



# Terms of Reference

## Section 41

### Dark Sky Committee

#### 1. ESTABLISHMENT

- 1.1 The Dark Sky Committee (the Committee) is established pursuant to Section 41 of the [Local Government Act 1999](#) (the Act).
- 1.2 These Terms of Reference were adopted by Council on 19 December 2023 (Resolution No. C12-23/001).
- 1.3 The Committee is not a prescribed committee as defined in the Remuneration Tribunal Determination No. 2 of 2022, [Allowances for Members of Local Government Councils](#), as published in the [Government Gazette](#) on 7 July 2022.
- 1.4 The term of the Committee shall be for a period not exceeding the term of Council, unless terminated earlier by resolution of Council.

#### 2. OBJECTIVES

The Committee is established for the purposes of:

- 2.1 To ensure the ongoing and annual accreditation of the River Murray International Dark Sky Reserve (RMIDSR).
- 2.2 To promote the RMIDSR as a valuable asset in a sustainable manner in accordance with Mid Murray Council's Strategic Plan,
- 2.3 To oversee the implementation of Mid Murray Council's [Astro Tourism Strategy](#).

#### 3. MEMBERSHIP

- 3.1 The Committee will consist of seven (7) members, comprising of:
  - 3.1.1 Two (2) Elected Members;
  - 3.1.2 Maximum of six (6) Independent Members with experience or an interest in the following fields:
    - Astronomy
    - Tourism

- Education
- The Natural Environment

- 3.2 The Mayor is appointed *ex officio* to the Committee.
- 3.3 The term of appointment for Committee Members will be from the date of appointment until the end of the current term of Council.
- 3.4 Membership of the Committee continues for the term of appointment unless a member resigns, is otherwise incapable of continuing as a member, or is removed from office by Council.
- 3.5 The Committee may, by a vote supported by at least half plus one of the members of the Committee, make a recommendation to the Council to remove a member of the Committee from office where a member has failed (without the leave of the Committee) to attend three consecutive meetings of the Committee, or for determined breaches of Council's policies, codes and procedures.
- 3.6 In the event of an Independent Member vacancy, the appointment of another member shall be on the same basis as the original appointment.

#### **4. MEMBERSHIP CRITERIA**

- 4.1 Nominations for Independent Members of the Committee will be recommended to Council by the Administration after Council has undertaken a publicly advertised 'Expressions of Interest' process, unless Council resolves a substitute process, or waives the application of this Clause.
- 4.2 As an indication, candidates for membership on the Committee will need to demonstrate their suitability by responding to set criteria, including but not limited to:
- 4.2.1 Extensive knowledge of and interest in astronomy, tourism, education, environment or other fields relevant to the RMIDSR
- 4.2.2 Experience in providing strategic input on projects at a Local, State or Federal level.
- 4.2.3 Knowledge and experience relating to State and Commonwealth Government Astronomical or Astro Tourism policies, frameworks and strategies.

#### **5. PRESIDING MEMBER**

- 5.2 The Presiding Member shall be appointed from the Membership of the Committee by the Committee for a two (2) year period.
- 5.3 Should the Presiding Member be absent from a meeting, the Committee members present may appoint a person to act as acting Presiding Member for that meeting.
- 5.4 The role of the Presiding Member includes:
- 5.4.1 overseeing and facilitating the conduct of meetings in accordance with the Act, and the [Local Government \(Procedures at Meetings\) Regulations 2013](#) (the Regulations).
- 5.4.2 ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.

## **6. OPERATIONAL MATTERS OF THE COMMITTEE**

### **6.1 Frequency of Meetings**

- 6.1.1 The Committee shall meet four (4) times in every calendar year, on such dates and at such times as determined by the Chief Executive Officer.
- 6.1.2 The Chief Executive Officer is authorised, after consulting with the Presiding Member of the Committee, to cancel the respective Committee meeting, if it is clear that there is no business to transact for that designated meeting. Members are to be advised at least three (3) clear days before the scheduled meeting. Advice of the same will also be posted on Council's website.
- 6.1.3 A Special Meeting of the Committee may be called in accordance with the Act and the Regulations.

### **6.2 Notice of Meetings**

Notice of the meetings of the Committee will be given in accordance with sections 87 and 88 of the Act. Accordingly, notice will be given:

- 6.2.1 to members of the Committee by email, or in a form as otherwise agreed by Committee members, at least three (3) clear days before the date of the meeting; and
- 6.2.2 to the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website. The agenda and reports for all meetings of the Committee must be delivered to members of the Committee at least three (3) clear days before the meeting.

### **6.3 Reporting**

For the purposes of section 41(8) of the Act, the Council determines that the Committee will satisfy reporting and other accountability requirements through the presentation of the minutes of each meeting of the Committee at the next ordinary meeting of the Council following each Committee meeting.

### **6.4 Sub-Committees**

The Committee shall appoint such sub-committees as it considers necessary provided that all actions of such sub-committees are approved or confirmed by the Committee. A sub-committee of the Committee may co-opt community members for specific purposes.

### **6.5 Public Access to Meetings**

- 6.5.1 Agendas and Minutes of Committee will be published on Council's [website](#).
- 6.5.2 The Committee shall meet at the Mid Murray Council, Cambrai Council Chamber, Main Street, Cambrai, or at an alternative venue as advised by the Chief Executive Officer.
- 6.5.3 Meetings of the Committee will be recorded and accessible via Council's [YouTube Channel](#).

- 6.5.4 Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.

## **7. MEETING PROCEDURES**

- 7.1 Council has resolved to apply Part 2 of the Regulations for the administration of this Committee.
- 7.2 Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe a procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
- 7.3 Subject to clause 7.4 of these Terms of Reference, all decisions of the Committee shall be made on the basis of a majority of the members present.
- 7.4 A quorum is ascertained by dividing the total number of Committee members by two, and adding one.
- 7.5 If the Mayor attends a meeting of the Committee as ex-officio, the Mayor's attendance will be included in the calculation of quorum.
- 7.6 All members of the Committee must (subject to a provision of the Act or Regulations to the contrary) vote on any matter arising for decision at a meeting of the Committee.
- 7.7 Every member of the Committee has a deliberative vote only. In the event of a tied vote the Presiding Member does not have a second or casting vote and the matter will be referred to Council for decision.
- 7.8 Members of the Committee may participate in the meeting by telephone or other electronic means in accordance with any procedures prescribed by regulation or determined by Council under section 89 of the Act.
- 7.9 Any recommendation of the Committee which does not arise from a recommendation of a Council officer must be supported in the minutes of the meeting by clear reasons for the decision.

## **8. DELEGATION**

- 8.1 Council has not delegated any of its powers to the Committee. Accordingly, all decisions of the Committee constitute recommendations to Council.
- 8.2 The Committee has no delegated authority to expend Council funds or contract external parties.