Section 86 Special Committee

Instrument of Delegation

Bendigo Maubisse Friendship Committee
INSTRUMENT OF DELEGATION

In accordance with section 86(3) of the *Local Government Act* 1989, Greater Bendigo City Council HEREBY DELEGATE the functions, duties and powers specified in Item 1 to the Special Committee known as the Bendigo Maubisse Friendship Committee subject to any conditions and limitations as set out in Item 2 of the attached Schedule to this Instrument of Delegation.

This Instrument of Delegation is authorised by a resolution of Council passed on 19 April 2017.

This delegation comes into effect immediately the Common Seal of the Council is affixed to this Instrument.

This delegation must be exercised in accordance with statutory requirements and any guidelines, policies and other governance arrangements which Council may from time to time adopt.

DATED this 5 day of MAY 2017

APPROVED under the COMMON SEAL )
of GREATER BENDIGO CITY COUNCIL )
in the presence of:

Chief Executive Officer
SCHEDULE

1. To develop a mutual relationship with the City of Ballarat for the district of Ainaro (of which Maubisse is a part) to provide a co-ordinated approach for the Bendigo Maubisse Friendship Committee to provide and facilitate relevant volunteer support for the Maubisse community in line with the needs of the Ainaro district and community of Maubisse as identified by the Timor Leste Development Program and governing authority of the Ainaro district and with the approval of the co-ordinating authority.

Promote opportunities for all people of the City of Greater Bendigo to participate in a range of activities that support the friendship relationship with a work plan developed in collaboration with the City of Ballarat.

2. The Special Committee cannot exercise –

(1) the power of delegation;

(2) the power to borrow money, including an overdraft or credit facility from a credit institution;

(3) the power to declare a rate or charge;

(4) the power to enter into contracts;

(5) the power to enter into memoranda of understanding, agreements or other arrangements with local, state or national authorities without prior approval of the Council;

(6) the power to incur any expenditure exceeding the amount in an adopted budget for the financial year as approved by the Council; and

(7) any prescribed power.

The Special Committee must-

(1) apply funding only for the purpose of improving the development outcomes of people living in Maubisse.
SUPPLEMENTARY INFORMATION

Statutory requirements

Establishment

The Council establishes special committees of the Council.

The Council appoints members to a special committee and may, at any
time, remove a member from a special committee.

The Council appoints a Chairperson for a special committee. If the
Council has not appointed a Chairperson, the members of the special
committee must appoint a Chairperson.

The appointment of a treasurer, secretary or any other office bearers is a
matter for the special committee.

If the Chairperson is not present at a meeting of a special committee the
members must appoint a Chairperson for that meeting.

Meetings

A meeting of a special committee must be held at a time and place
determined by the special committee and public notice by way of
advertisement must be given of such a meeting.

Until approved by the Council a decision of a special committee which
does not relate to a matter delegated to the special committee cannot be
given effect to.

Meetings of a special committee must be open to members of the public
unless the special committee resolves to close the meetings to discuss a
matter specified in section 89 of the Act.

If a meeting of a special committee is to be closed to members of the
public the reason must be recorded in the minutes of the meeting.

Committee meetings must be conducted in accordance with Council’s
meeting procedure local law.
Voting

Each member of a special committee present at a meeting of the special committee who is entitled to vote is entitled to one vote.

Unless the procedures of the special committee provide otherwise, voting must be by a show of hands.

Voting at a meeting that is open to members of the public must not be in secret.

A question before a special committee is determined in the affirmative by a majority of the members of the special committee present at a meeting at the time the vote is taken voting in favour of the question.

If the number of votes in favour of the question is half the number of members of the special committee present at the meeting at the time the vote is taken, the Chairperson has a second vote.

Conduct of meetings

Except as provided in the Act, the conduct of meetings of a special committee is in the special committee's discretion.

A quorum at a meeting of a special committee must be at least a majority of the members of the special committee.

Resolutions made at a meeting of a special committee must clearly state the intention and effect of the resolution.

The Chairperson shall call a special meeting forthwith upon receiving from any of three (3) members of the Committee of which he or she may be one, a written request that such a meeting be called. The request shall contain a statement of the purpose of the meeting. The meeting will be held on such date and at a time fixed by the Chairperson, being not sooner than seven (7) days nor later than twenty-one (21) days after the date on which the Chairperson receives the request. The Chairperson shall arrange for notice of the meeting to be given to all Committee members and to members of the public.
Minutes of meetings

The Chairperson of a special committee must arrange for minutes of each meeting of the committee to be kept.

The Chairperson must submit the minutes of a committee meeting to the next meeting of the committee for confirmation.

If the minutes are confirmed the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.

The minutes of a meeting of a special committee must contain details of the proceedings and resolutions made, be clearly expressed, be self-explanatory and, in relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process.

Disclosure of confidential information

A member of a special committee must comply with the provisions of section 77 of the Act in regard to the disclosure of confidential information. This means a member of a special committee must not release information that a person knows, or should reasonably know, is confidential information.

Conflicts of interest

A member of a special committee must comply with the provisions of Part 4 of the Act in regard to the disclosure of conflicts of interest and submitting primary and ordinary returns unless Council has made an exemption.

Reporting

A special committee must report to Council at intervals determined by the Council.

A special committee must provide, in respect of each financial year, an annual report to the Chief Executive Officer containing a report of its operation during the financial year and audited financial statements for the financial year.
Financial

A special committee is expected to comply with sound financial management practices, including –

Preparation and adoption of an annual budget before the start of the relevant financial year;

Quarterly financial reporting to the committee showing a comparison of actual to budget for expenditure and income items;

Annual financial statements prepared within one month after the end of the financial year;

Annual financial statements must be adopted by the committee and sent to Council;

All cheques must be signed by at least two committee members;

All receipts to be banked within three working days or, if the total amount of receipts exceeds $1,000, within one day;

Accurate records for all income and expenditure items capable of being audited at any time;

All GST charged and paid must be recorded;

Withholding Tax must be recorded in the Expenditure report; and

An income and expenditure report is to be submitted monthly to the Finance Unit so that returns may be sent to the Australian Taxation Office.

Procurement

A special committee must comply with the Council’s Procurement Policy.

Review

The Council must review any delegations to a special committee within the period of 12 months after a general election.
Council policies

A special committee must observe any guidelines or policies of the City of Greater Bendigo or those that Council may adopt from time to time.

Governance arrangements

In appointing the special committee Council may also determine some specific governance arrangements for the way in which Council wishes the special committee to operate in addition to the requirements of the Act. These may include-

Committee membership

The Special Committee shall comprise a minimum of 16 representatives and be appointed by Council resolution following an expression of interest process.

Composition of the Special Committee shall be at least:

- 14 community members;
- 1 City of Greater Bendigo councillor;
- 1 officer of the City of Greater Bendigo

Committee members will be appointed for a 1, 2 or 3 year term and may renominate through expression of interest for a further term. Current members and their respective term is outlined in Schedule 1.

On resignation of a Committee member, the Chief Executive Officer may fill any vacancy on the Committee through an expression of interest process.
### Schedule 1

**Bendigo Maubisse Friendship Committee Membership List**

<table>
<thead>
<tr>
<th>Name</th>
<th>Membership Type</th>
<th>Term - Yrs.</th>
<th>Term Expiry - 30 June</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr. Jen Alden</td>
<td>Councillor / Chair</td>
<td>3</td>
<td>2019</td>
</tr>
<tr>
<td>Barry Secombe</td>
<td>Committee</td>
<td>1</td>
<td>2017</td>
</tr>
<tr>
<td>Heather Ridge</td>
<td>Committee</td>
<td>1</td>
<td>2017</td>
</tr>
<tr>
<td>Deborah Blake</td>
<td>Committee</td>
<td>1</td>
<td>2017</td>
</tr>
<tr>
<td>Ken Hubbard</td>
<td>Committee</td>
<td>1</td>
<td>2017</td>
</tr>
<tr>
<td>George Waters</td>
<td>Committee</td>
<td>2</td>
<td>2018</td>
</tr>
<tr>
<td>Ian Blake</td>
<td>Committee</td>
<td>2</td>
<td>2018</td>
</tr>
<tr>
<td>John Jones</td>
<td>Committee</td>
<td>2</td>
<td>2018</td>
</tr>
<tr>
<td>Naidene Parry</td>
<td>Committee</td>
<td>2</td>
<td>2018</td>
</tr>
<tr>
<td>Mark Feiss</td>
<td>Treasurer</td>
<td>2</td>
<td>2018</td>
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<tr>
<td>Jenny Feiss</td>
<td>Committee</td>
<td>2</td>
<td>2018</td>
</tr>
<tr>
<td>Rod Flavell</td>
<td>Committee</td>
<td>3</td>
<td>2019</td>
</tr>
<tr>
<td>Heather McNeil</td>
<td>Secretary</td>
<td>3</td>
<td>2019</td>
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<tr>
<td>Elizabeth Durr</td>
<td>Committee</td>
<td>3</td>
<td>2019</td>
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<tr>
<td>Mark McLoughlan</td>
<td>Committee</td>
<td>3</td>
<td>2019</td>
</tr>
<tr>
<td>Steven Abbott</td>
<td>Officer - City of Greater Bendigo</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>