

# INVERMAY RECREATION RESERVE SPECIAL COMMITTEE

## TERMS OF REFERENCE

### 1. BACKGROUND

- 1.1 By this Terms of Reference document, the Ballarat City Council (**Council**) establishes the Invermay Recreation Reserve Special Committee (**Committee**) pursuant to section 86 of the *Local Government Act 1989 (LGA)*. The Committee is established for the purpose of managing the Invermay Recreation Reserve (**the Reserve**). The Reserve is regularly used as a venue for sporting, recreational and other activities.
- 1.2 The Committee has the powers, duties and functions of Council as set out in these Terms of Reference and the Instrument of Delegation. These Terms of Reference set out the structure and basis on which the Committee can make decisions for and on behalf of Council.
- 1.3 These Terms of Reference are authorised by a resolution (R391/17) of Council passed on 25 October 2017.

### 2. PURPOSE

The Committee is established for the purpose of:

- 2.1 Determining the use of the Reserve.
- 2.2 Undertaking the day to day management of the Reserve.

### 3. OBJECTIVES

The objectives of the Committee are:

- 3.1 Develop a public awareness and advertising program relating to the Reserve designed to increase community use of the Reserve.
- 3.2 Ensure that the Council is made aware of any matters that could have an impact on the Reserve.
- 3.3 As far as possible become self-sufficient.

### 4. ROLES AND RESPONSIBILITY

The role of the Committee is:

- 4.1 Exercise Council's powers and carry out Council's duties and functions, in accordance with these Terms of Reference and as permitted by the Instrument of Delegation.
- 4.2 Determine fees for the Reserve.

- 4.3 Carry out regular maintenance inspections of the Reserve.
- 4.4 Make recommendations to the Council on the budget requirements of the Reserve.
- 4.5 From time to time review its role as a Committee of the Council and make recommendations to the Council accordingly.

## **5. DELEGATION OF POWERS, DUTIES AND FUNCTIONS**

- 5.1 In order to fulfil and carry out its purposes and objectives Council delegates to the Committee, pursuant to section 86(3) of the LGA, the powers, duties and functions set out in the Instrument of Delegation passed at Council on 23 August 2017 (R280/17) and attached to these Terms of Reference.
- 5.2 The powers, duties and functions of Council conferred on the Committee by those Terms of Reference and Instrument of Delegation must be exercised in accordance with any guidelines or policies that Council may from time to time adopt.
- 5.3 Committee members are at all times expected to act in accordance with their responsibilities set out in Division 1A of Part 4 of the LGA.

## **6. MEMBERSHIP**

- 6.1 The Committee will consist of a minimum of 7 members as appointed by Council from time to time.
- 6.2 Council Officers who attend the meetings of the Committee are to provide advice and support to the Committee and are not considered Committee members and do not have voting rights.
- 6.3 Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 6.4 Council will revise the membership and voting rights of each Committee member every two years.
- 6.5 If the Council does not appoint a chairperson for the Committee before the Committee's first meeting, the Committee members must appoint a chairperson at the first meeting.
- 6.6 If the Chairperson is absent from a Committee meeting, the Committee will select a temporary Chairperson to chair the Committee meeting.
- 6.7 All of the Committee members must submit primary and ordinary returns to Council in accordance with section 81 of the LGA.

## **7. MEETINGS**

- 7.1 Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
  - 7.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
  - 7.1.2 Part 4, Division 2 of the LGA; and

- 7.1.3 The Committee's discretion, as exercised from time to time.
- 7.2 The Committee will meet not less than six times a year and at least once every two months and as agreed by the Committee from time to time.
- 7.3 A quorum of the Committee will be half of the members plus one.
- 7.4 Voting will be by a majority of votes by a show of hands. Only members in attendance are entitled to vote. The Chairperson shall have the casting vote in the event of an equality of votes.
- 7.5 Sub committees may be appointed by the Committee and meet between general meetings and as authorised by the full Committee. Sub committees do not have any delegated powers.

## **8. REPORTING**

- 8.1 The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Committee's consideration in accordance with:
  - 8.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
  - 8.1.2 Part 4, Division 2 of the LGA; and
  - 8.1.3 the Committee's discretion, as exercised from time to time.
- 8.2 Minutes of Committee meetings must be forwarded to the Statutory Compliance Unit immediately after adoption by the Committee.
- 8.3 The Committee must prepare and present to Council a report of its activities at the end of each financial year, upon being required to do so by Council and, in any event, at least every six months.

**9. CREATION AND DISSOLUTION**

- 9.1 By these Terms of Reference the:
  - 9.1.1 Committee is established (or continued); and
  - 9.1.2 powers, duties and functions of the Committee, as set out in the Instrument of Delegation, are delegated.
- 9.2 These Terms of Reference and the Instrument of Delegation:
  - 9.2.1 come into force immediately the common seal of Council is affixed to it; and
  - 9.2.2 remain in force until Council determines to vary or revoke it.
- 9.3 The Committee must be dissolved by a resolution of Council.
- 9.4 These Terms of Reference must be reviewed in the 12 months following a general election.

Dated: 25 October 2017

**The Common Seal of Ballarat City Council**  
was affixed by authority of the Council in the  
presence of:

.....  
*Samantha Mcintosh*  
.....  
*[Signature]*  
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MAYOR/COUNCILLOR

COUNCILLOR

CHIEF EXECUTIVE OFFICER



## SCHEDULE

### **Powers and functions**

To exercise Council's functions and powers to perform Council's duties in relation to the management of the Invermay Recreation Reserve and for the purpose of continuing community involvement in the management of the Reserve:

1. to function in accordance with the Council sealed Terms of Reference;
2. the power to determine fees from time to time with respect to the Invermay Recreation Reserve;
3. the powers and functions associated with developing public awareness and an advertising program relating to the Invermay Recreation Reserve designed to increase community use of the Invermay Recreation Reserve;
4. the function of carrying out regular maintenance inspections of the Invermay Recreation Reserve;
5. the powers and functions associated with day-to-day management of the Invermay Recreation Reserve;
6. the power to advise Council of matters which could have an impact on the Invermay Recreation Reserve; and
7. the power to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers.

### **Exceptions, conditions and limitations**

The Committee is not authorised by this Instrument to:

1. enter into contracts, or incur expenditure for any amount which exceeds the approved budget; and
2. exercise the powers which, by force section 86 of the *Local Government Act 1989* cannot be delegated.