

# South Gippsland Shire Council Instrument of Delegation

## Walter J Tuck Special Committee

South Gippsland Shire Council ("Council") delegates to the special committee established by resolution of Council passed on 28 May 2014 and known as the Walter J Tuck 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 28 May 2014.
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.

**The Common Seal of the South Gippsland Shire Council was affixed in the presence of Tim Tamlin, Chief Executive Officer.**



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**Date: 28 May 2014**



## **Instrument of Delegation**

### **Walter J Tuck Special Committee**

#### **SCHEDULE**

##### **PURPOSE**

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a reserve including Crown Allotment 10A, Section 8, Township of Mirboo North, Parish of Mirboo and the continuing implementation of the Walter J Tuck Master Plan 2012.

##### **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 7.3 in the Schedule of the Instrument of Delegation of Walter J Tuck Reserve 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 including Crown Allotment 10A, Section 8, Township of Mirboo North, Parish of Mirboo and the continuing implementation of the Walter J Tuck Master Plan 2012, and for those purposes.

##### **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, including a self-evaluation of the Committee's effectiveness, to be submitted in September including:

Patronage

User groups

Injuries and Accidents

Maintenance/Improvements undertaken and future requirements

Self-evaluation of operations and management

Other matters considered relevant by the Committee;

- 3.4 To be the point of contact for the public with respect to the operation of Walter J Tuck 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 without delay;

#### **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 Walter J Tuck Reserve;
- 4.2 The power to set dates and opening/closing times;
- 4.3 To ensure that the Walter J Tuck Reserve is used only for purposes appropriate to the reserve;
- 4.4 To ensure that the facility is operated in accordance with reserve type guidelines;

#### **5. Finance**

- 5.1 The power to set user fees;
- 5.2 To enter into contracts and to incur expenditure under \$5000, with approval being required from Council for contracts over \$5000;
- 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, within seven (7) days of the end of the financial year;
- 5.7 The power to apply income received from facility users to the ongoing operation and management of the Walter J Tuck Recreation Reserve;

## **6. Maintenance**

- 6.1 To provide an annual 'Facility Maintenance Report' detailing all anticipated maintenance for the following financial year that is submitted to Council by 31 January of the preceding year;
- 6.2 The authority to undertake minor repairs up to the value of \$2000, however consent from Council's Property Co-ordinator must be gained for any maintenance item over \$2000, that has not been anticipated in the 'Facility Maintenance Report'. 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. All maintenance must be in accord with Council's adopted Maintenance Regime / Schedule;
- 6.3 To make no structural alterations or additions to the premises without the written consent of Council's Engineering Services Directorate;
- 6.4 To maintain a register of keys issued by the Committee and to include these details in the annual 'Facility Maintenance Report'. Council must be provided with a set of keys to all external and internal locks. Any change in locking system must be in accordance with Council's restricted lock system and should be paid for by the Committee;

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

- 7.1 To ensure that the facility is maintained in a manner that meets all Workcover and Occupational Health and Safety Regulations. Council may provide an inspection on at least two occasions per annum;
- 7.2 To maintain a monthly checklist, provided by Council, relating to building safety, and make available to Council staff when requested;
- 7.3 To ensure that volunteers complete a registration form that is to be forwarded to Council's Insurance Advisor. Volunteer groups must be supervised by a member of the Committee at all times. Each Committee must maintain a volunteer register containing names, addresses, type of activity performed, times of work and volunteer signature;
- 7.4 To contact Council's OHS Coordinator, before volunteers commence any work to determine whether training is required;
- 7.5 To adhere to all statutory and legislative requirements;

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

The Committee is not authorised by this Instrument to:

- 8.1 enter into contracts over \$5000, or incur expenditure, for an amount which exceeds the approved budget;

- 8.2 employ people, engage contractors 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 Walter J Tuck Special Committee Guidelines.

### **Application**

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

- Walter J Tuck 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 Back**

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**

After receiving Special Committee Details Form, within 1 month of appointment, Council will, upon appointment of each Committee, effect and pay for an annual public liability insurance policy to protect hirers. For events involving large numbers of people (more than 50), alcohol, some children's activities and some sporting events, Council will effect and pay for cover but may require the Committee to ensure that hirers complete an insurance form which is to be directed to the insurance company by the Committee. Council must be contacted before events such as carnivals, large sporting events and 'pop/rock' concerts are booked or organised, as cover may not be available for some events.

All of the above insurance arrangements are subject to Council approval based on reasonable use of facilities and frequency. If a Committee is unsure about any aspect of insurance cover, they must contact Council's Insurance Advisor.

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

### **The members of the Committee appointed by Council on 28 May 2014 are:**

Wayne Roberts

Paul Van Der Ryt

Janine Alexander

Bernice Snell

Stephen Anthony

Doug Taylor

Steven Rogers

Angie Rogers

Mathew Snell

John Mercer

Wendy Gervasi

Garry Austin

Councillor Don Hill as Council's member of the Committee

Luke Anthony as Council officer to attend meetings as required