



## ***Kingston Foreshore Caravan Park Management Committee***

### ***Terms of Reference***

#### **PREAMBLE**

A Committee of Council may be established by resolution of the Council. A Committee can be established to assist the Council in the performance of its functions, to manage or administer property, facilities or activities on behalf of Council, to inquire into and report to the Council on matters, provide advice to the Council and to exercise, perform or discharge delegated powers, functions or duties.

Pursuant to Section 41(10) of the *Local Government Act 1999* the establishment of a committee does not derogate from the power of the Council to act in a matter.

#### **1. Establishment of the Kingston Caravan Park Management Committee**

Pursuant to Section 41 of the *Local Government Act 1999* the Council establishes a Committee to be known as the Kingston Foreshore Caravan Park Management Committee (referred to in these Terms of Reference as 'the Committee').

#### **2. Committee Objectives**

The objective of the Committee is to ensure that the Kingston Caravan Park ("the Park") is strategically positioned to support the aims and objectives of Council's 2016 to 2026 Strategic Plan and that the Park operates in a sustainable and profitable manner.

#### **3. Committee Activities**

The activities of the Committee are:

- to conduct strategic planning for the Park and to make recommendations to Council;
- to assist in the preparation of annual business plans and budgets and to make recommendations to Council;
- to monitor budget performance throughout the year.

#### **4. Membership:**

The membership of the Committee shall consist of all Elected Members (8) (voting members) and the Chief Executive Officer, Senior Finance Officer, Park Management (non-voting members) and the Tourism & Community Engagement Officer who will assist in preparing papers for the Committee.

#### **5. Presiding Member of the Committee**

The Chairperson is appointed by Council.

**6. Term of Office**

Members are appointed until the end of the current Council term.

**7. Reporting Arrangements**

In accordance with the delegation provided to the Committee, the Committee will oversee and manage the Park and its facilities on behalf of and in the name of the Council without any requirement for further approval of the Council, subject to any matter that is reserved for decision of the Council, as set out in Section 44(3) of the Local Government Act 1999.

In accordance with Section 44(3) of the Local Government Act 1999, the Committee does not have delegation to:

- adopt or revise a strategic management plan of the Council
- adopt or revise an annual business plan or budget of the Council
- approve expenditure of money on works, services or operations of the Council not contained in a budget adopted by the Council;
- fix, vary or revoke a fee under section 188(1)(d) to 188(1)(h) of the Local Government Act 1999.

Appropriate Officers will forward reports to the Committee for consideration on matters that relate to operation of the Park.

**8. Confidentiality**

The confidential provisions of the *Local Government Act 1999* shall apply to ALL members of the Committee. This in short means that those matters that are deemed to be 'confidential' (which includes the report discussions and any resulting decision) **must remain confidential**, and not to be discussed outside the forum of the Committee Meeting, until the matter is discussed and determined by the Committee.

**9. Delegated Authority**

Pursuant to Section 44 of the Local Government Act 1999 and in recognition of the fact that all elected members of the Council also comprise full membership of the Committee, the Council by the adoption of these Terms of Reference, delegates to the Committee all necessary powers and functions of the Council under the Act to enable the Committee to oversee and manage the Park and its facilities on behalf of and in the name of the Council without any requirement for the further approval of the Council subject to the condition and limitation that any matter that is, by operation of Section 44(3) of the Act, reserved for decision by the Council.

The Committee has authority to seek any information it requires from any employee of the Council (after advising the Chief Executive Officer) in order to perform its duties and to obtain, at the Council's expense, (after consultation with the Chief Executive Officer) outside legal or other professional advice on any matter within its Terms of Reference.

**10. Conduct and Conflict of Interest of Committee Members**

All members of the Committee must comply with the Code of Conduct for Elected Members as per Section 63 (1) of the Local Government Act 1999 and Chapter 5 Part 4 of the Local Government Act

1999 relating to Conduct and Disclosure of Interests.

Members of the Committee must not make improper use of their position to gain (directly or indirectly) an advantage for themselves or for another person closely associated with the member. Members must make sure there is no conflict between their private interests and their role as a public decision maker.

Committee Members will have to declare what their interest is in any matter before the Committee.

#### **11. Meeting Times & Place**

Committee meetings will be held on an as needs basis, and will be scheduled, where possible, on completion of a scheduled monthly council meeting or briefing session.

#### **12. Quorum & Voting by Members**

The quorum shall be 50% of the number of voting members, plus one.

Each voting member of the Committee present at a relevant meeting must vote on any motion put at that meeting, including the Chairperson.

#### **13. Meeting Procedures**

Meetings of the Committee will be held in accordance with:

- i) *Local Government Act 1999*
- ii) *Local Government (Procedures at Meetings) Regulations 2013*
- iii) *Council Policy G004 - Code of Practice for Access to Council and Committee Meetings and Documents*
- iv) *Council Policy G006 - Code of Conduct for Council Members*

#### **14. Access and Documents**

Pursuant to Section 87 of the *Local Government Act 1999* a minimum of three clear days' notice of the meeting, accompanied by the agenda, will be provided to Members of the Committee and the public. Hardcopy agendas will be provided in the Council Chambers for access by members of the public in attendance.

Minutes will be available within five clear days after a meeting in accordance with Section 91 of the *Local Government Act 1999* and will be provided to all Members of the Committee and placed on Council's Website and a hardcopy placed in the Council Office, 29 Holland Street, Kingston SE.

Members of the public can attend all meetings of the Committee, unless excluded from the meeting by the confidentiality provision of Section 90 of the *Local Government Act 1999*.

*NOTE: For the purposes of the calculation of **clear days** in relation to the giving of notice before a meeting, the day on which the notice is given, and the day on which the meeting occurs, will not be considered; and Saturdays, Sundays and public holidays will be taken into account. However, if a notice is given after 5.00pm on a day, the notice will be taken to have been given on the next day.*

**15. Responsible Officer**

Chief Executive Officer

**16. Liability and Insurance**

Pursuant to Section 80 of the *Local Government Act 1999* Council must take out a policy of insurance insuring every member of the Council, and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions or duties by members.

Further, pursuant to Section 41(12) of the *Local Government Act 1999* no civil liability attaches to a member of a committee for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the member's or committee's powers, functions or duties.

**17. Administrative Support**

The Chief Executive Officer shall provide appropriate administrative support to the Committee to adequately carry out its functions.

The Committee shall:

- i) have access to reasonable resources in order to carry out its duties;  
[Note that this is subject to any budget allocation being approved by Council]
- ii) be provided with appropriate and timely training, both in the form of an induction program for new members and on an ongoing basis for all members.

**18. Sitting Fee**

Chairperson –member Allowances apply as determined by the Remuneration Tribunal.

**19. Adoption by Council**

These terms of reference were reviewed and adopted by Council on 19 November 2019.