

# **BALLARAT FRIENDS OF AINARO COMMUNITY SPECIAL COMMITTEE**

## **TERMS OF REFERENCE**

### **1. BACKGROUND**

- 1.1 By this Terms of Reference document, the Ballarat City Council (**Council**) establishes Ballarat Friends of Ainaro Community Special Committee (**Committee**) pursuant to section 86 of the *Local Government Act 1989 (LGA)*.
- 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 Auspice, promote and strengthen the relationship between Ballarat and Ainaro.

### **3. OBJECTIVES**

The objectives of the Committee are:

- 3.1 To promote friendship activities between Ballarat and Ainaro;
- 3.2 *To provide expertise where possible and appropriate;*
- 3.3 Through consultation with the Ainaro community, to identify and support projects within and external to Ballarat, that will assist the Ainaro community;
- 3.4 Active participation from members to inform, develop and implement *community* to community initiatives through Ainaro's involvement in the committee; and
- 3.5 To promote and raise awareness for the relationship between Ballarat and Ainaro.

### **4. ROLES AND RESPONSIBILITY**

The role of the Committee is:

- 4.1 To 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 Powers, duties and function of Council delegated to the Committee are managed by the Instrument of Delegation and Include the following:

4.2.1 The Committee is required to base advice in consultation with the Ainaro community.

4.3 When exercising any power or function, the Committee shall liaise with Council and its staff to ensure continuing cooperation and coordination of friendship activities between Ballarat and Ainaro.

## **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 the 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 four members comprising:

6.1.1 Three community members' representatives that cover a broad range of community interests and representation which will be sought in constituting the Committee to cater for a diverse range of interests and expertise that may include the following:

- Interest Group Delegate/s;
- Community Group and Agency Delegate/s;
- Ballarat Ainaro Community Development Organisation Delegate;
- Ryder Cheshire Foundation Delegate;
- Friendship Schools Projects;
- Business Interests; and
- Community Members

6.1.2 One Councillor of Council.

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 therefore 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 annually. Members may re-nominate for Committee membership in subsequent years.

6.5 The Councillor appointed under clause 6.1.2 will be the Chairperson of the Committee.

- 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 monthly, February to November, for a minimum of nine meetings.
- 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 on 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 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 of Council immediately after adoption by the Committee.
- 8.3 The Committee must prepare and present to Council a report of its activities upon being required to do so by Council and, in any event at least once per year.

**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

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

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*Samantha P*

MAYOR/COUNCILLOR

*Samantha McIntosh*

COUNCILLOR

*[Signature]*

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 Ballarat Ainaro Friendship Relationship and for those purposes:

1. to function in accordance with the Council's sealed Terms of Reference; and
2. the right to make recommendations regarding priority projects for the expenditure of community collected funds.

### **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.