

CITY OF WEST TORRENS



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Terms of Reference

CITY FACILITIES AND WASTE RECOVERY GENERAL COMMITTEE

PREAMBLE

A Committee of Council may be established by resolution of the Council.

Section 41 of the *Local Government Act 1999* (Act) empowers a Council to establish committees to:

- assist the Council in the performance of its functions;
- enquire into and report to the Council on matters within the ambit of the Council's responsibilities;
- provide advice to the Council;
- exercise, perform or discharge delegated powers, functions or duties.

The establishment of a Committee does not derogate from the power of the Council to act in a matter.

1. ESTABLISHMENT

Pursuant to s41 of the *Local Government Act 1999* (the Act) the Council has established a committee to be known as the 'City Facilities and Waste Recovery General Committee' (referred to in these Terms of Reference as 'Committee').

2. OBJECTIVES

The primary objective of the Committee is to assist the Council in exercising due care, diligence and skill in discharging its oversight and monitoring responsibilities as well as enquiring into and reporting to the Council in relation to the following matters:

- 2.1. open space;
- 2.2. sport and recreation;
- 2.3. community hubs;

- 2.4. community centres management;
- 2.5. property leasing;
- 2.6. property disposal;
- 2.7. property acquisition;
- 2.8. building and facilities management;
- 2.9. waste management;
- 2.10. resource recovery;
- 2.11. any other matter which is within the powers and functions of the Council and which is referred to the Committee by the Council.

The Committee may at any time make recommendations to the Council to amend these Terms of Reference if the Committee forms the opinion that such amendments are necessary for the better operation of the Committee in the performance of its role.

3. MEMBERSHIP

- 3.1. Membership of the Committee will comprise the Mayor and up to seven (7) Elected Members being:
 - Mayor Michael Coxon
 - Cr Kym McKay
 - Cr Dominic Mugavin
 - Cr Daniel Huggett
 - Cr George Vlahos*
 - Cr Cindy O'Rielley*
 - Cr Brandon Reynolds
 - Cr John Woodward
 - Cr Surender Pal
 - Cr Anne McKay.
- 3.2. All members of the Committee will hold office for the period 1 February 2019 to the conclusion of the 2022 Local Government elections with the exception of:
 - *Cr George Vlahos appointed to the Committee for the period 1 February 2019 to 30 November 2020.
 - *Cr Cindy O'Rielley appointed to the Committee for the period 1 December 2020 to the conclusion of the 2022 Local Government elections.
- 3.3. Members of the Committee may be removed from office by Council resolution at any time.

- 3.4. Members of the Committee may resign their position at any time by giving notice of their intention in writing to the Chief Executive Officer.
- 3.5. If a vacancy occurs on the Committee, in accordance with clauses 3.3 or 3.4, the Council may appoint a replacement Member.
- 3.6. In the event an appointed Elected Member is not able to attend a meeting of the Committee, the appointed Elected Member's co-ward Councillor may attend as a proxy Committee Member with full voting rights.
- 3.7. An Elected Member who is not a duly appointed member as listed in clause 3.1, nor is attending as a proxy member pursuant to clause 3.6 may attend a committee meeting, with the right to speak and ask questions relating to motions but not debate or vote on motions.

4. PRESIDING MEMBER

- 4.1. Council (at its meeting held 15 January 2019) appointed Cr Kym McKay as the Presiding Member of the Committee for the period 1 February 2019 to the conclusion of the 2022 Local Government elections.
- 4.2. Council (at its meeting held 15 January 2019) appointed Cr Dominic Mugavin as the Deputy Presiding Member of the Committee for the period 1 February 2019 to 30 November 2020.
- 4.3. Council (at its meeting held 15 January 2019) appointed Cr Daniel Huggett as the Deputy Presiding Member of the Committee for the period 1 December 2020 to the conclusion of the 2022 Local Government elections.
- 4.4. The role of the Presiding Member is to:
 - 4.4.1 oversee and facilitate the conduct of meetings in accordance with the Act and *Local Government (Procedures at Meetings) Regulations 2013* (Regulations);
 - 4.4.2 in particular, to ensure that the Guiding Principles at regulation 5 are observed and that all Committee members have an opportunity to participate in discussions in an open and responsible manner; and
 - 4.4.3 call the meeting to order and move the debate towards finalisation when a matter has been debated significantly and no new information is being discussed.

5. OPERATIONAL MATTERS

- 5.1. The Committee does not enjoy any delegated powers or functions from the Council so that all decisions of the Committee (subject to any clause of these Terms of Reference to the contrary) will constitute recommendations to the Council.
- 5.2. For the purposes of s41(8) of the Act, the Council's reporting and other accountability requirements are satisfied by the delivery of a copy of the minutes of each meeting of the Committee to each member of the Council and the inclusion of those minutes in the agenda papers for the next ordinary meeting of the Council.
- 5.3. If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member will preside at that meeting. If 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, by formal resolution, will preside at the meeting until the Presiding Member (or Deputy Presiding Member) is present.

6. MEETING PROCEDURE

- 6.1. The Committee will act at all times in strict accordance with the Act and will be subject to the operation of Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* and the *City of West Torrens Code of Practice - Procedures at Meetings*.
- 6.2. Insofar as the Act and Regulations and these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, Council has determined its own procedure as articulated in the *City of West Torrens Code of Practice – Procedures at Meetings*.
- 6.3. The attached agenda format will be used for the conduct of meetings.
- 6.4. In the event that a meeting is cancelled or is inquorate, the items for discussion on the meeting agenda will be deferred to the next appropriate meeting of Council.

7. MEETING TIME AND PLACE

- 7.1 The Committee will meet on the fourth Tuesday of alternative months commencing March 2019, with the exception of December and January each year when no meetings will be held, at 6.30pm in the Mayor's Reception Room, Civic Centre, 165 Sir Donald Bradman Drive, Hilton SA 5033.
- 7.2 The Chief Executive Officer is delegated authority to vary the meeting date, time and place in consultation with the Presiding Member.

8. QUORUM

- 8.1 A quorum for a meeting of the Committee will be half of the members plus one.
- 8.2 No business can be transacted at a meeting unless a quorum is present.

9. DECISIONS

All decisions of the Committee will be made on the basis of a majority of members present.

10. VOTING

- 10.1 All members of the Committee must (subject to any provisions of the Act or Regulations to the contrary) vote on all matters presented for decision at a meeting of the Committee.
- 10.2 For the avoidance of doubt, every member of the Committee, including the Presiding Member has a deliberative vote only, i.e. no casting vote.
- 10.3 The Presiding Member will ask for members to vote and will then declare whether the motion is carried or lost.
- 10.4 The Presiding Member is deemed to vote in the affirmative unless he/she clearly declares otherwise.

11. FUNCTIONS AND RESPONSIBILITIES

The primary function of the Committee is to assist the Council achieve the stated objectives listed in section 2.

12. LIABILITIES OF MEMBERS

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 members' or committee's powers, functions or duties. Such a liability attaches instead to the Council.

***Agenda format for the City Facilities and Waste Recovery
General Committee***

- 1. MEETING OPENED**
- 2. PRESENT**
- 3. APOLOGIES**
- 4. DISCLOSURE STATEMENTS**
- 5. CONFIRMATION OF MINUTES**
- 6. COMMUNICATIONS BY THE CHAIRPERSON**
- 7. REPORTS OF THE CHIEF EXECUTIVE OFFICER**
- 8. OUTSTANDING REPORTS / ACTIONS**
- 9. OTHER BUSINESS**
- 10. NEXT MEETING**
- 11. MEETING CLOSED**