

GUIDELINES – COMMITTEE DELEGATIONS

INTRODUCTION

1 APPLICATION OF GUIDELINES AND DATE EFFECTIVE

The delegation to the Australian Botanic Gardens Shepparton Special Committee must be exercised in accordance with these Guidelines. These Guidelines were authorised by resolution of the Council on 16 April 2013 and have effect from this date.

2 DEFINITIONS

In these Guidelines, the following terms have the meanings indicated:

- 2.1 “Act” means the *Local Government Act 1989*;
- 2.2 “Committee” means the Australian Botanic Gardens Shepparton Special Committee established by the Council under section 86 of the Act;
- 2.3 “Council” means the Greater Shepparton City Council; and
- 2.4 “Facility” means the property known as the former Kialla Landfill Site.

COMMITTEE STRUCTURE

3 POLICY, RULES AND PROCEDURES

In furtherance of its power and functions, the Committee must:

- 3.1 make procedures, rules and conditions of use necessary for the proper management of the Facility;.
- 3.2 in making any procedures, rules and conditions of use, the Committee must act consistently with the objectives of the Committee stated in the Instrument of Delegation, these Guidelines and any policies of the Council;
- 3.3 require all users of the Facility to abide by any conditions of use or rules made by the Committee which are applicable to the Facility;
- 3.4 require all users of the Facility to abide by any conditions of use, rules or local law made by the Council which are applicable to the Facility; and
- 3.5 report any breaches of rules, conditions of use and local laws, which cannot appropriately be dealt with by the Committee, to the Council.

4 CAPITAL WORKS

The Committee must:

- 4.1 not carry out or authorise any capital works, extensions or additions which materially alter the buildings or surrounds of the Facility without prior approval from the Council; and
- 4.2 make recommendations to the Council on the development of future capital works and the provision of future facilities and amenities for the Facility.

5 GOVERNANCE AND GOOD MANAGEMENT PRACTICE

The Committee has the authority to seek advice, assistance and expertise as is necessary for the proper and efficient management of the Facility within the constraints of its budget and delegation, including the ability to invite persons to the meetings of the Committee as observers or advisers.

6 REPORTING

The Committee must:

- 6.1 provide a written report to the Council on the operation of the Facility on an annual basis (which shall be deemed to be the annual report);
- 6.2 resolve conflicts where these occur in the requirements of the community using the Facility;
- 6.3 convene or cause to be convened such meetings, forums, seminars or other activities as may be deemed of value by the Committee to meet or assist in meeting its objectives;
- 6.4 liaise with the Council and its staff to ensure continuing co-operation and co-ordination of the Facility;
- 6.5 ensure compliance with all Acts, regulations and other legal requirements concerning safety at the Facility;
- 6.6 not commit, or permit to be committed, any act which will render the operation of any of the Council's insurance policies invalid;
- 6.7 publicise and promote interest in the Facility;
- 6.8 ensure that the Facility is kept in a clean condition at all times and is used in a reasonable and lawful manner by organisation or individuals; and
- 6.9 promptly report to the Council any breakage, damage or mechanical hazard which appears likely to give rise to a risk management issue or any abnormal damage to playing surfaces or surrounds or any other equipment.

7 FINANCE

- 7.1 The Committee must ensure the effective financial control of the Committee, including the submission of an annual budget to Council for consideration and approval by 30 April each year (for each financial year beginning on 1 July and ending the following 30 June).
- 7.2 The Committee must ensure that all accounting functions of the Committee conform to the requirements of Australian Accounting Standards, the *Local Government Act 1989* and relevant regulations.
- 7.3 The Secretary/Treasurer of the Committee must present an operating statement and statements of financial position at the conclusion of each financial year for presentation to the annual general meeting of the Committee.
- 7.4 The Committee may enter into contracts, leases or rental agreements on behalf of the Council associated with the management of the Facility with the consent of Council and subject to any requirements of the Act. Specific contracts shall not exceed \$2,000 p.a. without Council consent.
- 7.5 The Committee shall have the power to, on behalf of the Council, raise funds, solicit and receive donations and secure government grants, in accordance with the objectives of the Committee, policies of Council and the budget, subject to the consent of the Council;
- 7.6 The Committee shall have the power, on behalf of the Council, to hold or sponsor functions, stalls and other fundraising means, within the constraints of the budget, to enhance the objectives of the Committee.
- 7.7 The Committee may pay from funds received the cost of minor maintenance, contents insurance, electricity, water charges or gas used, honorariums, petty cash and secretarial expenses as the Committee determines.
- 7.8 All monies received by the Committee must be paid promptly into the bank account referred to in the Schedule to the Instrument of Delegation. Money must only be able to be drawn from that account on the signature of any two of the following office bearers:
- Chairperson
Secretary
Treasurer or any other authorised Committee member.
- 7.9 The Committee must forward to the Council an Annual Report including an annual statement of accounts for audit purposes bearing the auditor's certificates. The Chairperson of the Committee shall be responsible for ensuring that the report is lodged with the Council by 31 October each year.

8 COMMITTEE MEMBERSHIP

- 8.1 The Committee shall comprise of:
- 8.1.1 between five and ten members representative of the Greater Shepparton community, appointed by resolution of the Council
 - 8.1.2 one Councillor nominated by resolution of the Council.
- 8.2 Community Committee Members will be appointed for a period of two years (but may be removed by the Council at any time). A member of the Committee shall be eligible for re-election or re-nomination at the expiration of his or her period of office.
- 8.3 The Committee may co-opt as many additional members as it sees fit, but:
- 8.3.1 no such co-option will take effect until the Council has passed a resolution appointing the co-opted person as a member of the Committee; and
 - 8.3.2 no such co-opted members shall have any voting rights at Committee meetings.
 - 8.3.3 Co-opted members shall not be counted towards achieving quorum at Committee meetings.
- 8.4 The Council will call for registrations of interest from the community by way of a notice in the public notice section of the Shepparton News before appointing community representatives to the Committee.
- 8.5 Notwithstanding anything else contained herein, a Committee member who is absent from three consecutive committee meetings without approval by the Committee shall cease to be a member of the Committee.

9 MEETINGS

9.1 Annual General Meeting

- 9.1.1 The Committee shall hold an Annual General Meeting on a date fixed by the Chairperson. The business of the Annual General Meeting shall be :
- (a) to receive the annual report;
 - (b) to receive a report on the programme of activities proposed for the following year;
 - (c) to receive and adopt the annual financial statement; and
 - (d) to elect office bearers to the positions of Chairperson, Secretary, Treasurer and other positions determined by the Committee as being necessary for the efficient functioning of the Committee.

9.2 General Meetings

- 9.2.1 The Committee shall hold at least four other meetings during the year on such dates as the Chairperson appoints.
- 9.2.2 The Secretary shall give reasonable notice of all meetings by distributing a notice of the meeting to all members at least seven clear days prior to the meeting.

9.3 Special Meetings

The Chairperson may call a special meeting on his or her own initiative and must call a special meeting forthwith upon receiving from any three members of the Committee a written request that such a meeting be so called. The notice of the meeting by the Chairperson and the request by the three Committee members shall contain a statement of the purpose of the meeting.

The meeting must be held on such date and at such time as fixed by the Chairperson, provided that, in cases where the Chairperson calls a meeting in response to a request, the meeting shall be held within 21 days of the Chairperson receiving such request.

The Chairperson shall arrange for notice of the meeting to be given to all Committee members. No other business shall be transacted at that meeting except that specified in the notice.

9.4 Notice to the public

The Secretary shall give notice of the Annual General Meeting by way of a notice in the public notices section of the local newspaper circulating in the area.

The Secretary must provide reasonable notice to the public of meetings of the Committee.

10 MEETING PROCEDURES

- 10.1 The Committee is not required to comply with Council's Local Law No. 2 – Processes of Municipal Government (Meetings and Common Seal).
- 10.2 The quorum at any Committee meeting shall be a majority of members of the Committee.
- 10.3 A motion before a meeting of the Committee is to be determined as follows:
- 10.3.1 each member of the Committee who is entitled to vote is entitled to one vote;
- 10.3.2 unless otherwise prohibited by the Act, each member of the Committee present must vote;
- 10.3.3 unless the procedures of the Committee otherwise provide, voting must be by show of hands;

- 10.3.4 the motion is determined by a majority of the vote; and
- 10.3.5 if there is an equality of votes, the Chairperson has a second vote.
- 10.4 The Chairperson shall take the chair at all meetings at which he or she is present. In the Chairperson's absence, the members present may appoint one of their number to chair the meeting.
- 10.5 Minutes shall be kept of the proceedings at all meetings. After confirmation of the minutes, they must be signed and certified by the chairperson of the meeting at which they are confirmed. Copies of minutes must be forwarded to Council within fourteen days of a meeting.
- 10.6 Each member of the Committee must comply with the Act with respect to any conflicts of interest of members and all agendas for committee meetings must contain an item for consideration of conflicts of interest.
- 10.7 Any meeting or special meeting of the Committee must be open to members of the public, subject to clause 10.8.
- 10.8 The Committee may resolve that a meeting be closed to members of the public if the meeting is discussing any of the following:
 - 10.8.1 personnel matters;
 - 10.8.2 the personal hardship of any resident or ratepayer;
 - 10.8.3 industrial matters;
 - 10.8.4 contractual matters;
 - 10.8.5 proposed developments;
 - 10.8.6 legal advice;
 - 10.8.7 matters affecting the security of Council property;
 - 10.8.8 any other matters which the Committee considers would prejudice the Council or any person; or
 - 10.8.9 a resolution to close the meeting to members of the public.
- 10.9 If the Committee resolves to close a meeting to the public, the reason must be recorded in the minutes of the meeting.
- 10.10 Any decision of the Committee which the Committee does not have delegated power to implement cannot be implemented until approved by the Council.
- 10.11 In the event of any unresolved dispute arising, the matter shall be submitted to the Council in writing and any decision made thereon by the Council shall be final.

- 10.12 The Committee may form sub-committees from among its members for the purpose of recommending on matters, provided that no decision may be acted upon until adopted by the full Committee.

The Chairperson shall be an ex-officio member of all sub-committees.

Sub-committees shall only be established by resolution of the Committee and shall only carry out those functions stated in such resolution.

11 OFFICE BEARERS

As the last item of business at an annual general meeting, the Committee shall elect the following office bearers:

- 11.1 Chairperson;
- 11.2 Secretary;
- 11.3 Treasurer; and
- 11.4 any other office the Committee may wish to appoint.

Office bearers shall hold office until -

- 11.5 the next Annual General Meeting,
- 11.6 they resign their office; or
- 11.7 they cease to be a member of the Committee -

which ever first occurs.

12 TERMS OF REVIEW

At the end of the first twelve months of its appointment, the Committee will have the opportunity to review its Instrument of Delegation and these Guidelines and discuss any potential amendments.

