

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 28 February 2023 to re-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 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 of:
- Up to 3 councillors
 - The Mayor is an ex officio member of the Advisory Group.
- 3.2 Staff attendance will consist of the Property Officer, Manager Corporate Services and Manager Environment and Regulatory Services or delegates.
- 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 providing advice, undertaking research and conducting 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 every two months, with the meeting to be held on the second Tuesday at 4.00pm
- 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.
- 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 Attendance at Committee meetings electronically

- 9.1 Committee members are preferred to attend meetings in person, however may participate in a Committee meeting by electronic means should the member be unable to attend due to illness or other extenuating circumstances with approval of the Mayor the CEO can provide attendance by electronic means.
- 9.2 A member of the Committee participating in a committee meeting by electronic means is taken to be present at the committee meeting provided that the member:
- 9.2.1 can hear all other members present at the committee meeting; and
- 9.2.2 can be heard by all other members present at the committee meeting.

Form of participation by electronic means

9.2.3 Where:

- (1) a Committee member is to participate in a Committee meeting by electronic means; and
- (2) the electronic means has the functionality to allow the member to participate in the Committee meeting by being both seen and heard; and
- (3) the electronic means of the Council has the functionality to allow the Committee member to be both seen and heard,

the member must participate by being both seen and heard.

10 General Duties of Members of the Advisory Group

- 10.1 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.
- 10.2 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.

11 Review and amendment to terms of reference

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

12 Cessation of the Advisory Group

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

Membership	Cr Andrew Kassebaum, Mayor Ella Winnall (Ex Officio), Cr Trevor Scott, Cr Bruce Richards PROXY – Cr Ian Schlein
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