

<b>REPORT TO</b>	Council Meeting	<b>ITEM NO. 2.5</b>
<b>MEETING DATE</b>	Monday, 7 March, 2005	
<b>SUBJECT</b>	<b>Mornington Peninsula Friends of Los Palos East Timor Special Committee - Amendments to Delegation</b>	
<b>PREPARED BY</b>	Noel Buck, Manager - Governance and Corporate Support	
<b>AUTHORISED BY</b>	Director - Sustainable Communities	
<b>FILE NO.</b>	0190/030/070	

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## SUMMARY

Council at its meeting of 18 October 2004 resolved to establish as a Section 86 Committee under the Local Government Act 1989 the “Mornington Peninsula Friends of Los Palos East Timor Special Committee”, known as “Friends of Los Palos, East Timor Community Committee”. Council also resolved that there be delegated to the Committee the power, duties and functions as set out in the in the Instrument of Delegation.

## DISCUSSION

Since that Council resolution, the writer has met with representatives of the Committee to work through the practical implementation of the Instrument of Delegation, including the processes, accountabilities and responsibilities. During those discussions there has been a number of suggested amendments to the Instrument of Delegation which are considered reasonable and practical for the effective management of the Committee.

### Proposed Changes

#### *Instrument of Delegation Clause 2 (a) Membership (Item 2)*

“ *The Special Committee shall comprise such persons appointed by the Council being not less than three (3) nor more than twelve (12) persons as determined from time to time by resolution of the Council.*”

It is proposed to substitute the following clause:

“ *The Special Committee shall **include** such persons appointed by the Council being not less than three (3) nor more than **fourteen (14)** persons as determined from time to time by resolution of Council.*”

The effect of this amendment is to preserve the appointment by Council of between three (3) and fourteen (14) persons while contemplating a membership wider than this group, recruited in the usual way from within the Community. This is the structure which reflects the Committee’s history and intention.

The delegation as previously worded, meant that a significant number of people who have worked on the Committee to date are excluded from membership and future attempts to recruit to the Committee could be frustrated by this approach.

**DISCUSSION (CONT'D)**

**Proposed Changes (Cont'd)**

***Instrument of Delegation Clause 2 (a) Membership (Item 2) (Cont'd)***

This effectively means that the Executive shall consist of office bearers as follows:

- The Chairperson;
- Deputy Chairperson;
- The Secretary;
- The Treasurer;
- A fundraising Convener;
- A number of Executive members not exceeding seven (7); and
- Up to two (2) Council representatives.

***Instrument of Delegation Clause 2(b) Membership (Item 2) Clause 2(b)***

Clause 2(b) currently provides as follows:

“ *All members of the Committee shall hold office for a period of three (3) years from the date of their appointment by Council. A member appointed to fill a casual vacancy on the Committee shall retire at the end of the three (3) year period applicable to the member who's retirement or death caused the vacancy*”

This section is to be repealed as from a practical view point this provides flexibility to the committee to approve its Executive on the basis of an annual appointment. The Executive appointments will be confirmed with Council (and therefore subject to ratification by Council should that be required), upon receipt of the Annual General Meeting minutes of the Friends of Los Palos East Timor Community Committee.

As a Section 86 Committee it is intended that the minutes of the Annual General Meeting will be formally placed on a Council agenda, with a brief covering report.

**CONCLUSION**

The amendments to the Friends of Los Palos East Timor Community Committees' Instrument of Delegation are considered both valid and practical.

As with all the Shire's Community Committees, these committees comprise of volunteers who devote their time and resources to "making a difference, to those within our Community and in the instance of the Friends of Los Palos East Timor Community Committee those members of the community of Los Palos in East Timor".

Representatives of the Committee have worked through the issues and in agreement to amend the Instrument of Delegation as detailed in the report.

**RECOMMENDATION**

1. THAT COUNCIL, HAVING ESTABLISHED A SECTION 86 COMMITTEE OF THE LOCAL GOVERNMENT ACT 1989 AS A SPECIAL COMMITTEE TITLED “MORNINGTON PENINSULA FRIENDS OF LOS PALOS, EAST TIMOR COMMUNITY SPECIAL COMMITTEE” KNOW AS THE “FRIENDS OF LOS PALOS, EAST TIMOR COMMUNITY COMMITTEE” AMEND THE INSTRUMENT OF DELEGATION AS FOLLOWS:
  - TWO (2) MEMBERSHIP THE SPECIAL COMMITTEE SHALL INCLUDE SUCH PERSONS APPOINTED BY THE COUNCIL BEING NOT LESS THAN THREE (3) NOR MORE THAN FOURTEEN (14) PERSONS AS DETERMINED FROM TIME TO TIME BY RESOLUTION BY COUNCIL; AND
  - THAT CLAUSE 2(B) OF THE INSTRUMENT OF DELEGATION BE DELETED.
2. THAT THE COMMON SEAL OF THE MORNINGTON PENINSULA SHIRE COUNCIL BE AFFIXED TO THE INSTRUMENT OF DELEGATION AS AMENDED.

**COUNCIL DECISION**

MOVED: CR. GOODREM  
SECONDED: CR. SHAW

THAT THE RECOMMENDATION BE ADOPTED.

CARRIED