



DISTRICT COUNCIL OF LOXTON WAIKERIE

Asset Committee – Terms of Reference

Adoption Date:	15 September 2017
Last Review:	14 December 2018
Next Review Date:	
Responsible Officer(s):	Director Infrastructure Services
Council File GDS Reference:	
Relevant Legislation:	Section 41 of the Local Government Act 1999

1. NAME

- 1.1 Pursuant to section 41(1) of the Local Government Act 1999, the District Council of Loxton Waikerie (Council) resolved on 19 May 2017 to establish a committee to be known as Asset and Lease Committee (the Committee)

2. MEMBERSHIP

- 2.1 The Mayor and all Councillors
- 2.2 The Council will appoint a Chair of the Committee (Cr Flavel 2022) subject to the policy of Council in relation to the payment of an additional allowance to the Chairperson of a standing committee of Council.
- 2.3 Each member must vote on every matter that is before the Committee for decision.
- 2.4 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.
- 2.5 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 1999.

3. QUORUM

- 3.1 A quorum shall consist of half the appointed members plus one. (Six)

4. MEMBERS LIABILITY

- 4.1 No civil Liability shall attach to a member of the 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.
- 4.2 Pursuant to the Rules of the LGAMLS, the Council must apply prudent industry based risk management practices across all of its operations.
- 4.3 Any liability or risk management issues must be communicated within the Council.

5. CONFLICT OF INTEREST

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

6. REGISTER OF INTEREST

- 6.1 The provisions of section 68 of the Local Government Act 1999 apply to members of the Committee.

7. PROCEEDINGS THE COMMITTEE MEETINGS

- 7.1 The Committee shall be subject to the provisions of the Local Government (Procedures at Meetings) Regulations 2000, Part 2.
- 7.2 The Committee shall meet at least quarterly, or otherwise as required, (and the purpose and outcomes of the Committee be reviewed each 12 month period to determine the ongoing need for the Committee).
- 7.3 A notice of meeting and agenda shall be provided to each committee member at least 3 clear days before each meeting.
- 7.4 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.
- 7.5 All resolutions of the Committee shall be subject to the Committee's delegated authority to act according to Council policy and procedures in designated matters, or where Council has previously approved a course of action.
- 7.6 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.
- 7.7 All members of the Committee who are present at a meeting shall have a deliberative vote.
- 7.8 The Chairperson shall also have a casting vote if required.
- 7.9 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 Committee 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

8. DUTIES OF THE CHAIRPERSON

8.1 The duties of the Chairperson 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 Responsible 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

9. Delegations

9.1 The Assets Committee is delegated the power and authority to undertake its functions on behalf of the Council, pursuant to section 44 of the Local Government Act 1999, this delegation in no way prevents the Council from performing any of the Committee functions

10. FUNCTIONS OF THE COMMITTEE

10.1 The Committee has the following functions:

- Review Council's asset portfolio to identify opportunities and develop policies to reduce the financial impact on Council's operating position and strengthen its financial sustainability
- Make recommendation 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 review of the Asset Plans as they fall due for review.
- Review annual budget proposals from applicable Asset Plans.
- Develop an annual work plan to incorporate the annual requirements of the Terms of Reference
- Asset Rationalisation: With the following guiding principles:
 - Joint use/ multi use/ increased use opportunities; and
 - Identifying assets/ asset clauses that for reasons to be identified would not be replaced for varying reasons if for varying reasons deteriorated beyond fit state for safe use; and
 - Rationalisation of assets/ asset classes where the impact of such rationalisation is limited or contained or can be offset by other available assets/ services.

The committee is also charged with the following functions:-

- Investigation of consistency in treatment across community groups and sporting organisations and their respective lease and license arrangements
- Development and review of Community Land Management Plans

11.0 REPORTING & ACCOUNTABILITY

- 11.1 Administration support will be provided by at the direction of Councils Chief Executive Officer via the Infrastructure Department
- 11.2 Council will provide a Responsible Officer by direction of Councils Chief Executive Officer
- 11.3 A copy of the agenda and minutes of every meeting provided for public display and on council's website.
- 11.4 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,

12.0 REVIEW AND AMENDMENT TO TERMS OF REFERENCE

- 12.1 Council may at any time amend or alter these terms of reference by resolution of the Council. The committee shall at least annually, review these Terms of Reference to ensure that they properly reflect the role and function of the committee.

13.0 CESSATION OF THE COMMITTEE

- 13.1 The Committee shall be dissolved by a decision of Council, or the end of the current term of Council, being November 2026

Signed:

Committee Chairperson

Date:

Signed:

Chief Executive Officer

Date:

Approved at the meeting of Council held on: 18 th January 2023

Next Review Date:

14.0 DOCUMENT HISTORY AND VERSION CONTROL

Date	Version	Authorisation; Council/ Committee/ Senior Management Team	Amendment details
	1.0	Council	The Asset and Lease Committee has been formed from a merger of the Asset Committee and the Community Land and Lease Committee – Council meeting of 19 May 2017
14/12/2018	2.0	Council meeting of 14 December 2018	Council formed the committee as the Asset Committee
18/1/2023	3.0	Council meeting of 18 January 2023	Council endorsed new Terms of Reference for the Asset Committee