

Terms of Reference



Queen Mary Botanic Gardens Advisory Group

Responsible director:	Director Infrastructure and Amenity
Responsible officer:	Coordinator Parks and Facility Maintenance
Functional area:	Operations
Adopted by CEO:	16 August 2023
Review date:	August 2027
Expiry date: # if applicable	N/A

Objective

The Terms of Reference establish the agreed roles and functions for the Queen Mary Botanic Gardens Advisory Group (Advisory Group), both collectively and individually to ensure the Advisory Group is governed responsibly and there is a level of respect for each member's opinions and views.

The Advisory Group will provide recommendations to the Northern Grampians Shire Council (the council) based on the following key areas:

- Ongoing sustainability of the Queen Mary Gardens and an ornamental pond and how it will continue to meet the needs of the community including accessibility
- Ongoing sustainability of the Pioneer Park and how it will continue to respect the Edna Walling Design and meet the needs of the community including accessibility
- Infrastructure – Needs and costs associated with relevant development if recommended and ongoing operational costs
- Limitations of the site
- Risks – Assessment, review and management strategies
- Consideration of ongoing management in consideration to land use, biodiversity and cultural heritage values.

Background

The Queen Mary Botanic Gardens Committee was first established by the council in 1997 and operated as a delegated committee of council under Section 86 of the *Local Government Act 1989* until July 2020. On 6 July 2020 the Council established the Queen Mary Botanic Gardens Advisory Group to provide advice on the care and management of the Queen Mary Gardens and Pioneer Park and work alongside the Friends of the Queen Mary Gardens which raises funds to ensure the gardens continue to improve.

The Advisory Group is in the form of a working group with capacity to investigate and to co-opt expertise as needed and to make recommendations to the council.

The Advisory Group shall consist of representatives from the community, these consist of members from the Historical Society, the Friends Group, the general community and the local Country Women's Association.

Purpose

To promote awareness and to continue the restoration of Queen Mary Gardens as one of Victoria's fine 19th Century Botanic Gardens.

To promote awareness and to continue the restoration of Pioneer Park as an Edna Walling designed garden.

Membership

The Advisory Group will be comprised of the following members:

- One councillor
- Up to twelve community members as delegated representatives, from community groups or the general community
- Provision for a council officer (who will be the minute taker and have no voting rights)

Council:

- will aim for a gender balance of representation
- must consider applications/nominations from any other community groups

Terms of Appointment

Community members will apply for selection and will be appointed to the Advisory Group by the council for a term of up to four years. The council can advertise for the replacement of the expired position and can accept re-application from the expirée if that person so desires to re-apply.

Conditions and limitations

Any conflicts of interest of any representative on the Advisory Group must be disclosed.

Council's relationship with the Advisory Group

The council will value and respect the input and advice provided by the Advisory Group. The council will use it, together with information from other sources, to inform its practices, policies and procedures. The council will not necessarily be bound by decisions of the Advisory Group and retains the right to prioritise initiatives and recommendations.

Selection Criteria

The council will seek to appoint people with experience, knowledge and understanding of local issues with the capacity to provide recommendations to the council on the sustainability, development opportunities and limitations for the Queen Mary Gardens and Pioneer Park. Accordingly, the following criteria will be used to evaluate appointments to the Advisory Group:

1. Possess sound knowledge of the local area and recent involvement in the local community.
2. An ability to represent issues impacting the local community concerning the management of the Botanic requirement of the gardens.
3. Demonstrate relevant experience in the management of Botanic Gardens and cultural heritage values.
4. Previous experience in working with committees or groups will be well regarded but is not essential.

Selection Process

The selection process will be as follows:

- Expressions of interest or applications will be sought widely in the community.
- Any advertising for nominations for appointment to the Advisory Group will encourage nominations to the committee by women, Aboriginal people, people with disabilities, young people and people from culturally diverse backgrounds.
- Applications will be assessed against the selection criteria.
- Should there be more applicants than required to fill vacancies, the council may seek further information from the applicants in determining their suitability for appointment to the Advisory Group.
- The final decision for selection will be determined by the council at the earliest available Council meeting.
- This selection process will also be followed for the replacement of existing Advisory Group members that have resigned their position during their term.

Termination of members

An individual's membership can be terminated, although this must be for a valid reason (such as misconduct, harassment or bullying) and must be approved by the council at a Council meeting. Under no circumstances do the Advisory Group members (independently or as a group) have the right to terminate any individual's membership.

To terminate membership, the following procedure must be followed:

1. The council may terminate the appointment of a member for misbehaviour or physical or mental incapacity; or inefficiency or incompetence.
Any action by a member which demonstrates that they are either unwilling or unable to comply with their obligations and responsibilities as set out in the Terms of Reference may constitute misbehaviour and/or inefficiency and, as such, may be grounds for termination of appointment.
2. The member/s concerned must be notified in writing of the termination as well as the reasons at least seven days before the next scheduled meeting.

If any member feels that they have had their membership wrongfully terminated, they have the right to appeal to the council, which will arrive at the final resolution of the matter at their absolute discretion. An individual member can decide to terminate their membership to the group on their own. This should be communicated in writing to the Coordinator Parks and Facility Maintenance by email at ngshire@ngshire.vic.gov.au to ensure that this is recorded should any disputes arise.

Authority/roles and responsibilities

The Advisory Group has no powers conferred to it by the council and will operate in line with the purpose and Terms of Reference.

Scope and deliverables

Members are engaged to implement outcomes of the St Arnaud Township Framework Plan and St Arnaud Tourism Strategy and Action Plan through direct involvement including volunteering activities and/or recommending to the council to action specific activities. The Advisory Group can also recommend external organisations to undergo projects on behalf of the council.

Resources and constraints

The Advisory Group will:

- work with the council on an annual basis to make recommendations to the council for maintenance works allocated through Council budget.

Meetings

A councillor will chair the Advisory Group meetings to ensure that advice provided by the Advisory Group is presented directly to the level of authority in the council where decisions are made -

- The councillor has voting rights.
- Council officers do not have voting rights.
- General community members and user group members elected to the group will have voting rights.
- Invited members from government and non-government agencies will not have voting rights.
- Conflict of Interest of any member of the Advisory Group must be declared.
- From time to time the Advisory Group may decide that it would be beneficial for council officers from other programs to also attend to address specific areas of interest. These officers will not have voting rights.

The council will provide assistance and support to the Advisory Group with the resources available to it in order to enable the group to effectively undertake its role. In order to assist members of the Advisory Group, the council undertakes to provide the following support: -

- Secretariat services to the Advisory Group such as minute taking and agenda distribution, and
- Meeting agenda and information papers for agenda items will be provided prior to meetings.

Meetings will be held at least twice per year.

Quorum: to allow for vacancies that occur during the term of the Advisory Group, a quorum will be half of the operational membership plus 1.

Proxies:

1. An Advisory Group member may appoint another person as their proxy to vote and speak on their behalf at a general meeting.
2. The appointment of a proxy must be in writing and signed by the Advisory Group member making the appointment.

3. The Advisory Group member appointing the proxy may give specific directions as to how the proxy is to vote on their behalf, otherwise, the proxy may vote on behalf of the member in any matter as they see fit.

If required, the Advisory Group can agree to meetings out of the schedule to respond to a particular issue or task. A schedule of meeting dates and times for the forthcoming 12 months will be decided at the first meeting of the year.

Reporting responsibilities and communication

No formal communication plan has been adopted for the Queen Mary Botanic Gardens Advisory Group.

Review

An interim review of the Advisory Group operations and Terms of Reference will be done at 12 months if required.

Council Plan objective/strategy

The Terms of Reference are aligned with Council's Council Plan goals, objectives and strategies through Enhanced Lifestyle and Community, Wellness and Welfare and Creating an Enriching Place to Live.

Legislation and Standards

Council Plan 2021-25

St Arnaud Tourism Strategy and Action Plan 2022-32

St Arnaud Community Plan 2020-30

Local Government Act 2020

Stakeholders

Councillors, government and community.

Definitions

Terms of Reference describe the purpose and structure of a project, committee, sub-committee, group, meeting, negotiation, or any similar collection of people who have agreed to work together to accomplish a shared goal.

The Terms of Reference are often referred to as the **charter**, eg committee charter.

Communication and implementation

The Terms of Reference will be communicated to stakeholders through reporting to the Advisory Group and inclusion in meeting minutes.

Gender Equality Act 2020

In setting the Terms of Reference for the Advisory Group, the council has considered gender equality principles, rights, opportunities, responsibilities and outcomes and the promotion of gender equality.

Review history

Date	Review Details	Action
6 July 2020	6 July Council Meeting	Council appointed the CEO to develop and approve Terms of Reference in consultation with the committee.
16 August 2023	Queen Mary Garden Advisory Group	Terms of Reference were approved.

Approved by CEO:



BRENT McALISTER
CHIEF EXECUTIVE OFFICER