



# TERMS OF REFERENCE EAST GIPPSLAND SHIRE COUNCIL MARINA CONSULTATIVE COMMITTEE

## DOCUMENT CONTROL

<b>Managed by:</b>	Development
<b>Status:</b>	Approved
<b>Responsible position:</b>	Director Development
<b>Contact number:</b>	0351539500
<b>Date approved:</b>	12 December 2017
<b>Version:</b>	3
<b>File number:</b>	7435111
<b>Approved by:</b>	Council
<b>Next review date:</b>	December 2020
<b>Security classification:</b>	Public

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### REVISION HISTORY *(Completed by Governance Officer)*

Revision Ref. No.	Approved/ Amended/ Rescinded	Date	Council / Management	ECM Document Reference
1	Approved	1/9/09	Council	3683739
2	Approved	1/3/16	Council	6767005
3	Approved	12/12/17	Council	7435111

## **1. PURPOSE**

This document sets out the Terms of Reference for the East Gippsland Shire Council Marina Consultative Committee (MCC).

## **2. BACKGROUND**

The Marina Consultative Committee original formation is a result of Marina Berth Holders requesting a committee be formed to have a forum to address their service needs direct to Council. Accordingly, East Gippsland Shire Council has approved the formation of the East Gippsland Shire Council Marina Consultative Committee.

East Gippsland Shire Council has adopted the revised Marina Consultative Committee Terms of Reference structure at it's the Ordinary Meeting of Council held on 1 March 2016, in response to the recommendations from the (current) Marina Consultative Committee to retain the current combined representation for all its marinas.

These Terms of Reference establish the guiding principles for the operation of the East Gippsland Shire Marina Consultative Committee together with its structure, objectives and reporting protocols.

## **3. POLICY STATEMENT**

### **3.1 Formation**

Council established the East Gippsland Shire Marina Consultative Committee, whose primary purpose is to provide advice, guidance and recommendations to Council on the need for existing and emerging services, and overall sustainable management of Council's marina business.

The East Gippsland Shire Council Marina Consultative Committee is a Council Consultative Committee, independent of Council.

The Consultative Committee cannot act or publicly comment on behalf of the East Gippsland Shire Council in its own right.

### **3.2 Membership**

- (a) The Consultative Committee will comprise of eight members.
- (b) Membership will comprise:
  - i. Two Councillors, appointed for the length of the Council term by resolution of Council (or their delegates); and
  - ii. Six Consultative Committee members () who will be appointed by East Gippsland Shire Council as a result of an expression of interest process conducted to berth holders in each marina.
  - iii. Representation will comprise;
    - a. Slip Bight Marina – 3 representatives
    - b. Metung and Chinaman's Creek Marinas – 3 representatives
  - iv. Committee Members shall be current Berth Holders at the relevant marina and are required to be fully up-to-date in respect of all the annual fees applicable to the occupation, operations and maintenance of the marina.

- v. The six representatives will be appointed for a term of three years.

From time to time additional representatives and stakeholders may be co-opted by the Consultative Committee or East Gippsland Shire Council for a limited period to provide advice on specific issues.

- (c) One of the two Councillors appointed to the Consultative Committee will be appointed Chair.
- (d) Members of the Consultative Committee will at all times be covered by Council's insurance when engaged on or attending to legitimate Consultative Committee duties.

### **3.3 Meetings**

- (a) The Consultative Committee will meet at least twice per year or as agreed by Committee. Meetings will be called by the Chair in consultation with the Director Development.
- (b) The Director Development will ensure all necessary administrative support is provided to the Consultative Committee, including where appropriate the provision of a non-member Administrator for the Consultative Committee Meetings.
- (c) Agenda items within the scope of the Terms of Reference by Consultative Committee members can be submitted to the Director Development with the final agenda determined jointly by the Chairperson and Director Development.
- (d) The Consultative Committee meeting agenda will be circulated to Consultative Committee members and to all East Gippsland Shire Councillors (for information) at least one week in advance of the meeting.
- (e) A quorum will exist if five or more Consultative Committee members are present.
- (f) Whenever practicable and appropriate, the following Officers will attend meetings of the Consultative Committee:
- Director Development
  - Manager Economic Development
  - Commercial Business Coordinator
- Council Officers (or their representatives) attend Consultative Committee meetings in an advisory capacity only and are not members of the Committee.
- (g) Following verification by the Chair, unconfirmed Minutes of Consultative Committee meetings will be circulated to Consultative Committee members and all East Gippsland Shire Councillors.

### **3.4 Scope of Duties**

The Consultative Committee shall:

- (a) act as a consultative mechanism for Council and the berth holders in relation to the strategic direction of marina services, assets and budgets to deliver a sustainable, commercially-focussed marina business whilst considering local community and environmental interests;
- (b) encourage all members involved in providing strategic input into improving the service levels for the marina business to work cooperatively and collaboratively;
- (c) through the Director Development, provide recommendations to Council where a Council decision is required on matters that fall within the Consultative Committee's Terms of Reference or are otherwise consistent with the intent and purpose of the Consultative Committee;
- (d) provide recommendations to Council on the delivery of the service levels that will satisfy the majority of berth holders at each marina;
- (e) provide phone number(s) to berth holders for purpose of allowing berth holders to communicate marina business items; and
- (f) attend annual marina berth holder consultation meetings.

### **3.5 Conduct of East Gippsland Shire Council Marina Consultative Committee**

It is expected that Consultative Committee members will at all times:

- (a) achieve considered and informed judgment by an open and respectful sharing of opinion;
- (b) ensure that matters are considered fairly and consistently;
- (c) make decisions based on the best available information;
- (d) keep confidential all matters and documents declared to be confidential;
- (e) respect the decision-making processes of the Consultative Committee, which are based on a decision of the majority of the Consultative Committee;
- (f) be aware of and respect that it is not appropriate for the Consultative Committee or its membership to speak publicly or make any representations on behalf of the Consultative Committee; and
- (g) respect each other and the right of another to be heard (whatever the views of that person).

### **3.6 Conflicts and Disclosure of Conflict of Interest**

- (a) A conflict can arise when a person has the potential to be influenced, or appear to be influenced, by personal or private interests. It is generally accepted that where such a conflict exists, it should be resolved in the best interests of the East Gippsland Shire, as opposed to the individual private interest.
- (b) If a member of the Consultative Committee considers that they have, or might reasonably be perceived to have, an interest in a matter before the

Consultative Committee, they will clearly disclose the nature of their interest at the meeting and immediately before the matter is considered. This will be done on every occasion that the matter is considered by the Consultative Committee.

- (c) If a member of the Consultative Committee considers that they may be unable to vote due to their inability to act impartially on a matter because of a Conflict of Interest, they will notify the Chair or Director Development as soon as possible. Further, they will limit their participation in any discussion on the matter to ensure they cannot be perceived as pursuing their own personal interests. This usually means restricting any comments to factual statements that may assist the decision-making process.

### 3.7 Availability of General Advice

The Consultative Committee, through the Chief Executive Officer, may obtain information and advice on any Council matter that falls within the Consultative Committee's jurisdiction.

## 4. RESPONSIBILITY FOR IMPLEMENTATION AND COMPLIANCE

These management positions are responsible for implementation and compliance monitoring of the policy in their work areas:

Party / Parties:	Roles and responsibilities:
Director Development	Participate in East Gippsland Shire Council Marina Consultative Committee meetings
Manager Economic Development	Participate in East Gippsland Shire Council Marina Consultative Committee meetings
Commercial Business Coordinator	Responsibility for review, updating and implementing the Terms of Reference. Ensure compliance with Terms of Coordinate with all committee members.

All staff have an obligation to report occurrences of non-compliance with Council policy. Incidents of non-compliance should be reported immediately to the Director responsible for this policy, the Policy Owner or the Administration Unit.

## 5. SCOPE OF POLICY

This document sets out the Terms of Reference for the East Gippsland Shire Council Marina Consultative Committee (MCC).

The Marina Consultative Committee original formation is a result of Marina Berth Holders requesting a committee be formed to have a forum to address their service needs direct to Council. Accordingly, East Gippsland Shire Council has approved the formation of the East Gippsland Shire Council Marina Consultative Committee.

These Terms of Reference establish the guiding principles for the operation of the East Gippsland Shire Marina Consultative Committee together with its structure, objectives and reporting protocols.

## 6. REFERENCES / ASSOCIATED DOCUMENTS

*Council Plan 2017-2021*

Good Governance

Goal 1: East Gippsland Shire Council is inclusive, engaged and open. Increase transparency and awareness about council decisions, services and activities by 2021.

## 7. PRIVACY AND HUMAN RIGHTS CONSIDERATION

All personal information collected by East Gippsland Shire Council in connection with the East Gippsland Shire Council Marina Consultative Committee Terms of Reference will be handled in accordance with all applicable privacy legislation and will be used only for the purpose of assessing a disclosure and all information received will be treated with the utmost confidence.

The East Gippsland Shire Council Marina Consultative Committee Terms of Reference has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

## 8. DEFINITIONS AND ABBREVIATIONS

<b>Term:</b>	<b>Meaning:</b>
Committee	Member of the East Gippsland Shire Council Marina Consultative Committee
EGSC	East Gippsland Shire Council
MCC	East Gippsland Shire Council Marina Consultative Committee
Quorum	The minimum number of members of an assembly that must be present at any of its meetings to make the proceedings of that meeting valid.