

## **South Gippsland Shire Council Instrument of Delegation**

### **John Terrill Memorial Park & Fish Creek Recreation Reserve (Buckley Park) Special Committee**

South Gippsland Shire Council (Council) delegates to the Special Committee established by resolution of Council passed on 20 December 2017 and known as the John Terrill Memorial Park & Fish Creek Recreation Reserve (Buckley Park) Special Committee (the Committee), the powers and functions set out in the Schedule and declare that:

1. This Instrument of Delegation is authorised by a resolution of Council passed on 20 December 2017.
2. The delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it; and
  - 2.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
3. All members of the Committee will have voting rights.

## **SCHEDULE**

### **PURPOSE**

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a reserve.

#### **1. Reporting requirement**

The Committee must report to Council according to Clauses 3.2, 3.3, 5.5, 5.6, 6.1, 6.4 and 7.2 in the Schedule of the Instrument of Delegation of John Terrill Memorial Park& Fish Creek Recreation (Buckley Park) Special Committee.

#### **2. Powers and functions**

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a reserve

#### **3. Administration**

- 3.1 To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;
- 3.2 To provide Council with monthly financial reports and minutes of every meeting and a Treasurer's report;
- 3.3 To provide Council with an Annual Report, to be submitted after the Annual General Meeting including:
  - Patronage
  - User groups
  - Injuries and Accidents
  - Maintenance/Improvements undertaken and future requirements
  - Asset Register
  - Other matters considered relevant by the Committee
- 3.4 To be the point of contact for the public with respect to the operation of John Terrill Memorial Park & Fish Creek Recreation (Buckley Park) Recreation Reserve. All matters shall be referred to the committee for resolution in the first instance. All requests shall be dealt with promptly and the Council shall be kept informed at all times;
- 3.5 To ensure that the decisions and policies of Council are implemented/adhered to as soon as practicable.

#### **4. Facility use**

- 4.1 The power to negotiate the use of facilities with user groups and the power to approve programs operating from the John Terrill Memorial Park & Fish Creek Recreation (Buckley Park) Recreation Reserve;
- 4.2 The power to set dates and opening/closing times;
- 4.3 To ensure that the John Terrill Memorial Park & Fish Creek Recreation (Buckley Park) Reserve is used only for purposes appropriate to the facility;

#### **5. Finance**

- 5.1 The power to set user fees;
- 5.2 To enter into contracts and to incur expenditure under \$5,000, with approval being required from Council for contracts over \$5,000;
- 5.3 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. All cheques and or transactions drawn on the account shall be signed and or authorised by any two of the following:
  - Chairperson
  - Vice Chairperson
  - Secretary
  - Treasurer;
- 5.4 To pay all utility, municipal and water charges incurred in occupying the premises;
- 5.5 To provide Council with adopted Financial Statements by 30 September each year, with support documentation being available upon request;
- 5.6 To provide Council with a proposed budget for the forthcoming year by the 30th of September.
- 5.7 The power to apply income received from facility users to the ongoing operation and management of the John Terrill Memorial Park & Fish Creek (Buckley Park) Recreation Reserve.

#### **6. Maintenance**

- 6.1 To develop a schedule of anticipated maintenance and provide this to Council with the Annual Report.
- 6.2 The authority to undertake minor repairs up to the value of \$5000 however consent from Council's Property Coordinator must be gained for any maintenance item over \$5000. Any works must be carried out by qualified

personnel, relative to the task being performed, and all Certificates of Compliance must be forwarded to Council immediately, upon completion.;

- 6.3 To make no structural alterations or additions to the premises without the written consent of Council's Engineering and Assets department;
- 6.4 To maintain a register of major key holders from each user group and provide this to council.

## **7. Risk Management/ Insurance**

- 7.1 To include Facility Safety Issues as a section of all committee meetings and advise Council if there are any issues requiring attention.
- 7.2 To ensure that volunteers complete a registration form that is to be forwarded to Council. Work to be undertaken by volunteer groups or individual volunteers must be authorised by the committee at a committee meeting. Each committee must maintain a volunteer register containing name, address, type of activity performed, times of work and volunteer signature.
- 7.3 Ensure that volunteers are capable of the tasks required and operate any equipment within the manufacture's guidelines

## **8. Exceptions, conditions and limitations**

The Committee is not authorised by this Instrument to:

- 8.1 Enter into contracts over \$5,000, or incur expenditure, for an amount, which exceeds the approved budget; without prior approval from Council.
- 8.2 Employ people or enter into leases without the prior consent of Council;
- 8.3 Exercise the powers which, by force Section 86 of the Act, cannot be delegated;
- 8.4 Borrow funds.

## **GUIDELINES-COMMITTEE DELEGATIONS**

### **Name**

These guidelines may be referred to as the John Terrill Memorial Park & Fish Creek (Buckley Park) Recreation Reserve Special Committee Guidelines.

### **Application**

These guidelines have been adopted by the South Gippsland Shire Council (Council) for the guidance of:

- John Terrill Memorial Park & Fish Creek (Buckley Park) Recreation Reserve Special Committee
- Any other special committee in respect of which Council resolves that these guidelines are to apply.

### **Exercise of Powers**

The powers, duties and functions set out in the Instrument are delegated to the Committee. This means that the Committee can only act under delegation when sitting in a formally constituted meeting.

This means that the 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 procedures local law.

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.

Similarly, the delegations do not extend to individual members of the Committee.

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 delegation under section 98 of the Act.

All delegations must be read in conjunction with this document and any other policies and guidelines that may be adopted by the Council from time to time.

### **Reporting**

These guidelines have been developed to support the concept of delegation as a means of ensuring that the functions of Council are conducted in an efficient and timely manner.

Reporting back of delegations exercised may be necessary to ensure that adequate

information regarding those actions is available to other staff, management and the Council.

Such reporting back would be by presentation of reports to Council within the time specified in the Instrument of Delegation; and production of minutes of meetings that will be circulated or available for inspection at any time.

It is to be noted that the reporting back requirements on this policy are a minimum standard only and that nothing will preclude more detailed or extensive reporting back of delegated actions if individual circumstances warrant

## **Insurance**

Upon appointment, Council's Public Liability Insurance will cover each Committee. Public Liability insurance is available for all hirers of venues who currently do not hold appropriate insurance, by completing the appropriate section of the Hirer Agreement Form and paying the relevant fee.

Council must be contacted before events such as carnivals, large sporting and/or music events are booked or organised, as cover may not be available for some events. All "for profit" events must carry their own insurance and cannot avail themselves of Council insurance.

If a committee is unsure about any aspect of insurance cover, please contact Council's Risk Management Officer.

The actions of committee members, in the proper execution of the committee power and responsibilities, are covered by Council's existing public liability policy.