



Special Committees Review

Discussion Paper

Wangaratta Rural City Council

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Introduction

The Special Committees Review is a review of Special Committees and their delegations conducted with the objective of delivering consistent and coordinated Council committee arrangements that promote and support the interests of Council.

WHY REVIEW COUNCIL COMMITTEES?

Section 86(6) of the *Local Government Act 1989* (the Act) requires Council to review all delegations to special committees within 12 months after a general election.

This ensures that Council knows what decisions may be made in its name and who may make them.

Further, this is an opportunity to assess whether all the current committees are actually required.

Regular review of delegations is also important for probity reasons. Ultimately Council must accept responsibility for the exercise of its powers, even when exercised by delegates.

OVERVIEW OF PROPOSED REFORMS

1. Replace the current special committee delegation instruments with the latest Maddocks delegation instrument template.
2. Consolidate the 32 special committee governance documents into two instruments of delegation, incorporating provisions from charters:
 - a. Hall and Reserve Committees Instrument of Delegation 2017; and
 - b. Friends of Lacluta Instrument of Delegation 2017.
3. Allow for up to 25 members in hall and reserve special committees comprising:
 - a. not less than four representatives of the local community that is served by the hall and/or reserve; and
 - b. up to one representative from each of the user groups of the hall and/or reserve;
4. Review the Appointment to Committees of Council Policy;
5. Remove the requirement for a councillor representative on the Friends of Lacluta Special Committee;
6. Dissolve the Wangaratta Showgrounds Special Committee;
7. Engage with the community and Wangaratta Showgrounds user groups in appropriate ways to involve them in the:
 - a. Development of an effective and equitable facility allocation policy;
 - b. Implementation of standardised user licences;
 - c. Development of a strong business plan for the precinct;
 - d. Prioritisation of infrastructure development; and
 - e. Marketing the precinct and its facilities.

Special Committees

Councils may establish special committees with authority to exercise certain Council powers.

Special committees must operate in accordance with the Local Government Act and comply with the limits imposed by the Council's instrument of delegation.

Members of special committees must disclose conflicts of interests and not misuse their positions.

WHAT IS A SPECIAL COMMITTEE?

A special committee is any committee to which the Council delegates a duty, function or power.

When exercising a delegated power, duty or function, a special committee effectively "is the Council".

All special committees must comply with the rules for special committees in the Act. This includes delegation limits, meeting arrangements and conflicts of interest.

Section 86

All of Council's special committees are specifically established under section 86 of the Act and are sometimes referred to as "section 86 committees".

Types of special committee

Council has two types of Special Committee:

- Committees of management for public facilities such as community halls and recreation reserves or 'Hall and Reserve Special Committees';
- Special interest committees which may or may not have delegations to spend funds raised specifically for the

purpose of promotion of their objects.

Special Committee Delegations

While it is desirable that major decisions be made by the Council, it is useful for lesser decisions to be delegated to committees or members of staff.

When Council delegates a power, duty or function it invests the delegate (committee) with the authority to act as the Council.

INSTRUMENT OF DELEGATION

The process of delegating a power, duty or function must include Council formally approving an instrument of delegation.

Without a formal instrument of delegation, a special committee may not exercise any Council powers.

An instrument of delegation defines what authorities are given to the committee, including setting limits on the amounts of any contracts or expenditure that the committee may approve.

Limits to delegation

While Council may delegate most matters to a special committee, it is prohibited from delegating the following powers:

- Declaring a rate or charge
- Borrowing money
- Entering into contracts for amounts exceeding the limit set in the instrument of delegation
- Incurring expenditure beyond the limit set in the instrument of delegation.

In addition, Council cannot allow a special committee to delegate any of its responsibilities to others. For

example, a committee established to manage a Council facility cannot delegate its powers to approve expenditure to a single committee member or an employee.

Delegations Updates

Council subscribes to the Maddocks Victoria: Delegations and Authorisations instruments service.

REVIEW OBJECTIVES

Maddocks have published an updated delegation instrument for Special Committees.

Council has established a delegation instrument together with a charter for each special committee. As a consequence there are 32 documents governing the operations of special committees. There is an opportunity to rationalise and standardise delegations and governance arrangements to reduce the risk of inconsistent approaches. In particular, Council should consider consolidating arrangements for hall and reserve special committees into one delegation instrument.

PROPOSED REFORMS

1. Replace the current special committee delegation instruments with the latest Maddocks delegation instrument template.
2. Consolidate the 32 special committee governance documents into two instruments of delegation, incorporating provisions from charters:
 - a. Hall and Reserve Committees Instrument of Delegation 2017; and
 - b. Friends of Lacluta Instrument of Delegation 2017.

Special Committees Membership

MEMBERS

A special committee may include Councillors, Council staff or any other people as members. The membership of a special committee is a matter for Council to decide.

It is good governance practice for Council to review the membership of its special committees.

Current Membership

Each hall and reserve special committee membership in general terms consists of representatives from the hall and reserve local community and from amongst the hall and reserve user groups.

The Friends of Lacluta Special Committee is the only Section 86 special committee that has a councillor appointed to it.

All members are volunteers.

Numbers and Types of Members

Each committee charter allows for its own specific number of members which varies from committee to committee.

Committee	Community Members	User Group Members	User Groups
Bowmans-Murmungee Memorial Hall and Tennis Reserve	Up to 10	2	1
Carboor Soldiers Memorial Hall and Recreation Reserve	Up to 9	-	-

Committee	Community Members	User Group Members	User Groups
Edi Upper Hall and Recreation Reserve	Up to 12	-	-
Eldorado Memorial Hall	Up to 12	-	-
Everton Hall and Sports Complex	Up to 9	-	-
Milawa Public Hall and Park	Up to 15	-	-
Moyhu Soldiers Memorial Hall	Up to 20	-	-
Myrree Soldiers Memorial Hall	Up to 14	-	-
North Wangaratta Sports Reserve	2	6	3
Old Murmungee Hall	Up to 12	-	-
Oxley Shire Hall	Up to 25	-	-
Whitfield Recreation Reserve	Up to 5	8	8
Whorouly Public Hall	Up to 10	4	4
Whorouly Memorial Park	Up to 11	10	5
Friends of Lacluta	1 Cr ¹ Up to 11	NA	NA

TENURE

The term of appointment for members of special committees is three years.

A third of members retire each year.

APPOINTMENTS

No appointment process is specified in the Act for the appointment of community members to special committees.

¹ Councillor

To select members, Council relies on the Appointment to Committees of Council Policy which provides for an expression of interest process, typically by advertising in the local paper.

Nominations for new members are called for prior to the completion of the term of retiring committee members. The call is generally made in April with a closing date in May, with new members commencing their appointment in August.

Nomination kits are provided to assist prospective members.

Due to the large number of special committees, a staggered process was used in 2013 with a third of committee members appointed for an initial period of one year; a third for two years; and the remaining third for the full three year term.

REVIEW OBJECTIVES

A move to a single delegation instrument that covers all of the hall and reserve special committees demands standardisation of the definition for committee membership.

There should be the flexibility to allow for the involvement of as many community members as possible in the management of their local facilities.

Hall and reserve facilities exist for the wellbeing of local communities and provide for existing user groups. It is appropriate that the membership structure continues to reflect these groups. A floor should be utilised for the number of community members. Provision for tenant user group membership should be retained.

Committee membership application forms should not collect personal information beyond the minimum required to satisfy council data requirements, relative to the level of responsibility of the special committee. Application forms for committees of management for public facilities should only require name, address, email and telephone contact details and a recognition that members will comply with conflict of interest requirements. Unnecessary bureaucratic processes should be avoided.

There is an opportunity to review the Appointment to Committees of Council Policy

Councillor involvement in special committees is limited to the Friends of Lacluta. The role of the councillor appointee has not been specified in the charter of the committee. Consequently, the role performed has generally been one of attendance and observation. There appears to be no specific need for a councillor appointee to either guide the committee on how it operates and how it fulfils its mandate or to be a voting member of the committee. In fact, there is risk that a voting council member could dominate the discussion. This can result in committee conflict, reduced public participation and public relations issues.

PROPOSED REFORMS

3. Allow for up to 25 members in hall and reserve special committees comprising:
 - a. not less than four representatives of the local community that is served by the hall and/or reserve; and

- b. up to one representative from each of the user groups of the hall and/or reserve;
- 4. Review the Appointment to Committees of Council Policy;
- 5. Remove the requirement for a councillor representative on the Friends of Lacluta Special Committee;

Council Special Committees

Council has 16 special committees.

Hall and Reserve Committees

- Bowmans-Murmungee Memorial Hall and Tennis Reserve Special Committee;
- Carboor Soldiers Memorial Hall and Recreation Reserve Special Committee;
- Edi Upper Hall and Recreation Reserve Special Committee;
- Eldorado Memorial Hall Special Committee;
- Everton Hall and Sports Complex Special Committee;
- Milawa Public Hall and Park Special Committee;
- Moyhu Soldiers Memorial Hall Special Committee;
- Myrree Soldiers Memorial Hall Special Committee;
- North Wangaratta Sports Reserve Special Committee;
- Old Murmungee Hall Special Committee;
- Oxley Shire Hall Special Committee;
- Wangaratta Showgrounds Special Committee;
- Whitfield Recreation Reserve Special Committee;
- Whorouly Public Hall Special Committee;
- Whorouly Memorial Park Special Committee.

Special Interest Committees

- Friends of Lacluta Special Committee.

REVIEW OBJECTIVES

The Hall and Reserve Special Committees manage local facilities,

and some undertake minor building initiatives. Most provide services such as bookings and liaise with users of facilities. They also lobby and fundraise for new plans and expansions. Some also seek to regularly involve their local community through working bees and community events.

The hall and reserve special committees have functioned very well in performing their asset stewardship and management roles on behalf of the community and Council.

However, the Wangaratta Showgrounds Preliminary Strategic Plan (the strategic plan) adopted by Council in 2015 identified an issue with the resourcing of the management of facilities at the Wangaratta Showgrounds. Additional resources, beyond Council's volunteer-led special committee, are needed to manage and market the facilities to attract major events into the future.

Priority Action 10 of the strategic plan calls for the migration of the committee of management to an advisory committee, representing all user groups, for a finite transitional period while facility allocation, policy and procedures, finance, and infrastructure redevelopment priorities are completed, and the long-term management structure is determined.

The Friends of Lacluta Special Committee continues to effectively perform its role in assisting Council to contribute to the rebuilding of Timor-Leste and to facilitate community-to-community links with Lacluta.

PROPOSED REFORMS

6. Dissolve the Wangaratta Showgrounds Special Committee;
7. Engage with the community and Wangaratta Showgrounds user groups in appropriate ways to involve them in the:
 - a. Development of an effective and equitable facility allocation policy;
 - b. Implementation of standardised user licences;
 - c. Development of a strong business plan for the precinct;
 - d. Prioritisation of infrastructure development; and
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