Renmark Paringa Council

RENMARK PARINGA COUNCIL ASSET COMMITTEE

TERMS OF REFERENCE

NAME

Pursuant to section 41(1) of the Local Government Act 1999, the Renmark Paringa Council resolved on 22 November 2022 to establish a committee to be known as the

Renmark Paringa Council Asset Committee

1. MEMBERSHIP

1.1. The members of the committee shall be appointed or removed by resolution of Council and shall consist of no more than 4 members.

1.2. Members shall hold office from the date of their appointment, for a term until the first meeting of Council following the next general Council election and shall be eligible for re-appointment.

1.3. The Presiding Member of the committee shall be appointed by the Council.

1.4. Only members of the committee are entitled to vote in committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the committee for decision. Council staff members may attend any meeting as observers or be responsible for preparing reports for the committee.

1.5. In accordance with the principles of open, transparent and informed decision making, committee meetings must be conducted in a place open to the public. The agenda and minutes of the committee meetings, 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, are also required to be made available to the public.

1.6. No additional allowance will be paid to an elected member representative over and above the allowance already received by the elected member in accordance with the Local Government (Members Allowances and Benefits) regulations 2010.

1.7. The Mayor shall be an ex officio member of the committee.

2. QUORUM

2.1. A quorum shall consist of half the appointed members plus one, but shall not include the Mayor unless actually present.

3. MEMBERS LIABILITY

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

3.2. Pursuant to the Rules of the LGAMLS, the Council must apply prudent industry based risk management practices across all of its operations.

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

4. CONFLICT OF INTEREST

4.1. The provisions of sections 73, 74 and 75 of the Local Government Act 1999 will apply to all members of the committee, in relation to meetings and any business or proposed business of the committee.

5. REGISTER OF INTEREST

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

6. PROCEEDINGS THE COMMITTEE MEETINGS

6.1. The committee shall be subject to the provisions of the Local Government (Procedures at Meetings) Regulations 2000, Part 3.

6.2. The committee shall meet at least four (4) times a year at the appropriate times.

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

6.4. Special Meetings may be held at any time, at the request of the Presiding Member of the Committee or at least three members of the committee.

6.5. All resolutions of the committee shall act as recommendations to Council, subject to the committee being granted delegated authority to act

according to Council policy and procedures in designated matters, or where Council has previously approved a course of action.

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

6.7. All members of the committee who are present at a meeting shall have a deliberative vote.

6.8. The Presiding Member shall also have a casting vote if required.

6.9. All meetings of the committee are open to the public.

7. DUTIES AND VACANCIES

7.1. The duties of the Presiding Officer of the committee are:

a) to preside at meetings of the committee.
b) preserve order at meetings so that the business may be conducted in due form and with propriety.
c) upon confirmation of the minutes, sign them in the presence of the meeting.
d) responsibility to the Council for the proper observance of these Terms of Reference.
e) if requested, to provide advice to the Executive Officer between committee meetings on the implementation of the decisions of the committee.
f) to act as the principal spokesperson of the committee.
g) to exercise other functions of the committee as the Council determines.
h) to carry out the ceremonial duties of the committee.
i) to be consulted in the development of the Agenda.

7.2. General Duties of Members of the Committee

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.

7.3. Casual Vacancies

The position of member on the committee becomes vacant if the member –

a) resigns by notice in writing to the Presiding Member of the committee; or
b) is removed from office by the Council on the grounds that he or she has been absent without leave of the Committee 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; or fails to meet the qualification criteria for membership contained in the membership clause above.

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

7.5. 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.

7.6. If a casual vacancy occurs on the committee, the remaining members may, at their first meeting after the vacancy occurring, nominate a person to fill that vacancy, and shall submit that person's name to the Council for consideration for appointment.

7.7. In the event that a casual vacancy occurs within five (5) months of the next date of appointment of the committee, the committee may elect to continue until the next date of appointment without filling the casual vacancy.

7.8. In the event that three (3) positions become vacant concurrently for whatever reason, the Committee 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.

8. FUNCTIONS OF THE COMMITTEE

8.1. The Asset Committee has the following functions:

- Review Council's asset portfolio with the aim to improve the strategic management of assets with a focus on Capital renewal as well as identifying opportunities to ensure an appropriate level of service is provided on behalf of the community.
- Review Council's asset portfolio to identify opportunities to reduce the financial impact on Council's operating position and strengthen its financial sustainability.
- Make recommendations to Council on the opportunities and outcomes identified, save and except where the various staff members supporting the Committee have existing delegated authority to act in an operational capacity.
- To assist with the annual review of the Infrastructure and Asset Management Plan (IAMP).
- Review annual budget proposals resultant of the IAMP.
- Develop an annual work plan.

9. REPORTING AND ACCOUNTABILITY

9.1. Administration support will be provided by the Council.

9.2. Council will provide an Executive Officer of the committee.

9.3. 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.

9.4. 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.

9.5. The committee is accountable to the Renmark Paringa Council in all things.

9.6. Effectiveness of the Committee will be reviewed by Council at the end of each general Council election.

10. DISPUTES

10.1. 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.

10.2. The Renmark Paringa 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.

10.3. All attempts will be made to resolve grievances quickly and efficiently, without the need for formal applications for review to be lodged. Sometimes this cannot be achieved. The procedure provides guidance for dealing with formal requests for review of decisions of Council, its employees, and other people acting on behalf of Council.

10.4. Dealing with grievances at the local level is the most effective way of resolving matters quickly. Applicants for review of decisions will be encouraged to participate in the review handling process co-operatively. However, this will not negate citizens' rights to seek external review through the State Ombudsman, other legal appeal processes, or the Courts at any time during the complaint handling process.

10.5. Council's Procedure for Review of Decisions has been adopted in accordance with Section 270 of the Local Government Act.

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. The committee shall at least annually, informally review these Terms of Reference to ensure that they properly reflect the role and function of the committee.

Approved at the meeting of Council held on: 22 November 2022

THE RENMARK PARINGA COUNCIL ASSET COMMITTEE

Schedule of Committee Members:

Name	Appointment Status	Date appointed
Cr David Sims	Presiding Member	22 November 2022
Cr Maria Spano	Councillor	22 November 2022
Cr Stephanie Brauer	Councillor	22 November 2022
Cr Ben Townsend	Councillor	22 November 2022
Mayor Peter Hunter	Ex-officio	22 November 2022