

GREATER BENDIGO CITY COUNCIL

MANAGEMENT AGREEMENT

BENDIGO EASTER FESTIVAL COMMITTEE OF MANAGEMENT

CONFERRING ROLES AND RESPONSIBILITIES

**PURSUANT TO THE PROVISIONS OF SECTION 86 OF THE
LOCAL GOVERNMENT ACT 1989.**

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Preamble

The Greater Bendigo City Council (hereafter called "the Council"), pursuant to Sections 86 and 88 of the Local Government Act 1989, hereby confers upon a Committee of persons to be known as the Bendigo Easter Festival Committee of Management (hereinafter called "the Committee"), the powers and functions as specified below.

Objectives of the Committee

The objective of the Committee is to organise, stage and conduct the Bendigo Easter Festival (hereinafter called "the Festival") in accordance with the terms and conditions set out in the Agreement (hereinafter called "the Agreement") between the Committee and the Council.

Powers and Functions

The Committee's powers and functions relate to operational, logistical and management for the staging and conduct of the Festival and associated activities.

Powers and Functions are conferred in the following areas:

Ceremonies and Cultural

- o To organise ceremonies and other social events, as required for sponsors, community members and other stakeholders before, during and after the Festival, if required
- o Presentation of a policy for Council approval which outlines cultural objectives of the Festival, acceptable parameters in relation to social and political comment
- o The Committee will be charged with the responsibility of adopting a theme for each Festival, and for the necessary creative input associated with the staging of the Festival

Operational

- To plan and organise all aspects associated with the staging of the annual Festival
- With the assistance and support of Council's Risk Management staff, to oversee safety and security of the general public
- To put into place risk management procedures which will serve to mitigate potential liability in relation to the conduct of the programs and activities that comprise the Festival
- Liaise with a City of Greater Bendigo designated Manager, for the purposes of establishing an operations and logistics working group which will comprise representation from the Committee, together with appropriate Council staff who will provide support and advice in relation to matters associated with:
 - i. traffic management and control
 - ii. utilisation of Council-owned or controlled Buildings and Reserves
 - iii. waste management procedures
 - iv. promotion and marketing
- At the conclusion of each festival, provide a full report to Council outlining the activities and programs conducted; the financial performance of each program; how it was received by the community and visitors; any subsequent recommendations

Budget and Finance

- The Committee shall frame and recommend to Council, for approval, a detailed budget outlining financial requirements and sources of revenue, together with a detailed cash flow analysis, in respect to the conduct and staging of each Festival
- The Committee has the power to enter into any contract relating to income and expenditure that is within budget parameters approved by Council

Marketing and Fundraising

- The Committee will implement appropriate fundraising and marketing strategies in order to raise the necessary income from

sponsorship and donations, that are needed to offset expenditure requirements in respect to the conduct of the Festival

- The Committee will be at liberty to undertake promotional and fundraising activities under the name of the incorporated body, Bendigo Easter Fair Inc., which will be retained for that purpose
- The Committee will be at liberty to engage and talk to the media in respect to the creative direction, the organisation and any policies relative to the festival; and also at liberty to frame a media policy in this regard

3(b) Restrictions on Committee Powers and Functions

The following powers are not delegated to the Committee

- i) The power of delegation.
- ii) The power to borrow money (this limitation also applies to overdraft and credit facilities from credit institutions).
- iii) The power to enter into contracts in respect to any matter that is not within approved budget parameters.

3(c) Council Obligations

Human Resources

- o Council shall supply an adequate level of staffing resources to assist the committee in the planning, organisation and staging of the Festival, such level of resources shall be in accordance with budgetary allocation made by Council

Financial and Budgetary

- o The Council will process all financial transactions relative to the planning, organisation and conducting of the Festival in accordance with the approved budget and provide monthly reports to the Committee detailing financial transactions

Operational

- o The Council shall provide necessary staffing resources to assist in planning and delivery of the

- Festival, in accordance with the function of the operations and logistics working party, as outlined in Section 3(a) of this agreement
- o The Council will take out the necessary voluntary insurance to protect each individual voluntary member on the Committee and any other volunteer who registers his or her name with the committee, for the purpose of assisting the organisation and staging of the festival
 - o In compliance with Section 76 of the Local Government Act, the Committee is afforded cover under the definition of 'the Insured' in the CMP Public Liability and Professional Indemnity Insurance Policy operated by the City of Greater Bendigo whilst acting within the scope of their duties for and on behalf of the Council. The indemnity also extends to persons who provide a voluntary service to this Committee whilst acting within the scope of their duties.
 - o Should the festival produce a financial surplus, then Council will allocate that sum of money towards the operations of the festival for the ensuing year, or for any specific purpose as agreed between the Council and the Committee

4 Committee Membership

- a) The Committee shall comprise a maximum of eleven members (including the members of the Committee for the time being of the Bendigo Easter Fair Inc), appointed by Council resolution and one of these members shall be a Council nominee.
- b) A Committee member's term of office shall be for a period of one year.
- c) The Council may fill any casual vacancy on the Committee after consultation and agreement with the Committee.
- d) The Committee is empowered to declare a Committee member's position vacant if he/she fails to attend three consecutive meetings. This does not apply where a Committee member has applied for leave of absence previously granted by the Committee.

- e) The Committee will maintain an up-to-date register of its membership which will be supplied to Council upon request or at least annually. This register should include at least name, address and contact telephone number.

5 Meetings of the Committee

- a) The conduct of Committee meeting shall be as prescribed in Division 2 of Part 4 of the Local Government Act 1989 and any relevant Local Laws of the Council.
- b) The Chairperson shall call a Special Meeting forthwith upon receiving from any three members of the Committee, of which he or she may be one, a written request that such a meeting be so called. The request shall contain a statement of the purpose of the meeting. The meeting will be held on such date and at such time as is fixed by the Chairperson, being not sooner than seven (7) days nor later than twenty-one (21) days after the date on which the Chairperson receives the request. The Chairperson shall arrange for notice of the meeting to be given to all Committee members.
- c) The Secretary shall give notice of all meetings except Special Meetings to all Committee members in the manner directed by the Committee. The Committee may from time to time prescribe the mode of and time required for notice of meetings.
- d) The quorum at any Committee meeting shall be a majority of appointed members of the Committee.
- e) Members, including the Chairperson, present at a meeting of the Committee shall have one (1) vote on each matter before the Chair. In the event that voting on any matter is equal, the Chairperson shall have a casting vote.
- f) The Chairperson shall take the chair at all meetings which he/she is present. In his/her absence, the members present shall appoint one of their number to chair the meeting.
- g) Minutes shall be kept of proceedings at all meetings, and after confirmation, shall be signed by the Chairperson of the meeting at which they are certified as being confirmed. The Minute Book shall be made available to Council upon request.

6 Office Bearers

The Committee may appoint such Office Bearers as it sees fit. The Office Bearers of the Committee shall be the same as the Office Bearers of the Bendigo Easter Fair Committee Inc.

7 Termination

The Agreement may be terminated between the Council and the Committee, at the Council's discretion, following consultation with the Committee.

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This Deed of Delegation was prepared in accordance with a resolution of the Greater Bendigo City Council at its meeting held on

Councillor

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Chief Executive Officer

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Date: