



Terms of Reference: Australia Day Committee 2023

INFORMATION ABOUT THIS DOCUMENT

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| 0.1 | 9 February 2022 | Draft prepared, circulated for individual Councillor, Committee members and staff input |
| 0.2 | 22 February 2022 | Draft to council recommending consultation with current committee members and public exhibition for community input |
| 0.3 | 9 June 2022 | Input from Councillors and Committee Members |
| 0.4 | 22 November 2022 | Resolved to have TOR placed on Public Exhibition in March 2023 and adopted if no submissions received |
| 1.0 | April 1 2023 | Council resolution to adopt # 47.11/22 published |

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| Related Legislation | <i>Local Government Act 1993 (NSW)</i> <i>Local Government (General) Regulation 2021 (NSW)</i> |
| Related Policies | Uralla Shire Council Code of Conduct Uralla Shire Council Code of Meeting Practice Uralla Shire Council Sponsorship Policy Uralla Shire Council Hire of Council Facilities, Plant, and Equipment Policy Procurement Policy 2020 Disposal of Assets Policy 2021 Enterprise Risk Management Framework Policy 2020 Workplace Health & Safety Policy 2019 |
| Related Procedures/ Protocols, Statements, documents | Section 355 Committee Handbook 2022 Application for Venue Hire – Event on Public Land Temporary Road Closure Procedure |

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1. Establishment

- 1.1 The Australia Day Committee (hereafter “the Committee”) is established under section 355(b) of the *Local Government Act 1993* (NSW) pursuant to Council resolution 47.11/22 made 22 November 2022.

2. Purpose and Objectives

- 2.1 The Committee is established for the primary purpose of planning, organising and implementing an annual celebration of Australia Day activities, the Australian Citizenship Ceremony and the Australia Day Awards in the Uralla Shire.
- 2.2 The objective of the Committee is to:
- 2.2.1 Deliver a safe, inclusive and enjoyable community event to celebrate Australia Day within available budget resources; and
 - 2.2.2 Undertake a process to decide the winners of the various categories in the Australia Day Awards.

3. Term of Committee

- 3.1 The Committee shall operate from the date Council adopts these Terms of Reference and will conclude six (6) months after the date of the next Council election, unless terminated earlier in accordance with these Terms of Reference.

4. Functions and Duties

- 4.1 The functions of the Committee are to:
- 4.1.1 Provide a forum to promote Australia Day, exchange ideas and discuss best practice;
 - 4.1.2 Plan, organise and execute local arrangements for Australia Day celebration activities;
 - 4.1.3 Assist in the on-ground delivery of Australia Day celebration activities;
 - 4.1.4 Promote Australia Day celebrations and awards across the Shire;
 - 4.1.5 Accept-funding and sponsorship from interested parties in accordance with Council’s Sponsorship Policy for the purpose of delivering events; and
 - 4.1.6 Provide feedback to Council on the success of Australia Day celebrations in the Shire.
- 4.2 It is the duty of the Committee to:
- 4.2.1 Undertake risk assessments for Australia Day celebration activities and provide copy of same to Council;
 - 4.2.2 Submit any and all relevant applications and documentation to Council relating to planned Australia Day celebration activities; and
 - 4.2.3 Report to Council any and all incidents which occur during Australia Day celebrations.

5. Membership

- 5.1 Membership of the Committee shall consist of:
 - 5.1.1 A minimum of six (6) and a maximum of 12 members of the public; and
 - 5.1.2 Two (2) councillor representatives.
 - 5.1.3 Encourage First Nations People and represent their views on the Committee.
 - 5.1.4 Members of the Committee shall aim to be from diverse backgrounds and be representatives from different facets of the Community.
- 5.2 Committee membership is on a quadrennial basis for the term of the Council. Following a general election of councillors, the existing Committee membership continues until such time as the Council appoints new Committee members.
- 5.3 A person remains a Committee member for the duration of the Committee term until:
 - 5.3.1 Death; or
 - 5.3.2 That person ceasing to be a member upon:
 - 5.3.2.1 Delivering in writing (letter or email) a resignation to the Committee Secretary or a meeting of the Committee;
 - 5.3.2.2 Being absent from three (3) consecutive meetings of the Committee without leave of absence from the Committee; or
 - 5.3.2.3 Receiving written notification from Council that the person's membership with the Committee has been terminated.
- 5.4 A Committee member who is an Office Bearer to the Committee may resign from the position and remain a member of the Committee.
- 5.5 Casual vacancies shall be filled in accordance with clause 6.2.

6. Appointment of Members and Office Bearers

- 6.1 **Appointment of Members**
 - 6.1.1 Committee members shall be appointed by Council.
- 6.2 **Vacancies**
 - 6.2.1 The Committee Secretary should promptly advise Council of any casual vacancy.
 - 6.2.2 The filling of any vacancy shall be approved by the Council.
 - 6.2.3 A casual vacancy may be filled through a review of earlier expressions of interest or a call for new expressions of interest to invite nominations from the public.

- 6.2.4 Interested persons may nominate for a vacant position at any time regardless of whether expressions of interest have been called. Nominations shall be presented to Council for determination.

6.3 Leave of Absence

- 6.3.1 Per clause 5.5.2.2, any member absent for 3 or more consecutive meetings without apology or leave of the Committee shall have their position declared vacant and clause 6.2.1 shall be invoked.

6.4 Removing Members

- 6.4.1 The Council may at any time remove a member of the Committee but shall observe the principles of natural justice.

6.5 Committee Chairperson

- 6.5.1 At the first meeting of the Committee's term the Committee shall elect one of its members as Chairperson. The method of election shall be decided by the Committee.

6.6 Committee Secretary

- 6.6.1 At the first meeting of the Committee's term the Committee shall elect one of its members as Secretary. The method of election shall be decided by the Committee.

6.7 Committee Treasurer

- 6.7.1 At the first meeting of the Committee's term the Committee shall elect one of its members as Treasurer. The method of election shall be decided by the Committee.

7. Roles and Responsibilities

- 7.1 The role of a Committee member is to:

- 7.1.1 Participate in the determination of the Australia Day Awards for the Uralla Shire, taking into consideration the eligibility of the nominations against the selection criteria;
- 7.1.2 Act as an advocate for Australia Day throughout the year, encouraging individuals and community groups to nominate for Australia Day Awards;
- 7.1.3 Provide input in the planning of the Australia Day celebration activities through ideas brought forward at a Committee meeting; and
- 7.1.4 Assist with the coordination of the Australia Day celebrations to assist with setting up and taking down of the event and the coordination of the award nominees.

- 7.2 Councillor representatives to the Committee shall facilitate communication between the Committee and Council by:

- 7.2.1 Presenting relevant minutes of the Council to the Committee;
- 7.2.2 Reporting on the Committee's activities to the Council from time to time; and

- 7.2.3 Referring any matters requiring clarification by the Committee to the General Manager or to the Council by way of a Councillor Delegates Report or Notice of Motion.

Or

7.2 (b) In addition Councillor representatives shall facilitate communication between the Committee or Council

(Delete either 7.2 or 7.2 (b))

8. Meetings

8.1 Meeting Frequency

- 8.1.1 Meeting frequency will be determined by the Committee, but shall be no more than 10 meetings and no less than two meetings per year.

8.2 Notice of meetings

- 8.2.1 Committee members will be provided notice of the meeting and agenda at least three (3) days before the date of the meeting.
- 8.2.2 Committee meetings will be advertised on Council's web page.

8.3 Minutes

- 8.3.1 Committee meeting minutes will be supplied to each Committee member and Council within seven (7) business days after the Committee meeting.

8.4 Meeting Procedure

- 8.4.1 The Uralla Shire Council Code of Meeting Practice shall guide the meeting procedures of the Committee.
- 8.4.2 Committee meetings are exempt from webcast requirements as described in clause 5.19 of the Code of Meeting Practice.

8.5 Presiding Member

- 8.5.1 The Chairperson shall preside at all Committee meetings at which they are present.
- 8.5.2 In the absence of the Chairperson at a meeting or in the event of a declaration of a conflict of interest in which the Chairperson has excused themselves from discussion, the Committee shall elect a temporary Chairperson.

8.6 Quorum

- 8.6.1 The quorum required for a meeting to commence will be a majority of members (half the number of members plus one). A Committee meeting will be adjourned and rescheduled if there is no quorum present within 15 minutes.

8.7 Voting

- 8.7.1 A question arising for decision at a meeting of the Committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- 8.7.2 A voting member of the Committee present at any meeting shall have one (1) vote on any matter.
- 8.7.3 In the event of an equality of votes, the Chairperson shall have the casting vote.

8.8 Public Access

- 8.8.1 Meetings of the Committee shall be open to the public, except any item on the agenda closed under s10A of the *Local Government Act 1993 (NSW)*.
- 8.8.2 Committee business agendas and minutes shall be published to the Council website.

9. Voting on Australia Day Awards

- 9.1 The voting method to be used can be either a show of hands or secret ballot, as decided by the Committee.

10. Code of Conduct and Conflict of Interest

- 10.1 The Uralla Shire Council Code of Conduct applies to all Committee members.
- 10.2 Committee members and councillor representatives are to declare conflicts of interest when any such interest arises.
- 10.3 Declarations of conflict of interest shall be recorded in the minutes and committee members shall abstain from voting on any matter relating to the declared conflict of interest.

11. Reporting

- 11.1 The Committee shall report to Council through the provision of its Minutes.
- 11.2 The Committee shall submit an annual report to Council by 31 March each year on the Committee's activities with a record of all monies spent and received.

12. Delegated Authority

- 12.1 Council delegates to the Committee under section 377 of the *Local Government Act 1993 (NSW)* the authority:
 - 12.1.1 To issue official correspondence on behalf of the Committee in relation to the Committee's purpose and objectives.
 - 12.1.2 To authorise expenditure of the Committee's funds within approved budget to deliver Australia Day celebrations.

- 12.2 No powers or functions may be delegated by the Committee to any other person or committee unless set out within these Terms of Reference.

13. Limitation of Powers

- 13.1 The Committee must not do anything or allow any person acting under its direction to do anything contrary to the interest of Council. For the purposes of this sub-clause, this includes but is not limited to, prohibiting the following:

- 13.1.1 Acting contrary to any direction from Council, which includes a direction from the General Manager;
- 13.1.2 Acting contrary to Council's policies;
- 13.1.3 Advising any person that they may have a legal right or action against Council or any Council Official;
- 13.1.4 Making any admission of liability or accepting liability on behalf of Council or the Committee;
- 13.1.5 Acting contrary to Council's Code of Conduct;
- 13.1.6 Acting outside the limits of the Committee's delegation; and
- 13.1.7 Acting or presenting the Committee as independent of Council.

14. Operational Support

- 14.1 Uralla Shire Council will support the Committee through the provision of:
- 14.1.1 A meeting place (ie at the Uralla Shire Council Chambers or the Mayor's Office);
 - 14.1.2 Insurance coverage for volunteers and Australia Day celebration activities;
 - 14.1.3 Event space for Australia Day celebration activities, subject to the Committee submitting an Application for Venue Hire - Event on Public Land; and
 - 14.1.4 Closing the highway and traffic management for the purpose of the Australia Day street parade.

15. Alteration of Terms of Reference and Committee Dissolution

- 15.1 These Terms of Reference may only be altered by Council resolution.
- 15.2 The Council may, at any time and either at its own initiative or upon request of the Committee, alter, delete, or add provisions to these Terms of Reference.
- 15.3 The Council may, by resolution, terminate the term of the Committee at its discretion.
- 15.4 In such event that the Council terminates the Committee term, the Council will provide formal notice to the Committee in writing including the reason for the termination.

16. Interpretation

- 16.1 Any ambiguity or difficulty in interpretation of these Terms of Reference shall be referred to the Council for direction.

17. Dispute Resolution

- 17.1 Where the Committee is unable to reach a determination on any issue, the Committee must refer that issue to the Chairperson for determination.
- 17.2 Where the Committee resolves that it is dissatisfied with the resolution of that dispute by the Chairperson it may, by notice in writing, request the General Manager review the issue.
- 17.3 Should the Committee be dissatisfied with the decision by the General Manager it may, by notice in writing to the Mayor, request that the matter be referred to Council for determination of the dispute by resolution of Council, whose determination of the dispute shall be final and binding upon the Committee.