



## **INSTRUMENT OF DELEGATION COUNCIL TO SPECIAL COMMITTEE OF COUNCIL**

Whitehorse City Council ('Council') delegates to the Special Committee established by resolution of Council passed on 29 October 2001 and known as the 'Special Committee' ('the Committee'), the powers and functions set out in the Schedule, and declares that:

- 1 This Instrument of Delegation is authorised by a resolution of Council passed on **21 August 2017**.
- 2 The delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation; and
  - 2.2 replaces any previous Instrument of Delegation concerning the matters listed in the Schedule to this Instrument; and
  - 2.3 remains in force until Council resolves to vary or revoke it; and
  - 2.4 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
- 3 The Committee may not make a decision in the exercise of delegated power, duty or function unless the subject matter of the decision is an item on an agenda for the Committee meeting that was circulated to each Councillor at least 48 hours prior to the Committee meeting; and
- 4 If, prior to the commencement of the Committee meeting at which the item is to be considered, a Councillor gives a written notice to the Chairperson of the Committee that he or she requires the item to be determined by the Council:
  - 4.1 the Committee may consider, debate and make a recommendation in relation to the item but must not make a decision on the item in the purported exercise of the delegated power, duty or function; and
  - 4.2 the Chairperson must arrange to place the item on the agenda for the next Council meeting.

**THE COMMON SEAL of the** )  
**WHITEHORSE CITY COUNCIL** )  
**was hereunto affixed this** )  
**day of 2017** )  
**in the presence of:** )

..... **Councillor**

..... **Chief Executive Officer**



## **SCHEDULE TO INSTRUMENT OF DELEGATION COUNCIL TO SPECIAL COMMITTEE OF COUNCIL**

### **Powers and Functions**

To exercise Council's functions and powers and to perform Council's duties in relation to the management of the City and for those purposes:

### **Purpose**

The purpose of this Instrument of Delegation is to enable the Special Committee of Council to:

- 1 enter into contracts, and to incur expenditure; and
- 2 do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers.

### **Exceptions, conditions and limitations**

The Committee is not authorised by this Instrument to:

- 1 enter into contracts, or incur expenditure, for an amount which exceeds the approved budget;
- 2 consider any planning matters;
- 3 exercise any function or power or perform any duty if it is something which Council has previously designated as something which must be the subject of a resolution of Council; or
- 4 exercise the powers which, by force of section 86 of the Act, cannot be delegated.



## **SPECIAL COMMITTEE OF COUNCIL CHARTER**

### **Brief Description:**

This Committee of Council comprises all Councillors and the Committee has delegated decision making power from Council and is a Special Committee in accordance with Section 86 of the Local Government Act 1989. The provisions of Council's Local Law relating to Meeting Procedures, as applicable to the Special Committee apply to Committee meetings.

The Mayor shall be the Chair of all Special Committee meetings and in the absence of the Mayor, a Chairperson shall be elected by a majority of Councillors present at the meeting.

### **Role:**

An important role of the Committee is to enhance the consultative process and facilitate public participation and involvement in meetings of the Committee in accordance with Council's Council Plan strategies – good governance, its Meeting Procedures and Common Seal Local Law 2013

The Committee shall operate in accordance with its Instrument of Delegation. By way of example, the Committee may do the following:

- Note Information Reports, and
- Consider proposals requiring community input and consultation, such as master plans, studies on policy development and draft local laws.

The Order of Business shall include:

- (a) Welcome and apologies (including requests for leave of absence)
- (b) Declaration of Conflict of Interests
- (c) Confirmation of Minutes
- (d) Public Submissions
- (e) Reports from Officers
- (f) Other Business
- (g) Public Comment
- (h) Confidential items

'Other Business' shall include matters raised by Councillors which require a decision of the Special Committee, such as requests for a future report or specific action and which are not detailed on the agenda for the Special Committee. Preferably all matters of other/general business should be in writing, be read aloud in full by the mover, and seconded in accordance with Council's Meeting Procedure and Common Seal Local Law 2013 and then submitted to the Committee Officer.

Requests for administrative actions, tabling of correspondence or comments for noting should be referred directly to the Chief Executive Officer and not raised as matters of other/general business.

All delegations must be read in conjunction with this document and any other policies and guidelines that may be adopted by the Council from time to time.

### **Amendment to Charter:**

This Charter and the Instrument of Delegation to the Committee may be amended from time to time by resolution of Council.

### **Attendance**

In addition to all Councillors, the Chief Executive Officer, General Managers and officers with a specific interest or involvement in a report shall attend the meeting.

The meeting shall be open to interested members of the public, unless closed to the public as resolved by the Committee to consider such matters as listed in Section 89 of the Local Government Act.

Minutes of the meeting shall be kept in accordance with Council's Meeting Procedure Local Law and submitted to the Committee for confirmation at its next meeting as provided for in the Local Law.



## GUIDELINES SPECIAL COMMITTEE OF COUNCIL

### OBJECTIVE

To enhance the consultative process and facilitate public participation and involvement of the community in Council decision making in accordance with Council's Corporate Plan strategies – good governance.

### PURPOSE OF GUIDELINES

To facilitate public participation and involvement in meetings of the Special Committee. These Guidelines complement Council's Meeting Procedures and Common Seal Local Law 2013.

### PROVISION FOR PUBLIC PARTICIPATION

The public has two opportunities to participate in this meeting – either by a submission which may be heard at the start of the meeting, (i.e. **Public Submissions**, refer below) or if the item is on the agenda, immediately prior to consideration of the item, and by **Public Comment** later in the meeting. There is no public interjection during the meeting and speakers are heard in an orderly manner.

#### Public Submissions:

A submission may be made on any matter, providing it is not in contravention of Council's Meeting Procedures and Common Seal Local Law 2013.

A maximum of 10 speakers will be permitted to make a submission and they will be determined in order of registration.

No individual submission shall exceed three minutes.

Where submissions have been made, under the provisions of any statutory process, further submissions shall not be heard, unless the matter is listed as an item of business on the Special Committee of Council agenda.

#### Procedures for Public Submissions:

Persons wishing to make a submission to the Special Committee on matters other than land planning matters must directly notify the Committee Clerk, Civic Services Department by 4pm on the day of the meeting and register to speak, by telephoning 9262-6337. The person who registers to speak shall be the person who will make the submission to the Special Committee.

Persons wishing to make a submission to the Special Committee on any land use planning matter must directly notify the Committee Clerk, Civic Services Department, at least five working days prior to the day of the meeting and register to speak by telephoning 9262-6337. The person who registers to speak, shall be the person who will make the submission to the Special Committee.

At the time of registering to speak, that person must indicate whether he or she will be speaking in support of or opposition to any planning permit application or Planning Scheme Amendment (or proposed planning permit application or proposed Planning Scheme Amendment). The Special Committee must not listen to or read anything said by that person unless it is satisfied that, at least four working days before the day of the Special Committee Meeting, a member of Council staff has contacted the person(s) whose interests are inimical to the person who has registered to speak (eg has contacted the planning permit applicant if the person who has registered to speak has indicated that he or she will speak in opposition to the grant of a planning permit application) and invited the first-mentioned person (or a person authorised by him or her) to also register by 4pm on the day of the meeting to attend the Special Committee Meeting and speak.

Persons wishing to table written material must provide 15 copies to the Committee Clerk prior to the commencement of the meeting to enable distribution to Councillors prior to the start of the meeting. No material will be distributed during the meeting by any person, including Council staff.

Requests to speak will be registered strictly in the order of receipt. Speakers for topics not listed on the Special Committee Agenda for the meeting will be heard first, then speakers who wish to cover more than one topic (3 minutes in total, not 3 minutes per topic).

In instances where a number of persons wish to address the Special Committee on the same matter, the Chairperson at his or her discretion may request they nominate a speaker/speakers to represent them.

In accordance with Clause 48.5 of Council's Meeting Procedures and Common Seal Local Law 2013, it is not necessary for Standing Orders to be suspended to allow a person to address the Special Committee, subject to compliance with these Guidelines.

#### **Public Comment:**

After the "Other Business" Section of the meeting has concluded, the Mayor will invite members of the gallery to indicate by show of hands if they wish to make a comment. *Only matters pertaining to this evening's meeting are to be commented on, (i.e. a Council Officer report or presentation, and any "Other Business" matters) and a 3 minute period per speaker applies.* A maximum period of 15 minutes shall be provided for public comment. The Mayor will call individuals forward to be heard and they should begin by clearly stating their name. This is a period for comment, not questions or debate *and there is no opportunity for any further **Public Submissions***

#### **ADOPTION AND AMENDMENT OF THESE GUIDELINES**

These guidelines were adopted by resolution of Council dated 21 August 2017 and may be further amended by resolution of Council from time to time. The Chairperson at his or her discretion may vary procedures under these Guidelines, at any meeting of the Special Committee.

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