

# THE BAROSSA COUNCIL

## TERMS OF REFERENCE OF THE COMMUNITY ASSISTANCE SCHEME COMMITTEE



<b>Community Plan Link:</b>	 Community and Culture		
	 Health and Wellbeing		
	 Business and Employment		
<b>Document Owner:</b>	Manager Community Projects	<b>Previous Approval Date(s):</b>	20/12/2016
<b>Document Control Officer:</b>	Manager Community Projects	<b>Current Approval Date:</b>	19/03/2019
<b>HPE Content Manager Ref:</b>	14/54580*	<b>Next Review Date:</b>	Next periodic elections

### 1. ESTABLISHMENT

- 1.1 The Barossa Council (hereinafter referred to as "the Council") at a meeting held on 21 June 2011 Minute Book Reference 2011/139 established the Community Assistance Scheme Committee (hereinafter referred to as "the Committee") pursuant to section 41 of the *Local Government Act 1999* ("the Act"). Following the 2018 Local Government Elections, the Council resolved to re-establish the Committee under section 41 of the Act at a meeting held on 26 November 2018 Minute Book Reference 2018/471.
- 1.2 The Committee is established to manage Heritage Grants, Community Grants and Youth Grants in accordance with the Objectives set out under clause 2 of these Terms of Reference.
- 1.3 The Committee may be wound up at any time by resolution of the Council.

### 2. OBJECTIVES

- 2.1 The Committee is established to fulfil the following functions in accordance with its allocated budget:
  - 2.1.1 To assess Heritage Grant applications and Community Grant applications in accordance with Council's *Community Assistance Scheme Policy* and supporting Guidelines and processes, together with the internal assessment and information provided for each application by Council Officers.
  - 2.1.2 To receive reports from the Community Assistance Scheme Committee Administration regarding the assessment of Youth Grant applications (refer to 2.2.1 below)

- 2.1.3 To grant or decline *Heritage Grant and Community Grant* funding payments based on the information provided in the applications together with the assessments of the applications provided from the Council Officers.
- 2.1.4 To review the acquittal statements and reports received from organisations receiving Community Grants to ensure that funds were used in the way specified in the original application. (Acquittal statements are not required for Heritage Grants. Youth Grant acquittals are administered by the Committee Administration.)
- 2.1.5 To prepare an annual budget submission to Council for the allocation of funds towards the Community Assistance Scheme.
- 2.1.6 To annually review the Heritage Grants, Community Grants and Youth Grants guidelines and application forms.

## 2.2 Youth Grants

- 2.2.1 Youth Grant applications are assessed by the Committee Administration in accordance with Council's *Community Assistance Scheme Policy* and supporting Guidelines and processes. The Committee Administration has delegated power to approve Youth Grants (ensuring criteria are met and documentation submitted), and a summary report is presented to the Committee at the following meeting for information.

<b>3.</b>	<b>MEMBERSHIP</b>
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### 3.1 The Committee will consist of:

- (i) The Mayor;
- (ii) The Deputy Mayor; and
- (iii) A minimum of 3 Elected Members nominated by the Council.

### 3.2 The Committee will at the first meeting following every periodic Local Government election (and further annually at its determination and as recorded in its Minutes), appoint at a minimum the Chairperson of the Committee who shall be either the Mayor or Deputy Mayor.

### 3.3 Administrative support – The Council Officers assigned the responsibility will attend meetings to ensure that reports, agendas, notice of meetings and minutes of the Committee are recorded and managed in accordance with legislative compliance requirements. Any staff attending will have no voting rights and will not be considered as part of the Committee membership.

### 3.4 Subject to clause 1.3, membership of the Committee is for the current term of the Council, with the following exceptions:

- 3.4.1 a member resigns or is otherwise incapable of continuing as a member
- 3.4.2 a member is removed from office by the Council
- 3.4.3 the Deputy Mayor, whose term expires when his/her Deputy Mayoral appointment expires, unless he/she has been appointed to the Committee in his/her own right

### 3.5 Subject to clauses 1.3 and 3.4, Committee members are eligible for re-appointment to the Committee at the expiration of their term of office.

- 3.6 The Committee may by a vote supported by a majority of members of the Committee make a recommendation to the Council to remove a member of the Committee from office where a member has failed (without the leave of the Committee) to attend three consecutive meetings of the Committee.
- 3.7 The Council may at its discretion, remove from membership any member of the Committee and appoint others in their place. Where Council determines to remove a Committee member from office under this clause, procedural fairness will be observed in that:
- (i) the Committee member will be informed of Council's intention to remove him/her from office;
  - (ii) the Committee member will be provided with an opportunity to comment upon his/her proposed removal from office; and
  - (iii) the Council will have regard to any submissions received from the Committee member before determining to remove him/her from office.
- 3.8 Subject to clause 1.3, if a vacancy arises, the Committee will make a recommendation to the Council with respect to the appointment of a Committee member to fill the vacancy.

#### **4. CHAIRPERSON**

4.1 The Chairperson will:

- (i) be the contact point between Council and the Committee;
- (ii) be responsible for the proper observance of these Terms of Reference;
- (iii) oversee and facilitate the conduct of Committee meetings in accordance with the Act and *the Local Government (Procedures at Meetings) Regulations 2013* ("the Regulations") Parts 1, 3 and 4 (noting that Part 2 does not apply);
- (iv) ensure all Committee members have an opportunity to participate in discussions in an open, respectful and encouraging manner and
- (v) where a matter has been debated significantly and no new information is being discussed, to call the meeting to order and ask for the debate to be finalised and the motion to be put.

#### **5. DELEGATED POWERS**

5.1 In order for the Committee to perform its functions consistent with these Terms of Reference, the Council delegates to the Committee in accordance with section 37 of the Act the power to expend Council's approved budgeted funds subject to the Committee's budget allocation and Council's policies.

#### **6. GOVERNANCE**

- 6.1 No Committee member will be personally liable in respect of any transaction, act or omission of the Committee entered into, done or made in good faith.
- 6.2 Committee members do not enjoy the protection against defamation actions afforded to State and Commonwealth Parliaments and must be careful not to make remarks that could result in an aggrieved person seeking to take action against them.
- 6.3 Subject to clause 1.3, a recommendation by the Committee to the Council to amend the Terms of Reference must be made by the majority of all Committee members.

- 6.4 Notwithstanding this Terms of Reference, all Committee members will observe the relevant requirements under the:
- (i) Act;
  - (ii) Regulations;
  - (iii) *Code of Conduct for Elected Members*; and
  - (iv) Council's policies and processes which are relevant to the operations of the Committee.
- 6.5 All relevant documentation will be provided to the Committee members during Induction and when Council or legislative changes require further awareness. Committee members are expected to read, comply with and, where appropriate, to seek clarification with respect to Council policies and processes relevant to these Terms of Reference.
- 6.6 On an annual basis, all Committee members should complete an anonymous self-assessment that evaluates the Committee's performance to promote continuous improvements in performance and ensure that its actions are aligned with its intended purpose.
- 6.7 The Committee's administrative support officers will facilitate the annual self-assessment process and provide a summary of the results to the Committee and Council's Chief Executive Officer for consideration and further discussion with the Committee as necessary. The results of the self-assessment may be referred to Council if required.

<b>8.</b>	<b>MEETINGS</b>
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- 8.1 The meetings of the Committee will be held in accordance with Parts 1, 3 and 4 of the Regulations. Part 2 of the Regulations does not apply to this Committee.
- 8.2 Insofar as the Act and/or Regulations or these Terms of Reference do not prescribe the process to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own process. In that case, the Committee will document that process within its Minutes.
- 8.3 Ordinary meetings of the Committee will be held quarterly or as determined by the Committee. The day, time and place for such meetings will be determined each year at the first ordinary meeting.
- 8.4 Quorum
- 8.4.1 A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
  - 8.4.2 A quorum for a meeting of the Committee is half of the current membership, ignoring any fraction resulting from the division and adding 1.
- 8.5 If the Chairperson of the Committee is absent from a meeting, the Deputy Chairperson (if such position exists) will preside at that meeting. If there is no position of Deputy Chairperson, or both the Chairperson and the Deputy Chairperson of the Committee are absent from a meeting of the Committee, then a member of the Committee chosen from those present will preside at that meeting until the Chairperson (or Deputy Chairperson, as appropriate) is present.
- 8.6 All decisions of the Committee will be made based on the majority of the members present. All Committee members must (subject to a provision of the Act or Regulations to the contrary) vote on any matter arising for decision at a meeting of the Committee.

## 8.7 Conflict of Interest

- 8.7.1 No Committee member will vote or take part in debate that has a conflict of interest in any matters before the Committee that would contravene sections 73, 74, 75 and 75A of the Act.
- 8.7.2 If a Committee member has a material conflict of interest in the particular matter to be voted upon or debated, the member must declare a conflict of interest and then leave the meeting place until the matter is concluded. The declaration of a conflict and the time the member left the meeting and returned to the meeting will be recorded in the minutes.
- 8.7.3 If a Committee member has an actual conflict of interest or a perceived conflict of interest, the member must deal with the conflict of interest in a transparent and accountable way. The member must inform the meeting of the member's interest in the matter and, if the member proposes to participate in the meeting in relation to the matter, how the member intends to deal with the actual or perceived conflict of interest. The declaration of a conflict and the time the member left the meeting and returned to the meeting, or, if the member remained in the meeting, how the member voted on the motion, will be recorded in the minutes.
- 8.7.4 If a quorum at a meeting cannot be formed because a member proposes to exclude himself or herself from the meeting in order to comply with 8.7.3, the member will not be taken to have contravened the Act by participating in the meeting in relation to the matter if the attendance of the member, together with any other required number of members, forms a quorum for the meeting.

## 8.8 Minutes

- 8.8.1 Minutes of each meeting must include:
- (i) names of members present, including the time and the point in the proceedings (if applicable) at which each member entered or left the meeting;
  - (ii) each motion or amendment and the names of the mover and seconder; and any variation, alteration or withdrawal of a motion or amendment; and whether a motion or amendment is carried or lost;
  - (iii) any disclosure of interest made by a member, including the personal explanation given by a member, and any other information required by sections 74(5) and 75A(4) of the Act;
  - (iv) details of the making of an order under section 90(2) or 91(7) of the Act in accordance with section 90(7) and 91(9) of the Act respectively – i.e. an order to exclude public from attendance at a meeting;
  - (v) details of an adjournment of business; a record of any documents or request for documents to be tabled at the meeting; a description of any oral briefing given to the meeting on a matter of Council business; and
  - (vi) any other matter required to be included in the Minutes in accordance with the Act or Regulations.
- 8.8.2 The Committee's administrative support will:
- (i) keep minutes of each meeting;
  - (iii) within five days of the meeting;

- register the draft minutes into Council's Electronic Document Record Management System (EDRMS);
  - Provide the draft minutes to the Committee members
  - upload the draft minutes to Council's website
- (iv) submit for confirmation the draft minutes at the next Committee meeting; and
- (v) submit the draft minutes to Council's Debate Agenda at the next available Council meeting.

**9. TRAINING AND SUPPORT**

- 9.1 Committee members will be encouraged to attend training related to the management of Local Government committees as sessions become available through the Local Government Association and other appropriate training providers.
- 9.2 Committee members will be entitled to reimbursement of approved expenditure in relation to attendance at training in accordance with Council policies and processes.

**10. RESOURCES**

- Local Government Act 1999
- Local Government (General) Regulations 2013
- Local Government (Procedures at Meetings) Regulations 2013
- Community Assistance Scheme Policy
- Community Grant Administration Process and relevant guidelines and application forms
- Code of Conduct for Elected Members
- Caretaker Policy
- Complaints Policy
- Complaints Handling Process under the Code of Conduct for Council Members
- Elected Members Training and Development Policy
- Procurement Policy
- Council Self-assessment Tool
- Declaration of Conflict of Interest Form – Committee Members

Signed .....  
  
 Mayor Bim Lange

Dated: 25/03/2019.....