

Ratalang Basham Beach and Horseshoe Bay Advisory Committee

CHARTER AND TERMS OF REFERENCE

1. Title and Constitution

- 1.1 The Ratalang Basham Beach and Horseshoe Bay Advisory Committee is established pursuant to the provisions of Section 41 of the Local Government Act 1999, as an Advisory Committee to the Council.
- 1.2 Council may appoint staff and elected members to the Ratalang Basham Beach and Horseshoe Bay Advisory Committee from time to time.
- 1.3 Should the Committee no longer be constituted under the Local Government Act 1999 and wish to continue pursuing issues, forums or projects, then the Committee may seek to be constituted by separate incorporation under the Associations Incorporation Act 1985 (and Regulations) or by some other means appropriate to the Committee that empowers the Committee to act *bona fide* as a legal entity.
- 1.4 In the event of the demise of the Committee, any material assets or revenue funds of the Committee will be resumed by the Council or disposed of in accordance with the Articles of Association contained in the Constitution of Incorporation for winding up of the affairs of the Committee as so formed.

2. Purpose and Mission Statement

- 2.1 **Members' Vision** – That Ratalang Basham Beach Conservation Reserve & Horseshoe Bay will continue to be a pleasant place where people can quietly reflect, honor and remember their ancestors; both indigenous and settlers.
- 2.2 The Ratalang Basham Beach and Horseshoe Bay Advisory Committee aims to assist the Council in preserving and enhancing the cultural significance of the Ratalang Basham Beach Conservation Reserve and Horseshoe Bay Reserves.
- 2.3 The Ratalang Basham Beach and Horseshoe Bay Advisory Committee aims to assist Council in protecting and enhancing the Ngarrindjeri and Ramindjeri culture within the Ratalang Basham Beach Conservation Reserve and Horseshoe Bay Reserves.

- 2.4 The Committee is established for the following:
- To advise Council on matters relating to preserving the heritage and biodiversity character of Ratalang Basham Beach Conservation Reserve and Horseshoe Bay;
 - To advise Council on the maintenance and management of Ratalang Basham Beach Conservation Reserve and Horseshoe Bay;
 - To advise Council on the development of Ratalang Basham Beach Conservation Reserve and Horseshoe Bay.

It is intended that the Committee will reference the following documents in determining its goals and objectives:

- Basham Beach Regional Park Master Plan – April 1995
- Basham Beach Regional Park Master Plan Audit – August 2005
- Annual Basham Beach Regional Park Maintenance Management Plan.
- Department of Premier and Cabinet, Document DPC07007867 (File Number DPC07/0415)
- Future master plans for the area.

- 2.5 The Committee cannot act outside of the delegated authority given by Council under the Terms of Reference of the Committee.

3. Membership

The membership of the Committee shall consist of:

- A Chairperson
- Two (2) West Ward Councillors (*Formally known as Port Elliot – Middleton Ward Councillors*)
- One delegate from the Ngarrindjeri Regional Authority
- Representative from Port Elliot Town and Foreshore Association
- Representative from Middleton Town and Foreshore Improvement Association
- Other community members

4. Advocating

The Committee shall advocate on behalf of the Council on the specific issues contained within the Terms of Reference of the Committee. The Committee may also 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 Reserve or Horseshoe Bay area.

The Committee shall seek Council endorsement for each advocacy role prior to stating any position on an issue or subject.

5. Election and Appointment of Members

5.1 Terms of Office

The term of office for Community members and Chairperson shall be set by the Committee and recommended to the Council for endorsement.
The term of office for Councillors shall be the term of the Council.

5.1.1 The Chairperson position will be subject to an election at the first Committee meeting following the declaration of the Council following Local Government Elections, every 4 years.

5.2 Removing Members

The Committee, through a group vote; may at any time recommend to Council the removal of a member of the Committee but shall observe the principles of natural justice and be respectful of the rights of the said member.

5.3 Appointment of New Members

The Committee may recommend new members as required.

6. Reporting to Council

6.1 The Committee must report to Council after each meeting by way of providing a copy of its signed minutes within 7 working days of each meeting.

7. Meetings

7.1 Formal Meetings and Informal Meetings or Workshops

Formal meetings of the Committee shall be held quarterly and must be held in a public forum unless the matters being considered are subject to the procedures contained in the Local Government (Procedures at Meetings) Regulations, 2000.

7.2 Special Meetings

Special meetings may be called by the Chairperson at any given time, with one weeks' notice to be given to all members.

7.3 Notice of Meetings

A notice of the meeting is to be provided to each Committee member setting out the date, time and place of the meeting with an agenda for the meeting. The Chairperson will decide an appropriate date, time and place of meetings.

7.4 Agendas

The agenda and notification of meetings shall be forwarded to the members at least three (3) working days prior to the meeting.

7.5 Minutes

Minutes shall be kept of all formal meetings and workshops of the Committee. Minutes shall be distributed to Committee members within seven (7) working days of the meeting and will be available at the following meeting. A copy of the minutes must be forwarded to Council. Minutes will only contain actions or resolutions from the meetings with recommendations to Council.

7.6 Representations

Committee members may make presentations and recommendations to other organisations with Council approval.

7.7 Reports

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.

7.8 Chairperson

The Chairperson will chair all meetings except where that person is an apology, in which case the Committee will appoint a chairperson for that meeting.

7.9 Quorum

The Committee's quorum shall consist of half the members plus one.

7.10 Sub Committees

The Committee shall appoint such sub-committees as it considers necessary, provided that all actions of such sub-committees are approved or confirmed by the Committee, and that any sub-committee operates in accordance with these terms of reference and reports back to this committee.

A sub-committee of two community members, two delegates from the Ngarrindjeri Regional Authority and Council staff members will be responsible for the Annual Ratalang Basham Beach Conservation Reserve Maintenance Management Plan.

7.11 Appointment of Office Bearers

Council will appoint the officers of the Committee and provide the Committee with Terms of Reference as to the scope and responsibilities of the Committee.

7.12 Voting

The Chairperson, or other member presiding in the absence of the Chairperson, has a deliberative vote but not a casting vote in the event of an equality of votes.

8. Council Staff Support

8.1 The Committee may be supported by Council staff.

8.2 Council staff and Elected Members may be appointed as members of the Committee.

9. Finance

9.1 Council officers are responsible for expenditure requirements and do so in accordance with Alexandrina Council's internal control procedures.

9.2 The Council and Committee will work within approved annual budgets, which may include finances gained through financial contributions, other grants and contributions. Council will provide an annual account of expenditure

within the Ratalang Basham Beach Conservation Reserve and Horseshoe Bay Reserves, and the amount held within the Basham Beach Trust.

- 9.3 Tendering, purchasing and receipting shall be conducted in accordance with the Alexandrina Council's internal control procedures.

10. Liability of Members

All Committee Members shall read, sign and abide by Council's Volunteer Policies and undergo a volunteer induction. All Committee Members are subject to the WH&S policies of Council.

11. Conflict of interest

The provisions in relation to a member's conflict of interest are set out in S74 of the Local Government Act 1999. The provisions of S74 & S75 apply to meetings of Council, council committees and subsidiaries, and apply to all Councillors and any person appointed to a Council Committee or the Board of a Subsidiary. Thus applies to the Ratalang Basham Beach and Horseshoe Bay Advisory Committee members.

12. Dissolution

The Committee may be disbanded by way of a change of legislation that no longer supports the constitution of the Committee whereupon the Committee may seek to become a *bona fide* legal entity under alternative legislation.

13. Interpretation

- 13.1 In this Terms of Reference, unless the contrary intention appears:

"Member"	means a member of the Committee;
"Special resolution"	has the same meaning as the Act;
"The Act"	means the Local Government Act, 1999;
"The Committee"	means the Advisory Committee appointed by Council
"Chairperson"	means a member of the Committee who is responsible for chairing the meetings.

- 13.2 A reference in this Charter to an act of Parliament – is a reference to the act as amended from time to time and, if a later act is substituted for that act, to the later act; and extends to regulations and statutory instruments under the act. The Committee requires that it be advised of said changes to the Act and its regulations.

- 13.3 The Committee, in the first instance, is the determining authority for the interpretation of this Charter. The Committee may refer any interpretations to the Council and any interpretation referred to Council will be final and binding on all matters.

14. Alteration of Charter

- 14.1 These rules may only be altered, rescinded or replaced by a resolution passed by majority of not less than two thirds of such members as, being entitled to do so, vote in person or by proxy at a Special General Meeting of the Committee convened in accordance with these rules.
- 14.2 Written notice of the proposed amendment, rescission or replacement of the rules shall be notified to all members of the Committee at the same time as notification of the Special General Meeting.
- 14.3 No changes to the Charter or Terms of Reference of the Committee shall be made without authorisation of the Council.

15. Audit

The Committee will be subject to audit by a person or persons appointed by Council unless separately incorporated whereby the Committee as a bona fide Association shall appoint an auditor appropriately qualified for the purpose.

16. Operation

The Committee shall commence its functions on and from the inaugural meeting of appointees and office bearers at the first General Meeting of the Committee.