



# TERMS OF REFERENCE

## NHILL TOWN COMMITTEE

*ADVISORY COMMITTEE TO HINDMARSH SHIRE COUNCIL*

## Contents

1	Background.....	3
2	Purpose .....	3
3	Role of the Committee .....	3
4	Town Committee Finances .....	3
5	Membership .....	3
6	Appointment of Community Representatives to Advisory Committees .....	4
7	Executive .....	5
8	Election of Chairperson.....	6
9	Election of secretary .....	6
10	Agenda.....	6
11	Meetings.....	7
12	Resolutions .....	7
13	Role of the Council Officer .....	7
14	Reporting.....	7
15	Creation and dissolution .....	8

## 1 Background

- 1.1 By this Terms of Reference document, Hindmarsh Shire Council (**Council**) establishes the Nhill Town Committee.
- 1.2 Council will establish from time to time various Advisory Committees. The purpose of such committees is to provide advice to Council with expertise in relevant matters to assist its decision making for the Hindmarsh Community.
- 1.3 The Committee has functions and responsibilities as set out in this Terms of Reference document. The Terms of Reference document sets out the structure and basis on which the Committee can make recommendations to Council.
- 1.4 This Terms of Reference document is authorised by a resolution of Council passed on 23 November 2022.

## 2 Purpose

- 2.1 The purpose of the Nhill Town Committee (**Committee**) is to:
  - 2.1.1 provide leadership in the promotion of Nhill and district, the improvement of the community's livability and its economic development, liaising with sporting clubs, community organisations and businesses to identify and help coordinate any such opportunities;
  - 2.1.2 advise Council of necessary service delivery and infrastructure improvements in its community, and to prioritise such requests and submit them in early December of each year for consideration in Council's budget;
  - 2.1.3 provide a means of effective and efficient communication between Council and the community;
  - 2.1.4 provide feedback and comments on matters referred by Council or other matters brought to the Committee's attention;
  - 2.1.5 facilitate local activities and events, including welcome functions for new residents; and
  - 2.1.6 provide advice to Council as to how the funds of the Nhill Town Committee are expended.

## 3 Role of the Committee

- 3.1 The role of the Committee is to:
  - 3.1.1 to establish clearer lines of communication between Council and residents to support future development and operational activities in Nhill.

## 4 Town Committee Finances

- 4.1 Council will hold the funds of the Nhill Town Committee.
- 4.2 Decisions to spend the funds will be made by Council on the advice of the Nhill Town Committee.
- 4.3 Funds remaining in the Nhill Town Committee's ledger at the end of each financial year will rollover into the following financial year's accounts for the Nhill Town Committee.

## 5 Membership

- 5.1 The Committee will consist of a minimum of five and a maximum of eleven members comprising of:
  - 5.1.1 One Councillor nominated by Council;
  - 5.1.2 Up to ten members of the Nhill community appointed by Council after seeking expressions of interest from the community.
- 5.2 The Chief Executive Officer (CEO) shall appoint a Council Officer to provide governance advice and approve purchasing recommendations within limits determined by the CEO.
- 5.3 A Council Officer appointed under 5.2 is not considered a member of the Committee and does not have voting rights.
- 5.4 Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 5.5 Councillors, other than a Councillor appointed under clause 5.1.1, who attend a meeting are not to be classed as members of the Committee and do not have voting rights.
- 5.6 Membership is for a period of two (2) years, unless otherwise determined by a resolution of Council.
- 5.7 Any Councillor can attend meetings of the Committee as an observer.
- 5.8 Appointment to the Committee may be decided by factors such as suitability, experience, expertise, and with a view to ensuring a diverse and well balanced Committee.
- 5.9 People wishing to serve as an external independent member may nominate for successive terms without restriction.
- 5.10 Members of an Advisory Committee must abide by the Advisory Committee Policy - specifically clause 13 – code of conduct.
- 5.11 Where members are unable to attend a scheduled Advisory Committee Meeting, they should advise the Chair in writing prior to the meeting commencing.
- 5.12 A Committee member can be disqualified from the Committee in accordance with clause [5.12.1](#) and [5.12.2](#).
  - 5.12.1 If a Committee Member is absent from 2 or more consecutive meetings without providing written notice to the Chair, then Council can propose to remove the member as per clause [5.12.2](#). The Chair must notify Council in writing, via [s86@hindmarsh.vic.gov.au](mailto:s86@hindmarsh.vic.gov.au), of any Committee Member who is absent from two or more consecutive meetings and has not provided written notice.
  - 5.12.2 If the Council proposes to remove a member from the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard if that member so requests.
- 5.13 If the Councillor appointed under 5.1.1 cannot attend an Advisory Committee Meeting they can nominate another Councillor to attend the meeting on their behalf.

## **6 Appointment of Community Representatives to Advisory Committees**

- 6.1 Community representatives will be appointed to Council through an expression of interest and selection process.
- 6.2 Expressions of interest will be sought by public notice in the local media and on Hindmarsh Shire Council's website in March of each year.

- 6.3 Council will appoint the committee members to the Advisory Committee during the May Meeting.
- 6.4 Every effort should be made to ensure a representative cross section of people from the relevant area are elected to serve on the Advisory Committee.
- 6.5 Appointment to an Advisory Committee will be for a period of two (2) years, unless otherwise determined by way of a Council resolution, or if appointment occurs as per clause [6.7](#), appointment will cease at the end of the financial year, 30 June.
- 6.6 A member of an Advisory Committee is able to resign at any time.
- 6.7 Where an Advisory Committee does not have the maximum number of appointments as per clause [5.1](#) above and Council's Advisory Committee Policy, they may appoint additional members by way of resolution as per clause [12](#), having received a majority vote as per clauses [11.4](#), [11.5](#) and [11.6](#).

## 7 Executive

- 7.1 The executive composition of the Committee will be:
  - 7.1.1 Chairperson;
  - 7.1.2 Secretary
  - 7.1.3 up to 2 other office bearers as determined by the Committee.
- 7.2 The executive composition of the Committee is to be elected at the first Advisory Committee Meeting in a financial year.

*Explanatory note 5.1.3 The 2 other office bearers are up to the discretion of each Committee. For example, a Deputy Chairperson may be elected.*

## **8 Election of Chairperson**

- 8.1 The Committee must elect a Chairperson at the first Advisory Committee Meeting in a financial year.
- 8.2 The election of a Chairperson must be chaired by the Councillor or a Council Officer.
- 8.3 The Councillor or Council Officer will invite nominations for Chairperson.
- 8.4 Every nomination for Chairperson will require a seconder.
- 8.5 Voting must be done by show of hands.
- 8.6 The Chairperson must be elected by an absolute majority of the Committee.

### **8.7 Role of the Chairperson**

- 8.7.1 The Chairperson will chair all meetings.
  - 8.7.2 The Chairperson is the authorised spokesperson for the Committee.
- 8.8 If the Chairperson is absent from a Committee meeting, the Committee will elect a temporary Chairperson to chair the Committee meeting.

## **9 Election of secretary**

- 9.1 The Committee must elect a Secretary at the first Advisory Committee Meeting in a financial year.
- 9.2 The Councillor or Council Officer will invite nominations for Chairperson
- 9.3 Every nomination for Secretary will require a seconder.
- 9.4 Voting must be done by show of hands.
- 9.5 The Secretary must be elected by an absolute majority of the Committee.

### **9.6 Role of Secretary**

- 9.6.1 The Secretary will be responsible for preparing the Agenda for the meetings and taking full and accurate minutes of the meetings.
- 9.6.2 The Secretary is responsible for distributing the minutes of the Committee Meeting within the required time frame.

## **10 Agenda**

- 10.1 For an item to be listed on the Agenda, the Secretary must be notified seven days prior to the meeting.
- 10.2 The Agenda is to be circulated to all Committee members five days prior to the meeting.
- 10.3 The Committee will not discuss any matter which has not been listed on the Agenda.
- 10.4 The Agenda must follow the format outline in Schedule 1.
- 10.5 Urgent business
  - 10.5.1 Urgent Business may be admitted for consideration at a Committee Meeting by resolution of the Committee Meeting.
  - 10.5.2 Prior to a vote being taken on whether to admit business as an item of Urgent Business, the Committee Member proposing such admission must outline the subject of the business to the Meeting
  - 10.5.3 The following matters are not capable of becoming items of Urgent Business:

10.5.3.1 the commitment of funds, or in kind contributions, for any purpose exceeding \$100.

## 11 Meetings

- 11.1 Unless Council resolves otherwise, Committee meetings must be conducted in accordance with these Terms of Reference.
- 11.2 The Committee will meet a minimum of 10 times per year.
- 11.3 A quorum of the Committee will be half the members plus one and must include one Councillor.
- 11.4 Voting will be by a majority of votes by a show of hands.
- 11.5 Only Committee members in attendance are entitled to vote.
- 11.6 The Chairperson shall have the casting vote in the event of an equality of votes.
- 11.7 Working Groups may be formed by the Committee and may meet between general meetings and as authorised by the Committee.

## 12 Resolutions

- 12.1 Resolutions that are made by the Committee become advice to Council which can be approved or denied.
- 12.2 Resolutions should read as follows and as applicable to the resolution:
  - 12.2.1 *The Committee recommends that Council take the decision to spend \$XX on XXX; OR*
  - 12.2.2 *The Committee recommends that Council take the decision to approve the [event] as a Council event.*

## 13 Role of the Council Officer

- 13.1 The role of the Council Officer appointed under clause 5.2 includes:
  - 13.1.1 Assisting the Executive Assistant and Manager Governance and Human Services in maintaining a Register of Committee members, their date of appointment, reappointment and official positions (if any) held as a Committee member;
  - 13.1.2 advising Committee members of term completion dates and their eligibility for reappointment as relevant;
  - 13.1.3 acting as contact point between Council and the Committee;
  - 13.1.4 assisting with meeting the Committee's reporting requirements;
  - 13.1.5 making decisions on expenditure up to \$2,000.00 based on advice provided by the Committee;
  - 13.1.6 assisting the Manager Finance and Customer Service in maintaining a finance report;
  - 13.1.7 signing off on all minutes prior to being tabled at a Council meeting.

## 14 Reporting

- 14.1 The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Committee's consideration in accordance with:
  - 14.1.1 Council's Governance Rules (as amended from time to time and adopted by Council).
- 14.2 Minutes are to be forwarded to [s86@hindmarsh.vic.gov.au](mailto:s86@hindmarsh.vic.gov.au) within one week of the meeting to be signed off by the Council Officer and then tabled at the following Council meeting.
- 14.3 The Committee must prepare and present to Council a report of its activities at its last meeting in the financial year, normally the meeting held in May, or upon being required to do so by Council and in any event at least once per year.

## **15 Creation and dissolution**

- 15.1 By the Terms of Reference, the Committee:
  - 15.1.1 is established; and
  - 15.1.2 has the responsibilities as set out in the Terms of Reference.
- 15.2 These Terms of Reference:
  - 15.2.1 come into force immediately the resolution of Council adopting them is made; and
  - 15.2.2 remain in force until Council determines to vary or revoke it.
- 15.3 The Committee may only be dissolved by Council.



**SCHEDULE 1            AGENDA**

1. Acknowledgement of the Indigenous Community;
2. Apologies;
3. Disclosure by Committee members or Councillors or Council Officers of any interest or conflicts of interest in any item on the agenda;
4. Confirmation of Minutes;
5. Business Arising from Minutes;
6. Correspondence;
7. Events;
8. General business as notified to the Chair;
9. Councillors Report;
10. Council Officer's Report;
11. Urgent business;
12. Finance Report;
13. Decisions to be Made;
14. Meeting close;
15. Council Officer Authorisation.