# The Australian Arid Lands Botanic Garden Committee
# Terms of Reference

**PREAMBLE**

A Section 41 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.

**1. Establishment of the Australian Arid Lands Botanic Garden Committee**

Pursuant to the *Local Government Act 1999* the Council establishes a Prescribed Committee to be known as the Australian Arid Lands Botanic Garden Committee (referred to in these Terms of Reference as 'the Committee').

**2. Committee Objectives**

The objectives of the Committee is to monitor the implementation of the AALBG Strategic Plan and to provide advice to Council on opportunities for the development of The Australian Arid Lands Botanic Garden to ensure that it becomes an internationally recognised centre of excellence for AridSmart Plants and outback visitor experiences.

**3. Committee Activities**

i) To monitor the implementation of the Strategic Plan that implements the Master Plan Review dated 23 October 2020, as adopted by Council.
ii) To bring business principles and tourism, environmental and community views to the development of the AALBG.
iii) To assist in keeping the Strategic Plan under review.
iv) To establish sub-committees as considered appropriate.
v) To seek reports on the above topics and issues.
vi) To administer the funds of the Australian Arid Lands Botanic Gardens Trust

**4. Membership**

The Membership of the Committee is to comprise of:

i) One Elected Member of the Port Augusta City Council
ii) One proxy Elected Member of the Port Augusta City Council
iii) Two (2) representatives of the Friends of The Australian Arid Lands Botanic Garden
iv) A representative of the Local Business Community
v) A representative of the Local Tourism Industry
vi) A representative of the Botanic Garden & State Herbarium of SA
vii) The Chief Executive Officer
viii) The Director Corporate & Community Services

**5. Presiding Member of the Committee**

The Committee must elect one of the Independent Members or a staff member on the Committee to be its Presiding Member.

In the absence of the Presiding Member, the members present will nominate a member to assume the role of the Presiding Member, for the purposes of chairing the meeting.

**6. Term of Office**

Membership of the Committee terminates at the end of each Council term, and the purpose and necessity for the Committee will be reviewed by the new Council.

**7. Reporting Arrangements**

The Committee provides advice and makes recommendations to the Council on any item on the Committee agenda. The Committee may recommend policy changes to Council.
Appropriate Officers will forward reports to the Committee for consideration on matters that relate to the performance against the outcomes required to be achieved by the Strategic Plan.

**8. Confidentiality**

The confidential provisions of the *Local Government Act 1999* 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) **must remain confidential** 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.

**9. Delegated Authority**

The Committee will have the power to make decisions on any matter relating to its functions and duties within the limitations of legislation and budget allocations but is not to make operational decisions which remain the responsibility of the Chief Executive Officer and staff.

**10. Conduct and Conflict of Interest of Committee Members**

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 *Local Government Act 1999* and Chapter 5 Part 4 of the *Local Government Act 1999* 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.

**11. Meeting Times & Place**

Meetings will be held at Port Augusta City Council Chambers at least twice a year.

**12. Quorum & Voting by Members**

A quorum for the Committee shall be a half of the members plus one (ignoring any fraction).

Each member of the Committee present at a meeting shall have one vote.

The Presiding Member shall have a deliberative vote but does not in the event of an equality of votes have a casting vote.

**13. Meeting Procedures**

Meetings of The Australian Arid Lands Botanic Garden 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*
iv) *Council's Code of Practice – Access to Council and Committee Meetings and Documents*

**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 via Council's Website www.portaugusta.sa.gov.au.

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 included within the next Ordinary Council Meeting Agenda which is available on Council's Website.

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 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 Committee will be invited to attend the Council Meeting at which the presentation will be made.

**16. Responsible Officer**

Director Corporate and Community Services

**17. 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.

**18. Administrative Support**

Council's Chief Executive Officer will allocate appropriate human resources to ensure that reports, agenda, notices of meetings and minutes of the Committee are recorded and managed in accordance with legislative compliance requirements. Other professional human resources will be allocated as required. Any staff attendance apart from those who are members of the Committee, will have no voting rights and will not be considered as part of the Committee Membership.

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