



Colac Otway
SHIRE

COUNCIL POLICY

Council Policy Title:	Section 86 Committees
Council Policy ref. no:	15.2
Responsible Department:	Corporate and Community Services
Date of adoption/review:	24 July 2013

1. INTRODUCTION

Council recognises the importance volunteer committee's 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.
- Strengthening the sense of community within the Shire.
- Provides and encourages channels of communication.
- Delegation of function, duties and powers to the community, providing direct community involvement, accountability and ownership for projects and properties.

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

- The guiding principles for the appointment of committees.
- The relationship between Council and the different forms of committees.

2. POLICY OBJECTIVES

The objectives of the policy are to –

- Meet legislative requirements under section 86 of the *Local Government Act 1989* (the Act).
- Establish guiding principles for the appointment of committees.
- Establish the relationship between Council and the committees.

3. DEFINITIONS

Terms and words used within this policy document.

- 3.1 **Section 86 Committee** – A section 86 Committee is a Special Committee of Council set up under the *Local Government Act 1989* to which the council delegates certain functions, duties and powers.
- 3.2 **Council Property** – Includes vacant land, reserves, parks, ovals, buildings, structures, private land under agreement, waters and anything attached.
- 3.3 **Governance** – Governance includes the committee’s Instrument of Delegation, electing of members, meeting processes, conflicts of interest, volunteer register, register of interest returns and statutory reporting.
- 3.4 **Instrument of Delegation** – This sets out the specific functions of the committee and establishes/acknowledges the purpose of the committee; determines what the committee should do to meet its purposes; sets out the functions, duties and powers that Council is delegating; clearly identifies the roles and responsibilities of the committee and Council.
- 3.5 **Operation** – the maintenance, hire, control, operation, occupancy, use, conservation and development of property.

4. POLICY

A section 86 Committee’s legal status is derived from Council through formal delegation.

Under section 86 of the Act, Council is able to delegate certain functions, duties and powers to an authorised body or persons to manage and control assets, resources and/or property owned, leased or controlled by Council by executing a Deed of Delegation. In some cases the section 86 Committee acts as an advisory committee only.

Council will provide the necessary information, resources and support to allow each committee to function effectively.

4.1 Appointing a Committee

A section 86 Committee will only be formed by resolution of Council in circumstances that Council determines would be beneficial to Council and/or the community. Section 86 Committees are appointed at public meetings, usually called and chaired by the Mayor of the day or a Councillor.

Appointments to section 86 Special Committees of Council shall be through the calling of nominations. Advertisements shall be placed in the local newspapers giving notice of Council’s intent to appoint members to respective Committees.

Appointments will be for a three year term and will be approved by Council.

Vacancies which may arise from time to time during the three year term shall be agreed to by the General Manager, Corporate and Community Services and shall be appointed for the remaining term of the Committee.

4.2 Delegation

When appointing and delegating to a committee, the Council will:

- establish/acknowledge the purpose of the committee;
- determine what the committee should do to meet its purposes (functions, duties and powers);
- clearly identify the role and responsibilities of the committee and Council including liability issues;
- be consistent in requirements for each similar property;
be sufficiently broad to allow the committee to operate without undue restriction or constant reference to the Council;
- acknowledge the different requirements and functions of committees.

When providing a delegation to a special committee, the Council will include provision for:

- meeting and other procedures of the committee;
- accounting procedures;
- reporting procedures;
- limiting the authority of the committee.

Each section 86 Committee will be provided with a comprehensive handbook

4.3 Meeting/Meeting Procedures

The Handbook and the Instrument of Delegation will include meeting and reporting requirements that the Committee must follow. Local Law No 4 (Council Meeting Procedures) will also apply to such committees.

4.4 Statutory Responsibilities of Members

- Committee members are bound by the Conflict of Interest provisions of the *Local Government Act*.
- Committee members must not make improper use of information acquired as a Committee member and are bound by section 77 of the *Local Government Act* 1989.
- Non-Council Committee members have been exempted by the Council from submitting primary return or an ordinary return pursuant to section 81 of the *Local Government Act* 1989.

4.5 Insurance

Council provides suitable insurance to cover all its buildings and contents.

Committee of Management members appointed under section 86 of the Act are covered by the Council's Liability and Personal Accident policies when carrying out activities for and on behalf of the committee whilst acting within their delegated powers.

Volunteers appointed or authorised by the committee are also covered by the Council's liability and personal accident policies whilst carrying out activities for and on behalf of the section 86 Committee. All volunteers must be registered with the Governance unit.

Hirers of any facility from the committee must have their own Public Liability cover in accordance with any hire or lease agreements.

Certain activities may need to be covered by separate insurance.

4.6 Monitoring Performance

The performance of all committees in respect of their management of Council owned or controlled property will be monitored to ensure effective management and financial controls are in place.

The Council will require that the committee reports to it at least annually. The report should include details of maintenance issues, usage and financial details.

5. IMPLEMENTATION AND REVIEW

The section 86 Committee shall fulfil any roles; responsibilities and functions as required by Council and set out in the Handbook and Instrument of Delegation.

The General Manager Corporate and Community Services co-ordinates the implementation of this policy and is responsible for ensuring compliance with the policy.

This policy will be subject to periodic reviewed every four years

6. LEGISLATION AND OTHER REFERENCES

6.1 Legislation – *Local Government Act 1989*

6.2 Documents

This policy is implemented in conjunction with the following documents:

- Section 86 Instruments of Delegation
- Section 86 Handbook and Appendices

ADOPTED/AMENDMENT OF POLICY

Reviewed Date	Reason for Amendment
27 June 2007	Adopted by Council
28 October 2009	Review
24 July 2013	Review