



**APPENDIX H**  
**TUMBY BAY DISTRICT COMMUNITY**  
**CONSULTATIVE GROUP TERMS OF REFERENCE**



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# **Tumby Bay District Community Consultative Group**

## **Terms of Reference and Constitution**

These Terms of Reference set out the objectives, expected outcomes, operation and reporting mechanism for the Tumby Bay District Community Consultative Group (TBDCCG) with respect to major and associated projects in the Tumby Bay district.

Tumby Bay District Community Consultative Group will maintain a community consultative committee comprising a representative group of key stakeholders, to provide a mechanism for community engagement related to the major and associated projects in the Tumby Bay district.

### **Objective/Intent and Purpose**

1. To provide a community forum related to the major and associated projects in the Tumby Bay district.
2. To facilitate the timely exchange of information, comment and feedback between stakeholders, the wider community, key development companies and contractors, relevant government departments and agencies, on issues and development matters related to major and associated projects in the Tumby Bay district, including planning, assessment, compliance and conflict management.
3. To ensure accurate and effective communication between the wider community and other stakeholders by supporting a communication strategy including the use of publications, public meetings, site visits and other methods deemed appropriate by the Tumby Bay District Community Consultative Group.
4. To facilitate appropriate access for the wider community and other stakeholders to all relevant government departments and other relevant authorities with a role related to major and associated projects in the Tumby Bay district.

### **Outcomes**

5. The Tumby Bay District Community Consultative Group will have the opportunity through the Chair, to contribute to decision-making and problem-solving, to raise issues and to provide feedback to the key development companies, relevant government departments and other stakeholders on all matters relevant to major and associated projects in the Tumby Bay district.
6. The Tumby Bay District Community Consultative Group will gain a comprehensive understanding of procurement, construction, commissioning, operations and rehabilitation as it applies to each major and associated project in the Tumby Bay district.
7. The Tumby Bay District Community Consultative Group will request access to reports and comment on the results of compliance procedures such as environmental monitoring, outcomes of audit reports (where these are requirements eg of a development lease or MARP) and the performance of community relations programs, such as complaint handling processes.
8. The Tumby Bay District Community Consultative Group will have the opportunity to gain a comprehensive understanding of relevant matters by overseeing the Communications Plan and providing leadership in initiatives such as regular site visits.
9. The Tumby Bay District Community Consultative Group, including development companies, relevant government departments and other key stakeholders, will assist in identifying and pursuing community benefits, along with district and region building opportunities which occur as a result of major and associated projects in the Tumby Bay district.

## **Committee Membership**

10. The Tumby Bay District Community Consultative Group members will be elected at a public meeting of interested residents of the Tumby Bay District Council. Members will have:

- An ability to represent community interest and provide feedback on behalf of and to the community.
- Capacity to commit to regular meetings over at least a 2-year period.

11. The membership of the Tumby Bay District Community Consultative Group will be based on a profile that identifies key areas of interest for the community. Community representatives will act as advocates for portfolios based on these areas.

Portfolios that will comprise the Tumby Bay District Community Consultative Group include, but are not limited to:

Local Government	Agriculture, Farming and Aquaculture
Regional Development	Health
Residents	Education
Commerce, Industry and Business	Culture and Heritage
Community Progress and Development	Emergency Services
Tourism	Environment and Leisure

12. Tumby Bay District Community Consultative Group members will be appointed for a term of two years. At the first AGM half of the members may be appointed for a three year term to establish a system in which only half of the Tumby Bay District Community Consultative Group membership positions are declared vacant in any one year. Members will be encouraged to re-nominate for positions.

13. Representatives of Development Companies may nominate to be members of the Tumby Bay District Community Consultative Group.

14. An Independent Chair, identified by the Tumby Bay District Community Consultative Group, will:

- Be appointed for an initial 2 year term
- Act independently of any interest group or organization.
- Approve the agenda and meeting notes prior to dissemination.
- Maintain a register of and report to the Tumby Bay District Community Consultative Group on all meetings and communications pertaining to the Tumby Bay District Community Consultative Group including those with representatives of government departments or agencies, development companies and contractors and members of the Tumby Bay District Community Consultative Group.

15. The Tumby Bay District Community Consultative Group shall appoint a Secretary to carry out the function of recording the minutes, to act as Public Officer and any other function as directed by the Tumby Bay District Community Consultative Group.

16. The Tumby Bay District Community Consultative Group shall appoint a Treasurer to carry out the function of recording the financial transactions and any other function as directed by the Tumby Bay District Community Consultative Group.

17. Based on the needs of specific projects, Development Companies, Government Departments and other stakeholders will be able to request or be invited to participate in meetings at the discretion of the Chairman.

18. Elected Members of both the South Australian and the Australian Parliament for the local electorates, or their respective nominees, will be invited to participate.

19. The Independent Chairperson, on behalf of the Tumby Bay District Community Consultative Group, will be authorized to invite representatives of government departments or agencies, including technical specialists, to address specific issues (eg Department of Manufacturing Innovation Trade Resources and Energy [DMITRE], Department of Planning Transport and Infrastructure [DPTI], Department of Environment, Water and Natural Resources [DEWNR], Department of Primary Industries and Regions [DPIR], Environmental Protection Agency [EPA], etc).

20. The executive committee of the Tumby Bay District Community Consultative Group will be composed of five members, including the Chairperson, Secretary and Treasurer.

### **Membership Resignations and Vacancies**

21. A Tumby Bay District Community Consultative Group member may resign his/her position by notifying the Chairperson in writing.

A position may be declared vacant if the member:

- Fails to attend or partake in more than three consecutive meetings without prior written agreement from the Chair.
- Breaches the Tumby Bay District Community Consultative Group's Code of Conduct
- Has a demonstrated conflict of interest.

22. A new representative may be co-opted to fill a casual vacancy and that new member can serve until the next AGM.

### **Committee Operations**

23. All meetings of the Tumby Bay District Community Consultative Group will be public meetings. A public gallery will be encouraged at all Tumby Bay District Community Consultative Group meetings and an opportunity will be provided at each meeting for any member of the gallery to put forward written questions or comments or to provide verbal comment at the discretion of the Independent Chairperson.

24. The broader community may also ask questions or provide comment through the portfolio advocates.

25. The Independent Chairperson, in agreement with the Tumby Bay District Community Consultative Group members, will determine the schedule of meetings for the Tumby Bay District Community Consultative Group.

26. There will be adequate notice of meetings and prompt distribution of minutes to members, the local community, other stakeholders and invited parties.

27. In the absence of a chairperson at any meeting, an acting chairperson shall be elected for that meeting from the members present at the meeting.

28. A quorum shall be the 50% plus one of the members elected at the AGM and in the absence of a quorum, discussions and presentations may proceed but no formal business or decisions may be transacted.

29. Tumby Bay District Community Consultative Group members will commit to contributing in an open and orderly manner with due respect for others. Tumby Bay District Community Consultative

Group members will sign a code of conduct in respect of their membership of the Tumby Bay District Community Consultative Group.

30. Tumby Bay District Community Consultative Group members will not nominate alternates. Instead, the Independent Chairperson will pair Tumby Bay District Community Consultative Group members so that in the absence of a Tumby Bay District Community Consultative Group member at a meeting, the other member of the pair can carry any responsibility on behalf of the absent member, who has provided direction in writing.

31. The Independent Chairperson may allocate additional topics and issues to any portfolio advocate with the consent of the Tumby Bay District Community Consultative Group member.

32. The Tumby Bay District Community Consultative Group may effect and maintain sufficient insurance cover to indemnify the Tumby Bay District Community Consultative Group against claims for public liability arising from the operations of the Tumby Bay District Community Consultative Group.

33. The Tumby Bay District Community Consultative Group may be wound up in the manner provided by the Associations Incorporation Act.

### **Annual and Special General Meetings**

34. The Tumby Bay District Community Consultative Group shall call an Annual General Meeting in accordance with the Associations Incorporation Act and these rules.

35. The first AGM shall be held within 18 months after the incorporation of the Tumby Bay District Community Consultative Group, and thereafter within 5 months after the end of its financial year.

36. The order of business at the AGM shall be:

- 1) The confirmation of the minutes of the previous AGM and of any Special General Meeting held since the last meeting.
- 2) The consideration of the accounts and reports of the Tumby Bay District Community Consultative Group and the auditor's report
- 3) The election of Tumby Bay District Community Consultative Group members
- 4) The appointment of auditors
- 5) Any other business requiring consideration by the Tumby Bay District Community Consultative Group in a general meeting

37. The Tumby Bay District Community Consultative Group may call Special General Meetings, as required. Community members may request a Special General Meeting by providing a written request signed by at least 30 residents of the District Council of Tumby Bay.

38. The Terms of Reference and Constitution may be altered by a majority vote at any Annual or Special General Meeting called for that purpose, of which 21 days public notice has been given.

### **Grievance Procedures:**

39. A Tumby Bay District Community Consultative Group dispute resolution procedure to support members of the Tumby Bay District Community Consultative Group who may feel aggrieved in relation to their role on the Tumby Bay District Community Consultative Group will be that members may take their grievance to the Independent Chairperson who will be the final arbiter.

40. Any community member individual concerns, issues or grievances with the activities and operations of the development companies, consultants or contractors will be pursued, in the first

instance, directly with the company involved, and subsequently with the Tumby Bay District Community Consultative Group, if unresolved.

### **Committee Communications**

41. Minutes of the business transactions processed at any meeting shall be recorded and shall be confirmed at the next meeting and signed by the chairperson.
42. A summary of meetings and other relevant information will be made available from the Tumby Bay District Community Consultative Group via newsletter to an open set of stakeholders.
43. Tumby Bay District Community Consultative Group will work with development companies and government departments to establish a reporting and communication strategy.
44. The Chairperson is the only person who will speak to the media on behalf of the Tumby Bay District Community Consultative Group. Individual members may speak about how they are personally affected but not with respect to Tumby Bay District Community Consultative Group matters.
45. Any member of the Tumby Bay District Community Consultative Group must disclose conflict of interest, including the nature and extent of his or her interest in an item of business. The Chairperson will adjudicate on the member's right to participate in discussions and voting regarding the item.
46. The Secretary will maintain a Conflict of Interest Register.

### **Committee Finances**

47. The Tumby Bay District Community Consultative Group shall keep and retain such accounting records as are necessary to correctly record and explain the financial position of the Tumby Bay District Community Consultative Group in accordance with the Associations Incorporation Act.
48. The first financial year of the Tumby Bay District Community Consultative Group shall be the period ending on the next 30 June following incorporation, and thereafter a period of 12 months commencing on 1 July and ending on 30 June each year.
49. Support for administration services will be sought from development companies or, following negotiation, by any other agency or body as the Tumby Bay District Community Consultative Group approves.

### **Powers**

50. The Tumby Bay District Community Consultative Group will have the following powers (in addition to and without prejudice to any other powers herein expressed or implied by virtue of any legislation applicable).
  - 1) To subscribe to, become a member of and cooperate with any other association or organization whose objects are altogether or in part similar to those of the Tumby Bay District Community Consultative Group, on such terms as the Tumby Bay District Community Consultative Group deems appropriate.
  - 2) To raise revenue.
  - 3) To print and publish documents for the promotion of the objects of the Tumby Bay District Community Consultative Group.

- 4) To appoint subcommittees as it deems necessary and define the duties of such subcommittees. The acts of any such subcommittee shall be submitted to the Tumby Bay District Community Consultative Group for approval before execution.
- 5) To coopt any person to any duly appointed committee.
- 6) To appoint, from time to time, a consultant/s [eg solicitor] to provide services as may be necessary to achieve the objectives of the Tumby Bay District Community Consultative Group.
- 7) To acquire, hold, deal with or dispose of any real or personal property.
- 8) To open and operate bank accounts.
- 9) To invest its funds to the best advantage and to use accumulated monies to carry out its function.
- 10) To delegate all or any of the Tumby Bay District Community Consultative Group's powers to the Executive subject to the limitations and conditions as may be determined by the Tumby Bay District Community Consultative Group or its rules and such delegation is revocable by the Tumby Bay District Community Consultative Group and does not derogate from the power of the Tumby Bay District Community Consultative Group to act itself in any matter.