

6.2.6 Transition of Section 86 Committees

File Reference: 65-25-6
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Recommendation(s)

That Council in exercising its power conferred by Section 65 of the Local Government Act 2020 (the Act), Council resolves that:

1. On and from 1 September 2020 there be established as Community Asset Committee the following Committees:.
 1. **HALL COMMITTEES**
 - Bunyip
 - Cardinia
 - Clematis
 - Garfield
 - Gembrook Community Centre
 - Koo Wee Rup Community Complex
 - Lang Lang Memorial
 - Lilypond House
 - Modella
 - Nar Nar Goon North
 - Yannathan
 - RECREATION RESERVES**
 - Cardinia
 - Chandler
 - Gembrook
 - Garfield
 - Huxtable Rd Horse Riding Reserve
 - Josie Bysouth
 - Lang Lang Community
 - Maryknoll
 - Mountain Road
 - Officer
 - Pound Road
 - Rythdale Hall & Recreation Reserve Committee
 - Sutherland Park Recreation Reserve Committee
 - Worrell
 - Yarrabubba
 - OTHER**
 - Bunyip Auditorium
 - Nobelius Heritage Park & Emerald Museum
- 2.
- 3.
- 4.

2. The purpose of the Committee is to manage the respective Hall, Recreation Reserve, Heritage Park & Museum or Auditorium as detailed in the title to the Committee
3. The members and office bearers of the Committee shall be those members serving on the existing Section 86 Committee as at 1 September 2020
4. A quorum of the Committee shall be one more than half of the total number of members of the Committee.
5. All members of the Committee have voting rights on the Committee.

- **Cardinia Access and Inclusion Advisory Committee**

That Council resolves that:

1. On and from 1 September 2020 there be established as an Advisory Committee the Cardinia Access and Inclusion Advisory Committee (CAIAC)
2. The purpose of the Committee is to
 - a. Monitor and review Council's Access and Inclusion Policy and Action Plan
 - b. Provide information and timely advice to Council on issues impacting upon people with a disability which prevent their full inclusion in community life
 - c. Have input and participation in strategic planning issues affecting people with a disability in the Shire
3. The members and office bearers of the Committee shall be those members serving on the existing Section 86 Committee as at 1 September 2020
4. A quorum of the Committee shall be one more than half of the total number of members of the Committee.
5. All members of the Committee have voting rights on the Committee.

Attachments

Nil

Executive Summary

To resolve to appoint the existing Section 86 Recreation Reserve, Halls and Heritage Park and Museum Committees as Community Asset Committees under the provisions of the Local Government Act 2020, and appoint the Cardinia Access and Inclusion Advisory Committee as an advisory with no delegated powers.

Background

Council has previously resolved to appoint various Committee to manage community assets under the provisions of Section 86 of the 1989 Local Government Act. With the introduction of the Local Government Act 2020 these committees cease to have any delegated powers from 1 September this year.

To allow these Committees to continue to manage the relevant community asset it is necessary to create them as Community Asset Committees under the provisions of Section 65 of the Local Government Act 2020.

Once they have been established the Chief Executive Officer is then able to delegate various powers and duties to the Committee so that they are able to undertake the task required of them.

The powers and duties are proposed to be the same as the Committees previously enjoyed and no additional powers are proposed to be delegated to them.

A draft Governance Manual for Community Asset Committees has been prepared which is currently being reviewed by relevant staff. It is proposed that the CEO adopts this manual as part of the process to delegate to the Committees.

This Manual includes all matters raised by the recent Internal Audit into the management of Council Committees.

In regard to the Cardinia Access and Inclusion Advisory Committee the new Local Government Act is silent on Committees other than Delegated Committees (eg Town Planning Committee) and Community Asset Committees. Council is able to establish any other committee that meets its needs, provided it has no delegated powers and does not manage a community asset on behalf of council.

It is suggested that Council appoint the Cardinia Access and Inclusion Advisory Committee (CAIAC) as an advisory committee with the same purpose and structure as the current committee.

Policy Implications

It has been Council Policy to appoint Committees to manage Council facilities on behalf of the Council

Relevance to Council Plan

Transitioning these committees is consistent with the Council Plan goals to:

- Provide active and passive recreation facilities to meet the needs of residents.
- Increase opportunities for residents to participate in a range of sport, recreation and leisure activities.
- Recognise, support and promote the value of volunteerism in our communities

Climate Emergency Consideration

Nil.

Consultation/Communication

All of the Committees mentioned above have been advised of the implications of the repeal of Section 86 of the Local Government Act and the intention to recreate the committee as a Community Asset Committee. No objections to this proposal have been received.

Financial and Resource Implications

It is not anticipated that there will be any financial implications associated with the creation of Community Asset Committees.

Conclusion

As Section 86 of the Local Government Act 1989 has been repealed it is necessary for these Committee to be created as Community Asset Committees under the provisions of the Local Government Act 2020 to allow them to continue to manage the community asset on behalf of the Council.