

5.10. DAINTREE FERRY ADVISORY COMMITTEE - TERMS OF REFERENCE

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DEPARTMENT Governance

RECOMMENDATION

That Council:

1. **Adopt the Daintree Ferry Advisory Committee Terms of Reference;**
2. **Delegate authority under s 257 of the *Local Government Act 2009* to the Chief Executive Officer to undertake an Expression of Interest Process for the Daintree Ferry Advisory Committee Membership;**
3. **Delegate authority under s 257 of the *Local Government Act 2009* to the Chief Executive Officer to finalise any minor administrative adjustments to the Daintree Ferry Advisory Committee Terms of Reference.**

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's approval for the approval of the Daintree Ferry Advisory Committee Terms of Reference.

The purpose of this Advisory Committee is to provide information and advice to the Council on current, emerging and identified topics that are impacting the Daintree Ferry Service.

BACKGROUND

Council at its Ordinary Council Meeting on 28 September 2021, approved the establishment of the Daintree Ferry Advisory Committee.

The Daintree Ferry Advisory Committee is a community engagement body that will assist in identifying and offering advice in relation to strategies for the Daintree Ferry Service.

A draft Terms of Reference was workshopped with Councillors on 22 March 2022 and 10 May 2022.

COMMENTS

The Daintree Ferry Advisory Committee has been established as an Advisory Group in accordance with s 264 of the *Local Government Regulation 2012* (the Regulation).

The Daintree Ferry Advisory Committee will operate to provide advice and recommendations to Council, not to make unilateral decisions. All recommendations of the Committee will need to be brought to Council for formal ratification as the Advisory Committee has no delegations.

The purpose of the Terms of Reference is to clarify Membership, Authorisation, Delegation, Roles and Responsibilities, Role of Chairperson, Role of the Committee, Terms of membership, etc.

Council will commence an Expression of Interest for Membership Process.

Potential Members will need to complete the appropriate form and read the Terms of Reference to ensure they understand the membership requirements and are able to demonstrate the prerequisites for the Committee.

Expressions of Interest from the community will be discussed by Councillors and accessed by criteria that may include:

1. Experience of using the Daintree Ferry service
2. Linkages with the Daintree community
3. Ability to represent the broader views and/or raise issues from the community in relation to the Daintree Ferry service
4. Other prior experience of being involved with community committees

The Expression of Interest will be advertised through Council's Media outlets. The Members will be approved by Council at an Ordinary Council Meeting.

PROPOSAL

That Council Adopt the Daintree Ferry Advisory Committee Terms of Reference and Delegate authority under s 257 of the *Local Government Act 2009* to the Chief Executive Officer to undertake an Expression of Interest for the Daintree Ferry Advisory Committee Membership.

FINANCIAL/RESOURCE IMPLICATIONS

The Advisory Committee is a Voluntary Committee, and no attendance fees will be paid to any members. The running of the Committee will be absorbed in the Governance Operational Budget.

There are limited impacts on Council staff and no structural changes proposed in this report.

RISK MANAGEMENT IMPLICATIONS

The establishment of a Daintree Ferry Advisory Committee would significantly enhance the management of risks in a number of financial, project management, legislative compliance and operational areas as outlined in Council's strategic, operational and activity risk registers.

SUSTAINABILITY IMPLICATIONS

Economic: Nil

Environmental: Nil

Social: Nil

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2019-2024 Initiatives:

Theme 5 - Robust Governance and Efficient Service Delivery

Strong governance and financial management are the foundations of the way in which Council will conduct its business and implement the initiatives of the Corporate Plan.

Goal 1 - *We will conduct Council business in an open and transparent manner with strong oversight and open reporting.*

Goal 4 - *We will work with our communities to ensure they are informed, empowered and supported so that they are resilient to the impacts of disaster events. Through our leadership and capabilities we will plan, prepare, respond and recover from events so as to minimise the impact on people, property, the environment, and our economic stability.*

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances, and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where the Council has a clear responsibility to act:

Advocate Council makes representation on behalf of the community on important issues, funding opportunities, projects and programs. Council will use its influence to seek the best outcomes for the community.

CONSULTATION

Internal: Councillors, Governance and Infrastructure Departments

External: Representation from Daintree Community and Chamber of Commerce

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

1. Daintree Ferry Advisory Committee [5.10.1 - 7 pages]

DAINTREE FERRY ADVISORY COMMITTEE TERMS OF REFERENCE

Purpose

The Daintree Ferry Advisory Committee has been established as an Advisory Group in accordance with section 264 of the *Local Government Regulation 2012* ("the Regulation").

The purpose of this Advisory Committee is to provide information and advice to Council on current, emerging and identified topics that are impacting the Daintree Ferry Service.

Scope

The Daintree Ferry Advisory Committee is a community engagement body that will assist in identifying and offering advice in relation to strategies for the Daintree Ferry Service.

The information and feedback that the Committee provides will assist Council in the strategic planning and development of initiatives related to delivering a long-term ferry service.

The objectives of the Committee are to:

- Support and strengthen the link between Douglas Shire Council and the Daintree Community
- Provide a forum to enable Council and Community projects, initiatives, and strategic issues to be discussed; and
- Provide an opportunity for Committee Members (as representatives of the broader community) to provide advice and make submissions for Council's consideration.
- Prioritise issues impacting the Daintree Ferry
- Analyse problems and consider solutions including initiation of ideas
- Consider recommendations prepared by Douglas Shire Council and provide feedback
- Support informed discussion and consultation within the community at appropriate times
- Consider the long term best practice governance for the Daintree Ferry
- Ensure the local Kuku Yalanji are effectively engaged and bring a First Nations perspective to ongoing management of the Daintree River and Ferry Crossing

Authorisation/Delegation

The Committee provides advice that will inform the development of recommended courses of action to be considered by the Council.

The relationship between Council and the Committee is reciprocal in so far as the Committee contributes advice to Council and Council provides information to the Committee (and the various groups and organisations that it represents) about Council decisions, projects, and initiatives relevant to the purpose and scope of the Committee.

The Committee has the authority to provide a 'Recommendation for consideration' to Council.

Recommendations by the Advisory Committee will be by consensus. These recommendations will be provided to the appropriate officers, who will determine whether the recommendations are within budget and achievable. The appropriate officer/s will then present their technical recommendations back to the committee for further discussion. The Advisory Committee will have the opportunity to make a deputation at a Council workshop.

Roles and Responsibilities

The role of the Committee is to consider matters within the defined purpose and scope and to provide advocacy within their networks and sphere of influence.

The role of the Committee is to:

- Liaise between Council and the communities/groups/organisation it represents on items of relevance to the Committee.
- Raise Issues for the Douglas Community at Local, State and Commonwealth levels within the defined scope and objectives of the Committee.
- Contribute to discussions about the implementation of Council's Strategic documents or other plans that relate to the purpose and scope of the Committee.
- Act as a focus group for specific issues confronting Council relating to the Daintree River Ferry.
- Liaise with Community regarding Council Business

MEMBERSHIP

The maximum voting membership of the Committee will be XXX Persons:

- Two (2) Councillors) one being the Chairperson
- Chief Executive Officer
- Manager Governance
- Manager of Infrastructure
- Manager of Daintree River Ferry Service – Entrada
- 7 External Members from the Daintree Community
 - Community / Individual
 - Recreational
 - Tourism
 - Environmental
 - Business

Membership of the Committee is voluntary and the final appointment must be endorsed by Council.

Councillors will be appointed to the Committee for the term of the Council unless otherwise changed by a resolution of Council or acceptance of a resignation. In the event of a Councillor resigning his/her position on the Committee, the Council will nominate a Councillor to fill the vacant position.

The Advisory Committing Meeting Facilitator and Secretariat Officer are not considered a member of the committee and only supports the meeting in a non-voting capacity.

Douglas Shire Council Officer/s can observe and participate at Committee meetings in a non-voting capacity. Participation will need to be arranged in advance in accordance with the Advisory Committee Procedure.

With endorsement by the Chairperson and Advisory Committee Meeting Facilitator, invitations can be made to include non-Daintree Ferry Advisory Committee members (either organisation, groups and/or individuals) to actively participate in Committee discussions as a subject matter expert.

Working groups of the Committee can be formed, as required, and endorsed by the Committee Chairperson and Advisory Committee Meeting Facilitator, led by a Daintree Ferry Advisory Committee member with individuals and/or organisations within the community.

APPOINTMENT OF CHAIRPERSON

The Chairperson of the Committee shall be appointed by Council. The Chairperson will be a Councillor of Douglas Shire Council.

ROLE OF THE CHAIRPERSON

The chairperson who presides at meetings is responsible for the conduct of the meeting and the order of business. The Chairperson has a duty to preserve order and ensure proceedings are conducted in a proper manner, by addressing behaviour – i.e. Ensuring the meeting is conducted in a respectful and professional manner, where the views of all members are heard, considered and given equal weight:

- Determining that a quorum is present
- Informing the Committee as to the business and objective of the meeting
- Facilitating an exchange of views and ideas on key issues before the meeting occurs
- Confirming discussion to within the scope and purpose of the meeting and within reasonable limited time
- Putting relevant questions to the meeting and conducting a vote where required
- Declaring the result
- Ensuring the record of minutes is maintained and clearly articulates and ‘recommendations for consideration’ to Council
- Declaring the meeting is closed when its business is complete

The order of business for Advisory Committees will generally be:

- Opening of the meeting
- Acknowledgment to Country
- Apologies and Leave of Absence
- Confirm Quorum
- Confirmation of Minutes of previous minutes
- Disclosure of interests
- Presentations
- Agenda submissions
- General business
- Confirmation of next meeting
- Close of Meeting

In the absence of the appointed Chairperson, the meeting will appoint an Acting Chairperson from the Councillor members or Council workers present, for the duration of that meeting.

The Chairperson becomes the spokesperson on behalf of the Council in discussing matters relating to the Committee and provides leadership at Committee meetings

ROLE OF THE COMMITTEE

The role of the Committee is to apply a collective action approach to advocate and consider matters relating to the purpose and scope of the Committee.

The responsibility of Committee Members, are to:

- Actively contribute to discussions
- Interact in a participatory manner that is respectful to all members
- Share information with the broader Daintree Community
- Declare any conflicts of interest that may arise during Committee discussions

TERMS OF MEMBERSHIP

Representation

Membership of the Committee will consist of representatives from various groups, organisations or individuals within the Douglas Shire and/or Daintree Community who can directly contribute and provide community leadership on matters relating to the Daintree River.

Individual Member

Is a Committee Member independent of a community group or an organisation who has a skill set or knowledge base relevant to the specific topic of the Committee.

Individual members must be a resident of the Daintree Community.

Member Organisation / Member Community Group

Are an organisation or community group appointed as a Committee Member represented by a delegated person who has authority to represent the organisation/community group in decision making?

The organisation/community group provides a skill set or knowledge base relevant to the specific topic of the committee. The organisation/community group must be based in the Douglas Shire and/or Daintree Community and predominantly operate for the purpose of the Douglas Community.

Working Groups

Working Groups that are endorsed by the Chairperson of the Committee may be formed as required.

Working Groups may be led by members of the Committee appointed by the Chairperson and may include individuals/groups/organisations from outside the Committee members that represent special interest areas, topical issues, and /or target groups that are subject of the sub-committees' deliberations.

Working Groups must follow the Advisory Committee Terms of Reference. Members of the Working Group will be provided with a copy of the Terms of Reference before their commencement.

Membership Process

The Chairperson of the Committee and the Advisory Committee Meeting Facilitator will determine the most appropriate representation, skill set, and knowledge base required for the Advisory Committee.

Committee Membership composition (establishment, resignation, or alternation) can occur through invitation, expression of interest or selection criteria application process, whichever is deemed appropriate by the Chairperson of the Committee and the Advisory Committee Meeting Facilitator.

Assessment and selection of potential members will be made by a panel consisting of the Chairperson of the Committee, second appointed Councillor and the Advisory Committee Meeting Facilitator. The final appointment will be consistent with section Terms of Membership.

Appointment of Members

Appointment of the Committee Membership will be by Council and based on the recommendation made by the Committee Chairperson and Advisory Committee Meeting Facilitator.

Terms of Membership

Members of the Committee will be appointed for a period of two (2) years, after the implementation of the selection process.

The assessment and selection process will take into consideration the number of terms served, and areas of knowledge/connection required to support the purpose and scope of the Committee.

Membership will be discontinued if a Committee Member, or their delegate, fails to attend three (3) consecutive meetings.

Committee Members can apply to the Committee Chairperson in writing for a leave of absence of up to a year from the Committee and request that an alternative delegate attends on their behalf. The notice must be received in writing prior to the relevant meeting.

Replacing Vacating Members

If a Committee Member wishes to relinquish their position on the Committee, the Member should notify the Chairperson of the Committee in writing. The Committee's Chairperson and Advisory Committee Meeting Facilitator will recommend a replacement for the vacating member for Council's approval.

MEETINGS

Quorum

A quorum for the Committee must be in accordance with Council's Standing Order Policy and is half plus one of the Committee members.

Frequency and Location

Meetings of the Committee will be held every four (4) months unless otherwise advised, at a location to be confirmed.

The annual calendar of meetings will be discussed and approved at the first Committee meeting of the year. Once finalised the calendar will be distributed to the Committee Members and presented on the Advisory Committee webpage.

Any changes to meetings will be advised to Committee Members no later than 1 week prior to the meeting date.

Additional meetings of the Committee may be called at the discretion of the Chairperson as required.

Conduct

Meetings must be conducted in accordance with the provisions of the Local Government Act 2009 and Local Government Regulation 2012. If there is a dispute regarding meeting procedure or the conduct of an individual the Chairperson must refer to this Terms of Reference.

Conflict of Interest

At the commencement of each meeting, Committee Members must declare:

- any material personal interest (using the definition of that term in the Local Government Act 2009, to the extent it applies to the committee member); and
- any perceived or actual conflict of interest they have in respect of a matter before that meeting. Committee members with a material personal interest must not participate in discussion or decision about the matter in which they have the material personal interest; and
- any other committee decision about a matter if that decision has any possibility of impacting upon the matter in which they have the material personal interest (for example, a decision about another grant application).

When a Committee Member declares a perceived or actual conflict of interest and the Committee Member does not decide to refrain from discussing or voting upon the matter, the other Committee Members must vote upon whether the declaring member must refrain from discussing or voting upon the matter. The results of the ballot are binding upon the declaring member.

Confidentiality

All members of the Advisory Committee will be required to sign a confidentiality form. Any breach of this agreement will result in termination of membership.

Meeting Agenda

Agenda topics will be open to Committee Members as well as the general community and Council staff by deputations.

Agendas are to be submitted through the Advisory Committee email address. Agenda submission will close 4 weeks prior to each meeting date, any agenda items received post the cut-off date will be considered for the subsequent meeting.

Meeting Records

The Committee shall keep minutes of its proceedings.

Only authorised persons may make an audio or video recording of the meeting in accordance with Section XX of Local Law No. 1 (Administration) 2020.

REPORTING

The minutes of the Committee will be reported to Council through the Office of the CEO. The report will contain the Committee's deliberations and any recommendations for consideration for Council.

REVIEW AND PERFORMANCE EVALUATION

Terms of Reference

The Committee shall review these Terms of Reference at the first Committee Meeting of each calendar year.

Performance Evaluation

At the first Advisory Committee of each calendar year, the Committee will:

- Review the Terms of Reference; and
- Undergo a self-assessment process to ensure all the functions and business of the Committee is being dealt with in an efficient and effective manner.

The assessment process shall include but not be restricted to the time of meetings, length of meetings, attendance at meetings, location of meetings (suitability), the content of meetings, results of recommendations on matters discussed, achievements, satisfaction rating of members and meeting management

Council Officers

The Committee will be supported by the Douglas Shire Council Officers from the Infrastructure Department and the Governance Department.

Attendance by relevant Douglas Shire Council Officers from various departments of Council may be requested by the Committee through the Committee Chairperson and appropriate internal channels.

Douglas Shire Council Officers (as required) will also attend meetings in an observation/non-voting capacity to provide and/or seek information from the Committee.

Related Legislation

- *Local Government Act 2009*
- *Local Government Regulation 2012*

Related Document)

- Standing Orders Policy