

# District Council of Elliston

## Terms of Reference



## Section 41 Committee

### Bramfield Basin and Elliston Water

<b>Signature</b>	
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# District Council of Elliston Terms of Reference

## Bramfield Basin and Elliston Water Committee

### 1. Establishment

District Council of Elliston (**Council**) has established the Bramfield Basin and Elliston Water Committee (**Committee**) in accordance with Section 41 of the *Local Government Act 1999*, (**the Act**).

### 2. Purpose

The Committee has been created to assist and provide recommendations to Council in relation to the Bramfield Basin and supply of water to the Elliston Township.

### 3. Functions

The functions of the Committee shall include, but not be limited to the following, in pursuance of the above purposes to:

- a) Develop awareness amongst Committee and broader community regarding the status and trends of the underground water resources in the Bramfield Consumptive Pool.
- b) consider and encourage wise water use amongst water users in Elliston and in the surrounding district.
- c) liaise and consult with persons, groups and organisations in relation to issues as needs arise.
- d) Provide feedback and local intelligence to SA Water regarding proposed options and timing for augmentation of Elliston Township water supply.
- e) Provide feedback and local intelligence to the Department for Environment and Water and the EP Landscape Board regarding proposed short, medium and long term management options for groundwater resources in the District.
- f) Promote effective and efficient communication processes to foster open channels of communication between Council, the Committee and Community.

### 4. Membership

4.1 Members of the Committee are appointed by Council.

4.2 The Committee shall consist of up to twelve (12) members, who shall be appointed by Council as follows:

- a) One (1) Councillor appointed by Council who shall also be the Presiding Member
- b) One (1) member from the EP Landscape Board
- c) One (1) member from the Department for Environment and Water
- d) One (1) member from SA Water
- e) One (1) member from the Wirangu Aboriginal Corporation
- f) One (1) member from the Nauo Aboriginal Corporation
- g) One (1) License Holder
- h) Two (2) Land Holder
- i) Three (3) Community Members

4.3 Members of the Committee must collectively have the skills, knowledge and experience relevant to the functions of the Committee.

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- 4.4 Only members of the Committee are entitled to vote in Committee meetings and each member must vote on every matter that is before the Committee for decision.
- 4.5 The Presiding Member has a deliberate vote and on the event of the equality of votes, has a casting vote.
- 4.6 Any person appointed pursuant to sub clause 4.1 hereof shall be appointed for a term of two (2) years.
- 4.7 Members will acknowledge and accept responsibilities under the Code of Conduct requirements.
- 4.8 The Chief Executive Officer (**CEO**), Managers and other employees, as directed by the CEO may attend any meeting as observers or be responsible for preparing papers for the Committee. Elected Members are able to attend meetings of the Bramfield Basin and Elliston Water Committee as non-voting observers.
- 4.9 In accordance with the principles of open, transparent and informed decision making, Committee meetings must be conducted in a place open to the public. The agenda and minutes of the Committee meetings, subject to any items that are discussed in confidence under Section 90 of the Act and subsequently retained as confidential under Section 91 of the Act, are also required to be made available to the public.
- 4.10 Where a member resigns or decides not to continue as a member of the Committee, a new member shall be appointed consistent with these Terms of Reference.

#### **5. Conflict of Interest**

All members of the Committee shall be subject to the Division 2 of Part 4 and Chapter 5 of the Act.

All members of the Committee shall act honestly and with reasonable care and diligence, not make improper use of information acquired as a result of being a member of the Committee.

#### **6. Presiding Member**

The Presiding Member will:

- 6.1 Be the Council representative;
- 6.2 Call all meetings of the Committee in accordance with clause 7;
- 6.3 Preside at all meetings of the Committee at which he or she is present and ensure order so that the business may be conducted in a respectful and courteous manner; and
- 6.4 Upon confirmation of the minutes sign them in the presence of the meeting.

#### **7. Calling of Meetings**

- 7.1 The Members of the Committee shall meet at least once per quarter.
- 7.2 Ordinary meetings of the Committee will be held at times and places determined by Council or, subject to a decision of Council, the Committee.
- 7.3 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee and observers, no later than 3 clear days before the date of the meeting. Supporting papers

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shall be sent to Committee members (and to other attendees as appropriate) at the same time.

7.4 A special meeting of the Committee may be called in accordance with the Act.

#### 8. Order of Meetings

The agenda will include:

- a) Acknowledgement of Country
- b) Apologies – *will include Members on leave of absence and as registered with the CEO*
- c) Confirmation of Minutes
- d) Notice of Motion – *provided in writing (email is acceptable) to the CEO by a Member of the Committee*
- e) Reports
- f) Urgent late items approved by the Presiding Member

#### 8. Quorum

No business shall be transacted at a meeting of the Committee unless seven (7) members are present.

#### 9. Proceedings of Meetings

The meeting procedures of the Committee shall be in accordance with these Terms of Reference and Council's Code of Practice for Council Meeting Procedures, developed in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2000 (Regulations)*.

***The Committee is not provided with powers to make decisions or recommendations direct to external parties, but must provide recommendations to the Council for consideration.***

#### 10. Meeting Minutes

The CEO shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Regulations.

Minutes of Committee meetings shall be circulated within five (5) business days after a meeting to all members of the Committee and will (as appropriate) be available to the public.

The Committee shall present copies of their meeting minutes to the Council for information and consideration.

#### 11. Direction by Council

The Committee is subject to the direction and control of the Council. A direction given by the Council must be in writing.

#### 12. Amendments, Alterations and Additions to Rules

These rules may be amended, altered or added to by resolution of the Council, made pursuant to Schedule 2 clause 3(5) of the Act.

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<b>DOCUMENT HISTORY</b>				
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