

5.2. ESTABLISHMENT OF COMMUNITY ASSET COMMITTEE

Responsible Officer: Jarrod Doake, Chief Operating Officer

RECOMMENDATION

That the Council:

1. *Establishes the Monash Gallery of Art Community Asset Committee, under section 65 of the Local Government Act 2020*
2. *Appoints the following individuals to the Monash Gallery of Art Community Asset Committee:*
 - Natasha Bowness as Chairperson*
 - Val Brown*
 - Nick Fletcher*
 - Kirsty Grant*
 - Dr Milton Harris as Deputy Chairperson*
 - Kathryn Hendy Ekers*
 - David Rosetsky*
 - Matt Soulsby*
 - Cr Shane McCluskey*
 - Cr Josh Fergeus*
3. *Approves the Terms of Reference for the Monash Gallery of Art Community Asset Committee, as contained in Attachment 1 to this report.*
4. *Notes that the delegation to the Monash Gallery of Art Community Asset Committee by the Chief Executive Officer, will be made and take effect on 1 May 2020.*
5. *Approves Council's Meeting Procedures Local Law No.1 applying to the community asset committee until such time as Council adopts its Governance Rules.*

INTRODUCTION

This report addresses the proposed establishment of a Community Asset Committee under section 65 of the new *Local Government Act 2020*, to manage the Monash Gallery of Art.

BACKGROUND

The Monash Gallery of Art Committee of Management was established as a special committee under section 86 of the *Local Government Act 1989*.

The committee comprises members of the community and two councillors appointed by Council.

The chairperson of the special committee is not a Councillor.

The recently enacted *Local Government Act 2020*, does not provide for special committees to continue operating. It establishes two types of committees:

- A delegated committee, which must be chaired by a Councillor
- A community asset committee, appointed to manage a Council asset.

DISCUSSION

An extensive assessment of the options for the future management of the Monash Gallery of Art was undertaken, in regard to the new Act, with advice of Council's solicitors obtained, to ensure that the new Act's requirements would be met.

Proposal

It is proposed that Council:

- establishes a Community Asset Committee, under s.65 of the *Local Government Act 2020*, to manage the Monash Gallery of Art.
- appoints the current members of the Monash Gallery of Art Committee of Management, established under s.86 of the *Local Government Act 1989*, to the Monash Gallery of Art Committee of Management Community Asset Committee.

Community Asset Committees

Community Asset Committees are single purpose committees given the authority, under delegation from the Council's Chief Executive Officer, to manage council assets.

Examples of community assets include community centres, sporting facilities, reserves, etc.

It is arguable that a gallery, and the art in that gallery, are community assets and would therefore fall into the category of 'community asset'.

The purpose of Section 65 of the new Act, which relates to community asset committees, appears to cover a broad range of committees with community involvement.

A community asset committee obtains its delegations from the Chief Executive Officer. The delegation must include:

1. Any governance requirements the Council establishes to ensure appropriate standards of probity.
2. A requirement that the committee complies with those governance requirements
3. Monitoring and reporting of the activities and performance of the Community Asset Committee. The reporting will be to the Council.

It is proposed that the Chief Executive Officer's delegation be made on 1 May 2020, the day on which section 65 of the *Local Government Act 2020* comes into operation.

Terms of Reference

The proposed Terms of Reference to the committee are attached to this report.

The proposed Terms of Reference offer a high level of continuity to the Terms of Reference for the current s.86 committee, with amendments made in relation to references to the new Act, etc.

The establishment of a community asset committee to manage the Monash Gallery of Art offers continuity of responsibilities and activities, enabling the members of the current special

committee to continue their significant work in promoting the interests of the Gallery, under the new legislative framework introduced by the *Local Government Act 2020*.

Conduct of committee meetings

The *Local Government Act 2020* provides for the conduct of Council and designated committee meetings to be managed via Governance Rules, which must be adopted by 1 September 2020. Until that time, the current meeting procedures local law remains in operation.

The MGA special committee is required to conduct its meetings in accordance with the Meeting Procedures Local Law No.1.

In the interests of continuity and transparency, it is recommended that this local law applies to the new committee, until such time as the Governance Rules are adopted by Council, when it will be recommended that the Rules apply to the new committee.

CONSULTATION

Details of this proposed course of action, together with the proposed Terms of Reference were provided to the Chairperson and members of the MGA Committee of Management.

FINANCIAL IMPLICATIONS

There are no financial implications to this proposal.

CONCLUSION

It is recommended that the Council establishes the Monash Gallery of Art Community Asset Committee, under section 65 of the *Local Government Act 2020* and appoints the following individuals to the committee:

- Natasha Bowness as Chairperson
- Val Brown
- Nick Fletcher
- Kirsty Grant
- Dr Milton Harris as Deputy Chairperson
- Kathryn Hendy Ekers
- David Rosetsky
- Matt Soulsby
- Cr Shane McCluskey
- Cr Josh Fergeus

It is also recommended that Council approves the Terms of Reference for the Monash Gallery of Art Community Asset Committee, as contained in Attachment 1 to this report and notes that should Council establish the committee, the delegation to the Committee, as required by the *Local Government Act 2020*, will be made by the Chief Executive Officer and take effect on 1 May 2020.