

# COMMITTEES POLICY

<b>Policy Number:</b>	5.1.4
<b>Approved by</b>	Council
<b>Date Approved/Effective</b>	17 December 2019
<b>Date of Next Review:</b>	1 October 2020
<b>Related Policies:</b>	Council Provision of Recreation/Community Facilities
<b>Applicable to Unit(s):</b>	Whole Organisation
<b>Responsible Officer:</b>	Manager Community Wellbeing
<b>Statutory Reference:</b>	<i>Local Government Act 1989, Associations Incorporation Reform Act 2012,</i> <i>Crown Land (Reserves) Act 1978, Local Laws</i>

## OVERVIEW

This policy establishes a framework for the guidance of Council in relation to:

- The appointment, roles and responsibilities of committees,
- The circumstances and purposes associated with the establishment and operation of committees.
- The enabling mechanism/s (legal basis), which are necessary and appropriate for the establishment and operation of committees in various circumstances.

## THE POLICY

This policy recognises the important role that committees play in providing advice and/or services to Council; and establishes:

- The various forms of committee/s supported by Council.
- The guiding principles for the appointment of Committees.
- The relationship between Council and the different forms of Committees.

## Definitions

Committee – can be:

- (a) An internal, informally established task force or general working group, made up of Council officers;
- (b) An external, unincorporated task force or general working group, containing representation from Council;
- (c) A “Friends of” volunteer group or tenant group; providing advice or a service to council;
- (d) A formal advisory or special committee established by Council under the provisions of Section 86 of the *Local Government Act 1989*;
- (e) A body incorporated under the *Associations Incorporation Reform Act 2012*; or
- (f) A committee appointed by the Crown under the *Crown Land (Reserves) Act 1978*.

Committee of Management – a volunteer committee that has been established with the primary role

of managing a community facility for use by the public, representing equally the interests of the public and all regular user groups of the facility.

Council Owned Property – real property to which the Council has title whether;

- (a) In fee simple estate;
- (b) By possession;
- (c) A restrictive Crown grant;
- (d) A restrictive, in fee simple Crown grant; or
- (e) An in fee simple Crown grant.

Council controlled property – real property in which the Council has a major and controlling interest whether through:

- (a) A lease or licence;
- (b) As committee of management under the *Crown Land (Reserves) Act 1978*;
- (c) Some other grant, demise, gift, benefit or bequest; or
- (d) Specific legislation or law enacted by the Parliament.

Community Facility – real property accommodating community infrastructure, such as public halls; Neighbourhood Houses, Childcares or Senior Citizen Centers recreation facilities, which have broad community use and are used for multi-purpose cultural, community or recreational purposes.

Management – the maintenance, hire, control, operation, occupancy, use, conservation, promotion and/or development of property.

Level 1, 2, 3 or 4 Recreation and Cultural Facilities – A four-tiered hierarchy defined and established by Council to categorise the significance of individual community facilities.

### **Guiding Principles**

Council recognises the value volunteer committees offer to both the Shire and the community. The appointment of community-based committees allows and encourages:

- Networking and resource sharing between people working towards a common goal;
- A strengthened sense of community within the Shire;
- Channels of communication;
- Delegation of function, duties and powers to the community, providing direct community involvement, accountability and ownership for projects and properties.

### **Establishment of a Committee**

Committees are established by Council on the following basis:

- “Friends of” Group, to operate as an informal/unincorporated volunteer community group, providing a valuable link between Council and the Community for direct Council controlled properties.
- Tenants/Advisory Group, to operate as an unincorporated representative tenants/Advisory group, providing valuable link between Council and tenants/hirers who occupy direct Council controlled properties.
- External Working/Advisory Group, to provide a combination of Council and community input into matters which affect the community of the Wellington Shire.

- Internal Working/Advisory Group, to provide a network between Council officers and ensure input from differing departments is received into matters effecting Council and/or council officers.
- An Incorporated Committee of Management operates as its own independent body, within the provisions of a documented form of facility management agreement with Council.

Section 86 Special Committee of Council, to effectively operate as a branch of the Council as defined within the Instrument of Delegation.

Incorporated Committee – A Committee must be incorporated prior to any tenancy or management arrangement being implemented (i.e. lease, licence, service or funding agreement). Where there is an existing community committee, which is not incorporated, managing a Council owned or controlled community facility, Council will provide administrative assistance where required, in the preparation and lodgment of necessary documentation (e.g. Constitution, Statement of Purpose etc.) to ensure incorporation is attained under the *Associations Incorporation Reform Act 2012*.

Membership to an incorporated Committee is detailed within Committee's individual Rules, as approved by Consumer Affairs (Victoria).

Section 86 Special Committee of Council – To appoint a Special Committee, the Council is bound by the provisions of Section 86 of the *Local Government Act 1989*. A Section 86 Special Committee of Council, in effect operates as the Council so far as its delegated authority is concerned. The appointment of Special Committees of the Council under Section 86 of the *Local Government Act 1989* will be limited to the following circumstances.

- a) Action Role – for specific projects (e.g. development of a facility, establishment of a regional festival/event).
- b) Management Role – for the management of:
  - i) Council controlled Crown owned Level 2, 3 and 4 recreation, cultural and community facilities, which are used for multipurpose cultural, community or recreational purposes catering to active pursuits and organised cultural and sporting activities.
  - ii) Level 1 Council owned community facilities where Council resolves exceptional circumstances so require.

### **Committees of Management – Managing Community Facilities and Property**

The Wellington Community Facilities Framework (2016) aims to ensure that community facilities within the municipality continue to meet the expectations and needs of all current and future residents, both in terms of infrastructure requirements and service provision.

Council acknowledges the significant role that volunteer committees of management play in the provision of a range of services and facilities to the community and supports their continuation as largely autonomous, self-reliant bodies.

Council recognises three primary forms of community Committees of Management, based on property ownership, whose primary role is to manage, maintain and operate public facilities for use by the community.

- Committees of Management responsible for Council owned or controlled community facilities;
- Committees of Management responsible for Crown owned community facilities (Crown committees);
- Committees of Management or Trusts responsible for community facilities located on other property not owned by the Crown or Council.

a) Committees of Management (Council Owned or Controlled Community Facilities)

- i) The Council acknowledges and accepts it has, in equity, responsibility for Council owned and controlled property.
- ii) The Council's goal for its property is to deliver responsible resource management, supported by effective financial business strategies.
- iii) For management of any Council owned or controlled property, the Council may:
  - retain and have direct control and administration; or
  - under S86 of the *Local Government Act 1989* appoint special committees and delegate management responsibility; or
  - enter into a lease or licence agreement under the *Local Government Act 1989* or the provisions of the *Crown Land (Reserves) Act 1978* with any incorporated body.
- iv) The Council will determine at its absolute discretion whether it appoints a committee, enters into a lease, licence or a licence & service agreement or retains its own control for the management of property.

All committees, clubs or organisations which occupy or manage a Council owned facility, must have a current documented agreement in place with Council which formalises the arrangement and specifies the tenure and obligations of all parties. All agreements are to be based on Council's generic agreements, to ensure where possible, uniformity and equitability for all concerned, but which may vary slightly to contain conditions, specific to an individual property.

b) Committees of Management (NON-Council Owned or Controlled Community Facilities)

Council does not have the authorisation to implement a lease or licence over properties not controlled by Council. Council is not responsible for the management, operation or maintenance of any community facilities that are not Council owned or controlled (e.g. Crown, Trust or Committee owned hall). Council does however recognise the role these community facilities play within our society and is able to offer support to these Committees through the implementation of a generic Service or Funding Agreement.

**Representative or Advisory Committees**

Council recognises the vital community link that representative or advisory Committees offer to Council. As these forms of Committees do not have any associated facility management or operational responsibilities, these Committees do not receive recurrent financial support from Council. Representative or Advisory Committees are established as required, and can take the form of:

a) "Friends of" Groups.

The establishment of "Friends of" Groups are encouraged by Council. They have no management or tenancy rights over the property of interest, however the Group is encouraged to have an input into Council plans, works or projects relating to the property. It is essential that all work or projects undertaken by "Friends of" Groups are fully coordinated by the Council.

Council will provide Volunteer Insurance cover for all registered members of 'Friends of' Groups, whilst engaged in approved projects or activities. Council does not, however, provide any direct financial or administrative support to "Friends of" Groups.,

b) Tenant Groups

The establishment of Tenant Groups promotes a consolidated voice and representation for official lease or licence holders or hirers of multi-use community or commercial facilities that are direct managed by Council.

Tenants Groups are generally established as an unincorporated advisory body, who will operate within the provisions of a documented Terms of Reference, as approved by Council. As a committee, Tenant Groups do not have a management right for their property, however they are able and encouraged to provide a representative view on matters of interest or concern, to Council.

Council does not provide any direct financial or administrative support to Tenant Groups.

c) External Working Advisory Groups

External Working Advisory Groups provide a combination of Council, organisation and community input into matters, which affect the community of the Wellington Shire.

Council can delegate Councilors or Officers to represent Council at any external Working Advisory Group that is considered appropriate.

## HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

### Related Documents

Type:	Details:
Procedure	New Agreement Development Procedure Agreement Renewal Procedure Section 86: Special Committees of Council Procedure
Strategy	Nil