

FRIENDS OF BONNEY THEATRE WORKING GROUP

1. Name

- 1.1. Pursuant to section 41(1) of the Local Government Act 1999, the Berri Barmera Council (Council) resolved on 27 November 2018 to establish a sub-committee to be known as the Friends of Bonney Theatre Working Group (the Sub-committee).

2. Functions of the Sub-committee

2.1 The Sub-committee has the following functions:

- 2.1.1 Support Council in the strategic planning and ongoing asset management of Bonney Theatre complex including Soldiers Memorial Hall and Hawdon Chambers.
- 2.1.2 Promote the facility and foster broad, co-ordinated, co-operative and varied uses that maximise overall benefit to the community.
- 2.1.3 Assist in providing comment on proposals from external groups or individuals related to new uses of the facility.
- 2.1.4 Support the economic vitality of Barmera and surrounding districts by attracting residents and visitors to the facility for performing arts and other events.
- 2.1.5 Support Council in pursuing fundraising opportunities.

2 Membership

2.1 The members of the sub-committee shall be appointed or removed by resolution of Council and will consist:

- up to 4 Councillors.
- a representative of Bonney Theatre Art Gallery plus proxy
- a representative of the National Trust Barmera Branch plus proxy
- a representative of the Riverland Musical Society plus proxy
- up to 5 members of the community with relevant skills, interest, experience or participation in community groups, networking, engagement to advance the responsibilities of the sub-committee.

2.2 The Mayor is an ex officio member of the sub-committee.

2.3 Term of membership will expire at each periodic Council Election (or at cessation of the sub-committee upon a decision of Council).

2.4 The Presiding Member shall be elected by the sub-committee

2.5 Only members of the sub-committee are entitled to vote in sub-committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the sub-committee for decision.

2.6 Council staff may attend any meeting as directed by the Chief Executive Officer for the provision of advice or the conduct of administrative functions, but are not entitled to vote.

3 Quorum

- 3.1 A quorum shall consist of half plus one of the endorsed committee members.

4 Members liability

- 4.1 No civil liability shall attach to a member of the sub-committee for an honest act or omission in the exercise performance or discharge or purported exercise, performance or discharge of the members or sub-committee's functions or duties. A liability that would but for the foregoing attach to a member of a sub-committee, attaches instead to the Council.
- 4.2 Any liability or risk management issues must be communicated within the Council.

5 Conflict of interest

- 5.1 The provisions of sections 73, 74, 75, 75A and 75B the Local Government Act 1999 will apply to all members of the sub-committee.

6 Register of interest

- 6.1 The provisions of section 68 of the Local Government Act 1999 will not apply to members of the sub-committee.
- 6.2 Pursuant to Section 72(1) of the Local Government Act 1999, the register of interest provisions as described in the Division 2, "Register of Interest" do not apply to the sub-committee members.

7 Proceedings the sub-committee meetings

- 7.1 The sub-committee shall be subject to the provisions of the Local Government (Procedures at Meetings) Regulations 2000, Part 2.
- 7.2 The sub-committee shall meet **three (3) times a year**, with authority to convene additional meetings, as circumstances require.
- 7.3 A notice of meeting and agenda shall be provided to each sub-committee member at least 3 clear days before each meeting.
- 7.4 Special Meetings may be held at any time, at the request of the Presiding Member of the sub-committee or at least five members of the sub-committee.
- 7.5 All resolutions of the sub-committee shall act as recommendations to the Strategy, Assets and Major Projects Committee or Council.
- 7.6 A question arising for decision at a meeting of the sub-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.
- 7.7 All members of the sub-committee who are present at a meeting shall have a deliberative vote.
- 7.8 The Presiding Member shall also have a casting vote if required.
- 7.9 In accordance with the principles of open, transparent and informed decision making, sub-committee meetings must be conducted in a place open to the public. The agenda and minutes of sub-committee meetings are also required to be made available to the public, subject to any items that are discussed in confidence under Section 90 of the Local Government Act 1999 and subsequently retained as confidential under Section 91 of the Act.

8 Duties of the Presiding Officer

- 8.1 The duties of the Presiding Officer of the sub-committee are:
 - a) to preside at meetings of the sub-committee
 - b) preserve order at meetings so that the business may be conducted in due form and with propriety
 - c) upon confirmation of the minutes, sign them in the presence of the meeting
 - d) responsibility to the Council for the proper observance of these Terms of Reference
 - e) if requested, to provide advice to the Responsible Officer between sub-committee meetings on the implementation of the decisions of the sub-committee
 - f) to act as the principal spokesperson of the sub-committee
 - g) to exercise other functions of the committee as the Council determines

9 General Duties of Members of the Sub-committee

9.1 Members are expected to:

- a) act honestly and within the law at all times
- b) act in good faith and not for improper or ulterior motives
- c) act in a reasonable, just and non-discriminatory manner
- d) undertake their role with reasonable care and diligence
- e) conduct their ongoing relationship with fellow Council members, Council employees and the public with respect, courtesy and sensitivity
- f) use information in a careful and prudent manner.

10 Casual Vacancies

10.1 The position of member on the sub-committee becomes vacant if the member:

- a) resigns by notice in writing to the Presiding Officer of the sub-committee; or
- b) is removed from office by the Council on the grounds that he or she has been absent without leave of the sub-committee from three or more consecutive meetings, the first of which having been held three months or more before the last; or
- c) is removed by the Council at its sole discretion; or
- d) is declared a bankrupt or applies for the benefit of the law for the relief of insolvent debtors; or
- e) is convicted of an indictable offence punishable by imprisonment

10.2 The sub-committee shall forthwith inform the Council if any member forfeits their seat in such a manner.

10.3 In respect of disqualification by reason of absence for three months or more, the member forfeiting their seat under these circumstances shall however be eligible for re-election to the committee of which they were a member.

10.4 If a casual vacancy occurs on the committee, the Chief Executive Officer shall determine the process to fill that vacancy.

10.5 In the event that four (4) positions become vacant concurrently for whatever reason, the sub-committee must immediately suspend the performance of its duties and obligations conferred by this Term of Reference and forthwith inform the Chief Executive Officer of the Council, who shall give consideration to the cause of the casual vacancies and seek determination from Council.

11 Reporting & accountability

11.1 Administrative support will be provided by Council through direction of Chief Executive Officer Council will provide a Responsible Officer by direction of Chief Executive Officer.

11.2 A copy of the agenda and minutes of every meeting shall be provided to the Chief Executive Officer for inclusion in the agenda of the next Council meeting, provided for public display and on council's website.

11.3 Where a particular matter requires a specific resolution or the attention of the Council, the minutes will adequately reflect a recommendation to be considered by Council.

11.4 The sub-committee is accountable to the Berri Barmera Council in all things.

12 Disputes

12.1 Should a dispute arise over any matter, the matter shall be handled in accordance with Council's Grievance Procedures, however the decision of the Council will be final.

12.2 The Council is committed to transparent decision making processes and to providing access to a fair and objective procedure for the hearing of review of decisions. Grievances may arise as a result of dissatisfaction with a decision about a policy, procedure, service or fee.

13 **Review and amendment to terms of reference**

13.1 Council may at any time amend or alter these terms of reference by resolution of the Council.

14 **Cessation of the Sub-committee**

14.1 The Sub-committee shall be dissolved upon a decision of Council.

Committee History	Date	Motion
Establishment of the Friends of Bonney Theatre Committee and adoption of Terms of Reference	Council Meeting: 22 March 2016	4363/16
Appointment of Chairperson	Council Meeting: 24 May 2016	4418/16
Terms of Reference amendment.	Council Meeting: 27 November 2018	