



City of  
Mount Gambier

## **Operational Standing 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 Council Committee were approved and adopted by the City of Mount Gambier at its meeting held on 16 April, 2019.

# Operational Standing Committee

The Operational Standing Committee has been established with a broad Operational 'business' focus on the following matters:

- Tenders
- Projects
- Legal Matters
- Road Closures
- Events
- Traffic Management
- Financial Management
- Quarterly Budget Reviews
- Leasing/Licensing
- Infrastructure
- Community Liaison
- Allocation & Delivery of Grants
- Regulatory Function
- Compliance

# **Operational Standing Committee**

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## **1. NAME**

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

## **2. DEFINITIONS**

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 “Prescribed Committee” means a Prescribed Committee as defined in the Remuneration Tribunal Determination 6 of 2018 (or any replacement determination)

2.1.7 “Presiding Member of the Committee of Council” means the person appointed to that position pursuant to clause 5.

2.1.8 “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.

2.1.9 “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**

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

City of Mount Gambier Operational Standing Committee  
PO Box 56  
MOUNT GAMBIER SA 5290  
Email: [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

### **3. ESTABLISHMENT**

- 3.1 The Operational Standing 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:
- 3.3.1 a Operational 'forward planning' focus on the following matters:
- Tenders
  - Projects
  - Legal Matters
  - Road Closures
  - Events
  - Traffic Management
  - Financial Management
  - Quarterly Budget Reviews
  - Leasing/Licensing
  - Infrastructure
  - Community Liaison
  - Allocation & Delivery of Grants
  - Regulatory Function
  - Compliance
- 3.4 The Committee shall be a Prescribed Committee that is enduring to perform, assist and provide advice to Council on matters described in these Terms of Reference.

### **4. OBJECTIVES**

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 Elected Members as determined by resolution of Council in accordance with Council policy guiding appointment to committees.
- 5.2 The Council reserves the right from time to time to remove any Member of the Committee and appoint another Committee Member in their stead.
- 5.3 All Operational Standing Committee Members hold office at the pleasure of the Council.
- 5.4 The Mayor has Ex-Officio membership on this Committee.
- 5.5 The Committee will determine the Committee Member to be appointed to the position of Presiding Member of the Committee for a term of 1 year.

## **6 CASUAL VACANCIES AND REPLACEMENT MEMBERS**

- 6.1 If a Committee Member is absent from 3 or more consecutive meetings of the Committee without an apology accepted by the Committee then that Committee Member's position shall be considered vacant.
- 6.2 The Council will determine the filling of any vacancy in the Committee Membership in accordance with clause 5.

## **7 NO PROXY**

- 7.1 The appointment of a person as proxy for any Operational Standing Committee Member on the Committee is not permissible.

## **8 RESIGNATION OF COMMITTEE MEMBER**

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

## **9 QUORUM**

- 9.1 At all Meetings of the Committee a quorum must be present.
- 9.2 A quorum will be determined by dividing by 2 the number of Operational Standing Committee Members formally appointed to the Committee ignoring any fraction and adding 1.

## **10 ATTENDANCE AT MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS**

A Committee Member (including, subject to the operation of clause 11.2, the Presiding Member) may be considered as being present at a Committee Meeting despite not being physically present at the meeting, subject to the following conditions:

- 10.1 Written approval to participate in the meeting by telephone or other electronic means has been sought and obtained from the Committees Presiding Member and confirmed to the Chief Executive Officer not less than 24 hours prior to the meetings scheduled commencement time, and;
- 10.2 The Chief Executive Officer having confirmed prior to the scheduled commencement time of that meeting that the necessary technologies are available to accommodate the Committee Members participation in the meeting and compliance with the Act, and;
- 10.3 A Committee Member participating by such means being for the specified meeting only and not for 2 or more consecutive meetings of the Committee, and;
- 10.4 All Committee Members being able to hear each other Committee Member whilst a Committee Member is participating by telephone or other electronic means, and;
- 10.5 The Committee Member that is participating by telephone or other electronic means expressing their vote on each and every question in a manner that can be identified by all other persons present at the meeting (whether all other persons at the meeting are physically present or present by telephone or other electronic means), and;

- 10.6 The Presiding Member (or Acting Presiding Member) being authorised to disconnect the Committee Member in the event that the technology causes any disruption or inconvenience to the Committee meeting, and;
- 10.7 Should the telephone or other electronic connection fail, any attempt(s) to re-connect are made at the discretion of the Presiding Member, and;

Whilst participating in a Committee Meeting in accordance with this clause a Committee Member shall be considered as being present at the meeting for all purposes.

## **11 MEETINGS OF THE COMMITTEE**

- 11.1 The Committee shall meet in accordance with its ordinary meeting schedule or otherwise in accordance with this clause.
- 11.2 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.
- 11.3 No business shall be transacted at any meeting of the Committee unless a quorum of Operational Standing Committee Members is present.
- 11.4 Each Operational Standing Committee 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.
- 11.5 Each Operational Standing Committee Member of the Committee including the Presiding Member present at any meeting of the Committee shall have one deliberate vote only.

## **12 PROCEDURES AT MEETINGS**

- 12.1 The procedure to be observed in relation to the conduct of meetings of the Committee is in accordance with the Act and the Local Government (Procedures at Meetings) Regulations 2013.
- 12.2 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.

## **13 LIABILITY OF THE COMMITTEE**

- 13.1 A liability incurred by the Committee rests against Council.
- 13.2 No liability attaches to a Operational Standing Committee Member of the Committee for an honest act or omission by that Operational Standing Committee 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.

## **14 DELEGATION**

- 14.1 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.

## **15 SUB-COMMITTEES**

- 15.1 The Committee may establish a subcommittee to assist it in a matter.
- 15.2 When establishing a subcommittee the Committee must set out the Terms of Reference for the subcommittee.
- 15.3 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.
- 15.4 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.
- 15.5 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.
- 15.6 If a Sub-Committee established under this Clause 15 fails to achieve quorum on 3 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 Operational Standing Committee for consideration.

## **16 MINUTES OF THE COMMITTEE**

### **16.1 Administration**

- 16.1.1 The CEO or his appointee must cause minutes to be kept of the proceedings of the Committee.
- 16.1.2 Minutes of the Committee shall be available to all Operational Standing Committee Members of the Committee, Council and the public.
- 16.1.3 The Minutes of the proceedings of a meeting are to comply with the requirements of the Act
- 16.1.4 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.
- 16.1.5 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.
- 16.2 A letter of thanks from the Operational Standing Committee be sent to all organisations or individuals that make deputations to the Committee.



## **17 AMENDMENTS TO THESE TERMS OF REFERENCE**

- 17.1 It will be lawful for the Council by resolution of the Council 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.
- 17.2 Notwithstanding 17.1 hereof before the Council resolves to revoke, vary or add to any of the provisions of these Terms of Reference the opinion of the Committee shall be obtained.

## **18 INTERPRETATION OF THESE TERMS OF REFERENCE**

- 18.1 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 Council shall determine the dispute and the decision of the Council shall be final and binding.

## **19 WINDING UP**

- 19.1 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.

21<sup>st</sup> March, 2019  
Ref: AF11/1718