



Glamorgan Spring Bay Council

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# **Terms Of Reference – Natural Resource Management Committee**

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Version [SC2021]

Adopted: 28 September 2021  
**Minute No.: 166/21**

## Document Control

<b>Terms Of Reference – Natural Resource Management Committee</b>	
<b>First issued/approved</b>	-
<b>Source of approval/authority</b>	Council
<b>Last reviewed</b>	September 2021
<b>Next review date</b>	
<b>Version number</b>	SC2021
<b>Responsible Officer</b>	Alex Woodward
<b>Department responsible for document development</b>	Planning & Development

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# 1 Purpose and Objectives of the Committee

1.1 As an S24 Committee of Glamorgan Spring Bay Council [GSBC], the Natural Resource Management Committee [NRMC] provides a means of exchanging information about, participating in and assisting with the progression of Natural Resource Management [NRM] initiatives involving the community (via the committee), stakeholders and GSBC.

1.2 To conserve and protect the natural environment and improve natural resource management in the Glamorgan Spring Bay municipal area by providing input into the development, implementation and review of GSBC policies, strategies and initiatives relevant to NRM, specifically

- 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;
- providing support and advice on matters relevant to natural resource management within the municipal area, including, but not limited to, relevant strategies, plans, legislation and other guiding documents;
- organising and delivering community educational and awareness programmes;
- providing opportunities, support mechanisms and / or resources to enhance community capacity to participate in natural resource management practices, activities and projects;
- provide input into the development of grant applications relevant to NRM; and
- forming 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 5 members and a maximum of 11.:

- One Councillor;
- 9 Community members and Industry representatives (broadly spread across the Municipal area);
- A community representative of the Tasmanian Aboriginal community with local knowledge;

Council employees are not members of the Committee per se and therefore have no voting rights.

2.2 The Committee may invite individuals or representatives of other groups and authorities to undertake an ongoing advisory role. Those acting in this advisory role would need to have skills and knowledge relevant to natural resource management.

2.3 The Committee shall elect or appoint a Chairperson and Vice Chairperson. Council will provide basic administrative support for minute taking and agenda distribution and to act as a secretary. A venue for meetings will also be provided.

2.4 Term of the Committee

Nomination for membership can occur as required. 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 representing a geographical area and/or interest group. 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. 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 representative on that committee and the Responsible 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. To achieve the desired balance, specifically within the NRM Committee, the following are listed as a suggested range of skills and knowledge to be considered to guide this process:

- Primary production inc. agriculture, forestry, aquaculture, commercial fishing, viticulture;
- Conservation and environmental management:
- Catchment management;
- Community activities and development, established community groups;
- Cultural heritage;
- Water and irrigation industry;
- Academic disciplines such as ecology, engineering, and biological sciences;
- Tourism and hospitality;
- Education.

## 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.

## 2.7 Proxy Vote

The Council will not appoint alternative members. It is important that committees have stable membership to ensure continuity and consistency in decision-making and advice. Members may use other members as a proxy vote in the case they are unable to attend meetings.

## 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.

## 2.9 Co-option of Committee members

The Committee may co-opt individuals with specific expertise to assist with particular issues for a period of no greater than 12 months. Such co-opted members would not have any voting rights, acting solely as advisors.

### 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 an opportunity for members of the community and other stakeholders to communicate views to GSBC on issues related to NRM;
- To act as a conduit for key stakeholders to have input into the implementation of the NRM South Strategy on behalf of the Glamorgan Spring Bay community;
- To explore and promote opportunities within the municipality consistent with sustainable development or conservation;
- To promote the conservation and protection of the environment;
- To provide input into the annual goals of Council in relation to NRM activities.

### 4 Extent of Delegated Authority

Nil

### 5 Committee Meeting Procedure

#### 5.1 Quorum

A quorum will be half the number of members (rounded down if uneven number) plus one. If a quorum is not present a Committee meeting cannot proceed. Given a membership of 11, a quorum is 6.

#### 5.2 Voting

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

#### 5.3 Records to be kept by Council

The Committee 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 Appointment of Chairperson and Vice Chairperson

The Chairperson and Vice Chairperson are 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.

## 5.5 Frequency of Meetings

Meetings of the Committee must be held at least four times per year to be scheduled on a regular basis. Dates and possible venues for such meetings will be decided at the last meeting of the calendar year.

## 5.6 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.

Note key points, agreed actions, summary of issues and any decisions made (see Item 5.3 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.

## 5.7 Meetings open to the Public.

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

## 5.8 Notice of Meetings

A minimum of seven (7) days' notice is required to be provided to committee members detailing date, time and location. An agenda will be issued prior to each meeting in conjunction with the notice of meeting.

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.

## 5.9 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 Councils 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.

## 6 Insurance

6.1 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.

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

## 7 Alteration to Delegation and Terms of Reference

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

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

## 8 Conflict of Interest

8.1 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.

8.2 A Committee member who has a direct or indirect pecuniary 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.

8.3 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.

## 9 Confidentiality

- 9.1 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.
- 9.2 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 may lead to:
  - The termination of the volunteer's services.
  - Any other action deemed necessary by the General Manager

## 10 Attachments (if applicable)

Nil