

Ratalang Basham Beach and Horseshoe Bay Advisory Committee

Terms of Reference

1. ESTABLISHMENT OF THE RATALANG BASHAM BEACH AND HORSESHOE BAY ADVISORY COMMITTEE

The Council has established the Committee in accordance with section 41 of the *Local Government Act 1999*, to be known as the Ratalang Basham Beach and Horseshoe Bay Advisory Committee in order to provide advice to Council:

- 1.1 on matters relating to preserving the heritage and biodiversity character of Ratalang Basham Beach Conservation Reserve and Horseshoe Bay;
- 1.2 on the maintenance and management of Ratalang Basham Beach Conservation Reserve and Horseshoe Bay;
- 1.3 on the development of Ratalang Basham Beach Conservation Reserve and Horseshoe Bay.
- 1.4 in accordance with these Terms of Reference

2. DEFINITIONS

Unless the context indicates otherwise, the following terms have the following meanings in these Terms of Reference:

Act	means the <i>Local Government Act 1999</i> (SA).
Chairperson	means the chairperson of the Committee, appointed in accordance with clause 5 of these Terms of Reference.
Committee	means the Ratalang Basham Beach and Horseshoe Bay Advisory Committee established by resolution of the Council, to be governed by these Terms of Reference.
Council	means the Alexandrina Council.
Member	means a member of the Committee.
Administration	means staff of the Alexandrina Council. Clause 7 refers administrative support given to the Committee (agenda preparation, minute taking etc).
Terms of Reference	means these terms of reference.
Ex-Officio	the Mayor as ex-officio may exercise a deliberative vote but not a casting vote (Regulation 27)
EOI	publicly advertised expressions of Interest for appointment to the committee via Council's website, social media and regional newspapers

Term of Office the amount of time a member will be appointed to the committee.

3. ROLE OF THE COMMITTEE

3.1 The functions of the Committee are to:

- 3.1.1 provide advice, feedback and advocacy to the Council with respect to protecting, preserving and enhancing the cultural significance of the Ratalang Basham Beach Conservation Reserve and Horseshoe Bay Reserves;
- 3.1.2 identify and recommend solutions to continue to make Ratalang Basham Beach Conservation Reserve and Horseshoe Bay Reserve a pleasant place where people can quietly reflect, honour and remember their ancestors, both indigenous and settlers.
- 3.1.3 assist in reviews of past or future Master Plans for the area;
- 3.1.4 from time to time, be involved in joint projects with other Committees, Councils and external organisations that have an interest or involvement in the management of use of the Ratalang Basham Beach Conservation or Horseshoe Bay area.

while having regard to the purpose of the Committee set out in paragraph 1.

3.2 The Council has not delegated any powers or functions to the Committee. However, the Council may do so at any time if necessary or convenient to allow the Committee to properly carry out its roles and functions. These Terms of Reference will be amended if any such delegation is made.

4. MEMBERSHIP

4.1 Membership of the Committee shall consist of each of the following persons (unless they have ceased to be a Member by virtue of clause 4.4, come to the end of their term of office or by clause 11):

- 4.1.1 two (2) West Ward Councillors; and
- 4.1.2 up to a maximum of eight (8) community members including:
 - A Chairperson
 - A representative from the local Ngarrindjeri community
 - Representative from Port Elliot Town and Foreshore Association
 - Representative from Middleton Town and Foreshore Improvement Association
 - Other community members

4.2 The Council may at any time alter the above membership by adding, subtracting, or substituting any membership positions.

4.3 A Member will, subject to the Act, hold office as a member of the Committee until their office becomes vacant by virtue of clause 4.4 of these Terms of Reference.

- 4.4 A person ceases to be a Member upon any of the following circumstances occurring¹:
- 4.4.1 the Member is removed from office by the Council.
 - 4.4.2 the Member resigns from office by written notice to the Council.
 - 4.4.3 the Member has been absent, without leave of the Committee, for three or more consecutive meetings;
 - 4.4.4 the Member ceases to hold the office which entitles them to be a Member (for example they cease to be Member of Council);
 - 4.4.5 the Member dies or becomes of unsound mind.
- 4.5 The Committee may appoint individuals as advisors to the Committee to assist with specific matters, or invite members of the public, subject matter experts or members of Administration to a Committee meeting if their attendance is deemed relevant to the topics discussed at the meeting.
- 4.6 Membership of the committee will be up to a maximum four (4) year term. Members may reapply via the EOI process for reappointment.
- 4.7 Expression of Interest will be advertised on a two (2) yearly basis to allow for retained knowledge (½ of members term to the start of a new Council Term and another ½ at Councils mid-term). Council members will remain on the committee for their term of office.
- 4.8 A member of a committee holds office at the pleasure of the Council (section 41(5) of the *Local Government Act 1999*).

5. CHAIRPERSON

- 5.1 The presiding member of the Committee will be the Chairperson.
- 5.2 Appointment by Council of an Independent Chairperson shall be made, following a publicly advertised Expression of Interest process.
- 5.3 The role of the Chairperson includes:
- 5.3.1 Overseeing and facilitating the conduct of meetings in accordance with these Terms of Reference and Alexandrina Council's Code of Practice Meeting Procedures (part 3).
 - 5.3.2 Ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.
 - 5.3.3 Establishing and maintaining good communications with between the Committee, Administration and Council.
- 5.4 If the Chairperson is absent from a meeting of the Committee, another Member chosen from those present will preside at the meeting as the acting Chairperson.
- 5.5 The Chairperson shall serve a term of two (2) years in that role.

¹ Please seek Governance advice prior to any person ceasing to be a Member.

- 5.6 The Chairperson is eligible for reappointment by Council, with the recommendation of the committee, for a further two-year term.
- 5.7 The Chairperson may only serve a maximum of four (4) years when a new Expression of Interest process must be undertaken. The chairperson may re-apply via this process.

6. VACANCIES

- 6.1 If for any reason by virtue of clause 4.4 of these Terms of Reference a vacancy occurs:
 - 6.1.1 within the first 12 months of Expression of Interests for the Committee being closed, a suitable but unsuccessful candidate may be approached to fill the vacancy.
 - 6.1.2 longer than 12 months from the date of Expression of Interest closing then a new round seeking Expressions of Interest must be advertised to fill the vacancy.

7. ADMINISTRATION

- 7.1 The Committee will be provided with administrative support by the person occupying or acting in the office of Chief Executive Officer of the Council (or their delegate).
- 7.2 The Committee shall act at all times in accordance with the Act and in accordance with these Terms of Reference in the performance of its functions.
- 7.3 Minutes must be kept of the proceedings at every meeting of the Committee (in accordance with the [Code of Practice – Council Meeting Procedures](#)). The minutes of the proceeding of a meeting will include:
 - 7.3.1 the names of the Members present at the meeting.
 - 7.3.2 each motion carried at the meeting.
 - 7.3.3 any disclosure of interest made by a Member, with an appropriate note in accordance with section 74 or 75 of the Act (as the case may be); and
 - 7.3.4 details of the making of an order under section 90(2) of the Act, in accordance with section 90(7) of the Act; and
- 7.4 The minutes of the proceedings at a meeting of the Committee must be submitted for confirmation at the next meeting of the Committee or, if that is omitted, at a subsequent meeting.

8. CONDUCT OF COUNCIL COMMITTEE MEMBERS

- 8.1 Committee Members (Council Members and Independent/Community Members) are required to comply with the:
 - 8.1.1 Conflict of Interest provisions contained in Chapter 5, Part 4, Division 2 and the Members of the *Local Government Act 1999* when attending and considering matters in Committee Meetings.

- 8.1.2 General Duties provisions section 62 of the *Local Government Act 1999* when attending and considering matters in Committee Meetings. These provisions include (but are not limited to) matters such as:
- a) acting with honesty;
 - b) acting with reasonable care and diligence;
 - c) not making improper use of information acquired by virtue of their position to gain advantage for self/others or cause detriment to the Council;
 - d) not making improper use of their position with Council to gain advantage for self/others or cause detriment to the Council;
 - e) not disclose information or a document for which there is a confidentiality order in effect under section 90 or 91(7);
 - f) not disclose information or a document that the member knows or, ought to reasonably know, is required to be treated confidentially; and
 - g) not direct or seek to influence a Council employee in the exercise of a power or function delegated to that employee.
- 8.2 Council Members are required to comply with the Member Behaviour provisions contained in Chapter 5, Part 4, Division 1, Sub-division 4 of the Local Government Act 1999 and Regulations in the performance of their official duties and functions, including Committee meetings.
- 8.3 Independent/Community Members are not subject to the Member Behaviour provisions identified in clause 8.2 however are required to comply with the following behavioural expectations:
- a) endeavour to provide accurate information to the Committee;
 - b) endeavour to establish and maintain respectful relationships with all Committee members and Council staff, regardless of difference of views and opinions; and
 - c) when making public comments regarding Committee or the Council, clearly indicate that their views are personal and not those of the Committee or the Council.
- 8.4 Alleged breaches of the Independent/Community Member behavioural expectations contained in clause 8.3 can be reported to the Council's Manager Governance and Communications.
- 8.5 The matter will be referred to a Reference Panel comprising the Mayor, Chief Executive Officer (or delegate) and the Manager Governance and Communications which has the delegation of Council to determine whether to remove the Member from office for a breach of the Independent/Community Member behavioural expectations.
- 8.6 The Reference Panel will observe the principles of natural justice in making any decision to remove a Member from office. That is, the Member will be given an opportunity to comment in relation to any adverse allegations against them and in relation to any proposal that they be removed from office. Any comments

made by the Member will be taken into account by the Reference Panel before a decision is made.

9. MEETINGS

- 9.1 Insofar as the Act, these Terms of Reference, and any procedures adopted by the Council and applicable to the Committee do not specify a procedure to be observed in relation to the conduct of a meeting of the Committee, then the Committee may determine its own procedure.
- 9.2 The first meeting of the Committee after it has been established shall occur at a place and time determined by the Chief Executive Officer.
- 9.3 The Committee shall, at its first meeting after being established, will determine the place, date and time meetings of the Committee will be held, provided that the Committee shall meet at least once per quarter (or with such greater frequency as it deems necessary to carry out its functions in a timely manner).
- 9.4 Notice of meetings of the Committee shall be provided to Members in accordance with section 87 of the Act and to the public in accordance with section 88 of the Act.
- 9.5 a quorum for a meeting of the committee shall be half of the total number of Members of the Committee in office (ignoring any fraction) plus one.
- 9.6 No business can be transacted at a meeting of the Committee unless a quorum is present.
- 9.7 A question arising for decision at a meeting of the Committee will be decided by a majority of the votes cast by the Members present at the meeting and entitled to vote on the question.
- 9.8 Each Member who is present at a meeting of the Committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.
- 9.9 The Chairperson, or other member presiding in the absence of the Chairperson, has a deliberate vote on a question arising for decision at the meeting and, in the event of an equality of votes, does not have a casting vote.
- 9.10 A report including any recommendations will be submitted by the Committee to Council as an attachment to Committee minutes, with an endorsed recommendation from the Committee to table the report with Council.

10. REPORTING

- 10.1 The Committee may make recommendations for Council consideration.
- 10.2 Any recommendations made by the Committee will be presented in the form of a report by a Council Officer supporting the Committee at the next Council meeting for decision.
- 10.3 A copy of the Committee minutes will be included in the agenda of the next ordinary Council meeting.

- 10.4 Council Members on the Committee who have declared a conflict of interest are unable to vote on a matter at a Council meeting.

11. FINANCE

- 11.1 That Council appoint the Trustee of the Foreshore Trust Fund to the Chief Executive Officer of Council, by recommendation from the Ratalang Basham Beach and Horseshoe Bay Advisory Committee and appointed by Council.
- 11.2 Confirmation of the appointment shall be confirmed in writing to the relevant State Government Department.

12. TENURE

- 12.1 The Committee will continue in existence until wound up by the Council or at the end of Council's Term.

13. SUBCOMMITTEES

- 13.1 The Committee may establish subcommittees to assist it in any matter.
- 13.2 Subcommittees established are required to comply with these Terms of Reference.

14. REVIEW

- 14.1 The Committee shall review these Terms of Reference annually to ensure that it is operating at maximum effectiveness.
- 14.2 These Terms of Reference may be reviewed and amended by the Council at any time.

Version Controls		
Version	Version Date	Council adoption
v1	16 September 2024	C24446
v2	9 January 2025 – administration updated	C24621
v2.1	17 March 2025	C082/03/25