



Tatiara District Council

Executive Committee

TERMS OF REFERENCE

A Committee of Council established pursuant to the provisions of Section 41 of the Local Government Act 1999

Terms of Reference for the conduct of the business of the Council Committee were approved and adopted by Tatiara District Council at its meeting held on 9 April 2019, Council Res No 2019/98.

Executive Committee

Powers and functions

The Executive Committee has been established to

- (a) Regularly review and monitor the performance of the Council and progress against the Strategic Plan;
- (b) Arrange for a review of the Chief Executive Officer's performance to be conducted annually or more frequently if the Council determines there is a need to do so.
- (c) Provide guidance to the Mayor and Chief Executive Officer on matters as required.

Executive Committee

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1. NAME

The name of the Council Committee shall be Executive Committee (in these Terms of Reference referred to as “the Committee”).

2. DEFINITIONS

- 2.1 For the purpose of these Terms of Reference, unless inconsistent with the subject matter or context: -
- 2.1.1 “Act” means the Local Government Act 1999 and includes all Regulations and Schedules.
 - 2.1.2 “Committee” means the Committee of Council established pursuant to clause 3.
 - 2.1.3 “Committee Member” means the persons appointed by the Council to the Committee pursuant to clause 5.
 - 2.1.4 “Commencement Date” means the date on which the Committee is established and becomes operative pursuant to clause 3.
 - 2.1.5 “Council” means the Tatiara District Council that established the Committee and to which the Committee reports.
 - 2.1.6 “Prescribed Committee” means a Prescribed Committee as defined in the Remuneration Tribunal Determination 7 of 2014 (or any replacement determination)
 - 2.1.7 “Presiding Member of the Committee of Council” means the person appointed to that position pursuant to clause 5.
 - 2.1.8 “Observers” means those persons attending any meeting of the Committee of Council, but not having a vote on any matter to be determined by the Committee and not having been appointed as Committee Members.
 - 2.1.9 “Sub-Committee” means a sub-committee established in accordance with the Act.
- 2.2 Any words, phrases or terms used in these Terms of Reference that are defined in the Act shall have the same meaning as are given in the Act.
- 2.3 A reference in these Terms of Reference to a “singular” includes a reference to the “plural” and a reference to a “plural” includes a reference to the “singular”.
- 2.4 These Terms of Reference shall be interpreted in line with the provisions of the Act.
- 2.5 Notices

All communication to be given to the Committee shall be addressed to: -

The Mayor
Tatiara District Council
PO Box 346
43 Woolshed Street
BORDERTOWN SA 5268
Email: office@tatiara.sa.gov.au

3. ESTABLISHMENT

- 3.1 The Executive Committee is established under Section 41 of the Local Government Act 1999.
- 3.2 The Committee will be established and become operative from the time a resolution of the Council is passed.
- 3.3 The Executive Committee has been established
 - 3.3.1 Regularly review and monitor the performance of the Council and progress against the Strategic Plan;
 - 3.3.2 Arrange for a review of the Chief Executive Officer's performance to be conducted annually or more frequently if the Council determines there is a need to do so.
 - 3.3.3 Provide guidance to the Mayor and Chief Executive Officer on matters as required.
- 3.4 The Committee shall be a Prescribed Committee that is enduring to perform, assist and provide advice to Council on matters described in these Terms of Reference.

4. MEMBERSHIP

- 4.1 Membership of the Committee will comprise the Mayor, the Deputy Mayor and three Elected Members, as determined by resolution of Council.
- 4.2 Members shall be appointed or removed by resolution of Council.
- 4.3 The Mayor is appointed as the Presiding Member of the Committee.
- 4.4 Appointments to the Committee from among the Elected Members of Council shall be for a period of two years. Appointees may be reappointed by Council.

5. CASUAL VACANCIES AND REPLACEMENT MEMBERS

- 5.1 If a Committee Member is absent from three or more consecutive meetings of the Committee without an apology accepted by the Committee, then that Committee Member's position shall be considered vacant.
- 5.2 The Council will determine the filling of any vacancy in the Committee Membership in accordance with clause 4.

6. NO PROXY

The appointment of a person as proxy for any Committee Member on the Committee is not permissible.

7. RESIGNATION OF COMMITTEE MEMBER

Any Committee Member may resign from the Committee, but such resignation shall not be effective until the Presiding Member and Council has received written notice to that effect.

8. MEETINGS OF THE COMMITTEE

- 8.1 The Committee shall meet on an 'as required' basis at times and places determined by the Committee.
- 8.2 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee and observers, no later than three clear days before the date of the meeting. Supporting papers shall be sent to Committee members (and to other attendees as appropriate) at the same time.
- 8.3 The Presiding Member, when physically present, shall preside at all meetings of the Committee and at any other time the Committee shall appoint an Acting Presiding Member who shall preside at that meeting.
- 8.4 No business shall be transacted at any meeting of the Committee unless a quorum of Committee Members is present.
- 8.5 Each Committee Member including the Presiding Member present at any meeting of the Committee must vote on any matter requiring determination and all decisions shall be decided on a simple majority of votes cast.
- 8.6 Each Committee Member of the Committee including the Presiding Member present at any meeting of the Committee shall have one deliberate vote only.

9. PROCEDURES AT MEETINGS

- 9.1 The Committee shall comply with Council's Meeting Code of Practice Policy and Part 2 of the Local Government (Procedures at Meetings) Regulations. The procedure to be observed in relation to the conduct of meetings of the Committee is in accordance with the Act and the Local Government (Procedures at Meetings) Regulations 2013.
- 9.2 In accordance with s89 of the Act, insofar as a procedure is not prescribed by regulation, it shall be as determined by the Council, and insofar as a procedure is not determined by the Council, it shall be as determined by the Committee itself.

10. QUORUM

- 10.1 At all Meetings of the Committee a quorum must be present.
- 10.2 A quorum shall consist of half the appointed members plus one.

11. ATTENDANCE AT MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS

- 11.1 A Committee Member (including, subject to the operation of clause 11.2, the Presiding Member) may be considered as being present at a Committee Meeting despite not being physically present at the meeting, subject to the following conditions:
 - 11.1.1 Written approval to participate in the meeting by telephone or other electronic means has been sought and obtained from the Committee's Presiding Member and confirmed to the Chief Executive Officer not less than 24 hours prior to the meetings scheduled commencement time, and;

- 11.1.2 The Chief Executive Officer having confirmed prior to the scheduled commencement time of that meeting that the necessary technologies are available to accommodate the Committee Member's participation in the meeting and compliance with the Act, and;
 - 11.1.3 A Committee Member participating by such means being for the specified meeting only and not for 2 or more consecutive meetings of the Committee, and;
 - 11.1.4 All Committee Members being able to hear each other Committee Member whilst a Committee Member is participating by telephone or other electronic means, and;
 - 11.1.5 The Committee Member that is participating by telephone or other electronic means expressing their vote on each and every question in a manner that can be identified by all other persons present at the meeting (whether all other persons at the meeting are physically present or present by telephone or other electronic means), and;
 - 11.1.6 The Presiding Member (or Acting Presiding Member) being authorised to disconnect the Committee Member in the event that the technology causes any disruption or inconvenience to the Committee meeting, and;
 - 11.1.7 Should the telephone or other electronic connection fail, any attempt(s) to re-connect are made at the discretion of the Presiding Member, and;
- 11.2 Whilst participating in a Committee Meeting in accordance with this clause a Committee Member shall be considered as being present at the meeting for all purposes.

12. MINUTES OF THE COMMITTEE

- 12.1 The Chief Executive Officer or his/her appointee must cause minutes to be kept of the proceedings of the Committee.
- 12.2 Minutes of the Committee shall be available to all Committee Members, Council and the public.
- 12.3 The Minutes of the proceedings of a meeting are to comply with the requirements of the Act.
- 12.4 Minutes of the Committee Meeting shall be submitted for confirmation at the next meeting of the Committee and if confirmed, shall be signed by the Presiding Member or other person presiding at the subsequent meeting.
- 12.5 Minutes of the Committee Meeting and any recommendations (including the minutes and recommendations of any Sub-Committee established by the Committee) shall be submitted to Council and shall be of no effect until endorsed as a resolution of Council.

13. LIABILITY OF THE COMMITTEE

- 13.1 A liability incurred by the Committee rests against Council.
- 13.2 No liability attaches to a Committee Member of the Committee for an honest act or omission by that Committee Member in the performance or discharge, or purported performance or discharge, of the Member's or the Committee's functions or duties.

14. CONFLICT OF INTEREST

14.1 The provisions of Section 73, 74, 75 and 75A of the Local Government Act 1999 will apply to all members of the Committee, in relation to meetings and any business or proposed business of the committee.

15. DISPUTES

Should a dispute arise over any matter, then the Council shall determine the dispute and the decision of the Council shall be final and binding.

16. DELEGATION

The Committee has no delegation to act, with all recommendations of the Committee (and of any Sub-Committees established by the Committee) to be considered by the full Council for final decision and resolution.

17. SUB-COMMITTEES

- 17.1 The Committee may establish a Sub-Committee to assist it in a matter.
- 17.2 When establishing a Sub-Committee, the Committee must set out the Terms of Reference for the Sub-Committee.
- 17.3 The Committee may appoint to a Sub-Committee Council Members who are not members of the Committee, Council Officers and members of the public with skills or expertise in a field relevant to the matters which the Sub-Committee is established to assist with.
- 17.4 A Sub-Committee established in accordance with this clause will report to the Committee and will have the same meeting notice, minute keeping and procedural obligations as the Committee and defined in the Act.
- 17.5 If a Sub-Committee Member is absent from two or more consecutive meetings of the Sub-Committee without an apology accepted by the Committee then that Sub-Committee Member's position shall be considered vacant.
- 17.6 If a Sub-Committee established under this Clause 17 fails to achieve quorum on three consecutive occasions then the Sub-Committee will be considered to be in recess and the Chief Executive Officer is to present a report to the Committee for consideration.

18. AMENDMENTS TO THESE TERMS OF REFERENCE

- 18.1 The Council may by resolution revoke, vary or add to any of the provisions of these Terms of Reference at its own discretion within the parameters of the Local Government Act and other relevant legislation.
- 18.2 Notwithstanding clause 18.1, before the Council resolves to revoke, vary or add to any of the provisions of these Terms of Reference the opinion of the Committee shall be obtained.

19. REVIEW

- 19.1 The Committee will review its performance at least annually and no later than the anniversary date of its establishment.
- 19.2 The results of these reviews will be reported to Council at its next full Council Meeting.

RECORD OF AMENDMENTS

Date	Revision No.	Comment
24 July 2018	Rev 01	Reformed Committee due to abolishment of Council Committees (Admin & Finance, Engineering)
20 November 2018	Rev 02	Formed due to 2018 Council Election
9 April 2019	Rev 03	Review role of committee

