 Wattle Range COUNCIL	Terms of Reference ID257	Version:	4
	Lake McIntyre Management Committee	Date Adopted:	21 Jan 2020
		Next Review Due:	Nov 2022

1. NAME

The name of the Committee is the Lake McIntyre Management Committee (hereinafter called 'the Committee').

2. ESTABLISHMENT

1. The Committee (known previously as the Board) was established as a controlling authority by the Wattle Range Council (hereinafter called 'the Council') pursuant to section 199 of the *Local Government Act 1934* on 8th September 1997 (refer to Folio 127; Item 6.1.4.3)
2. The Committee was reviewed by the Council pursuant to section 41 of the *Local Government Act 1999* (hereinafter referred to as 'the Act') on:
 - a) 8 November 2005 (refer to Folio 3564; Item 1.11);
 - b) 10 August 2010 (refer to Folio 4421; Item 11.1.6);
 - c) 12 June 2012 (refer to Folio 4766; Item 11.1.1);
 - d) 25 November 2014 (refer to Folio 5641; Item 12.1.4.6); and
 - e) 27 November 2018 (refer to Folio 7984; Item 13.1.4).

3. PURPOSE FOR WHICH THE COMMITTEE IS ESTABLISHED


The Lake McIntyre Management Committee is formed to assist Council with the care, protection, management, operation and improvement of the Lake McIntyre Reserve at Section 185, hundred of Mount Muirhead (hereinafter called the 'the Lake').

4. FUNCTIONS

The functions of the Committee shall be to undertake actions, as appropriate, in pursuance of the above purposes. Such actions may include, but not be limited to, the following:

- a) To actively promote the use of the Lake's facilities;
- b) To liaise and consult with persons, groups and organisations in relation to the operation of the Lake;
- c) To carry out any research, survey or inquiry relevant to the existing or proposed, facilities or amenities within the Lake;
- d) To promote the rules, regulations or By-Laws applicable within the Lake;
- e) To liaise with Council administration:
 - i. to coordinate volunteer working bees at the Lake and ensure that all volunteers have completed a Council Induction for Volunteers;
 - ii. regarding all bookings for the hire, use and utilisation of the Lake and its facilities;
 - iii. to report compliance issues;
- f) To make recommendations or advise Council in relation to:
 - i. the requirements of all users of the Lake's facilities;

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- ii. the facilities provided at the Lake (e.g. recommend a fee or charge for service; recommend maintenance works for facilities; recommend budget allocation for works or equipment); or
 - iii. amendments to any existing by-laws, regulations or rules applicable to the Lake's operation.
- g) To report to, and consult with, the Council on the progress and performance of the Committee and the Lake's operation;
- h) To carry out such other tasks as directed by Council.


5. MEMBERSHIP

1. Council determines that the Committee shall comprise the following members:

Membership Position	Number of Positions	Conditions of Appointment
Community Representative	7	Preferred to be a person from the Wattle Range Council Community or with significant interest in the Lake (determined by resolution of the Council).
Council Member	2	Must be a Council Member of the Wattle Range Council (determined by resolution of the Council).
Council Representative	1	The person employed as the Wattle Range Council - Director Engineering Services or their delegate (Automatically appointed to the Committee by virtue of their held position).

2. The Council has appointed the Mayor as an ex officio member of the Committee (27 November 2018, Folio 7984 Item 13.1.4) The Mayor will not be taken to be included in the membership of the Committee unless actually present at a meeting of the Committee.
3. Any person appointed pursuant to sub clause (1) hereof shall be appointed for a term coincident with the four (4) year term of the Council.
4. A vacancy may arise when any person appointed pursuant to sub clause (1) hereof ceases to hold office or resigns. A further person may be nominated, for appointment by the Council, to fill the casual vacancy for the balance of the term of the person so ceasing to hold office.
5. Members are required to act in accordance with the general duties requirements of section 62 of the Act and Volunteer Code of Conduct.
6. Following appointment, each member of the Committee will be required to complete an induction.

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6. PRESIDING MEMBER

1. The role of the Presiding Member is to:
 - a) Call all meetings of the Committee in accordance with the Act, these Terms of Reference and as determined by the Committee.
 - b) Preside at all meetings of the Committee at which he or she is present and preserve order (including use of powers in accordance with regulations 28 & 29 of the Local Government (Procedures at Meetings) Regulations, so that the business may be conducted in due form and with propriety; and
 - c) Be an official spokesperson for the Committee, to Council.
2. The Committee shall, by decision, appoint a Presiding Member to be chosen from the Committee Membership and shall hold office for such term as may be decided by the Committee (not exceeding the length of the member's term).

7. SECRETARY

1. The role of the Secretary is to:
 - a) Prepare the agenda and take the minutes of all meetings of the Committee (templates in Appendix 1 & 2);
 - b) Forward a copy of each agenda and minutes to each member of the Committee and the Council (council@wattlerange.sa.gov.au);
 - c) Attend to all correspondence and deal with it as instructed by the Committee;
 - d) Deal with the business referred by the Presiding Member of the Committee;
 - e) Keep such records as instructed by the Committee from time to time.
2. The Committee shall, by decision, appoint a Secretary to be chosen from the Committee Membership. The secretary shall hold office for such term as the Committee decides (not exceeding the length of the member's term).

8. MEETING PROCEDURES


Procedures to be observed in relation to the conduct of Committee meetings will be (in priority order):

- a) as prescribed by the Act and *Local Government (Meeting Procedures) Regulations*; then
- b) as determined by Wattle Range Council (e.g. these Terms of Reference and any Council policy or procedure); then
- c) as determined by the Committee.

8.1 CALLING OF MEETINGS

1. Ordinary Meetings - The Members of the Committee shall meet at least four times per year at a time and place decided by the Committee (taking into account the availability

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and convenience of the members and purpose of the Committee). The decision expires at the next general election.

2. Special Meetings - The Chief Executive Officer must call a special meeting of the Committee at the request of:
 1. The presiding member of the Committee; or
 2. At least two members of the Committee.

A special meeting of the Committee may be held at any time.

8.2 NOTICE OF MEETING

1. Ordinary meetings of the Committee have a set agenda (refer Appendix 1).
2. Notice of Ordinary meetings shall be given in writing (by email) to every member and Council (council@wattlerange.sa.gov.au) at least three clear days prior to such meeting. The notice shall contain the date, time and place of the meeting and the business to be transacted thereat.
3. Notice of Special meetings will be provided at least four hours before the commencement of the meeting.

8.3 QUORUM

1. No business shall be transacted at a meeting of the Committee unless a quorum is present.
2. A quorum is the total number of members (ignoring any vacancy) of the committee divided by 2 (ignoring any fraction resulting from the division) and adding 1.


<i>EXAMPLE</i>	<i>Total number of members</i>	<i>= 10</i>
	<i>Quorum</i>	<i>= (10 ÷ 2) + 1</i>
		<i>= 6</i>

3. If there is not a quorum present within 30 minutes after the time appointed for a meeting or if, at any time after the meeting has commenced and before any business to be transacted is completed, there is not a quorum present, the meeting shall be adjourned to a future meeting to be advised in the usual manner.

8.4 PROCEEDINGS OF MEETINGS

1. The Presiding Member shall preside at all meetings of the Committee
2. In the event of the Presiding Member being absent from a meeting, the members present shall appoint (by motion) a member who shall preside for that meeting or until the Presiding Member is present.

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3. In the event of the Secretary being absent from a meeting, the members present shall appoint (by motion) a member who shall act as Secretary for that meeting or until the Secretary is present.
4. The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
5. Every meeting of the Committee shall be conducted in a place open to the public, except for point 6 below.
6. Items may only be considered in confidence if the Committee considers it necessary and appropriate to receive, discuss or consider any information or matter that meets the criteria set out in section 90 of the *Local Government Act 1999*. Guidance from Council's CEO must be sought in relation to any items proposed to be considered in confidence. The Committee may order (through a motion) that the public be excluded from attendance at a meeting for the consideration of items in confidence.

8.5 VOTING

1. Only persons appointed as members of the Committee (refer to clause 6) are entitled to vote.
2. All questions arising at a meeting of the Committee shall be decided by the majority of votes cast by the members present and entitled to vote at such meeting.
3. Council Members must vote on a question arising for decision at a meeting, subject to a provision in the Act to the contrary.
4. The Presiding Member of the Committee has a deliberate vote on a question arising for decision at a meeting but does not in the equality of votes have a casting vote.

8.6 CONFLICT OF INTEREST

1. Committee Members are required to declare conflicts of interest in accordance with Chapter 5, Part 4, Division 3 of the Act.

8.7 ADJOURNMENTS


1. The Committee Members present at any meeting may from time to time adjourn such a meeting to a specified date, time and location.

8.8 MEETING MINUTES

Minutes of the meeting should be documented on the template provided in Appendix 2 and must include:

- a) the names of the Committee members present at the meeting; and
- b) each motion carried at the meeting; and
- c) any disclosure of interest made by a member; and
- d) details of the making of a confidentiality order; and

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- e) a note of the making of an order to keep information confidential (including the duration or circumstances that the order will cease (thereby releasing the information), reason for making it.

Minutes must be emailed to council@wattlerange.sa.gov.au within 5 clear days after a Committee meeting.

9. DIRECTION BY COUNCIL

The Committee is subject to the direction and control of the Council. A direction given by the Council (or its delegate) must be in writing. Nothing prevents Council from acting in a matter.

10. RISK MANAGEMENT & WHS

The Committee shall operate in accordance with and adhere to Council's Policies, Procedures and other relevant documents.

Council may undertake a risk assessment of a Committee event to ensure that all risks are accounted for and reduced to as low as reasonably practicable.

Committee Members shall notify Council in all instances where –

- a) A Committee Member or Volunteer is involved in an incident where they suffer an injury or a near miss while undertaking a volunteer task; or
- b) A member of the public is involved in an incident where they suffer an injury or near miss in the vicinity of the Lake.

No civil liability attaches to a member of the 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. Such a liability that would attach to a member of a Committee attaches instead to the Council.^[refer s41(12)&(13) LG Act]

11. OTHER LEGISLATIVE CONSIDERATIONS


1. The provisions of Chapter 5; Part 4; Division 2 of the Act regarding Register of Interests do not apply to members of the Committee.
2. The Committee is not subject to the operation of Part 2 of the Local Government (Procedures at Meetings) Regulations 2013.

12. REVIEW

These Terms of Reference will be reviewed at least once every four years, preferably following a general election.

These Terms of Reference may be amended, altered or added to by resolution of the Council.

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13. ADOPTION & AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of the Terms of Reference.

Version No:	Issue Date:	Authorised by:	Description of Change:	Minutes Reference:
1	7 November 2006	Council	Adopted	
2	10 August 2010	Council	Adopted Amendment	Folio 4421; Item 11.1.6
3	12 June 2012	Council	Adopted Amendment	Folio 4766; Item 11.1.1
4	21 January 2022	Council	Reviewed and amended to be consistent with legislation	Folio 8922; Item 15.2.5

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Wattle Range

COUNCIL

LAKE MCINTYRE MANAGEMENT COMMITTEE

NOTICE OF MEETING:

A Meeting of the Lake McIntyre Management Committee will be held at <Name of Building and Full Street Address of Meeting Location>, on <Day> <Date> at <Time>.

.....
PRESIDING MEMBER / SECRETARY

DISTRIBUTION LIST:

Committee Members
Wattle Range Council (council@wattlerange.sa.gov.au)
Wattle Range Council CEO

AGENDA

1. PRESENT:
2. APOLOGIES:
3. CONFIRMATION OF THE MINUTES:
 - 3.1 Lake McIntyre Management Committee Meeting; <Date of meeting>
RECOMMENDATION: That the minutes be taken as presented and confirmed.
4. MATTERS ARISING FROM THE MINUTES:
5. CORRESPONDANCE:
 - 5.1 <Correspondence Title>
<general description of correspondence>.
6. GENERAL BUSINESS:
 - 6.1 <General Business Title>
<general description of general business>
7. NEXT MEETING:

The next meeting of the Lake McIntyre Management Committee will be held on <Day>, <Date> at the <Name of Building and Full Street Address of Meeting Location> at <Time>.

APPENDIX 2 – MINUTES TEMPLATE

GF 16.14.1/9

LAKE MCINTYRE MANAGEMENT COMMITTEE

Minutes of the Lake McIntyre Management Committee Meeting held at <Name of Building and Street Address> on <Day> <Date> at <Time>.

8. PRESENT: <Committee Members Names>
<Councillors>
<Wattle Range Council Staff>

9. APOLOGIES: <Names>

10. CONFIRMATION OF THE MINUTES:

- 3.1 Lake McIntyre Management Committee Meeting: <date of meeting>

<Name> moved that the minutes be taken as presented and confirmed.

<Name> seconded.

CARRIED

11. MATTERS ARISING FROM THE MINUTES:

12. CORRESPONDANCE:

- 12.1 <Correspondence Title>

<General description of correspondence>.

13. GENERAL BUSINESS:

- 13.1 <General Business Title>

<General description of general business>.

14. NEXT MEETING:

The next meeting of the Lake McIntyre Management Committee will be held on <Day>, <Date> at the <Name of Building and Full Street Address of Meeting Location> at <Time>.

Meeting Closed at <Time>.