

Wangaratta Rural City Council
Friends of Lacluta Special Committee
Instrument of Delegation

2017

Wangaratta Rural City Council (the Council) delegates to the special committee established by resolution of Council and known as the "Friends of Lacluta Special Committee" (the Committee), the powers, duties and functions set out in the Schedule, and declares that:

- (1) this Instrument of Delegation is authorised by a resolution of Council passed on 17 October 2017;
- (2) the delegation:
 - (a) comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - (b) remains in force until Council resolves to vary or revoke it; and
 - (c) is to be exercised in accordance with the guidelines or policies provided in Part 3 of the Schedule or which Council from time to time adopts; and
- (3) all members of the Committee will have voting rights on the Committee.

The Common Seal of Wangaratta Rural City Council was affixed to this Instrument of Delegation by the Mayor, Mr Ken Clarke, and the Chief Executive Officer, Mr Brendan McGrath on xx October 2017.

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The Common Seal of)
WANGARATTA RURAL CITY)
COUNCIL was hereunto)
affixed in the presence of:)

.....Mayor

.....Chief Executive Officer

SCHEDULE
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PART 1 - POWERS AND FUNCTIONS

To exercise Council's functions and powers to perform Council's duties in relation to the development and management of the Friendship Agreement that will contribute to the rebuilding of Timor-Leste and to facilitate community-to-community links with Lacluta, and for those purposes:

1 Objectives

- (1) To provide advice to Council about the development of the Friendship Agreement.
- (2) To promote community initiatives that strengthens the communities of Lacluta. These initiatives should aim to build capacity and advance the self-sufficiency of the people of Lacluta, and should be consistent with the principles of environmental, social and cultural sustainability.
- (3) To provide a framework that members of the Wangaratta community can achieve goals identified from time-to-time that may include (but not limited to):
 - (a) Agriculture;
 - (b) Fundraising;
 - (c) Youth and education;
 - (d) Sustainable tourism;
 - (e) Health;
 - (f) Infrastructure;
 - (g) Environment;
 - (h) Women and development;

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- (i) Training;
- (j) Exchange visits; and
- (k) Sponsorship.

2 Administration

The power to do all things necessary or convenient to be done for or in connection with the performance of the following functions, duties and powers:

3 Functions

- (1) The power to promote and undertake research in all matters associated with the planning, marketing and management of the activities Friends of Lacluta Committee subject to approval of Council and in accordance with controls and limitations established in this instrument;
- (2) The power to establish sub-committees and task forces, as appropriate, to undertake planning and actions to achieve the Committee's objectives;
- (3) The function of promoting the goals and activities of the Committee;
- (4) The function of providing an overview of specific projects and programs that have been identified and agreed upon;
- (5) The function of providing quality and timely advice to Council about issues considered appropriate by the Committee, or about matters referred by Council or its Chief Executive Officer to the Committee;

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- (6) The duty to facilitate and advocate for the Friends of Lacluta activities and initiatives agreed to by Council;
- (7) The duty to assist in the preparation of submissions to further the Friendship Agreement with the people of Lacluta;
- (8) The function of informing, liaising with, and seeking assistance from appropriate businesses, stakeholders, community groups, agencies, clubs, societies, churches, aid bodies and individuals to further the Friendship Agreement with Lacluta's population;
- (9) The function of identifying, recommending and advocating for appropriate resource allocations to projects that require assistance from Federal, State or local government;
- (10) The duty to ensure that the decisions and policies of Council are implemented and adhered to without delay;
- (11) The duty to protect and control any assets under Committees control;

4 Finance

- (1) The duty to operate efficiently and economically and to avoid waste and extravagance;
- (2) The power to accept and retain donations, grants and endorsements made to the Committee and to ensure that the funds are expended for the purposes for which they were provided;
- (3) The duty to recommend items for inclusion in the Council's annual budget for the Lacluta

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- Friendship and to advise the Council on the budget prior to its being adopted by Council;
- (4) The duty to ensure that the Committee's financial decisions do not affect the integrity of the Council's budget;
 - (5) The duty to prepare annually a budget of the Committee's operations and to manage expenditure within the limits of that budget;
 - (6) The power to administer funds on behalf of the Council related to activities in the Friends of Lacluta Special Committee Action Plan;
 - (7) The duty to ensure that moneys due are properly collected;
 - (8) The duty to make security arrangements for money collected;
 - (9) The Duty to authorise expenditure correctly and expend money correctly subject to the limitation that there is no authority to expend Council funds other than funds expressly allocated by Council for Committee purposes;
 - (10) The duty to ensure that all liabilities incurred by the Committee are properly authorised subject to the limitation that no liability shall exceed \$5,000;
 - (11) The power to open and maintain a bank account at a bank and branch approved by Council, into which all monies received by the Committee shall be paid;
 - (12) The function, if needed, of requesting that Council establish an account through its financial administration systems for the purposes of banking and audit control;

- (13) The power to draw all cheques and transactions on the Committee's bank account following authorisation of payments by any two of the following office bearers:
 - (a) President;
 - (b) Vice President;
 - (c) Secretary; or
 - (d) Treasurer.
- (14) The duty to undergo an annual financial audit;

5 Meetings

- (1) The duty to ensure that meetings are open to members of the public as required by Section 89(1) of the Act;
- (2) The power to close a meeting to members of the public for the reasons specified in Section 89(2) of the Act;
- (3) The duty to record the specific reasons specified in Section 89(2) of the Act for the decision to close a meeting to members of the public in the minutes of the meeting when resolving to close a meeting;
- (4) The duty to give the public reasonable notice of Committee meetings;
- (5) The duty to prepare an agenda and record the minutes for each meeting of the Committee;
- (6) The duty to distribute, or arrange to be distributed, copies of the agenda of Committee meetings to members of the Committee and to Council;

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- (7) The duty to distribute, or arrange to be distributed, copies of the minutes of Committee meetings to members of the Committee and to Council;
- (8) The duty to ensure that a financial report is included in the agenda of each Committee meeting and recorded in the minutes of each Committee meeting;
- (9) The duty to ensure that the financial report includes a list of accounts for payment for the Committee's approval;
- (10) The duty to hold an Annual General Meeting of the Committee between 1st July and the 31st August each year;
- (11) The duty to conduct meetings of the Committee in accordance with the Council Local Law governing meeting procedures;

6 Reporting

- (1) The duty to provide Council with an agenda and minutes of each meeting of the Committee;
- (2) The duty to prepare an annual report and annual statement of accounts of the operations of the Committee in the preceding financial year for presentation at the Annual General Meeting of the Committee prior to 31st August each year.
- (3) The duty to forward to Council a copy of the annual report and annual statement of accounts of the operations of the Committee in the preceding financial year by 31st August each year;

7 Review

- (1) The duty to conduct an evaluation of the effectiveness of the operations and management of the committee in the preceding financial year prior to 31st August each year;
- (2) The power to request that Council carry out a special review of this Instrument of Delegation;

PART 2 - EXCEPTIONS, CONDITIONS AND LIMITATIONS

The Committee is not authorised by this Instrument to:

- (a) incur expenditure, for an amount which exceeds \$5,000;
- (b) spend Council funds other than funds expressly allocated by Council to the Committee for Committee purposes;
- (c) employ people;
- (d) enter into leases;
- (e) exercise the powers which, by force of section 86(4) of the Act, cannot be delegated.

PART 3 - GOVERNANCE

8 Membership

- (1) The Committee shall comprise up to ten appropriately dedicated representatives of the community;
- (2) The Committee may co-opt as many persons as it sees fit in order to undertake specific tasks

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- identified by the Committee or the Council. Co-opted members have no voting rights;
- (3) A quorum requires the attendance of the majority of voting members at formal committee meetings called;
 - (4) Any person appointed to the Committee shall hold office for a period of three years;
 - (5) Members of the Committee shall be eligible for re-appointment for a further term or terms;
 - (6) A member of the Committee may resign their position at any time;
 - (7) If a member of the Committee resigns, the Committee shall follow the procedure as outlined in Clause 8(10) of this charter to fill the vacancy;
 - (8) If any member fails to attend more than three consecutive meetings of the Committee without leave of the Committee, that member may be deemed to have resigned their position on the Committee. The Committee shall follow the procedure as outlined in Clause 8(10) of this charter to fill the vacancy;
 - (9) Any person appointed to fill a vacancy on the Committee shall hold office for the unexpired portion of the previous member's term of office;
 - (10) All appointments to the Committee will be made by Council in accordance with the Council policy governing Council committees;
 - (11) Council may at any time remove a member from a committee in accordance with the Council policy governing Council committees;
 - (12) The Chief Executive Officer of Council shall appoint an officer or officers of Council to attend

meetings of the Committee from time to time. The Chief Executive Officer shall advise the Committee of such appointments. The Council officers attending meetings of the Committee do not have voting rights;

- (13) The Chief Executive Officer of Council shall appoint an Officer of Council to liaise with the Committee on financial and accounting matters;

9 Office Bearers and Sub-Committees

- (1) The Committee at each Annual General Meeting shall elect the following office bearers:
- (a) President;
 - (b) Vice President;
 - (c) Secretary; and
 - (d) Treasurer.
- (2) The role of the President includes the following:
- (a) chair all meetings of the Committee which are attended by the Chairperson;
 - (b) act as the liaison person between the Committee and the Council;
 - (c) arrange dates for all the Committee meetings;
 - (d) sign minutes of meetings upon them being confirmed by the Committee;
 - (e) act as a signatory for the Committee's bank account;
 - (f) vote on all matters before the Chair. Where there is a tied vote, the Chairperson has a casting vote; and

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- (g) arrange for an annual report of the Committee to be prepared for presentation at the Annual General Meeting and to Council.
- (3) The role of the Secretary includes the following:
- (a) provide notice of each meeting to all Committee members, Council and the public;
 - (b) prepare and distribute an agenda for each meeting of the Committee to members of the Committee and Council;
 - (c) take minutes at each meeting of the Committee;
 - (d) forward minutes of each meeting of the Committee to Council;
 - (e) manage the administration and correspondence of the Committee; and
 - (f) prepare the annual report and submit to Council the annual report and annual statement of accounts of the operations of the Committee as required under clause 6(2);
- (4) The role of the Treasurer includes the following:
- (a) keep proper books of accounts showing all monies received and paid by, or on account of the Committee in the exercise of its functions, duties and powers;
 - (b) provide to the Committee at the annual general meeting a statement of accounts of the operations of the Committee as at 30 June and a full statement of all monies

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- received and paid during the period of twelve months ending on 30 June;
- (c) pay all monies received by the Committee into the bank account approved under clause 4(11);
 - (d) present all accounts received by the Committee to the Committee which may authorise payment thereof;
 - (e) arrange payment of accounts authorised for payment by the Committee;
 - (f) keep all books of accounts and documents relating to the activities of the Committee open for inspection by the Chief Executive Officer of Council or any other person authorised by the Council;
- (5) If an office bearer is not present at a meeting of the Committee, the Committee shall appoint another person to undertake the duties of the person who is absent for that meeting;
- (6) The Committee at each Annual General Meeting may establish any Sub-Committees which it considers necessary to carry out its functions;

10 Dissolution

- (1) The Committee may, at any meeting of the Committee, resolve to recommend to Council that the Committee be dissolved. In this event the Committee must notify Council in writing of the Committee's resolution as soon as practicable before dissolution;

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- (2) Council may dissolve the Committee at any time in accordance with the Council policy governing Council committees;
- (3) The President of the Committee is obliged to make the following arrangements within one month of dissolution of the Committee:
 - (a) a statement of accounts must be prepared and presented to Council;
 - (b) the Committee's bank account must be closed and the balance immediately forwarded to Council;
 - (c) books of accounts and minutes of the Committee must be forwarded to Council;

11 Audit

- (1) Council shall arrange for the annual audit of the Committee's accounts;
- (2) Council shall bear the costs of the audit;

12 Insurances

Council shall arrange and maintain an insurance portfolio to cover risks, including a Personal Accident Policy for members, a Volunteer Worker's Policy and an Indemnity Policy for members of the Committee;

13 Misuse of Position

- (1) A person who is a member of a special committee must not misuse his or her position—
 - (a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or

- (b) to cause, or attempt to cause, detriment to the Council or another person.
- (2) Committee members must comply with the misuse of position provision of the Act which includes, as at August 2017, section 76D of the Act;

14 Confidential information

- (1) A person who is a member of a special committee, must not disclose information that the person knows, or should reasonably know, is confidential information;
- (2) Committee members must comply with the confidential information provision of the Act which includes, as at August 2017, section 77 of the Act;

15 Conflict of Interest

- (1) Members of the Committee have a conflict of interest if they have a direct or indirect interest in matters which are to be, or are likely to be, considered or discussed at a meeting of the Committee and must:
 - (a) if intending to be present at the meeting, make a full disclosure of the nature of their interest immediately prior to the matter being considered at the meeting;
 - (b) if not attending the meeting, must advise the Chairperson in writing disclosing of the nature of interest that gives rise to the conflict; and

- (c) whilst the matter before the committee is being considered and before any vote is taken, leave the meeting room, advising the chairperson that they are doing so and must remain outside the meeting room while the vote is taken;
- (2) Declarations of conflicts of interest must be recorded in the minutes of the meeting and if in writing must be forwarded to Council for recording;
- (3) Committee members must comply with the conflict of interest provisions of the Act which include, as at August 2017, sections 77A, 77B, 78, 78A, 78B, 78C, 78D, 78E, 79, 79B and 79D of the Act.
- (4) Further guidance on direct and indirect interests is provided in State Government publication *Conflict of Interest A guide for members of Council committees October 2012*;

16 Register of Interests Exemption

Council has resolved to exempt members of the Committee who are not Councillors from the obligation under section 81 of the Act to submit returns of interest.

17 Election Period

- (1) A Special Committee must not make a major policy decision during the election period for a general election;
- (2) A Special Committee must comply with the provisions of Council's election period policy;

18 Referenced Documents

The following documents are to be read in conjunction with this Schedule:

- (a) Sections of the Act relevant to Special Committees and members of Special Committees;
- (b) Governance and Meeting Conduct Local Law No. 2 of 2016 Wangaratta Rural City Council;
- (c) Conflict of Interest A guide for members of Council committees October 2012 Victorian State Government;
- (d) Committees of Council Policy 2017 Wangaratta Rural City Council;
- (e) Election Period Policy 2016 Wangaratta Rural City Council;