

REPORT TO	Council Meeting	ITEM NO. 2.11
MEETING DATE	Monday, 18 October, 2004	
SUBJECT	Establishment of Section 86 Committee of Management - Mornington Peninsula Friends of Los Palos East Timor Special Committee	
PREPARED BY	Noel Buck, Manager - Governance and Corporate Support	
AUTHORISED BY	Director - Sustainable Communities	
FILE NO.	0190/030/070	

SUMMARY

The purpose of this report is to recommend to Council the establishment of a Section 86 Committee under the Local Government Act 1989 titled “Mornington Peninsula Friends of Los Palos East Timor Special Committee.”

The report also recommends the appointment of executive members to that Committee.

BACKGROUND

Council, at its meeting of Monday 20 May, 2002 considered a report concerning the on-going implementation of the friendship relationship between the Mornington Peninsula Shire and the sub district of Los Palos, East Timor with particular reference to the work undertaken of the Friends of Los Palos Committee.

This followed earlier reports in May 2000, where Council formally approved the establishment of a friendship relationship between the Mornington Peninsula Shire and the sub district of Los Palos. In November 2000, Council endorsed the priorities identified by the local community leadership of Los Palos and supported the formation of a Community Committee to further the ongoing friendship relationship with the people of Los Palos.

Council, at its meeting of 20 May, 2002 resolved the following:

- “
1. *THE COUNCIL ACKNOWLEDGE AND AFFIRM THE WORK BEING DONE ON ITS BEHALF BY THE FRIENDS OF LOS PALOS COMMUNITY COMMITTEE IN FURTHERING THE FRIENDSHIP RELATIONSHIP WITH THE PEOPLE OF LOS PALOS AND SURROUNDING AREAS.*
 2. *THAT COUNCIL REAFFIRM ITS FRIENDSHIP RELATIONSHIP WITH THE NEW GOVERNMENT OF TIMOR LOROSAE.*
 3. *THAT COUNCIL FORMALLY APPROVES COUNCILLOR PLUNKETT AND COUNCILLOR COUACAUD GRALEY AS ITS DELEGATES TO THE FRIENDS OF LOS PALOS COMMITTEE UNTIL THE ANNUAL COUNCIL MEETING TO BE HELD IN 2003.*”

The current delegate to the Friends of Los Palos Committee is Councillor Bill Goodrem.

**Establishment of Section 86 Committee of Management –
Mornington Peninsula Friends of Los Palos East Timor Special
Committee (0190/030/070)**

ITEM NO. 2.11

DISCUSSION

Council will recall that Dr. David Price, current chairperson of the Friends of Los Palos, East Timor Community Committee and Mrs. Helen Hendry visited Council earlier this year to brief Council on the activities that the committee has been undertaking.

The Committee meets on a regular basis at the Shire's Hastings Office. Cr. Bill Goodrem, as the Council representative, attends those meetings.

The current office bearers of the committee are as follows:

Chair	Dr. David Price;
Deputy Chair	Cr. Bill Goodrem;
Deputy Chair	Ms May Kentish;
Secretary	Ms. Frances Rule;
Assistant Secretary	Ms. Genevieve Rogers;
Treasurer	Ms Linda Wimetal; and
Assistant Treasurer	Mrs. Helen Hendry.

In addition, there are a number of sub committee convenors as follows.

Education	Rosalie Sword;
Agriculture	Peter Belbin;
Health	Dr David Price;
Fund Raising	Marilyn Gough;
Women's Projects	Linda Wimetal; and
Translating	Michelle Coates.

Formation of Section 86 Committee

In January 2004, the writer met with the Friends of Los Palos Committee and discussed the establishment of a Section 86 Committee under the Local Government Act. The establishment of the Committee was also discussed with Councillors and Senior Officers in late 2003.

The Friends of Los Palos Committee is in agreement to the establishment of a Section 86 Committee. A Section 86 Committee is a legally constituted committee which will provide legal protection in relation to insurance and indemnity to its members.

The formalisation of a Section 86 Committee will also provide the Committee, its members and the community with the confidence that it has the support of the Mornington Peninsula Council and a recognition of the valuable contribution made by its members and the community in aiding and assisting the community of Los Palos in East Timor.

Objectives of the Committee

The Committee is primarily involved in fundraising and providing practical support to the community of Los Palos. The Committee had amongst its initial objectives the following:

- Assist with transportation and communication and generally enable groups to better assist their local communities; and
- To provide a sustainable economic activity that will support the people, especially women and children of Tutuala and Los Palos through the development of a guest house in each village, which can be rented to visitors to the region.

**Establishment of Section 86 Committee of Management –
Mornington Peninsula Friends of Los Palos East Timor Special
Committee (0190/030/070)**

ITEM NO. 2.11

DISCUSSION (CONT'D)

Objectives of the Committee (Cont'd)

Other projects have involved the development of a plant nursery in conjunction with the agricultural college in Lauten, supply of chairs and tables for schools in Los Palos, and provision of equipment to schools including maps, musical instruments, computers, typewriters, sports equipment, etc.

The Friends of Los Palos Committee has also been active in supporting the Los Palos Community with medical and health assistance.

The focus of the Friends of Los Palos Community Committee is to assist in developing small projects with the capacity to bring about long term change and benefits in both an economic, environment and social context. As discussed in the report to Council in May 2002, the response from the Mornington Peninsula Community has been both generous and extraordinary. There is evidence that Council's friendship in Los Palos and the work of the Committee has given rise to Community building and social capital within the Shire itself. This has been evident in the way church communities, schools and individual groups have rallied behind the identified need in Los Palos.

CONCLUSION

The formalisation and establishment of the Friends of Los Palos East Timor Community Special Committee as a Section 86 Committee of Council will reinforce Council's support and commitment to the Committee which began in May 2000.

The Committee meets on the Shire's premises, is supported and resourced (in kind) by officers of the Shire's Sustainable Communities Group, including the Director, Joe Cauchi and Linda Wimetel.

RECOMMENDATION

1. THAT COUNCIL ESTABLISH AS A SECTION 86 COMMITTEE OF THE LOCAL GOVERNMENT ACT 1989 A SPECIAL COMMITTEE TITLED "MORNINGTON PENINSULA FRIENDS OF LOS PALOS, EAST TIMOR COMMUNITY SPECIAL COMMITTEE" KNOWN AS THE "FRIENDS OF LOS PALOS, EAST TIMOR COMMUNITY COMMITTEE".
2. IN EXERCISE OF THE POWERS CONFERRED BY SECTION 86 OF THE LOCAL GOVERNMENT ACT 1989, COUNCIL RESOLVES THAT:
 - A. FROM THE DATE OF THIS RESOLUTION, THIS COMMITTEE IS ESTABLISHED;

**Establishment of Section 86 Committee of Management –
Mornington Peninsula Friends of Los Palos East Timor Special
Committee (0190/030/070)**

ITEM NO. 2.11

RECOMMENDATION (CONT'D)

2. (Cont'd)

B. THE FOLLOWING PERSONS BE APPOINTED TO THE COMMITTEE:

- DR. DAVID PRICE CHAIR
- CR. BILL GOODREM DEPUTY CHAIR
- MS MAY KENTISH DEPUTY CHAIR
- MS. FRANCES RULE SECRETARY
- MS. GENEVIEVE ROGERS ASSISTANT SECRETARY
- MS LINDA WIMETAL TREASURER
- MRS. HELEN HENDRY ASSISTANT TREASURER

FOR A PERIOD OF THREE YEARS FROM THE DATE OF THIS RESOLUTION;

C. THE MEMBERS OF THE COMMITTEE BE EXEMPTED FROM BEING REQUESTED TO SUBMIT A PRIMARY OR ORDINARY RETURN PURSUANT TO SECTION 81(2A) OF THE LOCAL GOVERNMENT ACT 1989;

D. THERE BE DELEGATED TO THE COMMITTEE THE POWERS, DUTIES AND FUNCTIONS SET OUT IN THE ATTACHED INSTRUMENT OF DELEGATION; and

E. THAT THE COMMON SEAL OF THE MORNINGTON PENINSULA SHIRE COUNCIL BE AFFIXED THE INSTRUMENT OF DELEGATION.

3. THAT COUNCIL ACKNOWLEDGE AND REAFFIRM ITS FRIENDSHIP RELATIONSHIP WITH THE PEOPLE OF LOS PALOS AND SURROUNDING AREAS.

COUNCIL DECISION

MOVED: CR. GIBB
SECONDED: CR. JARMAN

THAT THE RECOMMENDATION BE ADOPTED.

CARRIED

ATTACHMENT

Establishment of Section 86 Committee of Management –
Mornington Peninsula Friends of Los Palos East Timor Special
Committee (0190/030/070)

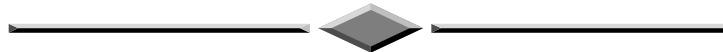
ITEM NO. 2.11



COMMITTED TO A
SUSTAINABLE
PENINSULA

INSTRUMENT OF DELEGATION

MORNINGTON PENINSULA FRIENDS OF LOS PALOS EAST TIMOR COMMUNITY SPECIAL COMMITTEE



In exercise of the power conferred by Section 86 of the Local Government Act 1989, the Mornington Peninsula Shire Council ("Council") delegates to the Mornington Peninsula Friends of Los Palos East Timor Community Special Committee (being a Special Committee established by resolution of Council) the powers, duties and functions set out in the Schedule,

AND declares that:

- (1) this Instrument of Delegation is authorised by a resolution of Council, passed on 18 October 2004; and
- (2) the delegation:-
 - (a) comes into force immediately the Common Seal of Council is affixed to this Instrument of Delegation;
 - (b) remains in force until Council resolves to vary or revoke it;
 - (c) is subject to any conditions and limitations set out in the Schedule; and
 - (d) is to be exercised in accordance with any requirements, directions, guidelines or policies which Council from time to time adopts.

ATTACHMENT

Establishment of Section 86 Committee of Management –
Mornington Peninsula Friends of Los Palos East Timor Special
Committee (0190/030/070)

ITEM NO. 2.11

SCHEDULE

(1) Powers and Functions

To exercise Council's functions and powers and to perform Council's duties in relation to the management of the Mornington Peninsula Friends of Los Palos East Timor Community Committee in accord with the following 'Statement of Friendship' and guiding documents.

- (a) The people of the 'Mornington Peninsula Friends of Los Palos East Timor Community Committee':

Seek to build and develop a lasting friendship relationship between our community and the community of Los Palos East Timor, based on:

- mutual respect;
- goodwill and co-operation; and
- recognition of human rights.

We share a common vision for both women and men in our communities, and for social structures that support and facilitate the

- strengthening of citizenship;
- peace building, reconciliation, and reconstruction;
- well-being of residents and community cohesion; and
- achievement of collective aspirations.

In solidarity and in the spirit of friendship we offer practical assistance and support in recognition of the heroic struggle for self-determination of the East Timorese people.

In doing so we enrich our own understanding of participatory democracy, sustainable development and our place in the global community.

- (b) Project proposals should:

1. Be consistent with the guiding principles expressed in the Statement of Principles for Victorian Local Governments working with communities in East Timor (as detailed in clause "c").

ATTACHMENT

Establishment of Section 86 Committee of Management –
Mornington Peninsula Friends of Los Palos East Timor Special
Committee (0190/030/070)

ITEM NO. 2.11

SCHEDULE (CONT'D)

(1) Powers and Functions (Cont'd)

(b) (Cont'd)

2. Not duplicate or hinder the work of other organisations. (Innovative and creative partnerships between community organisations both here and in East Timor are to be highly regarded. Collaboration with other organisations on larger projects should also be encouraged.)
3. Focus on the needs which have already been identified by the East Timorese, with specific reference to the Los Palos community and their leadership. (This may be demonstrated by referring to relevant consultation, research, reports and other up to date resources.)
4. Ensure that the project design, monitoring and implementation be culturally-sensitive and gender-responsive, encourage grass roots involvement and be consistent with community development practices.
5. Empower the East Timorese people to be involved in decision making processes and to take an active and leadership role in project development and implementation
6. Ensure that the projects include delivery of benefits to the most vulnerable individuals or groups in the community
7. Provide opportunities for women's self-empowerment through involvement in project development and implementation.
8. Ensure that the projects are socially, economically and environmentally sustainable.
9. Ensure that the nature of the proposed project be clearly described and informed by sound social economic, environmental and ethical analysis.
10. Be in writing and include clearly-defined aims, objectives, strategies, budget, time-lines and method of regular reporting and evaluation, such proposals to be submitted to committee members with reasonable time for consideration prior to monthly committee meetings.

ATTACHMENT

Establishment of Section 86 Committee of Management –
Mornington Peninsula Friends of Los Palos East Timor Special
Committee (0190/030/070)

ITEM NO. 2.11

SCHEDULE (CONT'D)

(1) Powers and Functions (Cont'd)

(b) (Cont'd)

11. Give preference to projects that are reconstructive in nature; however, projects designed to respond to emergency situations as they arise may also be considered in light of existing resources and capacity to respond.
12. Not include community-raised funds in any overseas travel component, such funds being expressly excluded from use for overseas travel. (Overseas travel may be funded by separate, dedicated fund-raising activities undertaken for and expressed to be for that purpose by individuals of the Committee.)

These guidelines should be regularly reviewed and evaluated.

(c) ***The Statement of Principles for Victorian Local Governments working with communities in East Timor, identified the following key principles:***

- A lasting friendship shall be built on a partnership of mutual respect. This friendship shall at all times respect and value local as well as national cultures and decision-making processes;
- The knowledge and expertise of local governments in Victoria shall be shared through partnerships with the people of East Timor;
- This agreement welcomes East Timor as a close neighbour of Australia at all levels of democratic government;
- Material contributions by local governments in Victoria to the rebuilding of the nation of East Timor shall most effectively be provided in consultation and co-operation with the local as well as national representatives of the people of East Timor;

ATTACHMENT

Establishment of Section 86 Committee of Management –
Mornington Peninsula Friends of Los Palos East Timor Special
Committee (0190/030/070)

ITEM NO. 2.11

SCHEDULE (CONT'D)

(1) Powers and Functions (Cont'd)

(c) (Cont'd)

- Recognising the need to supplement the contribution of the United Nations, other international agencies and non-government organisations the parties now wish to implement community to community partnerships; and
- We shall respect and honour the efforts of all those Victorians and East Timorese who in the spirit of democratic endeavour work to improve the quality of life of their communities.

ATTACHMENT

Establishment of Section 86 Committee of Management –
Mornington Peninsula Friends of Los Palos East Timor Special
Committee (0190/030/070)

ITEM NO. 2.11

SCHEDULE (CONT'D)

(2) Membership

- (a) 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 Council.
- (b) 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 year period applicable to the member whose retirement or death caused the vacancy.

(3) Pecuniary Interest

Each member of the Special Committee is exempt from the requirement to submit a primary return or an ordinary return under Section 81 of the Local Government Act 1989.

(4) Exceptions, Conditions and Limitations

- (a) The Special Committee is not authorised by this Instrument to:
 - (i) delegate any of the powers herein delegated to it by the Council;
 - (ii) declare a rate or charge;
 - (iii) borrow money;
 - (iv) enter into contracts for an amount exceeding \$5,000;
 - (v) incur any expenditure exceeding \$5,000;
 - (vi) employ any person without the approval of the Council;
 - (vii) pay any remuneration to any member for carrying out any of his/her duties as a member of the Special Committee except with the approval of the Council (or with the written approval of the Director – Sustainable Communities). An honorarium is not considered remuneration when it is an annual lump sum payment to a person or persons that does not exceed \$500.00;
 - (viii) any prescribed power.

ATTACHMENT

Establishment of Section 86 Committee of Management –
Mornington Peninsula Friends of Los Palos East Timor Special
Committee (0190/030/070)

ITEM NO. 2.11

SCHEDULE (CONT'D)

(5) Disputes

In the event of any dispute between the Committee and any organisation, club, or other party, any party to the dispute may refer it to the Council for determination and in such event the decision of the Council shall be deemed to be the final decision for and on behalf of the Committee.

Notwithstanding anything else herein contained, the Council or Director – Sustainable Communities may at any time terminate the office of any or all of the members of the Committee.

THE COMMON SEAL OF)
THE MORNINGTON PENINSULA)
SHIRE COUNCIL was hereunto)
affixed in the presence of:)

..... Councillor

..... Manager Governance and Corporate Support