

# Draft Terms of Reference – Protection of the Environment Trust Management Committee

## 1. Role

Central Coast Council has an adopted Community Strategic Plan and Delivery Plan that will shape all activities and projects over the next four years. Council's Trust Management Committees are an important mechanism for consultation, advice and feedback to Council staff on implementation and review of the Community Strategic Plan.

The objective of the Protection of the Environment Trust is:

- i. to promote the protection and enhancement of the natural environment or of a significant aspect of the natural environment and in particular the conservation of flora and fauna indigenous to the Local Government area of the Central Coast; and
- ii. for the provision of information or education or the carrying on of research about the natural environment or a significant aspect of the natural environment in particular relating to flora and fauna of that area for the benefit of persons within the Local Government Area of the Central Coast.

The Council is the Trustee of the Protection of the Environment Trust, and has appointed a Management Committee (Protection of the Environment Trust Management Committee - POET) to recommend to the Trustee (the Council), how the Trustee should deal with Trust assets.

## 2. Responsibilities

The Trust Management Committee is responsible for providing advice and feedback to Council on:

- How the Trustee (the Council) should deal with Trust assets.
- The acceptance of gifts of cash, property and real property.
- The distribution of cash and disposal of property and real property.
- Other things as provided for in the Trust Deed.

## 3. Membership, Chairperson and Voting

### *Membership*

Councillors:	Councillor Smith (Chair)*	Voting Member
Community Members:	Ms Joy Cooper	Voting Member
	Mr Gary Chestnut	Voting Member
	Barbara Wills	Voting Member
Council Staff:	Chief Executive Officer or delegate	Voting Member

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Pursuant to clause 22 of the Protection of the Environment Trust Deed members of the Trust Management Committee are required to be responsible persons defined as follows:

- People with honours (OBE, KCMG, AO etc)
- Clergy and church authorities
- Trustees or board members of a not-for-profit school or college
- Justices of the peace
- Judges/magistrates
- Public servants with more than five years' service
- Barristers/solicitors
- Doctors
- Accountants (must be CPA, ASA, ICA or NIA registered)
- Persons holding public or elected office:
  - Mayors
  - Town clerks/general managers
  - Councillors
  - Members of parliament
- Directors of large public companies (with responsibilities under the companies code)
- Academics or teachers with more than five years' experience
- People who hold (or have held) other public positions (eg member of the Australia Council)
- Past or present office holders of other community organisations (eg President of Parent and Citizens Association, Secretary of Lions, Treasurer of Rotary)

Community representatives shall be appointed by resolution of Council following advertisement for nominations. Nominations are to be in writing and will circulate in full to Councillors for evaluation and consideration. The Trust Committee is not involved in the evaluation or selection process, it is a matter for Council.

The staff holding the following Central Coast Council positions may attend Trust Management Committee meetings:

- Unit Manager Natural and Environmental Assets
- Section Manager Emergency Protection Natural Assets

Council officers will provide professional advice and administrative support. Employees of the Council are not subject to the direction of the Trust Management Committee or any members of it. Staff attendance is at the discretion of the Chief Executive Officer.

Non-staff members appointed to the Trust Management Committee are appointed for the remainder of the current Council term, although membership can be altered at any time by a resolution of Council.

Membership can be withdrawn by resolution of Council.

If a member misses three consecutive meetings without apology, their membership may be withdrawn and their position deemed vacant.

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## *Casual Vacancy*

A casual vacancy is caused by the resignation or death of a member or the withdrawal of membership. To fill a casual vacancy:

- The Trust Management Committee staff contact will report the vacancy to the Trust Management Committee and then to the next available Council meeting.
- The original expressions of interest will be reviewed to identify an appropriate replacement member.
- Where there are no appropriate alternate nominations, expressions of interest will be called for to replace the member.
- Where the vacancy occurs within nine months of the end of the term of the Trust Management Committee the vacancy will not be filled.

## *Chairperson*

The Chairperson is the Councillor.

The Chairperson is to have precedence at the meeting and shall determine the order of proceedings, generally as set out in the Agenda.

## *Convenor*

A Central Coast Council staff position shall be nominated as convenor by the Chief Executive Officer. They will be a staff member responsible for coordinating the preparation of agendas, invitations and minutes.

The Unit Manager, Natural and Environmental Assets shall be the convenor of the Protection of the Environment Trust Management Committee.

## *Voting*

No formal voting rules apply.

As the Trust Management Committee has an advisory role, its recommendations are to be made by consensus. Where consensus cannot be reached, a vote may be taken at the request of the Chair. The vote will be carried by a majority of voting members. The minutes would reflect this process.

Council is the decision making body and the Trust Management Committee provides recommendations for consideration.

The Trust Management Committee may agree to allow participation in meetings through conference calls and other technology.

As no formal voting rules apply, there is no proxy voting. The Quorum for a meeting is half the Advisory Group voting membership plus one, including a Councillor. However the Chairperson shall use their discretion to determine if a meeting should be postponed due to insufficient members being able to attend.

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## 4. Meetings

- Meetings are held quarterly
- The Chairperson has the authority to call additional meetings
- The Agenda and meeting papers will be distributed to members at least three days prior to the meeting
- Meetings will be recorded by the taking of minutes. The minutes are a record of agreed outcomes and do not record discussion.

## 5. Communications and reporting

The agendas and minutes of the Trust Management Committee will be stored as a permanent record of Council. All agendas and minutes will be published on Council's website.

Where the Trust Management Committee recommends an action that is outside the delegation of staff to determine a report will be provided to Council.

Staff will prepare the report that recommends that the Council note the minutes of the Trust Management Committee. Reporting of Trust Management Committee recommendations to Council will be reported as Committee Recommendations without change, noting that staff are encouraged to provide comment where appropriate. The Council may, at its discretion, resolve to adopt some or all of the Trust Management Committee's recommendations and advice and will provide the Trust Management Committee's recommendation to Council with the minutes of the relevant meeting. Staff will also provide professional commentary on the Trust Management Committee's recommendation and provide a staff recommendation which may or may not align to that of the Committee.

Where the Trust Management Committee has not recommended an action the minutes will be reported to Council as an Information Report only.

## 6. Conduct

Members of the Trust Management Committee will be provided with Council's adopted Code of Conduct. Conduct of members is expected to be consistent with the principles outlined in the Code of Conduct.

Members of the Trust Management Committee are not permitted to speak to the media or make representations on social media on behalf of the Trust Management Committee or Council unless approved by Council.