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# **BYRON SHIRE COUNCIL**

## **FLYING FOX**

### **PROJECT REFERENCE GROUP**

## **CONSTITUTION**

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**INFORMATION ABOUT THIS DOCUMENT  
(INTERNAL USE ONLY)**

<b>Date Commenced</b>	24 September 2018	<b>Timeframe to carry out objectives</b>	2018-2023
<b>Date Group to be Disbanded</b>	30 June 2023		
<b>Convenor / Facilitator</b>	Council Officer, Sustainable Environment and Economic Planning		
<b>Review Timeframe</b>	Annually		

***Document History***

<b>Doc No.</b>	<b>Date Amended</b>	<b>Details Comments eg Resolution No.</b>
	17 August 2018	

***Further Document Information and Relationships***

<b>Actions (Operational Plan)</b>	2018-19 Operational Plan Action 3.1 Implement the Flying Fox Camp Management Plan
<b>Related Legislation</b>	Local Government Act 1993 Section 451 Government Information (Public Access) Act) 2009 NSW Biodiversity Conservation Act 2016 National Parks & Wildlife Act 1974 Prevention of Cruelty to Animals Act 1979 Environmental Planning & Assessment Act 1979 Crown Lands Act 1989 Local Government Act 1993 Environment Protection and Biodiversity Conservation Act 999
<b>Related Policies</b>	Code of Conduct Policy 2016 Privacy Management Plan (E2013/32774) Work Health Safety Policy OEH Flying-Fox Camp Management Policy 2015
<b>Related Procedures/ Protocols, Statements, documents</b>	Agenda Template for PRG Meetings Minutes Template for PRG Meetings Action List Template for PRG Meetings

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**Flying Fox Project Reference Group**

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# Constitution

## Flying Fox Project Reference Group

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### 1. Preamble

The Project Reference Group is a group formed by the Council and does not have executive power or authority to implement actions.

The role of the Project Reference Group is to carry out specific objectives as stated in this Constitution.

### 2. Goal, Purpose and Objectives

The goal of the Flying Fox Project Reference Group is to provide a vital communication linkage to and from Council to interest groups, state agencies and the community with regards to the management of flying-fox camps in Byron Shire.

The purpose of the Flying Fox Project Reference Group is for Council and community to be better informed of the aspirations and expectations of Council and community in regards a strategic approach to the management of flying-foxes and their habitat in the Byron Shire LGA.

The objectives of the Flying Fox Project Reference Group are:

- a) To provide a vital communication linkage to and from Council to interest groups, state agencies and the community in general.
- b) To assist with prioritising on-ground actions and education and awareness strategies
- c) To inform Council of the community's aspirations and expectations in regard to on-ground actions and raising awareness and education about flying foxes
- d) To engage with the broader community during future direction setting on its strategic approach to the management of flying-foxes and their habitat

The objectives have been confirmed by Council on [date].

### 3. Timeframe for Group

The Project Reference Group has 60 months to complete its objectives.

This group will be disbanded on 30 June 2023.

The Council may dissolve the group at any time.

### 4. Membership

Membership is to include a maximum number of 14 members. This includes the following:

- Ten (10) community representatives (2 community representatives from each of the five (5) subject urban camps. These community representatives will also be from within 300m of each of the subject camps, and not represent an animal welfare group).
- one (1) representative from a suitable animal welfare group;
- one (1) representative from the relevant NSW State Government agencies including Office of Environment & Heritage and Department of Industry – Crown land, and
- one (1) Council officer

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- a relevant staff member/s

*Note: Staff members participating on the Project Reference Group do not have any voting entitlements.*

Members will be appointed by the Council.

### 5. Chairperson

The Chair of the PRG is to be elected from Councillors nominated to the PRG (if any), and is to be determined at the first meeting. If there are no Councillors on the PRG, then the PRG is chaired by the relevant staff member.

If the designated Chair is not available to attend a meeting, then a Council representative proxy (referred to as the Acting Chair) will be responsible for convening and conducting that meeting. The Acting Chair is responsible for informing the Chair as to the salient points/decisions raised or agreed to at that meeting.

### 6. Quorum

A quorum is to constitute at least half the number of members.

A quorum consists of half, plus the Chair.

*Note: Staff members are not counted as part of a quorum.*

### 7. Dispute Resolution

All efforts shall be made to resolve conflict and disputes between Guidance Group members amicably and swiftly through open discussion. Where conflict and disputes cannot be resolved via these means a mediator shall be appointed. If the mediation process fails to resolve the conflict or dispute satisfactorily, a request shall be made by Council for members to replace the representatives involved in the conflict or dispute

### 8. Performance Indicators

- At least 4 meetings each year
- Regular attendance by a minimum of 7 members.
- Regular contact and communication with individual Guidance Group members.
- Member's positive satisfaction ratings with each meeting; and that the issues raised and outcomes being achieved and delivered are seen as being valued by Council and meaningful and relevant to the endorsed Flying Fox Management Approach.
- Biannual reports to Biodiversity Advisory Committee on the effectiveness of the Flying Fox Management Approach have been achieved.
- Annual list of Council outcomes that have been based on the guidance, direction and advice of the PRG.

### 9. Confidentiality

Members of the Project Reference Group will, in those circumstances where confidential matters are subject to deliberation, maintain confidentiality.

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### 10. Convenor/Facilitator

The Convenor/Facilitator of the Project Reference Group will, in most cases, be the staff member unless otherwise decided by the Council.

### 11. Voting

Each member of the group (with the exception of staff members) is to have one vote. If the vote is tied on any particular matter it will be referred to Council.

### 12. Majority Decision

A majority decision of the committee requires a majority of elected members to be present and voting on any item subject to the requirements of a quorum being met at the meeting.

### 13. Convening Meetings

Meetings will be held in accordance with a schedule determined by the Project Reference Group.

*Note: The frequency of the meetings will be influenced by the timeframe and the objectives of the Project Reference Group to be completed in that timeframe.*

### 14. Reporting

- a) The minutes of meetings are to be circulated to members of the group within 7 days of the meeting so that they can provide feedback through the Chair on the draft unconfirmed minutes.
- b) The Project Reference Group reports to Biodiversity Advisory Committee.

### 15. Meetings Open to the Public

PRG meetings are not public meetings as they have no executive function. Public transparency is provided for when the reports of these meetings are reported to the Biodiversity Advisory Committee.

### 16. Invited Guests

The PRG Convenor/Facilitator may request to seek further expertise and consultation as agreed to by the group and, if necessary, arrange attendance of a person providing the expertise at a PRG meeting. Any request for information to be at no cost to Council unless a budget is allocated by Council and the expenditure has been authorised in writing by staff with requisite delegations.

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### 17. Vacation of Office

Any Project Reference Group member wishing to resign from the group shall do so in writing.

**Invited Members:** If an invited member on the group who represents an Organisation resigns, an invitation to the Organisation for an alternate delegate will be requested. If no alternate delegate is nominated by the Organisation then that position will become redundant.

**Community Representatives:** If a community representative resigns and if more than half of the timeframe to complete the PRG's objectives still exists, and an alternate delegate has been appointed by Council, then that appointed person will become the new community representative. If no alternate delegate has been appointed by Council, or the alternate delegate declines to accept the vacant position, then that position will become redundant.

### 18. Publicity

PRG members are not authorised by Council to promote, advertise or to make public statements on the group's activities on behalf of the PRG and or Council.

### 19. Records of meetings (agenda and minutes)

- a) The Convenor/Facilitator of the group will prepare the Agenda and Action Lists of the group's meetings formatted in accordance with Council's templates.
- b) The minutes of meetings are to be circulated to members of the group within 7 days of the meeting so that members can provide feedback through the Chair on the draft unconfirmed minutes.
- c) The minutes of the group's meetings are to be reported to Council when required. The PRG's webpage will indicate at what meeting Council will be considering the PRG's reports.
- d) If the PRG considers it necessary, reports from each PRG meeting may be placed on Council's website for access by the public and Councillors after each meeting.
- e) If the timeframe allocated to complete the objective/s is 6 months or more the PRG is to provide a quarterly progress report to Council.
- f) At the end of the PRG's term a final status report is to be presented to Council on the outcomes of each objective.

### 20. Section 377 Delegation

The Project Reference Group does not have any delegated functions pursuant to section 377 of the Local Government Act (1993) and does not have the power to direct staff.

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### 21. Miscellaneous

**Insurance:** All group members are covered by the public liability policy of Council insofar as they are acting in their capacity as a group member, within the scope of the PRG's Constitution and in accordance with the Code of Conduct and statutory obligations. This insurance does not preclude the group from due diligence and all Council policies must be adhered to.

**Code of Conduct:** All group members to abide by Council's adopted Code of Conduct at all times.

**Pecuniary Interest:** Pecuniary Interest may be defined as an interest that a person has in a matter, as a group member or employee of a company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other person includes the spouse or de-facto partner or relative of the group member.

**Section 446** of the Local Government Act states that:

*"a member of a council committee, other than a committee that is wholly advisory, must disclose pecuniary interests.."*

Even though the Local Government Act provides an exemption to disclose pecuniary interests Council's preference is for all members to declare pecuniary interests where applicable.

**Privacy:** All group members are to abide by Council's Privacy Management Plan (see <http://www.byron.nsw.gov.au/publications?P> ) relating to their access to personal information.

**Meeting Practice:** If any other issue arises regarding meeting practice not covered under this constitution, it is to be referred to the General Manager or delegate or, if required, Council for a determination to be made.

**Work Health Safety:** All group members are required to comply with the "Worker Responsibilities" as prescribed in the Work Health Safety Policy.