



City of
Mount Gambier

Regional Sport and Recreation Centre 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 Regional Sport and Recreation Centre Committee were approved and adopted by the City of Mount Gambier at its meeting held on 18 December 2018.

Regional Sport and Recreation Centre Committee

The Regional Sport and Recreation Centre Committee has been established to:

- provide considered advice to assist Council in decision making on matters associated with the grant application and potential development of a Regional Sport and Recreation Centre.
- conduct and/or assist with stakeholder and community engagement
- assist with advocacy that supports Council's resolved position on the Regional Sport and Recreation Centre.

Regional Sport and Recreation Centre Committee

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1. NAME

- 1.1 The name of the Council Committee shall be the Regional Sport and Recreation Centre Committee (in these Terms of Reference referred to as “the Committee”).

2. INTERPRETATION

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

2.1 Definitions

- 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 3.
- 2.1.3 “Committee Member” means the persons appointed by the Council 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.
- 2.1.5 “Council” means the City of Mount Gambier.
- 2.1.6 “Council Members” means the Elected Members of the Council.
- 2.1.7 “Presiding Member” means the person appointed to that position pursuant to 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 Members.
- 2.1.9 “Singular” includes a reference to the “plural”.
- 2.1.10 “Standing Committee” means the Strategic Standing Committee or Operational Standing Committee of the Council.

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.

2.2 Application of Local Government Act

The Committee shall operate and the Terms of Reference shall be interpreted in accordance with the provisions of the Local Government Act.

2.3 Notices

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

Regional Sport and Recreation Centre Committee
PO Box 56
MOUNT GAMBIER SA 5290
Email: city@mountgambier.sa.gov.au

3. ESTABLISHMENT

- 3.1 The Regional Sport and Recreation Centre 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 to provide considered advice to assist decision making on matters associated with the development of a Regional Sport and Recreation Centre.

4. OBJECTIVES

- 4.1 The Committee is created for the express purpose of providing considered advice to assist Council in decision making on matters associated with the development of a Regional Sport and Recreation Centre.

5. MEMBERSHIP

- 5.1 Membership of the Committee will comprise Elected Members of the Council as determined by resolution of Council in accordance with Council policy guiding appointment to committees.
- 5.2 The Mayor has Ex-Officio membership on this Committee.
- 5.3 City of Mount Gambier Elected Members will serve on the Committee for a term of office determined at the pleasure of Council.
- 5.4 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.
- 5.5 The Committee will appoint one of the Committee Members determined by Council as a Presiding Member.
- 5.6 If a Committee Member is absent from 2 or more consecutive meetings of the Committee without an apology accepted by the Council then that Committee Members position shall be considered vacant.
- 5.7 The Council reserves the right not to appoint any nominee, to remove and replace any Committee Member including a co-opted member, or to leave any Committee Member position vacant.

6 CASUAL VACANCIES AND REPLACEMENT REPRESENTATIVES

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

7 NO PROXY

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

8 RESIGNATION OF REPRESENTATIVES

- 8.1 Any Committee Member may resign from the Committee, but such resignation shall not be effective until the Presiding Member 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 Members formally appointed to the Committee ignoring any fraction and adding 1 (excluding Mayor as ex-officio).

10 MEETINGS OF THE COMMITTEE

- 10.1 The Committee shall hold ordinary meetings at least monthly as and when determined by the Presiding Member.
- 10.2 No business shall be transacted at any meeting of the Committee unless a quorum of Members is present.
- 10.3 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.
- 10.4 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.
- 10.5 Each Member of the Committee including the Presiding Member present at any meeting of the Committee shall have one deliberate vote only.

11 PROCEDURES AT MEETINGS

- 11.1 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.
- 11.2 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.

12 LIABILITY OF THE COMMITTEE

- 12.1 A liability incurred by the Committee rests against Council.
- 12.2 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.
- 12.3 All members of the committee are bound by the Council Member Code of Conduct as published in accordance with Section 63 of the Act.

13 DELEGATION

- 13.1 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.

14 SUB-COMMITTEES

- 14.1 The Committee may establish a Sub-Committee to assist it in a matter directly related to the Committees objectives.
- 14.2 When establishing a Sub-Committee the Committee must set out the Terms of Reference for the subcommittee.
- 14.3 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.
- 14.4 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.
- 14.5 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.
- 14.6 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.

15 MINUTES OF THE COMMITTEE

- 15.1 The CEO or his appointee must cause minutes to be kept of the proceedings of the Committee.
- 15.2 Minutes of the Committee shall be available to all Members of the Committee, Council and the public.
- 15.3 The Minutes of the proceedings of a meeting are to comply with the requirements of the Act.

15.4 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.

15.5 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 AMENDMENTS TO TERMS OF REFERENCE

16.1 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.

16.2 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.

17 INTERPRETATION OF TERMS OF REFERENCE

17.1 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.

18 WINDING UP

18.1 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.