

### **PREAMBLE**

A Committee of Council may be established by resolution of the Council. A Committee can be established to assist the Council in the performance of its functions, to inquire into and report to the Council on matters, provide advice to the Council and to exercise, perform or discharge delegated powers, functions or duties.

Pursuant to Section 41(10) of the *Local Government Act 1999* the establishment of a committee does not derogate from the power of the Council to act in a matter.

### **1. Establishment of the Port Augusta Marine Advisory Committee**

Pursuant to Section 41 of the *Local Government Act 1999* the Council establishes a Committee to be known as the Port Augusta Marine Advisory Committee (referred to in these Terms of Reference as 'the Committee').

### **2. Committee Objectives**

Advise Council on all marine matters relating to the Upper Spencer Gulf.

### **3. Committee Activities**

- i) Monitor the effects of the Marine Parks in relation to the Upper Spencer Gulf area and report to Council on an as needs basis.
- i) Consider the recommendations from the Port Augusta Waterway Development Study and report to Council on appropriate actions.
- ii) Investigate marine infrastructure and activities, including maintenance and report to Council.
- iii) Support the work of the Natural Resource Management Board (NRM) as it relates to the conservation and protection of flora and fauna of the Upper Spencer Gulf.

### **4. Membership:**

Membership of the Committee shall comprise the following:

Cr Brett Benbow  
Mr Robin Sharp  
Mr Peter Huxtable  
Mr Andy Ireland  
Mr David Powell (proxy vacant)  
Mr Aaron Morgan

***Ex-officio members of the Committee.***

*Mayor – Port Augusta City Council*

Representative of RDA Board (vacant)

Representative of NRM Board Department for Environment, Water and Natural Resources

<b>5.</b>	<b>Presiding Member of the Committee</b>  The Chairperson is appointed by Council. Council appointed Cr Benbow as the Chairperson of the Marine Advisory Committee. Member Allowances apply as determined by Remuneration Tribunal
<b>6.</b>	<b>Term of Office</b>  Committee to be reviewed following the implementation of the Marine Plan/Parks for the Upper Spencer Gulf and once all recommendations have been suitably addressed from the Port Augusta Waterways Study.
<b>7.</b>	<b>Reporting Arrangements</b>  The Committee reports and makes recommendations to the Council on any item on the Committee agenda.  Reporting Officers of Council as designated by the Chief Executive Officer, shall provide written reports on specific issues that arise from the Marine Advisory Committee.
<b>8.</b>	<b>Confidentiality</b>  The confidential provisions of the <i>Local Government Act 1999</i> shall apply to ALL members of the Committee. This in short means that those matters that are deemed to be 'confidential' (which includes the report discussions and any resulting decision) <b>must remain confidential</b> , and is not to be discussed outside the forum of the Committee Meeting, until the matter is discussed and determined by the Council. There are substantial penalties for breaches of confidentiality.
<b>9.</b>	<b>Delegated Authority</b>  Not applicable.
<b>10.</b>	<b>Conduct and Conflict of Interest of Committee Members</b>  Elected Members of the Committee must comply with the Code of Conduct for Elected Members as published by the Minister for Planning for the purposes of Section 63 (1) of the <i>Local Government Act 1999</i> and Chapter 5 Part 4 of the <i>Local Government Act 1999</i> relating to Conduct and Disclosure of Interests.  As a member of the Committee, you must not make improper use of your position to gain (directly or indirectly) an advantage for yourself or for another person closely associated with you. You must make sure there is no conflict between your private interests and your role as a public decision maker.  As a Committee Member you will have to declare what your interest is in any matter before the Committee.
<b>11.</b>	<b>Meeting Times &amp; Place</b>  Committee meetings are <u>generally</u> to be held on a six monthly basis (first Tuesday of the month) commencing at 5:30pm in Council Chambers, Civic Centre, 4 Mackay Street, Port Augusta.

## **12. Quorum & Voting by Members**

At all meetings of the Committee, a quorum of 50% of the number of members, plus one will apply. Each member of the Committee present at a relevant meeting, must vote on any motion put at the meeting.

The Chairperson shall have a deliberate vote but does not in the event of an equality of votes have a casting vote.

## **13. Meeting Procedures**

Meetings of the Port Augusta Marine Advisory Committee will be held in accordance with:

- i) *Local Government Act 1999*
- ii) *Local Government (Procedures at Meetings) Regulations 2013*
- iii) *Council's Code of Practice – Meeting Procedures 1.1.15*
- iv) *Council's Code of Practice – Access to Council and Committee Meetings and Documents 1.1.06*

## **14. Access and Documents**

Pursuant to Section 87 of the *Local Government Act 1999* a minimum of three clear days' notice of the meeting, accompanied by the agenda, will be provided to Members of the Committee and the public. Hardcopy agendas will be provided in the Council Chambers for access by members of the public in attendance.

Minutes will be available within five clear days after a meeting in accordance with Section 91 of the *Local Government Act 1999* and will be provided to all Members of the Committee and placed on Council's Website [www.portaugusta.sa.gov.au](http://www.portaugusta.sa.gov.au) and a hardcopy placed in the Council Office, Civic Centre, 4 Mackay Street, Port Augusta.

Members of the public are able to attend all meetings of the Committee, unless excluded from the meeting by the confidentiality provision of Section 90 of the *Local Government Act 1999*.

*NOTE: For the purposes of the calculation of **clear days** in relation to the giving of notice before a meeting, the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and Saturdays, Sundays and public holidays will be taken into account. However, if a notice is given after 5pm on a day, the notice will be taken to have been given on the next day.*

## **15. Presentations**

Where a presentation, relating to the business of the Audit Committee, has been proposed, the Chief Executive Officer must determine if the presentation would be best made directly to Council and if so, then independent members of the Audit Committee will be invited to attend the Strategic Management Committee at which to presentation will be made.

## **15. Responsible Officer**

Director – Infrastructure and Environment

**16. Liability and Insurance**

Pursuant to Section 80 of the *Local Government Act 1999* Council must take out a policy of insurance insuring every member of the Council, and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions or duties by members.

Further, pursuant to Section 41(12) of the *Local Government Act 1999* 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 member's or committee's powers, functions or duties.

**17. Administrative Support**

To be provided by the Administrative Assistant – Infrastructure and Environment (or another Officer acting in that position).

The Executive Officer – the Director – Infrastructure and Environment shall be the Council Officer responsible for fulfilling the executive role for the Committee including arranging the preparation of agendas, ensuring reports are provided as required and ensuring that Committee decisions are implemented.

**18. Sitting Fee**

Not applicable.