District Council of
Mount Remarkable

Council Committees

AIRSTRIP COMMITTEE

Prepared by the District Council of Mount Remarkable
Reviewed & Re-Adopted by Council
at its meeting on Tuesday 18 July 2023
Version 03.03

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1.0 Background

Section 41 of the Local Government Act 1999 provides that:

(1) A council may establish committees.

(2) A committee may, according to a determination of the council (and subject to the operation of this Act), be established—

- *(a) to assist the council in the performance of its functions;*
- *(b) to inquire into and report to the council on matters within the ambit of the council's responsibilities;*
- *(c) to provide advice to the council;*
- *(d) to exercise, perform or discharge delegated powers, functions or duties.*

(3) The membership of a committee will be determined by the council and may consist of, or include, persons who are not members of the council.

(4) The council must appoint a person as the presiding member of a committee, or make provision for the appointment of a presiding member.

(5) A member of a committee holds office at the pleasure of the council.

(6) The council may appoint the principal member of the council as an ex officio member of a committee (but in such a case the principal member will not be taken to be included in the membership of the committee unless actually present at a meeting of the committee).

(7) A committee may establish a subcommittee to assist it in a matter.

(8) A council must, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee.

(9) A committee that is performing a regulatory activity of the council must report to the council on its activities at least quarterly.

(10) The establishment of a committee does not derogate from the power of the council to act in a matter.

(11) No act or proceeding of a council committee is invalid by reason of—

- *(a) a vacancy or vacancies in the membership of the committee; or*
- *(b) a defect in the election or appointment of a member or members of the committee; or*
- *(c) the fact that the election of a member or members of the committee is subsequently declared void by a court of competent jurisdiction.*

(12) No civil liability attaches to a member of a 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.

(13) A liability that would, but for subsection (12), attach to a member of a committee attaches instead to the council.

2. Objective

The purpose of the Committee is to manage the operations and facilities of the Airstrip in align with the Trust Deed between the Booleroo Centre and District Ambulance Services Incorporated and the District Council of Mount Remarkable dated 23 June 2009.

3. Function of the Committee

The role of a Committee member is to:

- Assist Council with strategic planning in relation to the Booleroo Centre & District Community Airstrip; and
- Provide comment on aerodrome matters presented in committee meetings.

4. Membership

4.1 General

Membership of the Committee will consist of:

- One (1) Elected Members of Council;
- ~~Four (4)~~ up to Six 6 members nominated by the Booleroo Centre and District Memorial Educational Trust Incorporated
- Members nominated by the Booleroo Centre and District Memorial Education Trust Incorporated do not have to be members of the above trust

Only members of the Committee are entitled to vote in Committee meetings. Unless otherwise required (by the conflict of interest provisions in the Act) not to vote, each member must vote on every matter that is before the Committee for decision.

However other individuals such as the Chief Executive Officer, Director Built & Natural Environment, Operations Manager and/or Council's Qualified Airstrip Inspector may attend any meeting as observers and/or be responsible for preparing reports for the Committee.

4.2 Members Obligations

Members must at all times act with reasonable care and diligence in the performance and discharge of official duties.

A member of the Committee must not, whether within or outside the State, make improper use of his or her position as a member of the Committee to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Committee or the Council.

Other than an appointed media spokesperson, members of the Committee will not provide comment on the Airstrip or Committee business to either the public or media.

4.3 Term of Appointment

The Term of Appointment for members of the Committee is a term expiring at the conclusion of the next general election of the Council held after his or her appointment as a member of the Committee.

4.4 Conflict of Interest

In accordance with the provisions of Section 75 of the Act, the Conflict of Interest and Disclosure of Interest requirements contained within Sections 73 and 74 of the Act apply to all members of the Committee.

4.5 Resignation

A member may resign from membership of the Committee by giving written notice thereof to the Chairperson of the Committee.

The Chairperson of the Committee shall give notice of such resignation to the Chief Executive Officer of the Council.

4.6 Vacancy

A member of the Committee who ceases to be a member / employee of the Council shall also cease to be a member of the Committee.

Any vacancy in the membership of the Committee is to be filled as soon as practicable by the Council.

No act or proceeding of the Committee is invalid by reason of a vacancy or vacancies in the membership of the Committee.

4.7 Roles and Responsibilities of Members

The role of a Committee member is to:

- Participate in the deliberations of the Committee, with regard to the policy and business which is before it;
- Be mindful of the objectives and policies of the Council as they relate to the business of the Airstrip and the Committee;
- Be aware of Airstrip and Committee resources, budgets and strategic plans, and the need for efficiency and effectiveness in the activities for which the Committee has been established;
- Be informed on issues before the Committee, to prepare adequately for meetings and to seek additional information if required;
- Be mindful of the potential for a “Conflict of Interest” to occur through participation on the Committee and to declare such Interests as and when they arise;
- Represent the nominating sector, body or organisation honestly and fairly; and
- Observe confidentiality as and when required.

5. Chairperson

5.1 Election & Term of Appointment

The Committee Members at the first meeting following each Local Government periodic election, shall, elect from amongst their own members, a Chairperson to this Committee who shall hold office at the pleasure of the Council.

5.2 Role of the Chairperson

The Chairperson of the Committee shall:

1. Call all meetings of the Committee;
2. Preside at all meetings of the Committee at which he/she is present and preserve order thereat so that the business may be conducted in due form and with propriety;
3. Upon confirmation of the minutes, sign them in the presence of the meeting at the foot of the last page and initial each page as a true, accurate and correct record of the proceedings of that meeting.

In the event of the Chairperson being absent from a meeting, the members present shall appoint a member who shall preside over that meeting or until the Chairperson is present.

6. Administration

The Committee will be provided with administrative support by the person occupying the office of Chief Executive Officer.

The Committee shall act at all times in strict accordance with relevant legislation (being the Act and associated Regulations) and in accordance with these Terms of Reference in the performance of its functions.

For the purposes of Section 41(8) of the Act the minutes of all meetings of the Committee must be included in the agenda for the next ordinary meeting of the Council following a meeting of the Committee. The reporting of the decisions of the Committee to the Council in this manner is sufficient to satisfy the reporting and accountability requirements of the Council.

7. Finance & Financial Reporting

7.1 Funding

All funds of the Councils provided to enable operation of the airstrip are to be held by the Council on behalf of the Councils.

The Committee has neither the power nor the authority to approve of the expenditure of Council monies.

8. Meetings

8.1 Ordinary Meetings

The Committee shall meet at least once a year, as soon as practical after the completion and receival of the annual inspection report and further meetings on an as needs basis.

All meetings of the Committee must be conducted in accordance with the provisions of Section 90 of the Act.

Meetings of the Committee must be conducted in a place open to the public.

The Committee may order that the public be excluded from attendance at a meeting pursuant to the Act. If an order is made to exclude the public from a meeting, a note must be made in the Minutes of the making of the order and of the grounds on which it was made.

8.2 Notice of Meetings

Notice of every meeting of the Committee shall be given in writing at least three (3) clear days prior to such meeting.

The Notice shall contain the date, time and place of the meeting and the business to be transacted thereat and be signed by either the Secretariate or Chairperson.

8.3 Time & Place of Meetings

The Committee may set the time and place of its own meetings taking into account the availability and convenience of the members of the Committee.