

## CEMETERY ADVISORY SUBCOMMITTEE

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### 1. Name

- 1.1. Pursuant to section 41(1) of the Local Government Act 1999, the Berri Barmera Council (Council) resolved on 27 November 2018 to establish a subcommittee to be known as the Cemetery Advisory Subcommittee (the Subcommittee).

### 2. Functions of the Subcommittee

2.1 The Subcommittee has the following functions:

- 2.1.1 To plan and oversee the management of cemeteries within the Berri Barmera Council Barmera district.
- 2.1.2 To conduct relevant public consultation for any significant upgrades and development of plans for proposed works within the cemeteries
- 2.1.3 To research and provide budget estimates and costings for consideration of Council as part of developing and implementing forward programs and budgets for related redevelopment work
- 2.1.4 To monitor the implementation of programmed works as part of forward programs in conjunction with the Manager Infrastructure Services and Curator of Cemeteries
- 2.1.5 To ensure all work is carried out within specified timeframes and budget allocations, and to the satisfaction of relevant performance measures and other criteria developed by Council.
- 2.1.6 To ensure that the functions and responsibilities of council are carried out in a proper and dignified manner.

### 3 Membership

3.1 The members of the subcommittee shall be appointed or removed by resolution of Council and will consist:

- up to 3 Councillors.
- A representative of the Upper Murray Garden of Memory Committee
- A representative of the Funeral Industry
- A community member with relevant skills, interest, experience to advance the responsibilities of the committee.
- Manager Infrastructure Services or delegate
- A representative of the Memorial Masons Industry
- 3.2 The Presiding Member may be either an Elected Member or Community Member  
The Presiding Member shall be , elected by the committee, but appointed by Council.

3.3 Term of the Presiding Member may be reviewed by Council at each November Ordinary Meeting of Council.

3.2 The Mayor is an ex officio member of the subcommittee.

3.3 Term of membership will expire at each periodic Council Election (or at cessation of the subcommittee upon a decision of Council).

3.4 Only members of the subcommittee are entitled to vote in subcommittee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the subcommittee for decision.

3.5 Additional council staff may attend any meeting as directed by the Chief Executive Officer for the provision of advice or the conduct of administrative functions, but are not entitled to vote.

#### **4 Quorum**

4.1 A quorum shall consist of half plus one of the endorsed committee members.

#### **5 Members liability**

5.1 No civil liability shall attach to a member of the subcommittee for an honest act or omission in the exercise performance or discharge or purported exercise, performance or discharge of the members or subcommittee's functions or duties. A liability that would but for the foregoing attach to a member of a subcommittee, attaches instead to the Council.

5.2 Any liability or risk management issues must be communicated within the Council.

#### **6 Conflict of interest**

6.1 The provisions of sections 73, 74, 75, 75A and 75B the Local Government Act 1999 will apply to all members of the subcommittee.

#### **7 Register of interest**

7.1 The provisions of section 68 of the Local Government Act 1999 will not apply to members of the subcommittee.

7.2 Pursuant to Section 72(1) of the Local Government Act 1999, the register of interest provisions as described in the Division 2, "Register of Interest" do not apply to the subcommittee members.

#### **8 Committee Meeting Proceedings**

8.1 The subcommittee shall be subject to the provisions of the Local Government (Procedures at Meetings) Regulations 2000, Part 2.

8.2 The subcommittee shall meet as determined by the members or the CEO, or as circumstances require.

8.3 A notice of meeting and agenda shall be provided to each subcommittee member at least 3 clear days before each meeting.

8.4 Special Meetings may be held at any time, at the request of the Presiding Member of the subcommittee or at least five members of the subcommittee.

8.5 All resolutions of the subcommittee shall act as recommendations to the Strategy, Assets and Major Projects Committee or Council.

8.6 A question arising for decision at a meeting of the subcommittee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.

8.7 All members of the subcommittee who are present at a meeting shall have a deliberative vote.

8.8 In accordance with the principles of open, transparent and informed decision making, subcommittee meetings must be conducted in a place open to the public. The agenda and minutes of subcommittee meetings are also required to be made available to the public, subject to any items that are discussed in confidence under Section 90 of the Local Government Act 1999 and subsequently retained as confidential under Section 91 of the Act.

#### **9 Duties of the Presiding Officer**

9.1 Pursuant to Section 41(1) of the Local Government Act 1999, the Council grants the power to the subcommittee to elect a Presiding Officer.

9.2 The duties of the Presiding Officer of the subcommittee are:

- a) to preside at meetings of the subcommittee
- b) preserve order at meetings so that the business may be conducted in due form and with propriety
- c) sign the minutes upon confirmation.

- d) responsibility to the Council for the proper observance of these Terms of Reference
- e) if requested, to provide advice to the Responsible Officer between subcommittee meetings on the implementation of the decisions of the subcommittee
- f) to act as the principal spokesperson of the subcommittee
- g) to exercise other functions of the committee as the Council determines

## **10 General Duties of Members of the Subcommittee**

10.1 Members are expected to:

- a) act honestly and within the law at all times
- b) act in good faith and not for improper or ulterior motives
- c) act in a reasonable, just and non-discriminatory manner
- d) undertake their role with reasonable care and diligence
- e) conduct their ongoing relationship with fellow Council members, Council employees and the public with respect, courtesy and sensitivity
- f) use information in a careful and prudent manner.

## **11 Casual Vacancies**

11.1 The position of member on the subcommittee becomes vacant if the member:

- a) resigns by notice in writing to the Presiding Officer of the subcommittee; or
- b) is removed from office by the Council on the grounds that he or she has been absent without leave of the subcommittee from three or more consecutive meetings, the first of which having been held three months or more before the last; or
- c) is removed by the Council at its sole discretion; or
- d) is declared a bankrupt or applies for the benefit of the law for the relief of insolvent debtors; or
- e) is convicted of an indictable offence punishable by imprisonment

11.2 The subcommittee shall forthwith inform the Council if any member forfeits their seat in such a manner.

11.3 In respect of disqualification by reason of absence for three months or more, the member forfeiting their seat under these circumstances shall however be eligible for re-election to the committee of which they were a member.

11.4 If a casual vacancy occurs on the committee, the Chief Executive Officer shall determine the process to fill that vacancy.

11.5 In the event that four (4) positions become vacant concurrently for whatever reason, the subcommittee must immediately suspend the performance of its duties and obligations conferred by this Term of Reference and forthwith inform the Chief Executive Officer of the Council, who shall give consideration to the cause of the casual vacancies and seek determination from Council.

## **12 Reporting & accountability**

12.1 Administrative support will be provided by Council through direction of Chief Executive Officer Council will provide a Responsible Officer by direction of Chief Executive Officer.

12.2 A copy of the minutes of every meeting shall be provided to the Chief Executive Officer for inclusion in the agenda of the next Council meeting, provided for public display and on council's website.

12.3 Where a particular matter requires a specific resolution or the attention of the Council, the minutes will adequately reflect a recommendation to be considered by Council.

12.4 The subcommittee is accountable to the Berri Barmera Council in all things.

### **13 Disputes**

- 13.1 Should a dispute arise over any matter, the matter shall be handled in accordance with Council's Grievance Procedures, however the decision of the Council will be final.
- 13.2 The Council is committed to transparent decision making processes and to providing access to a fair and objective procedure for the hearing of review of decisions. Grievances may arise as a result of dissatisfaction with a decision about a policy, procedure, service or fee.

### **14 Review and amendment to terms of reference**

- 14.1 Council may at any time amend or alter these terms of reference by resolution of the Council.

### **15 Cessation of the Subcommittee**

- 15.1 The Subcommittee shall be dissolved upon a decision of Council.

Committee History	Date	Motion
Establishment of the Cemetery Advisory Committee and adoption of Terms of Reference	Council Meeting: 27 March 2007	1114/07
Appointment of Chairperson	Council Meeting: 24 March 2015	4069/15
Terms of Reference amendment	Council Meeting 27 March 2018	4959/18
Terms of Reference amendment.	Council Meeting: 27 November 2018	5139/18
Terms of Reference amendment	Council Meeting 26 March 2019	5246/19
Terms of Reference review	17 December 2019	5614/19