

TERMS OF REFERENCE
Glamorgan Spring Bay
Natural Resource Management
SECTION 24 COMMITTEE OF COUNCIL
(JULY 2016)

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Resource Management Committee**

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Pursuant to Section 24 of the *Local Government Act 1993*, Glamorgan Spring Bay Council (GSBC) hereby establishes a Special Committee as detailed in Schedule 1 and 2 below.

Schedule 1

1. The name of the Special Committee shall be:

Glamorgan Spring Bay Natural Resource Management Committee (NRMC)

Schedule 2 – This document shall be read in conjunction with the Guidelines for Section 24 Special Committees of the Glamorgan Spring Bay Council.

1. Purpose

1.1 The NRMC provides a means of exchanging information about, participates in and progresses NRM initiatives involving the community (via the committee), stakeholders and GSBC.

1.2 Objectives of the Committee

To conserve and protect the natural environment and improve natural resource management in the Glamorgan Spring Bay municipal area by:

- carrying out, supporting and / or assisting with on-ground works that address priority environmental management and sustainability issues;
- carrying out, supporting and / or assisting with studies, research and projects to improve our knowledge of the natural environment and natural resources, and facilitate practices of sustainable development and planning;
- provide support and advice on matters relevant to natural resource management within the area;
- organise and deliver community educational and awareness programmes;
- provide opportunities, support mechanisms and / or resources to enhance community capacity to participate in natural resource management practices, activities and projects.

Oversee the development and implementation of the Catchments to Coast program.

Oversee the development and implementation of the Prosser, Little Swanport and Swan Apsley Catchment Plans, and the Glamorgan Spring Bay Weed Management Plan.

Form positive community, government, business and industry partnerships for the purposes of attracting resources for Natural Resource Management activities within the area.

2 The Committee Structure

2.1 It is recommended that the Committee has the following broad stakeholder and community representation with a minimum of 15 members. The following list is a guide:

- Council (one Councilor and Mayor);
- NRM South
- Agricultural sector (from the northern and southern ends of the Municipality);
- Parks and Wildlife Service;
- Forestry Tasmania;
- The broader forestry industry;
- Five community representatives (from Buckland/Orford, Triabunna, Swansea, Bicheno and Coles Bay/Swanwick);
- Aquaculture industry;
- Cultural heritage;
- Tasmanian Aboriginal community;
- Department of Defence;
- TasWater;
- Established environmental groups in the Municipality;
- Significant infrastructure providers (eg.DSG / Aurora etc).
- Tourism;
- Education;
- Commercial fishing.

This will ensure the following skills / knowledge base:

- Primary production
- Community on-ground expertise
- Conservation management
- Forestry expertise
- Catchment management
- Education and extension
- Environmental projects design and implementation

The Committee will be supported by Council Officers from the NRM Department. Council employees are not members of the Committee per se and therefore have no voting rights.

2.2 The Committee shall elect or appoint a Chairperson, (Secretary and a Treasurer or a Secretary/Treasurer will be the nominated Council Officer).

2.3 Term of the Committee

Nomination for membership can occur as required . Nominees are requested to detail their skills and knowledge base, and the stakeholder / community group they represent. To ensure the relevant skills / knowledge base stakeholder representatives can also be approached.

2.4 A committee member can be nominated for a term of 4 years with the term beginning following nomination being approved by Council.

2.5 Appointment of Committee Members

All Committee members are appointed by Council following an expression of interest process with responses from individuals or interest groups.

Expressions of interest (EOI) will be by public advertisement in local newspapers/newsletters, on Council's website, Council noticeboards, via direct contact with those who can provide expertise and by other methods deemed appropriate. An EOI form will be given to prospective committee members to provide, for example, contact details, skills, interests, any potential conflicts of interest and reasons for wanting to join a specific Section 24 Special Committee of Council.

The Council has the final responsibility for determining the membership. As a general rule committees should abide by minimum and maximum numbers as outlined in Appendix A Special Committees. If a large number of expressions of interest are received for any given Section 24 Committee that exceeds the recommended number of committee members, the Councillor representatives on that committee, the Mayor or Deputy Mayor (if the Mayor is not available) and the Council Officer will review the expressions of interest and the terms of reference. This will determine the individuals to be accepted based on skills, interests and expertise relevant to the committee.

2.6 Termination of Appointment

A Committee member may resign by giving written notification to the Chair.

If a member is unable to fulfil their responsibilities they should resign to allow the Council to appoint a member who can meet the commitment required.

Appointments may also be terminated by the Council for a variety of reasons including misbehaviour, inefficiency or incompetence.

Any action by a member that demonstrates their unwillingness or inability to comply with the obligations and responsibilities of committee membership, as outlined in this document, may be grounds for termination of appointment.

An appointment may also be terminated if:

- (i) the member without reasonable excuse fails to disclose a conflict of interest; or
- (ii) the member is absent from two (2) consecutive meetings of the Committee without informing the Chair of an official apology.

If there is a dispute between members of the committee or another party which is unresolved, the Chairperson must notify the General Manager.

(i) The General Manager may nominate an independent negotiator or staff member with appropriate skills to help resolve the dispute.

(ii) If the dispute remains unresolved then this matter will be brought to Council to make a decision.

The final decision reached is binding on all parties to the dispute. 11

2.7 Alternate Member (Proxy)

The Council will not appoint alternative members. It is important that committees have a stable membership to ensure continuity and consistency in decision-making and advice.

2.8 Council Direction

The Council may from time to time direct the committee to consider certain issues, seek submissions from the relevant body or individuals or provide specific recommendations back to Council.

3 Functions of the Committee

- To have input into the development, implementation and review of GSBC policies, strategies and initiatives relevant to NRM;
- To provide oversight, assist with seeking / applying for funding, and develop procedures for NRM projects initiated by community, Council and other relevant stakeholders;
- To continue to develop the Catchments To Coast program in partnership with key stakeholders.
- To provide an opportunity for stakeholder views on issues as required;
- To provide key stakeholder input into the implementation of the Southern Tasmania Regional NRM Strategy on behalf of the Glamorgan Spring Bay community;
- To explore and promote opportunities consistent with sustainable development or conservation;
- To promote the conservation and protection of the environment;
- To develop an annual plan consistent with existing relevant plans and strategies of key stakeholders;
- To develop and manage the budget as determined by Council to support the Objectives of the Committee and Annual Aims of Council's NRM Department.

4 Restrictions on Committee Powers

4.1 The committee does not have the power to:

- impose fees, taxes, rates or charges;
- rebate rates or charges;
- borrow money;
- make a rate;
- make a by-law;
- execute a Deed;
- sign a contract
- institute a legal proceeding;
- call for tenders without prior approval of the Council;
- advertise for and/or appoint an employee or servant unless approval has been given by the General Manager;

- Sell land.
Is this wording from the Act?

5 Committee Meeting Procedure

5.1 Quorum

A quorum will be half the number of members (rounded down if uneven number) plus one e.g. for a 7 member committee a quorum would be 4. If a quorum is not present a Committee meeting cannot proceed.

5.2 Voting

Where there is a split vote, all views should be submitted to Council.

5.3 Records to be kept by Committee Secretary

The Committee Secretary shall keep minutes at each meeting detailing:

- those present;
- an accurate record of any motion indicating the mover and seconder and including the word 'Carried' or 'Lost' after each motion; (and the number of for and against votes be recorded);
- the time, date and place of each meeting.

The minutes of each meeting shall be confirmed and signed by the Chair at the subsequent meeting of that Committee.

5.4 Records to be kept by Committee Treasurer

It is the responsibility of the Committee Treasurer to maintain up-to-date financial records of income and expenditure and ensure that financial reports are tabled for discussion at each committee meeting.

5.5 Appointment of Chairperson

The Chairperson is to be nominated at the initial scheduled meeting annually.

If the elected Chairperson is not available for a meeting the Vice Chairperson or in the absence of both an Acting Chairperson shall be chosen from those present at the meeting.

5.6 Frequency of Meetings

Meetings of the Committee must be held at least four times per year to be scheduled on a regular quarterly basis.

5.7 Committee minutes

It is essential to have a correct record of the proceedings of a meeting. The minutes serve as a general record and attendance register; in the case of later doubt or dispute, they are a legally acceptable reference.

Not everything discussed needs to be recorded. Note key points, agreed actions, summary of issues and any decisions made (see Item 3.3 for more detailed guidelines on taking minutes).

Individual recommendations or dissent from recommendations will only be recorded at the specific request of a member.

Where there is a split vote, all views should be submitted to Council.

A copy of the draft Minutes will be distributed to committee members no more than fourteen (14 days) after each meeting. Council is to be provided the approved Minutes from a committee meeting as soon as possible after that meeting to appear on the next Ordinary Meeting of Council Agenda.

It is the responsibility of the Councillor representative to write a short report to Council after each committee meeting for Council's information and to be placed on the next Ordinary Meeting of Council Agenda.

5.8 Meetings open to the Public.

All meetings of the Committee shall be open to the public.

5.9 Notice of Meetings

A minimum of seven (7) days notice is required to be provided to committee members detailing date, time and location.

A notice of meeting is to be advertised in the local newspapers/newsletters and/or Council noticeboards and on the Council web-site at least seven (7) days prior to the meeting.

5.10 Urgent Meetings

If an urgent meeting is necessary, the Committee Chair is required to provide the notice of the meeting and the agenda at least five (5) days prior to the meeting date. Details of the meeting will be advertised in a prominent location on Council's web-site. Where possible, the notice of meeting is to be advertised in the local newspaper/ newsletter and/or Council noticeboards and be open to the public unless deemed closed by the Chair.

6. Financial Requirements

The Committee shall adhere to all Council audit and financial systems policies and procedures for all its financial transactions. The Committee shall receive an expenditure report at each meeting to show progress on the annual budget.

7 Insurance

Public liability insurance indemnifies the insured against legal liability resulting from damage to property, loss of use of property and death or bodily injury to members of the general public, where the loss, damage or injury to the property or third party was caused by a negligent act on the part of the insured. Public liability insurance does not cover breaches of

professional duty and is not the same as personal accident injury insurance.

Council is covered by public liability insurance which extends to all Council committees.

8 Alteration to Delegation and Terms of Reference

8.1 Council may amend this delegation and Terms of Reference at any time.

8.2 The Committee may review the Terms of Reference at any time and submit any amendments to Council for consideration and endorsement.

9. Conflict of Interest

Members of Section 24 Special Committees of Council may from time to time have a conflict of interest when discussing matters. This section provides an outline of what constitutes a conflict of interest and the process to be taken when a conflict of interest arises.

A Committee member who has a direct or indirect interest in any matter decided or under consideration by the committee must disclose the nature of interest to the Committee and this must be recorded in the Minutes.

Being a member of a Council committee is a position of trust that involves obligations to the community and to the Council. It must be clear to everyone that you are not using your position to serve your own interests or the interests of a close associate. For this reason, the Act requires members of Council committees to disclose conflicts of interest and not participate in a decision (discussion or vote) if they have a conflict of interest.

“At any meeting of a special committee ... a member must not participate in any discussion, or vote on any matter, in respect of which the member –

- (a) has an interest; or (b) is aware or ought to be aware that a close associate has an interest.”

Furthermore, the *Local Government Act 1993* states that:

“A member has an interest in a matter if the ... member or close associate would, if the matter were decided in a particular manner, receive, have an expectation of receiving or be likely to receive a pecuniary benefit or pecuniary detriment.”

The Act determines that a close associate of a committee member is:

- a) a body corporate of which the member is a director or a member of the governing body; or
- b) a proprietary company in which the member is a shareholder; or
- c) a public company in which the member is directly or indirectly a substantial shareholder; or
- d) a beneficiary under a trust or an object of discretionary trust of which the ... member is a trustee; or
- e) a business partner of the member; or
- f) the employer or an employee of the member; or
- g) a person from whom the member has received, or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services in relation to a matter being dealt with or to be dealt with by the Council committee; or
- h) the spouse or partner of the member, member’s son or daughter; or

i) the son, daughter, brother, sister, mother or father of the member or of their spouse or partner.

Failure to disclose a conflict of interest may be an offence that can be prosecuted in a court of law. It is your responsibility and duty to identify and disclose your conflicts of interest when required to. It is important to note that, while another person may assist you in deciding or determining whether you have a conflict of interest, they cannot make the decision for you. Irrespective of what assistance or advice you receive from someone else, legally you remain responsible for your own actions.

10. Confidentiality

10.1 Volunteers working with Council must keep all privileged information in relation to Council, employees and community members confidential. Volunteers are expected to maintain the same standards of confidentiality as Council's paid employees. This includes information held by the Council; information shared between volunteers and the designated managers; and information about particular circumstances.

Volunteers are required to read and sign the Glamorgan Spring Bay Council Confidentiality Agreement. Any breach of this confidentiality requirement will be taken seriously and lead to:

- The termination of the volunteer's services.
- Any other action deemed necessary by the General Manager