

Guidelines applying to the Committee Instrument of Delegation

1 Application of Guidelines and Date Effective

- 1.1 The Instrument of Delegation must be exercised in accordance with these Guidelines.
- 1.2 These Guidelines were authorised by resolution of Council on **15 October 2013** and come into 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 Committee referred to in the Instrument of Delegation established by the Council under section 86 of the Act;
- 2.3 “Council” means the Indigo Shire Council; and
- 2.4 “Facility” where appropriate, means the property and/or buildings referred to/or managed in the Instrument of Delegation.

3 Exercise of Powers

- 3.1 The powers, duties and functions set out in the Instrument of Delegation are delegated to the Committee. This means that the Committee can only act under delegation when sitting in a formally constituted meeting.
- 3.2 A meeting must be called and conducted in a manner that complies with the provisions of the Local Government Act 1989 (the Act) and with the Council’s Meeting Procedure local law.
- 3.3 The committee cannot exercise its delegated powers when gathered outside the formal meeting structure as described above. For example, an informal coming together of members would not resolve to act under delegation.
- 3.4 Similarly, the delegations do not extend to individual members of the Committee.
- 3.5 The only opportunity for individual Committee members to be granted delegated powers exists where the Committee member is a member of Council staff and subject to a different delegation mechanism (e.g. Section 98 (2) of the Act).
- 3.6 All delegations must be read in conjunction not only with this document but any other policies and guidelines that may be adopted by Council from time to time.

4 Reporting Back to Council

- 4.1 Reporting back to Council on a regular basis is a means of ensuring that the functions of Council (by delegation through its Committees) meet with community expectations of being transparent, open and accountable.
- 4.2 Reporting to Council is by submission of correspondence or reports and is to be within the timeframes specified in the guidelines.
- 4.3 Minutes of meetings should be available for inspection if requested so by Council.
- 4.4 These reporting back requirements provide for a minimum standard only and greater communication by way of more detailed or extensive reporting back of delegated actions is encouraged.

5 Policy, Rules and Procedures

In accordance with the Committee's powers and functions, the Committee is required to:

- 5.1 Ensure procedures, rules and conditions of use necessary for the proper management of the Facility are in place;
- 5.2 In making any procedures, rules and conditions of use, the Committee must act consistently with its objectives stated in the Instrument of Delegation, these Guidelines and any policies of the Council;
- 5.3 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;
- 5.4 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
- 5.5 Report any breaches of rules, conditions of use and local laws, which cannot appropriately be dealt with by the Committee, to your Council Representative so that Council can provide the appropriate assistance.

6 Maintenance and Capital Works

- 6.1 The Committee must:
 - 6.1.1 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;
- 6.2 The Committee is encouraged to make recommendations to the Council on the development of future capital works and the provision of future facilities and amenities for the Facility.
- 6.3 The Committee shall maintain the Facility as follows:
 - 6.3.1 Effect all necessary routine maintenance and repairs which are caused by normal wear and tear;
 - 6.3.2 Cleaning as required following use; and
 - 6.3.3 Report to Council any structural problems associated with the Facility which may require major works.

7 Insurance and Risk Management

- 7.1 The Committee:
 - 7.1.1 Is insured under Council's Public Liability Policy;
 - 7.1.2 The building is covered under Council's Asset Insurance Policy;
 - 7.1.3 Only Council owned contents are covered by Council's Contents Insurance Policy (unless otherwise agreed with the Committee);
 - 7.1.4 Where the Committee has agreed with Council to cover its contents under Council's policy (and reimburses Council for its portion of the premium expenses) the Committee shall maintain and review annually a list of inventory/contents and provide this to Council by the 28 February each year.
 - 7.1.5 Shall take measures to make hirers aware through its procedures that it is the hirer's responsibility to ensure that any of their property taken onto the premises/facility referred to in the Instrument of Delegation is their own responsibility.
 - 7.1.6 Must ensure that all users of the facility take out sufficient Public Liability Insurance to cover the activities being undertaken as part of any event. The Committee must retain a copy of the Certificate of Currency or the Community Liability Form for their records to prove adequate coverage. *Please note receipts are not sufficient evidence.*
 - 7.1.7 Will undertake at least one annual risk assessment of the facility in conjunction with Council's governance officer to ensure that all risks are known and minimised. Committee's through their involvement are much more aware of potential risks that exist at their facility.

- 7.1.8 Will comply with all Occupational Health and Safety requirements that are applicable to their Committee.
- 7.1.9 The Executive of the Committees who engage contractors are required to complete the online induction (or manually through a presentation by Council's governance officer) each year to ensure they understand their obligations under Occupational Health and Safety legislation. Advice and guidance is always available.
- 7.1.10 Will ensure all contractors hired have completed Council's online contractor induction and any other site safety requirements.
- 7.2 The Council will maintain insurance against damage or loss to the full value of the facilities including building and contents that are the property of the Council.

8 Governance and Good Management Practice

- 8.1 The Committee has the authority to seek advice, assistance and expertise as is necessary for the proper and efficient management of the Facility, provided the requests are within the constraints of its budget and delegation.
- 8.2 The Committee can at any time seek the assistance and support from Council through their Council Representative.
- 8.3 Proactively resolve conflicts where these occur.
- 8.4 Convene meetings, forums, seminars or other activities as may be deemed of value by the Committee to meet or assist in meeting its objectives.
- 8.5 Liaise with the Council and its staff as often as required to ensure continuing co-operation and coordination of the Facility.
- 8.6 Ensure compliance with all Acts, regulations and other legal requirements concerning safety at the Facility.
- 8.7 Not commit, or permit to be committed, any act which will render the operation of any of the Council's insurance policies invalid.
- 8.8 Publicise and promote so as to generate interest in the Facility.
- 8.9 Ensure that the Facility is kept in a clean condition at all times and is used in a reasonable and lawful manner by organisations and individuals.
- 8.10 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. The Committee must ensure that an incident form and where required an investigation report is completed and submitted to Council within 2 weeks of the incident occurring.

9 Reporting

The Committee is required to submit the following reports:

- 9.1 **One** Annual report (written) to Council summarising the year's operational activities and performance - **due by 31st July each year**.
- 9.2 Provide a meeting schedule to Council each year outlining to the best of their knowledge the time and place of meetings to be held for the next 12 months. This meeting schedule will then be placed on Council's website. This meeting schedule will be due by **15 January** each year. Amendments to the meeting schedule should be forwarded to Council as soon as possible after adoption by the Committee so that Council can maintain up to date information on their website.
- 9.3 **One** annual budget for consideration and approval by **28 February** each year (for each financial year beginning on 1 July and ending the following 30 June). This timing enables Council to consider Committee requests in line with its own budgeting process.
- 9.4 All reports should be directed to the Organisational Development Department via info@indigoshire.vic.gov.au

10 Finance

- 10.1 The Committee must ensure the effective financial control of the Committee; including the submission of an annual budget to Council for consideration (refer to 9.3).
- 10.2 The Secretary/Treasurer of the Committee must present an operating statement and a statement of financial position at the conclusion of each financial year for presentation to the community at it's the annual general meeting of the Committee.
- 10.3 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 their approved delegation.
- 10.4 The Committee shall have the power, on behalf of the Council, to raise funds, solicit and receive donations and secure government grants, in accordance with the objectives of the Committee, policies of Council and the budget.
- 10.5 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.
- 10.6 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.

10.7 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:

10.7.1 Chair;

10.7.2 Deputy Chair;

10.7.3 Secretary; or

10.7.4 Treasurer.

11 Committee Membership

11.1 The Committee shall comprise between 5 and 11 members representative of the community and are appointed upon approval by resolution of the Council.

11.2 Committee members terms of office, shall be for a period of 4 years, except in the first term, commencing as follows:

11.2.1 Half of the Committee member's positions will become vacant at the Committee's annual general meeting to be held 2014. Expiring members are eligible for reappointment and the term of reappointment will be for four years.

11.2.2 The second half of the Committee member's positions will become vacant at the Committee's annual general meeting to be held 2016. Expiring members are eligible for reappointment and the term of reappointment will be four years.

11.2.3 The aim of this cycle is to provide an opportunity for two yearly committee rotation whilst ensuring appropriate handover of skills and knowledge to new members.

11.3 The Committee shall notify Council of its new Office Bearers and Committee members and their contact information as soon as possible after its annual general meeting.

11.4 In the event of a vacancy arising during the Committees term of office, the Committee will advertise the vacancy and will make a recommendation to Council for a replacement for the remainder of the Committees term. Council can also assist promote the vacancy via its communication processes.

11.5 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.

12 Meetings

- 12.1 Annual General Meeting (AGM):
- 12.2 The Committee must hold an AGM. The business of the AGM shall be:
 - 12.2.1 To receive the annual report;
 - 12.2.2 To receive a report on the programme of activities proposed for the following year;
 - 12.2.3 To receive and adopt the annual financial statement;
 - 12.2.4 Confirm the recommended fees and charges for the next financial year so that they can be included in the Council budgeting process;
 - 12.2.5 Set the meeting dates for the coming year;
 - 12.2.6 Review seasonal user agreements;
 - 12.2.7 Plan and discuss the annual building maintenance program;
 - 12.2.8 Conduct a Contents inventory;
 - 12.2.9 Elect office bearers to the positions of Chair, Deputy Chair, Secretary, Treasurer and other positions determined by the Committee as being necessary for the efficient functioning of the Committee.
- 12.3 General Meetings
 - 12.3.1 The Committee shall hold **at least** four other meetings during the year on such dates as determined at the AGM.
 - 12.3.2 The secretary must notify Council of meeting dates changes and submit copies of meeting minutes to Council either through their Council contact or directly to info@indigoshire.vic.gov.au .
- 12.4 Special Meetings
 - 12.4.1 The Chair may call a special meeting on his or her own initiative and must call a special meeting upon receiving from any three members of the Committee a written request that such a meeting be called. The notice of the meeting by the Chair and the request by the three Committee members shall contain a statement of the purpose of the meeting. Council can provide advice on this process if and when required.
 - 12.4.2 The meeting must be held on such date and at such time as fixed by the Chair, provided that, in cases where the Chair calls a meeting in response to a request, the meeting shall be held within 21 days of the Chair receiving such request.
 - 12.4.3 The Chair shall arrange for notice of the meeting to be given to all Committee members. The Secretary will notify Council of the Special meeting at least 7 days prior to the Special Meeting to allow for the meeting to be posted on Council's website. No other business shall be transacted at that meeting except that specified in the notice.

13 Meeting Procedures

- 13.1 The quorum at any Committee meeting shall be a majority of members of the Committee.
- 13.2 A motion at a meeting of the Committee is to be determined as follows:
 - 13.2.1 Each member of the Committee who is entitled to vote is entitled to one vote;
 - 13.2.2 Unless otherwise prohibited by the Act, each member of the Committee present must vote;
 - 13.2.3 Unless the procedures of the Committee otherwise provide, voting must be by show of hands;
 - 13.2.4 The motion is determined by a majority of the vote; and
 - 13.2.5 If there is an equality of votes, the Chair has a second and deciding vote.
- 13.3 The Chair shall take the chair at all meetings at which he or she is present. In the Chair's absence, the Deputy Chair will chair the meeting.
- 13.4 Minutes shall be kept of the proceedings at all meetings. After confirmation of the minutes, they must be signed and certified by the Chair of the meeting at which they are confirmed. Copies of minutes must be forwarded to Council as soon as possible.
- 13.5 By resolution of Council and in accordance with section 81(2A) of the Act each member of the Committee has been exempted from the requirement to submit primary and ordinary returns to the Chief Executive Officer.
- 13.6 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.
- 13.7 Any meeting or special meeting of the Committee must be open to members of the public, subject to clause 13.8.
- 13.8 The Committee may resolve that a meeting be closed to members of the public if the meeting is discussing sensitive details. This includes the personal hardship of any resident or ratepayer, industrial matters, contractual matters, proposed developments or legal advice. For further details please refer to the Committee of Management Manual.
- 13.9 A resolution must be passed to close the meeting to members of the public.
- 13.10 If the Committee resolves to close a meeting to the public, the reason must be recorded in the minutes of the meeting.
- 13.11 Minutes of "in camera" meetings must be taken separately and are still required to be forwarded to Council as soon as possible after they have been approved.

- 13.12 Any decision of the Committee which the Committee does not have delegated power to implement cannot be implemented until approved by resolution of the Council at its next available meeting. Please liaise directly with your Council contact on this matter.
- 13.13 In the event of any unresolved dispute arising, the matter shall be submitted to the Council in writing and any decision made by the Council shall be final.
- 13.14 The Committee may form sub-committees from among its members for the purpose of achieving its objectives, provided that no decision may be acted upon until adopted by the full Committee.
- 13.15 The Chair shall be an ex-officio member of all sub-committees.
- 13.16 Sub-committees shall only be established by resolution of the Committee and shall only carry out those functions stated in such resolution.

14 Office Bearers

- 14.1 At the Committee's AGM, the Committee shall elect the following office bearers:
 - 14.1.1 Chair;
 - 14.1.2 Deputy Chair
 - 14.1.3 Secretary;
 - 14.1.4 Treasurer; and
 - 14.1.5 Any other office bearer the Committee may wish to appoint.
- 14.2 The Executive is considered to be made up of the four positions defined in 14.1.1 – 14.1.4.
- 14.3 Office bearers shall hold office until –
 - 14.3.1 The next Annual General Meeting,
 - 14.3.2 They resign their office; or
 - 14.3.3 They cease to be a member of the Committee - which ever first occurs.

15 Terms of Review

- 15.1 The Instrument of Delegation shall be reviewed by Council within 12 months of a general election taking place. Council may review the Instrument of Delegation every 2 years thereafter if requested or required. Recommendations for change shall be presented to Council for consideration.