



Marina Consultative Committee Terms of Reference

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1. Purpose

The purpose of these Committee Terms of Reference is to outline the roles and responsibilities of the Marina Consultative Committee (the Committee) who undertake to assist East Gippsland Shire Council (Council) in a consultative capacity.

2. Scope

These Terms of Reference apply to all Committee members, Councillors and relevant Council Staff as defined in the Roles and Responsibilities section.

3. Context

The Committee is a forum for Berth Holder representatives to consult with Council on any subject matter that impacts Berth Holders. This includes but is not limited to, service provision, policy, marina experience, capital projects and lease agreement matters.

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

4. The Committee

4.1 Formation, Authority and Limitations

The Committee is a Consultative Committee, established by Council.

The Committee is not a Delegated Committee within the meaning of section 63 of the *Local Government Act 2020*. Accordingly, neither the Committee nor its members are authorised to make decisions, act or speak publicly on behalf of Council.

The Committee do not act as an arm of management of the Marinas, nor can they act or publicly comment on behalf of the Council in its own right.

4.2 Committee Objectives

The Committee's primary purpose is to form part of Council's consultation mechanism for the operations of existing and emerging services at Council's Metung, Chinaman's Creek and Slip Bight Marinas.

The objectives of the Committee are to be a forum for Berth Holder representatives to consult with Council on any subject matter that impacts Berth Holders. This includes service provision, policy, marina experience, capital projects and lease agreement matters.

It will do this through acting as a two-way consultation mechanism between Council and Berth Holders and making recommendations on matters relevant to its Charter and Duties (as detailed at section 4.3) to facilitate decision-making by Council and its officers in discharging their responsibilities.

4.3 Charter and Duties

The Committee shall:

- (a) act as two-way consultation mechanism between the Council and Berth Holders with a focus on the Marina infrastructure and service delivery by the Council;
- (b) consider the local community and environmental sustainability in deliberations;
- (c) encourage all members to provide input into improving the services at the Marinas;
- (d) to work cooperatively and collaboratively;
- (e) provide phone number(s) to Berth Holders for the purpose of allowing Berth Holders to communicate Marina business items;
- (f) attend annual Marina Berth Holder consultation meetings;
- (g) provide recommendations to Council officers on improvements to the service of the Marinas that will satisfy the majority of Berth Holders at each Marina; and
- (h) through the Chair, provide recommendations on relevant matters to be considered by Council on behalf of Berth Holders.

4.4 Membership

- (a) The Committee will comprise of eight (8) members.
- (b) Membership will comprise:
 - (i) Two (2) Councillors, appointed annually by resolution of Council in accordance with the Councillor Representation Policy; and
 - (ii) Six (6) Consultative Committee members who will be appointed by resolution of Council following an expression of interest process conducted with Berth Holders in each marina.
- (c) Consultative Committee membership will comprise:
 - (i) Slip Bight Marina – three (3) representatives; and
 - (ii) Metung and Chinaman’s Creek Marinas – three (3) representatives.
- (d) 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.
- (e) The six Consultative representatives will be appointed for a term of three years.
- (f) Expressions of interest will be sought at the end of each Committee members term where existing representatives may reapply, and new representatives may apply. Where there are more expressions of interest than there are vacancies, a ballot will be held, and assessment of applications will be assessed by the Chair, Manager Council Enterprises and General Manager Assets and Environment.

- (g) The reappointment of Committee members will be staggered to ensure that experience remains on the Committees membership transitions.
- (h) From time-to-time additional industry professionals and stakeholders may be co-opted by the Committee or Council for a limited period to provide advice on specific issues.
- (i) Where practicable, Council will encourage gender balance within the formation of Committee membership.
- (j) All members are required to participate in meetings of the Committee.
- (k) If for no valid reason, a member has not participated in at least one (1) Committee meeting over a three (3) month meeting cycle, their membership to the Committee will be reviewed by General Manager Assets and Environment and potentially withdrawn.
- (l) Members of the Committee will at all times be covered by Council's insurance when engaged on or attending to their duties in accordance with this Terms of Reference.

4.5 Chair

- (a) One of the two Councillors appointed to the Committee will be appointed Chair.
- (b) In the absence of the appointed Chair at a meeting, the second Councillor member will Chair the meeting.
- (c) The role of the Chair is detailed in section 5.

4.6 Meetings

- (a) The Committee will meet quarterly. Meetings will be called by the Chair in consultation with the General Manager Assets and Environment.
- (b) A Special Committee meeting may be called by the Chair if a specific circumstance warrants a meeting prior to the next scheduled committee meeting.
- (c) The Manager Council Enterprises will ensure all necessary administrative support is provided to the Committee, including where appropriate, the provision of a non-member Secretariat for Committee Meetings.
- (d) Agenda items within the scope of the Terms of Reference by Consultative Committee members can be submitted to the Manager Council Enterprises for consideration, with the final agenda determined jointly by the Chair and General Manager Assets and Environment.
- (e) The Consultative Committee meeting agenda will be circulated to Consultative Committee members at least one (1) week in advance of the meeting.
- (f) A quorum will exist if one (1) Councillor and three (3) or more Consultative Committee members are present.
- (g) If a quorum does not exist, the meeting is to be postponed.

- (h) Agreement by the Committee on matters will generally be made by consensus. If consensus is not possible, matters will be resolved by a show of hands and a simple majority of votes cast by members in attendance. The Chair will have the casting vote if the votes are equal.
- (i) Whenever practicable and appropriate, the following Council Officers (or their representatives) will attend meetings of the Committee:
- General Manager Assets and Environment;
 - Manager Council Enterprises;
 - Commercial Business Coordinator; and
 - Commercial Business Operations Officer.
- (j) The above Council Officers (or their representatives) attend Committee meetings in an administrative and advisory capacity only and are not members of the Committee.
- (k) Questions related to Council Business Units other than Council Enterprises that arise from a Committee meeting will be noted in the minutes and addressed via a written response from the Business Unit Manager to the Committee. This can be delivered in session or out of session at the discretion of the Chair.
- (l) The Committee via the Chair can invite the attendance of other Council Directorates to present on specific matters that impact Marina Berth Holders. However, it is at the discretion of the Directorates General Manager if an officer attends the meeting or addresses the matter out of session.
- (m) Following verification by the Chair, unconfirmed Minutes of Committee meetings will be circulated to Committee members (via email) and all Councillors (via Council briefing).

4.7 Principles

4.7.1 Values

The Committee will conduct itself in accordance with Council's organisational values:

- Respect – We treat all with courtesy and dignity
- Collaboration – We build and maintain productive relationships
- Integrity – we focus on taking the correct course of action
- Accountability – We are responsible for our actions and outcomes

4.7.2 Conduct

It is expected that Committee members will at all times:

- (a) Adhere to the objectives and duties of the Consultative Committee as set out in this Terms of Reference;
- (b) Achieve considered and informed judgment by an open and respectful sharing of opinion;
- (c) Make recommendations based on the best available information and in the best interests of all Berth Holders;

- (d) Strive to attend all meetings, sending apologies to the Chair for necessary absences;
- (e) Prepare for the meeting by reading the agenda, papers and any emails before the meeting;
- (f) Contribute positively to the discussions;
- (g) Draw attention to any potential conflicts of interest that may arise in the meeting;
- (h) Ensure that matters are considered fairly and consistently;
- (i) Treat all Committee Members and Council officers with respect and courtesy at all times;
- (j) Respect the right of another Committee member to be heard (whatever the views of that person);
- (k) Provide constructive feedback which will not offend, imply incompetence of an officer or humiliate an officer attending the meeting;
- (l) Keep confidential all matters, and documents declared to be confidential;
- (m) Respect the decision-making processes of Council, who act as the Committee of Management of the facilities;
- (n) Not speak publicly or make any representations on behalf of the Consultative Committee or Council; and
- (o) Respect and adhere to the objectives of the Consultative Committee, as set out in this Terms of Reference.

4.8 Conflict of Interest

- (a) A conflict can arise when a person has the potential to be influenced, or appears 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 Council, as opposed to the individual private interest.
- (b) If a member of the Committee considers that they have, or might reasonably be perceived to have, an interest in a matter before the 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 Committee.
- (c) If a member of the 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 General Manager Assets and Environment 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.

4.9 Availability of General Advice

The Committee, through the Chief Executive Officer, may request information and advice on any Council matter that falls within the scope of the Committee's objectives.

5. Roles and Responsibilities

Party / Parties	Roles and Responsibilities
Chair	<p>Conduct meetings efficiently to ensure all matters listed for consideration are afforded appropriate time and attention.</p> <p>Exercise a casting vote where:</p> <ul style="list-style-type: none"> (a) consensus cannot be reached; (b) a formal vote is required to resolve the matter; and (c) voting numbers are equal. <p>Record all conflicts of interest in the minutes.</p> <p>Approve the unconfirmed minutes of each meeting for circulation to Committee members, Councillors and others as determined by the Committee.</p> <p>Together with the General Manager Assets and Environment:</p> <ul style="list-style-type: none"> (a) participate in the selection process for relevant Committee members; (b) ensure compliance with this Terms of Reference by Committee members; and (c) address any matters of concern arising in respect of a committee member's conduct.
General Manager Assets and Environment	Participate in Committee meetings.
Manager Council Enterprises	Participate in Committee meetings.
Commercial Business Coordinator	Responsibility for reviewing, updating and implementing the Terms of Reference. Ensure compliance with Terms of Reference and coordinate with all Committee members.
Chief Executive Officer	Consider requests for information received from the Committee, and where appropriate provide information and advice on any Council matter that falls within the scope of the Committee's objectives.
Committee	Perform all the roles and responsibilities necessary to fulfill the Committee Objectives noted within this Terms of Reference.

Party / Parties	Roles and Responsibilities
Member	<p>Actively participate in and contribute to the work of the Committee as outlined in this Terms of Reference.</p> <p>Adhere to the Standards of Conduct as outlined in section 4.7.</p> <p>Disclose conflicts of interest and cease participation in discussions and decision making. Where a conflict of interest arises, complete the Notice of Conflict of Interest Disclosure Form.</p>
Secretariat	<p>Upon request attend Committee meetings to take minutes.</p> <p>Upon request assist with the creation and distribution of the agenda pack.</p>

6. References and Supporting Documents

6.1 Applicable Legislation

Local Government Act 2020

6.2 Applicable Policy and Procedure

Governance Rules (Refer Section 19 Conflict of Interest Procedures)

6.3 Supporting Documents

Nil

7. Definitions

Term	Meaning
Agenda	A document containing the date, time and place of a meeting and a list of business to be transacted at the meeting.
Chair	The Chair of a meeting, including an acting Chair.
Chief Executive Officer/CEO	The person occupying the role of Chief Executive Officer of Council, including a person acting in that role.
Committee	The Marina Consultative Committee.
Conflict of Interest	A conflict of interest as defined in section 19 of the Governance Rules.
Council	East Gippsland Shire Council.
Councillor	Person who has been elected to the office of Councillor of Council.
Member	A member of the Committee.
Minutes	The official record of the proceedings and decisions of a meeting.

Term	Meaning
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.
Term	The length of time an independent external Member is appointed to the Committee for.

8. Revision History and Review

Version Number	Date Approved	Approved By	Review Summary
1	01/09/2009	Council	New Terms of Reference
2	01/03/2016	Council	Periodic Review
3	12/12/2017	Council	Periodic Review
4	16/07/2024	Council	Periodic Review