

Delegation of Authority and Rules of Operation

Upper Natone Reserve Special Committee



"Not for ourselves alone"



BURNIE
CITY COUNCIL

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Pursuant to Section 24 of the *Local Government Act 1993* (as amended) the Burnie City Council hereby establishes a Special Committee as detailed in Schedule 1 and 2 below.

Schedule 1

1. Name of Special Committee

The name of the Special Committee shall be the:

Upper Natone Reserve Special Committee

Schedule 2

1. Objectives of the Committee

1.1. The objectives of the Committee are to:

- Manage the operation of the Upper Natone Reserve; and
- Promote the use of the above facility and to maximise its viability.

2. Committee Structure

2.1. The Committee shall consist of at least seven members and a maximum of ten members at any one time.

2.2. Membership of the Committee shall be made up of:

- one Councillor appointed by Burnie City Council, and
- between six and nine Community Members.

2.3. The following shall be ex-officio Members of the Committee. Ex-officio members are not entitled to vote at Committee meetings.

- the Director of Works and Services at Burnie City Council, or his or her delegate,
- a representative of Tasmania Police, as available to attend from time to time,
- a representative of Forestry Tasmania, and
- a Representative of Neighbourhood Watch.

2.4. Council may appoint another Councillor as proxy for the appointed Councillor position.

2.5. An appointed Councillor proxy may attend any meeting in a non-voting capacity where the appointed Councillor is present. The appointed proxy is only entitled to vote when the appointed Councillor is not present.

- 2.6. The Committee shall elect a Chairperson and a Secretary/Treasurer at the Annual General Meeting.

3. Selection and Appointment of Committee Members

- 3.1. Council will undertake an expression of interest process for Community Members every year, prior to the Annual General Meeting of the Committee.
- 3.2. Council will appoint Community Members for a one year period, with the commencement to coincide with the Annual General Meeting of the Committee.
- 3.3. The Community Members are to possess
- a demonstrated interest in the Upper Natone Reserve, and
 - the capacity to participate in the day to day management of the Upper Natone Reserve.

4. Terms of the Committee Appointments

- 4.1. The Councillor position on the Committee will become vacant directly following the ordinary Council election, and a subsequent appointment shall be made by the Council for a period of two years. At the expiry of this term, a new appointment will be made by Council, for two years expiring directly following the next ordinary election. If a Councillor of the Committee resigns prior to the end of his/her term the Council will appoint a replacement at the earliest convenient time, for the balance of the term.
- 4.2. The ex-officio appointment of Director Works and Services shall be by virtue of his or her position and not expire.
- 4.3. Community Member positions are for a fixed term of one years and may be reappointed. If a Community Member retires, Council may appoint a replacement Community Member for the remaining balance of the fixed term of that position.
- 4.4. The Community Member positions on the Committee will become vacant annually coinciding with the Annual General Meeting.
- 4.5. The General Manager has the power to end the term of the Chairperson or a Community Member.

5. Roles and Responsibilities of Members

- 5.1. To maintain confidentiality on matters of a sensitive nature or involving personal information;
- 5.2. When applicable, to declare an interest in any matter being considered by the Committee, in accordance with Part 5 of the *Local Government Act 1993*.

6. Functions of the Committee

- 6.1. To ensure all facilities are kept in a properly maintained condition with specific attention to:
 - 6.1.1. Mowing of grassed areas,
 - 6.1.2. Cleaning of public toilets and barbeques,
 - 6.1.3. Removal of refuse, and
 - 6.1.4. Repair of minor damage to the facility occasioned by fair wear and tear.
- 6.2. To advise the Council of any works the Committee thinks necessary.
- 6.3. To make recommendations to Council regarding the maintenance and improvements to the Reserve.
- 6.4. To ensure, as far as this Delegation of Authority and Rules of Operation allows, that the Lease Agreement between the Burnie City Council and Forestry Tasmania is complied with.
- 6.5. To identify and report to Council any incidents that contravene the Burnie City Council's Public Reserves and Public Buildings By-law, No. 1 of 2011 (or successive relevant reserve by-laws).

7. Meetings of the Committee

7.1. Quorum

- 7.1.1. A quorum will consist of the majority of total members, being one half plus one.
- 7.1.2. All members (excluding ex-officio members), shall have voting rights with decisions based on the principle of simple majority.

7.2. Meeting Frequency

- 7.2.1. Meetings of the Committee must be held at least four times per year.
- 7.2.2. The Committee shall hold an Annual General Meeting by 31 August in each year.

7.3. Notice of Meetings

- 7.3.1. Notice of each meeting, including special meetings, shall be given to each Committee member at least seven days in advance unless impractical to do so by reason of an urgent matter requiring a meeting to be held promptly.
- 7.3.2. Notice of the Annual General Meeting of the Special Committee shall be published in a newspaper generally circulating in the Burnie area at least 14 days prior to such Annual General Meeting.

7.4. Attendance at Meetings

- 7.4.1. All meetings of the committee shall be open to the public, but only appointed members will be entitled to vote.
- 7.4.2. All Councillors are welcome to attend any meeting of the Committee, but only appointed members will be entitled to vote.

7.5. Appointment of Acting Chairperson

- 7.5.1. If the elected Chairperson is not available for a meeting, they may delegate the role of Chair to another Committee Member, otherwise an Acting Chairperson shall be chosen from those present at the meeting.

7.6. Records to be kept by the Secretary

- 7.6.1. The Secretary shall keep minutes of each meeting, detailing
- The time, date and place of each meeting;
 - Those present;
 - An accurate record of any motion indicating the mover and seconder and indicating the word 'Carried' or 'Lost' after each motion.
- 7.6.2. The unconfirmed minutes of each meeting shall be provided to Council within fourteen days following the conclusion of the meeting. Where recommendations are made by the Committee, the Council Officer shall include a report explaining any specific recommendation for Council consideration. Minutes of the Committee meetings will be included in a report to the next ordinary meeting of Council.
- 7.6.3. The minutes of each meeting shall be confirmed at the subsequent meeting of that Committee.

7.7. Records to be kept by Treasurer

- 7.7.1. The Treasurer shall keep accurate records of all receipts and expenditure in a format acceptable to the General Manager.

8. Restrictions on Committee Powers

- 8.1. The Committee does not have the power to:
- (a) Impose fees, taxes, rates or charges
 - (b) Rebate rates or charges
 - (c) Apply for grants
 - (d) Make grants
 - (e) Borrow money
 - (f) Make a rate

- (g) Make a By-law
- (h) Execute a Deed
- (i) Sign a contract
- (j) Institute a legal proceeding
- (k) Call for tenders
- (l) Provide direction to staff
- (m) Advertise for and/or appoint an employee or servant (except honorary office-bearers)
- (n) Sell land
- (o) Operate a bank account
- (p) Undertake lobbying unless expressly authorised by Council
- (q) Issue correspondence or media releases from the Special Committee without the co-signature of the Mayor
- (r) Conduct business and activities otherwise than in accordance with Council's Risk Management and Workplace Health and Safety policies and practices.

9. Remuneration

9.1. The Committee members are voluntary workers, and no remuneration will be provided to Committee members.

10. Reporting Requirements

10.1. Not applicable.

11. Financial Requirements

11.1. Where the Committee has an applicable budget within Council's accounts:

- 11.1.1. The Committee must operate through the Council's bank account upon which payments may be made and into which all monies received shall be paid as soon as possible after receipt thereof.
- 11.1.2. Expenditure may only be authorised by an employee of Council with the relevant financial delegation for the Committee's expenditure.
- 11.1.3. Incidental costs relevant to the budget and stated functions of the Committee may be reimbursed to Committee Members up to a limit of \$250 per reimbursement, and upon evidence of a receipt.

11.1.4. A statement of receipts and expenditure for the financial year ended shall be tabled at the Annual General Meeting of the Committee each year.

11.2. The financial year of the Committee shall be from the 1st July to the 30th June, coinciding with the financial year of Council.

12. Insurance

12.1. Committee Members are covered under the terms and conditions of Council's Public Liability and Personal Accident policies provided they are acting within the scope of their functions as a member of the Special Committee as listed in Clause 5 Roles and Responsibilities of Members and Clause 6 Functions of the Committee, and within the requirements of Clause 13 Safety and Risk Management.

12.2. Council insures its buildings, fittings and fixtures against fire, flood and damage. The Committee is to advise user bodies leaving their property in Council's buildings to take out separate insurance cover to cover those goods and chattels, including stock in trade sold by user groups.

13. Safety and Risk Management

13.1. All Community Members appointed by Council are considered volunteers in a workplace and must work within the scope of the functions and responsibilities described at Clause 5 Roles and Responsibilities of Members, and Clause 6 Functions of the Committee.

13.2. All Committee Members must complete an induction process that covers both:

- the Roles and Responsibilities of Special Committee Members, and
- a site specific induction relevant to this Committee

13.3. All Committee Members undertaking tasks for the Committee must be appropriately qualified and trained for the tasks which they are performing, as set out in the scope of functions listed at Clause 6 Functions of the Committee.

14. Secretariat and Support

14.1. The Council will provide the Committee with the necessary secretariat and treasurer support to allow the Committee to function effectively.

14.2. The Director Works and Services will be available to provide information for the Committee.

15. Alteration to Delegation of Authority and Rules of Operation

15.1. This Delegation of Authority and Rules of Operation may be amended at any time by Council resolution.

16. Definitions

16.1. 'Committee' means the Upper Natone Reserve Special Committee as stipulated in Schedule 1 of this document.

16.2. 'Council' means the Burnie City Council.

16.3. 'Councillor' means an elected member of Burnie City Council.

16.4. 'Community Member' means a member of the community appointed to the Committee by Council.

16.5. 'Committee Member' means a member of the committee, regardless of being a member of the community, an employee or a Councillor.

16.6. 'Director Works and Services' means the Burnie City Council employee appointed to this position or a similar position if amended from time to time.

16.7. 'General Manager' means the General Manager of the Burnie City Council as appointed from time to time.

16.8. 'Mayor' means the Mayor of the day at Burnie City Council.

17. Timeframes

Responsibility	Frequency	Scheduled Date
Seek nominations or EOI (clause 3.1)	Annual	June/July
Council Report to recommend appointments (clause 3.2)	Annual	August (prior to Committee AGM)
Notice of Annual General Meeting (clause 7.4.2)	Every year at least 14 days prior to AGM	August
Annual General Meeting (clause 7.3.2)	Annual	August (after August Council Meeting)
All Community Member positions declared vacant (clause 4.3)	Annual	August
New appointments become effective (clause 3.2)	Annual	August (per Council Meeting resolution)
Committee to elect a Chairperson, Secretary and Treasurer (clause 2.5)	Annual	August (at AGM)
Table Statement of Receipts and Expenditure (clause 10.1.4)	Annual	August (at AGM)
Induction for any new members (clause 12.2)	Annual	August / September
Appointment of Councillors (clause 4.1)	Every two years (coinciding with ordinary Council elections every four years)	November
Minutes to Council (clause 7.7.2)	Within 14 days after every Committee Meeting	Following each Committee meeting