



Marina Advisory Committee

TERMS OF REFERENCE

12 July 2023

1. COMMITTEE NAME:

The name of the Council Committee shall be the 'Marina Advisory Committee' (in these Terms of Reference referred to as "the Committee").

2. ESTABLISHMENT

2.1 The District Council of Robe Marina Advisory Committee is established under Section 41 of the *Local Government Act 1999 (the Act)*.

2.2 The Committee was established by resolution of Council meeting held on 14 December 2022 (Res 113/2023) and amended by resolution of Council the 12 July 2023 Ordinary Council Meeting (Res 13/2024).

3. PURPOSE AND FUNCTIONS OF THE MARINA ADVISORY COMMITTEE

The purpose of the District Council of Robe Marina Advisory Committee is to assist the Council:

3.1 With guidance and advice on Lake Butler Marina related matters

3.2 In supporting and partnering with local businesses on Lake Butler Marina related matters

3.3 By and in accordance with these Terms of Reference

4. ROLE OF THE COMMITTEE

4.1 The functions of the Committee are to provide advice, feedback and advocacy to the Council with respect to the Lake Butler Marina having regard to the purposes of the Committee set out in clause 3.

4.1.1 Advocate for the appropriate management of the Lake Butler Marina

4.1.2 Actively work on and achieve the goals and actions recommended by strategic documents incorporating the Lake Butler Marina

4.1.3 Undertake and host certain works, activities or events on behalf of Council

4.1.4 Assist Council in developing and implementing *Policy and Action Plans*

4.2 The Council has not delegated any powers or functions to the Committee. However, the Council may do so at any time if necessary or convenient to allow the Committee to properly carry out its roles and functions. These Terms of Reference will be amended if any such delegation is made.

5. MEMBERSHIP

5.1 The District Council of Robe Marina Advisory Committee shall comprise of:

5.1.1 *two (2) Members of Council,*

5.1.2 *three (3) Community representatives*

5.1.3 *two Recreational berth holder representatives*

5.1.4 *two Professional fishers berth holder representatives*

5.2 The Mayor is appointed as an ex officio member

5.3 The Presiding Member shall be appointed by the *Council* and shall be a Member of Council

5.4 The Deputy Presiding Member shall be appointed by the Marina Advisory Committee

5.5 Should the Presiding Member and the Deputy Presiding Member be absent from a meeting the Committee members present may appoint a person to act as Chairperson for that meeting.

- 5.6 If a Committee Member is absent for three or more consecutive committee meetings without seeking leave of the Committee prior, a motion will be sought from the Council for that Member to be removed from office on the grounds that they have been absent without notice
- 5.7 Community, Recreational, and Professional fishers representative vacancies shall be considered through expressions of interest in response to advertisements of a vacancy
- 5.8 Upon completion of the advertising period, the Committee will provide a recommendation to the Council of the preferred applicant/s
- 5.9 Community, Recreational and Professional fishers representative appointments to the Committee shall be until the next Local Government general election or as amended by Council
- 5.10 In the event of a Community, Recreational and Professional fishers representative *member* vacancy of the *Marina Advisory Committee* the appointment of another person shall be on the same basis as, and for the balance of the term of the original appointment.
- 5.11 Community Recreational, and Professional fishers representative Members whose tenure has expired will be eligible to re-apply.
- 5.12 A Committee Member may resign from the Committee; however such resignation shall not take effect until the Presiding Member and Council have received written notice of the resignation.
- 5.13 The District Council of Robe's Harbour Master or delegate must attend all Marina Advisory Committee Meetings.
- 5.14 The Chief Executive Officer, Management and other employees as directed by the CEO may attend any meeting as observers or as responsible officers in preparing reports and papers for the Committee.
- 5.15 Council Members who are not members of the Marina Advisory Committee are non-voting observers only and may not partake in the meeting proceedings.

6. QUORUM

The quorum required for the transaction of business at a meeting of the *Marina Advisory Committee* shall be 50% plus one member. A duly convened meeting of the Committee at which a quorum is present shall be competent to exercise all requirements of the Committee.

7. MEETINGS OF THE COMMITTEE

- 7.1 The Committee shall meet a minimum of four (4) times per year as determined by the Committee or as requested by Council
- 7.2 Meetings will be conducted at the District Council of Robe Principle Office, 3 Royal Circus Robe SA
- 7.3 The Presiding Member, in consultation with the Chief Executive Officer may cancel a meeting due to lack of business
- 7.4 A Special Meeting of the Committee may be called in accordance with the Act
- 7.5 The Presiding Member shall ensure that the proceedings of the meeting and resolutions, are minuted and that all requirements meet the Local Government (Procedure at Meetings) Regulations 2013

8. ATTENDANCE AT MEETINGS BY TELEPHONE OR OTHER ELECTONIC MEANS

A Committee Member may participate, and is considered as being present at a meeting if using telephone or other electronic means so long as:

- 8.1 the Committee Member has advised the Chief Executive Officer a minimum of 24 hours prior to the commencement of the meeting
- 8.2 no more than two consecutive meetings may be attended via telephone or other electronic means
- 8.3 all Committee Members must be able to hear each other whilst a Committee Member is participating by telephone or other electronic means;
- 8.4 should the telephone or other electronic connection fail, any attempt(s) to re-connect are made at the discretion of the Presiding Member.
- 8.5 Should a confidential matter be presented, Members using the telephone or other electronic means must ensure they are not able to be overheard and their screen cannot be seen.

9. VOTING

- 9.1 Each Member of the Marina Advisory Committee present at a meeting shall have one vote
- 9.2 Members present at the meeting must vote on all matters that are before the Committee unless subject to the provision of the Act to the contrary
- 9.3 The presiding Member shall have a deliberative vote but does not in the event of an equality of votes, have a casting vote
- 9.4 In the event of a tied vote the matter may be referred to the next meeting of Council for deliberation
- 9.5 Proxy votes are not permitted
- 9.6 If a Committee Member is partaking in the meeting via telephone or other electronic means they must verbalise their vote to enable the Presiding Member to clarify and record the vote
- 9.7 The Presiding Member may partake in the meeting via video conference if unable to attend in person but may not partake via telephone.
 - 9.7.1 Should the Presiding Member be required to leave the meeting due to e.g. conflict of interest, the member nominated to chair the meeting during their absence may preside over the meeting electronically.

10. PROCEDURES AT MEETINGS

Procedures at meetings will be in accordance with the Act and the Local Government (Procedures at Meetings) Regulations 2013.

11. DELEGATION

The Committee has no direct decision-making power and will provide recommendations to the Council on matters for consideration.

12. REPORTING RESPONSIBILITIES

- 12.1 The Marina Advisory Committee will provide a report to Council after each meeting summarising the work of the Committee during the period preceding the meeting and the outcomes of the meeting
- 12.2 Council's Chief Executive Officer will provide resources to ensure a report is provided to Council in accordance with 12.1

- 12.3 Minutes of the Marina Advisory Committee will be published on Councils website and provided electronically to all Committee Members within five (5) days of a meeting.

13. ADMINISTRATIVE

- 13.1 The Chief Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions
- 13.2 The Council shall approve a budget allocation sufficient for the proposed activities of the Committee

14. DEFINITIONS

For the purposes of these Terms of Reference, unless inconsistent with the subjectmatter of context:

" Act"	means Local Government Act 1999
" Committee"	means the Committee of Council established pursuant to clause 2
" Committee Member"	means the persons appointed by the Council to the Committee pursuant to clause 5
" Commencement Date"	means the date on which the Committee is established and becomes operative pursuant to clause 2
" Council"	means the District Council of Robe that established the Committee and to which the Committee reports
" Presiding Member"	means the person appointed to that position
" Observers"	means those persons attending any meeting of the Committee of Council, who is not a member of the Committee.

- 14.1 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.
- 14.2 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".
- 14.3 These Terms of Reference shall be interpreted in line with the provisions of the Act.

Document History

Version 1.0	Draft for Council Consideration	December 2022
Version 1.0	Adopted by Council at December 2022 Council Meeting (Res 113/2023)	14 December 2022
Version 2.0	Update to the Membership of the Committee to include a third Community Representative (Res 232/2023)	8 March 2023
Version 3.0	Significant updates including (but not limited to), name change, clarification of ex officio, Membership; meetings (procedures etc.); voting and reporting responsibilities.	12 July 2023