

	District Council of Grant Mount Gambier and District Saleyards Advisory Committee Terms of Reference	Version Number:	1.0
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1. Establishment

The former District Council of Mount Gambier, at its Meeting on Friday 19th May 1995, established the Mount Gambier and District Saleyards Advisory Committee (as a Section 199 Controlling Authority), to manage and administer the Glenburnie Saleyards on behalf of Council, in accordance with the Local Government Act, 1934.

A controlling authority established by a Council under section 199 of the 1934 Act and in existence immediately before 1 January 2000 continues as a Committee of the Council under section 41 of the Local Government Act 1999.

2. Name

The name of the Committee shall be the Mount Gambier and District Saleyards Advisory Committee (hereinafter called the "Advisory Committee").

3. Membership

The membership of the Advisory Committee shall comprise;

- Six (6) Elected Members of the District Council of Grant
- Three (3) representatives of the Combined Agents Committee
- Up to three (3) Community Representatives*
- In the event that the Mayor of the District Council of Grant is not a member of the Advisory Committee, they shall be an "ex-officio" member.

Community Representative positions will be appointed by Council after the conduct of a public advertising process calling for expressions of interest. The representatives will be required to have strong business acumen and a working knowledge of the livestock industry.

The Chairman of the Advisory Committee shall be elected from the membership of the Advisory Committee at the first meeting following the periodical Council Elections held every four years.

4. Term of Office

- The Elected Members and Officers are nominated for four (4) years following each periodical Council Election.
- The Combined Agents Committee will determine their representatives and the term of office for these persons.
- A member may be added or removed from membership of the Advisory Committee by resolution of the Council.

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5. Proceedings of Meetings

- The meetings of the Advisory Committee shall be conducted in accordance with the Local Government (Procedures at Meetings) Regulations 2000 and Sections 87 to 91 of the Local Government Act 1999.
- The Council will provide a Minute Secretary who will be responsible for the preparation of the Agenda and notification of meetings.
- The meetings of the Advisory Committee are open for the public.
- All members of the Advisory Committee will have equal voting rights in respect of all motions put to a Committee Meeting.
- The Chairman of the Advisory Committee has a deliberative vote on any matter arising for decision at the meeting, but does not have a casting vote in the event of an equality of votes.
- No business can be transacted at a Committee Meeting unless a quorum is present.
- Upon confirmation of the minutes of an Advisory Committee Meeting, the Chairman must sign the last page of the minutes and initial each other page.

6. Duties of the Chairman

The Chairman of the Advisory Committee shall:

- Preside at all meetings of the Advisory Committee and in the event of the Chairman being absent from a meeting, the members present shall appoint a member to preside for that meeting or until the Chairman is present.
- Preserve order at meetings so that the business may be conducted in due form and with propriety.
- Upon confirmation of the minutes, sign them in the presence of the meeting.

7. Calling And Timing Of Meetings

- Ordinary meetings of the Advisory Committee will be held at times and places determined by the Committee, taking into account the availability and convenience of Members of the Committee.
- The Minute Secretary must ensure that each Member of the Advisory Committee is given notice of an ordinary meeting of the Committee at least three clear days before the date of the meeting.

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- Notice of a meeting of the Advisory Committee must :-
 - Be in writing
 - Set out the date, time and place of the meeting
 - Contain, or be accompanied by, the agenda for the meeting.

- Each Member of the Advisory Committee, at the time that notice of a meeting is given, is to be supplied with a copy of any documents or reports that are to be considered at the meeting, so far as this is practicable.

- The Minute Secretary must ensure that a record of all notices of meetings is maintained.

- 8. Public Notice Of Committee Meetings**
 - The Minute Secretary must ensure that notice is given to the public of the times and places of any Meeting of the Advisory Committee by causing a copy of the notice and agenda for the meeting to be placed on public display at the principal office of the Council and on Council's website as soon as practicable after the time that notice of the meeting is given to Members of the Advisory Committee.
 - The notice and agenda must be kept on public display and on Council's website until completion of the relevant meeting.

- 9. Minutes**
 - A copy of the minutes of any meeting of the Advisory Committee must be provided to the Council within five days after the meeting.
 - A copy of the minutes of any meeting of the Advisory Committee must be placed on public display in the principal office of the Council and on Council's website within five days after the meeting and kept on display for a period of one month.
 - The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting of the Advisory Committee.

- 10. Quorum**
 - The quorum for a meeting of the Advisory Committee shall be a simple majority of the Members.

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11. **Powers and Duties**

- The Advisory Committee shall have no legal status, and has no authority to commit, bind or speak on behalf of Council.
- The Advisory Committee shall have no executive powers, and cannot commit Council to anything directly or indirectly.
- The Advisory Committee will present to Council all details of recommendations and planned actions for Council approval before any action is taken.

12. **Objectives**

The objects of the Advisory Committee are :-

- To provide appropriate advice and recommendations of matters relevant to the Mount Gambier & District Saleyards and to convey the views of the user groups;
- To report and inform user groups on the progress of the committee and decisions made by Council;
- To identify and comment on stakeholder concerns;
- Provide a forum for discussion of Saleyard related issues

13. **Functions**

The functions of the Advisory Committee are to undertake appropriate action in pursuance of the above objects. Such actions shall include, but not be limited to, the following :-

- Provide advice to Council on the operations of the saleyards and to make recommendations to Council on potential improvements regarding the operation of the facility;
- Make recommendations to Council on proposed Capital Investment;
- Make recommendations to Council on setting of fees and charges;
- To consider the requirements of all users of the Saleyards facilities, including buyers, vendors, agents, suppliers and staff;
- Provide strategic advice to Council on matters effecting the operations of the Saleyards. The Advisory Committee will have no authority to direct operational activities, Council staff, employees or customers at the saleyards;
- To actively promote the Saleyards within the region.
- To carry out such other acts, and to do all such other things as are incidental to, or conducive to the attainment of the objects and the exercise of the powers of the Advisory Committee.

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14. Members to Disclose Interest

- A Member of the Advisory Committee has an interest in a matter before the Advisory Committee if the member or a person with whom the member is closely associated would, if the matter were decided in a particular manner, receive or have a reasonable expectation of receiving a direct or indirect pecuniary or non-pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary or non-pecuniary detriment.
- A Member of the Advisory Committee who has an interest in a matter before the Advisory Committee of which he or she is a member must declare the interest to the Advisory Committee.
- A disclosure made must be recorded in the minutes of the Advisory Committee.
- A Member of the Advisory Committee who has an interest in a matter before the Advisory Committee must not :-
 - i. Propose or second a motion relating to the matter
 - ii. Take part in discussion by the Advisory Committee relating to that matter.
 - iii. While such discussion is taking place, be in, or in the close vicinity of the room in which the matter is being discussed.
 - iv. Vote in relation to the matter.
- A Member of the Advisory Committee who has disclosed an interest in a matter may by permission of the Advisory Committee, attend during proceedings of the Advisory Committee on the relevant matter in order to ask or answer questions, provided that the meeting is open to the public, the member withdraws from the room after asking or answering the questions, and the Member does not in any other way take part in any debate or vote on the matter.

15. Liability of Members

In accordance with Section 41 (12) and (13) of the Local Government Act 1999, no civil liability attaches to a member of the Advisory 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. Further, a liability that would, but for this clause attach to a member of the Committee attaches instead to the Council.

16. Dissolution

The Council may at any time abolish the Advisory Committee pursuant to Section 41 of the Local Government Act 1999.

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17. Alteration of Terms of Reference

The Council, may, at any time, either on its own initiative or at the request of the Advisory Committee, alter, delete or add to any provisions of these Terms of Reference. In doing so, the Council will consult with the Advisory Committee prior to adoption.

Action	Date	Minute Reference
Adopted	19/05/1995	D.C.M.G
Amended	04/06/2001	01153 (5) Page 642
Amended	03/04/2013	13035.1.3
Amended	01/12/2014	14140.1.8