

ADELAIDE HILLS COUNCIL

Boundary Change Committee



TERMS OF REFERENCE

1. ESTABLISHMENT

- 1.1 The Boundary Change Committee (the 'Committee') of Council is established under Section 41 of the *Local Government Act 1999* (the 'Act').
- 1.2 The Committee does not have executive powers or authority to implement actions in areas which management has responsibility.
- 1.3 The Committee and its Members do not have any delegations except as provided for in this Terms of Reference.

2. ROLE

- 2.1 The role of the Committee is to oversee and authorise the development and operationalisation of plans and strategies that advance Council's endorsed position to oppose the Campbelltown City Council Woodforde/Rostrevor boundary change proposal (the boundary change proposal).

3. SPECIFIC FUNCTIONS

- 3.1 Within the context of the role of the Committee, its specific functions are:
 - 3.1.1 To oversee and provide advice to Council on:
 - 3.1.1.1 risk and risk management associated with any potential boundary change;
 - 3.1.1.2 financial and other budgetary considerations associated with any potential boundary change;
 - 3.1.2 To allocate resources within the financial delegation approved by Council;
 - 3.1.3 To review and respond to any correspondence or reports produced by the South Australian Local Government Boundaries Commission (the 'Boundaries Commission');
 - 3.1.4 The development and endorsement of project plans and strategies relevant to the boundary change proposal;
 - 3.1.5 The development and endorsement of communications strategies to the affected residents and ratepayers;
 - 3.1.6 The development and endorsement of submissions to the Boundaries Commission or its associated parties;
 - 3.1.7 To seek legal and/or other professional advice to enable the Committee to discharge its role and functions within the limits of its applicable financial delegation;
 - 3.1.8 Report regularly to Council on its activities related to its functions; and

3.1.9 Any other matters relevant to Council's opposition to the boundary change proposal.

4. OTHER MATTERS

4.1 The Committee shall:

4.1.1 Have access to reasonable resources in order to carry out its duties, recognising the constraints within Council's Budget.

4.1.2 Be provided with appropriate and timely training, both in the form of an induction programme for new committee members and on an ongoing basis for all committee members.

4.1.3 Have delegated financial responsibility as approved by Council from time to time. Any procurement activity resulting from the Committee's use of its delegation will be undertaken by the Administration. For clarity, individual Committee Members do not have any authority to commit Council funds.

4.1.4 At least once in each full term, review its own performance and these Terms of Reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.

4.1.5 Upon being provided notification by the Boundaries Commission and/or the Minister for Local Government that the boundary change proposal has either been concluded, withdrawn, or will not be proceeding in a timely manner, the Committee will provide advice to the Council on the continuance of the Committee.

4.2 The Presiding Member of the Committee, or their delegate, will be the Principal spokesperson for Council in relation to the boundary change proposal and related matters.

4.3 For the avoidance of doubt, Council retains decision making powers in relation to approving a total budget for boundary change matters and does not delegate this financial responsibility to the Committee.

5. MEMBERSHIP

5.1 The Committee will comprise five (5) members of Council.

5.2 All members of the Committee will generally be appointed by the Council for a period of three (3) years but will expire at each periodic local government election.

5.3 In considering appointments to the Committee, Council should give consideration to:

5.3.1 The diversity of the membership

5.3.2 Whether the Elected Member has a real or perceived conflict of interest in relation to the boundary change proposal

5.3.3 Whether the Elected Member has a sound understanding of provisions of Chapter 3, Part 2 of the Act and the details of the boundary change proposal.

5.4 Members of the Committee are eligible for reappointment at the expiration of their term of office.

5.5 The Committee may be assisted by independent advisors that the Committee may determine from time to time.

6. PRESIDING MEMBER

6.1 The Council will appoint the Presiding Member of the Committee.

6.2 The Council authorises the Committee to determine if there will be a Deputy Presiding Member of the Committee and, if so, authorises the Committee to make the appointment to that position for a term determined by the Committee.

6.3 If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. If there is no position of Deputy Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee, then a member of the Committee chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.

6.4 The role of the Presiding Member includes:

6.4.1 overseeing and facilitating the conduct of meetings in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations); and

6.4.2 Ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.

6.4.3 Being the Principal spokesperson for Council in relation to the boundary change proposal and related matters as per 4.2.

6.4.4 Where information is required to be provided to the Boundaries Commission or an associated party in a timeframe that does not reasonably allow the Committee to meet in a timely fashion to consider the requested information, the Committee Presiding Member has the delegation, following consultation with the CEO, to approve the provision of the requested information directly to the requesting party. A report will be provided to the next meeting of the Committee on the exercise of this delegation.

7. SITTING FEES

7.1 No additional allowance will be paid to the Members of the Committee over and above the allowance already received by Council Members in accordance with the determination of the Remuneration Tribunal.

8. REPORTING RESPONSIBILITIES

8.1 For the purposes of Section 41(8) of the Act, the Committee's reporting and accountability requirements are:

8.1.1 Minutes of a meeting of the Panel will be provided to all Committee members as soon as practicable after the meeting and, in accordance with the Act, to all Council members within five (5) days after the meeting.

- 8.1.2 All resolutions of the Committee, including recording the names of those present will be minuted and the minutes will otherwise comply with the requirements of the Regulations.
- 8.1.3 Agendas and Reports of the Committee forwarded to the Committee will also be forwarded to Council members for their information prior to the Committee meeting, having regard for any confidentiality provisions that may apply.
- 8.1.4 The minutes of each Committee meeting will be included in the agenda papers of the next ordinary meeting of the Council;
- 8.1.5 Agenda, Reports and Minutes will be made available to the public consistent with legislative requirements.
- 8.1.6 The Presiding Member will attend a meeting of the Council at least once per annum to present a report on the activities of the Committee;
- 8.1.7 The Committee shall make whatever recommendations to the Council it deems appropriate on any area within these terms of reference where in its view action or improvement is needed; and
- 8.1.8 The Presiding Member may attend a Council meeting at any time that the Presiding Member sees fit to discuss any issue or concern relating to the Committee's functions. Depending on the nature of the matter, this may be held in confidence in accordance with Section 90 of the Act and staff may be requested to withdraw from the meeting.
- 8.1.9 The Committee shall report to Council on an as-needs basis or upon Council's request with a summary of its activities.

9. CONFLICTS OF INTEREST

Where a member of the committee has a conflict of interest in a matter before the Committee, the member must act in accordance with the requirements of section 73 to and 75D of the *Local Government Act 1999*.

10. QUORUM

A quorum for a meeting of the Committee will be three (3) members. No business can be transacted at a meeting of the Committee unless a quorum is present.

11. MEETING PROCEDURE

- 11.1 The meeting procedure for the Committee is as set out in the Act, Parts 1, 3 and 4 of the Regulations. Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
- 11.2 In accordance with Section 90(7a) of the Act, one or more Committee members may participate in the meeting by telephone or other electronic means provided that members of the public can hear the discussion between all Committee members.
- 11.3 Only members of the Committee are entitled to vote in Committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Committee for decision.

- 11.4 All decisions of the Committee shall be made on the basis of a majority decision of the Members present and in the event of a tied vote the matter be referred to the Council for decision.
- 11.5 Council Employees may attend any meeting as observers, to provide advice and/or be responsible for preparing papers for the Committee.
- 11.6 The Committee can request and/or engage other persons or organisations to make presentations and/or provide advice and/or respond to questions.
- 11.7 The Committee enjoys the delegation of powers, functions and duties of the Council as set out in these Terms of Reference.

12. SECRETARIAL RESOURCES

- 12.1 The Chief Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

13. FREQUENCY OF MEETINGS

- 13.1 The Committee shall meet at least four times a year at appropriate times and places as determined by the Committee. A special meeting of the Committee may be called in accordance with the Act.
- 13.2 If after considering advice from the CEO or delegate, the Presiding Member of the Committee is authorised to cancel the respective Committee meeting, if it is clear that there is no business to transact for that designated meeting.

14. NOTICE OF MEETINGS

- 14.1 Notice of the meetings of the Committee will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:
- 14.1.1 To members of the Committee by email or as otherwise agreed by Committee members; and
- 14.1.2 To the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's principle office and on the Council's website.

14.2 PUBLIC ACCESS TO MEETINGS & DOCUMENTS

- 14.3 Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.
- 14.4 Members of the public have access to all documents relating to the Committee unless prohibited by resolution of the Committee under the confidentiality provisions of Section 91 of the Act.