honest act or omission by that Member of the Sub-Committee in the performance or discharge, or purported performance or discharge, of the Member's or the Sub-Committee's functions or duties.
- 11.3 All members of the committee are bound by the Code of Conduct section 63 of the Local Government Act 1999.

12 MINUTES OF THE SUB-COMMITTEE

12.1 Administration

- 12.1.1 The CEO or his appointee must cause minutes to be kept of the proceedings of the Sub-Committee.
- 12.1.2 Minutes of the Sub-Committee shall be available to all Members of the Sub-Committee, Standing Committee, Council and the public.
- 12.1.3 The Minutes of the proceedings of a meeting must include:
- 13.1.3.1 the names of the Members present and the time at which they entered or left the meeting;
 - 13.1.3.2 the names of observers or visitors to any meetings;
 - 13.1.3.3 every motion or amendment and the names of the mover and seconder;

- 13.1.3.4 any disclosure of interest declared by a Member;
- 13.1.3.5 whether the motion or amendment is carried, lost or lapsed;
- 13.1.3.6 Minutes of the Sub-Committee Meeting shall be distributed within 5 days of the meeting;
- 13.1.3.7 Minutes of the Sub-Committee Meeting shall be submitted for confirmation at the next meeting of the Sub-Committee and if confirmed, shall be signed by the Presiding Member or other person presiding at the subsequent meeting.

13 AMENDMENTS TO THESE TERMS OF REFERENCE

- 13.1 It will be lawful for the Standing Committee by resolution of the Standing Committee to revoke, vary or add to any of the provisions of these Terms of Reference at its own discretion within the parameters of the Local Government Act and other relevant legislation.
- 13.2 Notwithstanding 13.1 hereof before the Standing Committee resolves to revoke, vary or add to any of the provisions of these Terms of Reference the opinion of the Sub-Committee shall be obtained.

14 INTERPRETATION OF THESE 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, then the Standing Committee shall determine the dispute and the decision of the Standing Committee shall be final and binding.

15 WINDING UP

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