

LEASES AND LICENCES ADVISORY GROUP

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 sub-committee to be known as **Lease and Licences Advisory Group** (the Advisory Group).

2. Functions of the Advisory Group

- 2.1 The Advisory Group responsible:

- 2.1.1 for the provision of appropriate advice and recommendations on lease and licence matters in order to facilitate decision making by Strategy, Asset and Major Projects Committee or Council.
- 2.1.2 Facilitation of the development and review of Community Land Management Plans.

3 Membership

- 3.1 The members of the Advisory Group shall be appointed or removed by resolution of Council and will consist:
- Up to 3 councillors
 - Council's Property Officer
 - Manager Environmental Services/Major Projects or delegate
- 3.2 The Mayor is an ex officio member of the Advisory Group.
- 3.3 Term of membership will expire at each Periodic Council Election (or at cessation of Advisory Group upon a decision of Council).
- 3.4 Only members of the Advisory Group are entitled to vote in meetings.
- 3.5 Council staff in attendance are tasked with the providing advice, undertaking research and the conduct of administrative functions.

4 Quorum

- 4.1 A quorum shall consist of three members.

5 Members liability

- 5.1 No civil liability shall attach to a member of the Advisory Group for an honest act or omission in the exercise performance or discharge or purported exercise, performance or discharge of the members or advisory group's functions or duties. A liability that would but for the foregoing attach to a member of the advisory group, 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 Advisory Group.

7 Register of interest

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

8 Proceedings the Advisory Group meetings

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

- 8.2 The Advisory Group shall meet as determined and required by the Members or the CEO.
- 8.3 A notice of meeting and agenda shall be provided to each Advisory Group member at least 3 clear days before each meeting.
- 8.4 All resolutions of the Advisory Group shall act as recommendations to Council or the Strategy, Assets and Major Projects Committee.
- 8.5 A question arising for decision at a meeting of the Advisory Group will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- 8.6 All members of the Advisory Group who are present at a meeting shall have a deliberative vote.
- 8.7 In accordance with the principles of open, transparent and informed decision making, Advisory Group meetings must be conducted in a place open to the public. The agenda and minutes of Advisory Group 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 General Duties of Members of the Advisory Group

- 9.1 Pursuant to Section 41 (4) of the Local Government Act 1999, the Council grants the power to Advisory Group to elect a presiding member as required.
- 9.2 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.

10 Review and amendment to terms of reference

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

11 Cessation of the Advisory Group

- 11.1 The Advisory Group may be dissolved upon a decision of Council.