

HORSHAM RURAL CITY COUNCIL

INSTRUMENT OF DELEGATION KANAMAROO FESTIVAL COMMITTEE OF MANAGEMENT

Horsham Rural City Council (Council) delegates to the special committee established by resolution of Council and known as the Kanamaroo Festival Committee of Management 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 4 September 2017 and
- (2) the delegation
 - (i) comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - (ii) remains in force until Council resolves to vary or revoke it;
 - (iii) is subject to any conditions and limitations set out in the Schedule; and
 - (iv) is to be exercised in accordance with any guidelines or policies which Council from time to time adopts.

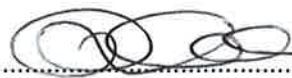
THE COMMON SEAL of the Mayor,


Councillors and Citizens of the

Horsham Rural City Council was affixed to

this Instrument of Delegation on

Date 4 September 2017 in the presence of:


.....Mayor


.....Chief Executive



HORSHAM RURAL CITY COUNCIL

INSTRUMENT OF DELEGATION
KANAMAROO FESTIVAL COMMITTEE OF
MANAGEMENT
SCHEDULE

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1. The Committee

The management and control of the Kanamaroo Festival (as defined in Section 17 of this schedule), is hereby delegated to the Committee of Management known as the Kanamaroo Festival Committee of Management (hereinafter referred to as “the Committee”).

2. Objectives

The objectives of the Committee are on behalf of the Horsham Rural City Council (hereafter referred to as “Council”) are to:

- (a) Co-ordinate, manage, and promote the Kanamaroo Festival for the benefit of the community within the Horsham Rural City and the broader region;
- (b) Raise and contribute funds for and towards the expenses for objective (a) above;
- (c) Advise and liaise with the Council in relation to the achievement of the foregoing objectives and in the planning of works and programs thereon;
- (d) Ensure Council policies and operating procedures are followed.

3. Powers/Functions/Objectives

The Committee shall be empowered on behalf of the Council to:

- (i) Raise funds, receive rental fees, admission charges, donations and any other contributions and expend same in order to carry out the objectives herein contained;
- (ii) Prepare and distribute publicity and materials for the promotion of the Festival;
- (iii) Prepare short and long term project plans for the Festival;
- (iv) Undertake a risk analysis of Festival planning and liaise with council officers to eradicate and/or minimize risk wherever possible;
- (v) Keep adequate records to ensure all income and expenditure are brought to account;
- (vi) Submit to Council each year an annual report of the activities and financial position of the Committee.

4. Powers Excluded

- a) The Committee is not empowered to:
 - i) Borrow money external to council (including the issue of debentures and promissory notes);
 - ii) Incur any bank overdraft; or
 - iii) Carry out, or permit to be carried out, any act which would or would be likely to render Council’s insurance policies invalid.

5. Committee Membership

- a) The Committee shall comprise of:
- i. 1 Councillor,
 - ii. Up to 12 community members.

Ex-Officio:

1 Council officer from Technical Services

1 Council Officer from Planning and Economic Development

Council officers from other Departments and community representatives as required may attend meetings from time to time for information and communication purposes.

- b) Members will be appointed to the Committee in name, by Council resolution for a four-year term. The Council shall, in making appointments, adopt the following approach:
- i. Expressions of interest will be sought by way of a public notice in the local newspaper, selected media outlets and on the Council webpage;
 - ii. Applicants should include details of community involvement, previous experience of committee membership and reasons for nominating for the Committee.
- c) If a designated representative is not able to attend a meeting, s/he can request of the Chairperson prior to the meeting via email or in writing, that a proxy representative be entitled to vote at the meeting;
- d) The Council may from time to time remove from the Committee any member and appoint another person in place thereof;
- e) The Council shall, in filling a casual vacancy on the Committee, maintain the representation of interests referred to in Section 5 (a);
- f) The Council shall appoint members to the Committee as soon as reasonably practicable after the date upon which the Annual Meeting referred to in Section 7 is held.

6. Meetings

6.1 Annual Meeting

- a) Council shall give notice to members of an annual meeting at least 21 days prior to the proposed meeting day. Council will insert a notice in a newspaper circulating in the area, and on Council website at least 14 days prior to the meeting;
- b) The Committee shall hold an annual meeting between 1 January and 30 September each year on a date fixed by the Committee. The annual meeting shall:
 - i) Receive a report of the Festival activities,

- ii) Receive an annual financial summary,
- iii) Receive the minutes of the previous annual meeting,
- iii) Receive nominations for membership of the Committee and forward these nominations to Council for appointment.

Note: If the Committee elects to hold the annual meeting before 30 June, the annual financial statement must be separately presented to Council.

- c) Office bearers:
 - i. All members of the committee are eligible to become Chairperson of the committee,
 - ii. The committee will also nominate members for the roles of Deputy Chair and Treasurer. A member of the Committee will fill each of the roles.
 - iii. The three nominated positions: Chairperson, Deputy Chair and Treasurer shall be deemed to be the Executive of the committee;
 - iv. As required, the committee can identify other roles either to be part of the Executive or to support the operation of the Festival.

6.2 Ordinary Meetings

- a) The Committee shall hold ordinary meetings during the year as necessary;
- b) The Chairperson shall liaise with the Council Officer, Technical Services in the calling of meetings. Notices of meetings will be placed on the Council's website and in the local paper. At least seven days' notice will be provided for scheduled ordinary meetings.
- c) If a member of the Committee fails to attend three consecutive meetings of the Committee without tendering an apology, or without having had a proxy attend in accordance with clause 5(c), the Committee may refer to Council for follow-up consequences;

6.3 Meeting Procedures

- a) The quorum at any Committee meeting shall be a majority of members of the Committee who are eligible to vote. No formal business shall be conducted unless a quorum exists;
- b) All other meeting procedures should follow Council's "Meeting Procedure" P04/143 as referenced in Council Local Law No.1 Governance.

7. **Finance**

- a) The Committee shall adopt 1 July to 30 June in each year as the financial year and all accounting functions shall conform with applicable Accounting Standards, the Local Government Act 1989 and relevant regulations made under that Act;
- b) The Committee shall operate a bank account in the name of the Kanamaroo Festival Committee of Management to exercise powers and functions delegated by this Instrument;
- c) Each year, the financial accounts of the Committee shall be audited by Council;

- d) All monies received by the Committee shall be promptly deposited into the Committee's bank account;
- e) Payments made by the Committee shall be authorised with a minimum of two signatories;
- f) The Committee may obtain an Australian Business Number (ABN), if it deems it to be necessary,
- g) The Committee shall determine if it wishes to register for the Goods and Services Tax (GST). The Committee must meet its own GST obligations and shall not purchase items in the name of Horsham Rural City Council;
- h) The Committee may use its funds for the following purposes:
 - i) to implement programs and activities as appropriate with the objectives of the Festival,
 - ii) to hire professional entertainers and contribute to the payment expenses of individuals and groups when approved by the Committee,
 - iii) general administrative expenses of the Committee, and
 - v) such other purposes as may from time to time be approved by the Committee in meeting its objectives.
- i) The Committee shall, as required, make its minutes and all other papers or documents available for inspection or audit by the Council's auditor, or other municipal officers authorised by Council,

8. Charges

The Committee shall at least once in each financial year recommend to Council a scale of charges for rental of stallholder space and amusement access to the Festival.

9. Staff

- a) The Committee shall not employ staff without the written approval of the Chief Executive of Council. Should written approval be granted, the Committee shall be responsible for payment of all overheads associated with such employment, including all appropriate insurances;
- b) Proposals by the Committee to employ staff shall be submitted in writing to Council for consideration.
- c) Notwithstanding the above, the Committee may pay a fee to people undertaking clearly defined responsibilities to support the delivery of the festival. Duties shall be defined in a Position description and must include the total amount payable by the Committee for the work completed.
- d) Where a fee is to be paid, the position must be advertised for a minimum of 14 days via media of the Council's choice.
- e) Regardless of the number of applicants, (one or more applicants) two members of the

Committee, one being from the Executive, one from the Committee and a Council Officer (Panel of three) must review the applicant/applications and determine whether the applicant or which of the applicants (if any) has the skills to perform the role.

- f) Prior to commencing duties, the successful applicant and two members of the Executive must sign the Position description.
- g) The successful applicant must provide the treasurer with an ABN before any payments can be made for duties performed.
- h) A copy of the signed Position description and a record of all payments associated with the role must be presented to Council with the annual financial statements.

10. Reporting to Council

The Committee shall be responsible for ensuring the following:

- a) A copy of the endorsed minutes shall be forwarded to Council within 14 days after each meeting;
- b) The Committee shall submit at its annual meeting (or as per 6.1(b) a report including the annual summary of accounts, previously checked by a Council Officer from Finance. The Chairperson shall be responsible for ensuring that the report of the annual meeting is lodged with Council by 30 September each year;
- c) Council must be advised in writing as soon as possible of the resignation of any member of the Committee;
- d) The Committee shall maintain a personal injury and loss and damage register and advise Council as soon as practical of any incidents which might give rise to legal proceedings.

11. Insurance

- a) Public Liability insurance shall be provided by Council at Council's expense to cover the Committee's activities whilst acting within the scope of their duties for and on behalf of Council, subject at all times to the terms and conditions of Council's Liability policy;
- b) The Committee shall ensure that each stallholder provides evidence of Public Liability Insurance cover;
- c) The Committee shall ensure stallholders not able to provide evidence of Public Liability insurance, pay a fee established by the Committee to contribute to a single event insurance cover arranged by the Committee.

12. Licensing Provisions

The sale and supply of alcoholic beverages must comply with relevant Liquor Licensing requirements, and must be in accordance with any rules laid down by the Committee and/or Council.

13. Permits

The Committee will obtain all required permits associated with the delivery of the Festival. Permits shall be available upon request for inspection during the days/times of the Festival.

14. Revocation

- a) This Instrument of Delegation may be revoked at any time by Council. Factors relevant to the issue of revocation include whether, in the view of Council, the Committee is managing the Festival in the best interest of the community and Council; or if Council Policy or strategic direction alters significantly;
- b) In the event of revocation, the Chairperson shall, not later than the date upon which revocation takes effect, arrange for:
 - i) a financial statement to be prepared, audited and presented to Council,
 - ii) the Committee's bank account be closed and the balance paid to Council.

15. Dissolution

- a) The Committee may, at any meeting, agree to disband by each member resigning by notice in writing given to the Council;
- b) In the event of dissolution, the Chairperson of the Committee, shall, no later than the date upon which such dissolution would become effective, arrange for:
 - i) a financial statement to be prepared, audited and presented to Council,
 - ii) the Committee's bank accounts be closed and the balance paid to Council.

16. Communications

Appendix 1 shall form the basis of communication between the Committee and Council.

17. Correspondence

Unless otherwise stated all correspondence with Council should be via the Executive Assistant to the Director Corporate Services.

18. The Festival

The Festival is a family friendly low cost community event, held annually on the Friday of the last weekend in November.

The Festival is held along the length of Firebrace St, Horsham and involves street closure between the Wilson and Baillie St boundaries and partial closure of streets along the described section of Firebrace St. Closure of the streets is generally from 5pm – 10pm.

From time to time the Festival may be extended to include additional days of the weekend. If the Festival is extended to Saturday and/or Sunday, the event will generally be held on the northern side of the Wimmera River in the Sawyer Park area.

APPENDIX 1 – COMMUNICATIONS

Horsham Rural City Council is committed to working in an open and harmonious way with the community. As such Council will:

- a) Seek to manage service delivery to meet the expectations of the community within the resources available; and
- b) Be open and transparent in its dealings with the community.

This protocol seeks to define how Horsham Rural City Council and the Committees of Management of Council facilities will communicate.

Council will:

- Assist the Committee in the development and implementation of processes that support the safe delivery of the Festival,
- Assist Committee with identifying funding opportunities,
- Respond to requests/letters from the Committee within fifteen working days,
- Advise the Committee of any decisions or matters that will restrict or impinge on the use of Firebrace St and/or Sawyer Park within 24 hours of the decision,
- Provide the Committee with a list of Council officers authorised to be the contact person for specific matters and concerns,
- Meet with Committee annually to discuss matters of mutual interest and concern,
- Explain any decisions that affect the Committee in respect to the delivery of the Festival,
- Assist the Committee with the development of media releases,
- Provide training to assist the Committee as required.

The Committee of Management will:

- Advise Council's Executive Assistant to the Director of Corporate Services of the contact details of Committee members,
- Discuss any matters regarding the Instrument of Delegation with Council's Executive Assistant to the Director of Corporate Services,
- Raise with Council's Technical Services Department any concerns or matters relating to the delivery of the Festival,
- Consult with Council's Risk Management Coordinator regarding issues and questions of insurance,
- Liaise with Council's Grant's Officer regarding funding applications the Committee may plan or apply for,
- Not seek to obstruct Council contractors or Council staff when carrying out their duties.

If the Committee is dissatisfied with communications, they may discuss their concerns with the Director Corporate Services on 5382 9785. If after these discussions with the Committee of Management is still dissatisfied with that outcome they can then write to the: Chief Executive, Horsham Rural City Council, PO Box 511, HORSHAM, VIC, 3402.