Corryong Saleyards Advisory Committee
Memorandum of Understanding
In exercise of the power conferred by Section 3 of the Local Government Act 1989 ("The Act") the Towong Shire Council ("Council") establishes an Advisory Committee to be referred to as the Corryong Saleyards Advisory Committee ("the Committee"). This Memorandum of understanding sets out the agreed functions of the Committee and declares that:

1. This Memorandum of Understanding is authorised by a resolution of Council, passed on ________________________, and;

2. The Memorandum of Understanding:
   a. Comes into force immediately the agreement is signed by both parties;
   b. Remains in force until Council resolves to vary or revoke it;
   c. Is subject to any conditions of limitation set out in the Schedule;
   d. Is to be exercised in accordance with the guidelines or policies which Council from time to time adopts.

SIGNED ON BEHALF OF THE
TOWONG SHIRE COUNCIL

Chief Executive Officer

SIGNED
by the said CORRYONG SALEYARDS
ADVISORY COMMITTEE

Member

Member
SCHEDULE

The powers, duties and functions relating to the operation of the Corryong Saleyards Advisory Committee ("the Committee") shall be as set out as hereunder:

1. Establishment

1.1 The Advisory Committee to be known as the Corryong Saleyards Advisory Committee was established by resolution of Council on ________________.

2. Objectives

2.1 The Committee will be responsible for advising on the management of the Corryong Saleyards. This will include fostering community and commercial interest in its use. The facilities are deemed to include the land referred to as Lot 1 on Title Plan 591379 in the Parish of Towong and all improvements to the land that form the assets of the Corryong Saleyards as shown in Appendix 1.

2.2 The Committee will, in association with Council, ensure the facilities are maintained in a safe, clean, useable and accessible condition.

2.3 The Committee will, in association with Council, develop and improve the facilities, in order to promote industry within the district.

2.4 The Committee shall manage the Corryong Saleyards in accordance with the relevant standards, legislation, codes of practice and Council policies.

3. Composition of Committee

3.1 The Committee shall be comprised of:

- Two Livestock Agents;
- Two producers;
- Two community members (eg: transport operator, Chamber of Commerce member, etc.)
- Two Council representatives

Council will consider changes to the composition of the Committee upon recommendation by the Committee or as otherwise considered appropriate.
4. **Committee Formation and Appointments**

4.1 Council will establish the Committee through a public process.

4.2 A public notice in local newspapers shall seek nominations for vacant positions from interested parties.

4.3 Nominations shall be forwarded to Towong Shire Council by the due date for consideration by Council.

4.4 Council shall formally appoint members to the Committee at its discretion.

4.5 Council shall determine the term of appointment to the Committee which may be for any period up to two (2) years.

4.6 The Committee will be publically announced by Council.

4.7 Casual vacancies shall be filled as determined by Council. The Committee may be invited to provide recommendations on appointments for Council’s consideration.

4.8 Committee members may be required to complete Prescribed Returns in accordance with applicable legislation.

5. **Meetings**

5.1 Meetings of the Committee shall be held at regular intervals at a time and place determined by the Committee.

5.2 The conduct of meetings shall be governed by the Towong Shire Council Local Law No. 1 Meeting Procedures and Use of the Common Seal in general terms.

5.3 Minutes of meetings must be maintained in accordance with the Act and if taken by a member of the Committee a copy must be supplied to Council within fourteen days after each meeting.

5.4 In accordance with the Act Committee meetings must be open to the public except in circumstances where the meetings are closed to the public under Section 89(2) and 89(3) of the Act to discuss any of the following items:

   a. personnel matters;
   b. the personal hardship of a resident, ratepayer or facility user;
   c. industrial matters;
   d. contractual matters;
e. proposed developments;
f. legal advice;
g. matters effecting the security of Council property;
h. any other matters which the Council or Committee considers would prejudice the Council or any person;
i. a resolution to close the meeting to members of the public.

If the Committee resolves to close a meeting to the members of the public the reason must be recorded in the Minutes of the meeting.

6. Maintenance

6.1 The Committee shall ensure that all necessary maintenance and repairs required at the facility are reported to Council’s Director Technical Services as soon as practical with recommendations as to the remedial works required for consideration.

6.2 Cleaning services will be provided by Towong Shire Council.

6.3 Cleaning of the facilities will be co-ordinated by Towong Shire Council following booked activities and any other times as required.

6.4 If the Committee believes additional cleaning is required, this should be reported to Council’s Director Technical Services.

7. Insurance

7.1 Council shall maintain Public Liability and Professional Indemnity Insurance for the facility and for members of the Committee.

7.2 Council shall maintain insurance against damage or loss by theft, flood, fire, storm and tempest, miscellaneous or other extenuating perils to the full value of the facilities including buildings and their contents.

7.3 Towong Shire Council shall maintain appropriate records of assets for insurance purposes.

7.4 Towong Shire Council shall ensure that users of the facility take out sufficient public risk insurance to cover activities and that copies of appropriate insurances are obtained from users prior to use in accordance with Towong Shire Council policies and procedures.

7.5 Towong Shire Council shall ensure site risk assessments are conducted by a suitably qualified individual / firm at least annually to ensure a safe environment.
8. **Employment of Staff / Management**

8.1 The Committee is not delegated to employ staff.

8.2 Towong Shire Council will provide cleaning services and the services of an appropriate staff member (eg. Council’s Ranger) to assist at Special Sales.

9. **Finance**

9.1 Council will maintain the financial records for the Corryong Saleyards.

9.2 The Committee shall undertake an annual review of fees and charges and provide advice to Council on a recommended Schedule of Fees no later than December each year for consideration by Council.

9.3 The Committee shall advise on the following, which will be presented to Council in December each year for Council’s consideration and ratification:
   - an Operating Budget for the following financial year
   - an updated Long Term Financial Plan
   - a five year ongoing Maintenance Program
   - a five year ongoing Development Plan

10. **Council Policies**

10.1 The Committee must adhere to and ensure that users of the facility (where appropriate) adhere to Council policies and procedures including but not limited to:
   - Code of Conduct (including conflicts of interest)
   - Procurement Policy
   - Risk Management
   - Occupational Health and Safety
   - Use of the preferred contractors register
   - Annual Returns

10.2 The Committee will adhere to legislation including but not limited to:
   - Local Government Act 1989
   - Freedom of Information Act 1982
   - Privacy Act
11. General Accessibility

11.1 The Committee will, in association with Council, ensure that the facilities are made available to all residents of the district irrespective of municipal boundaries, commercial associations, or social association.

11.2 The Committee will advise on clear and transparent processes for the booking and use of the facility that will ensure bookings are handled in an equitable manner.

12. Consultative Procedures

14.1 Consultative arrangements between the Council and Committee shall be established upon request of either party should amendments be required to the "Memorandum of Understanding" or the powers, duties and functions as set out in this schedule.
APPENDIX 1.

Definition of the Saleyards area:

The area which is the subject of the Memorandum of Understanding is defined with the green line and includes:

- Pens
- Ramps
- Holding areas
- Weigh areas and equipment
- Shedding
- Office
- Tea rooms
- Carpark
- Settling ponds*

* Please note that a Trade Waste Agreement is in place with North East Water and the requirements of that Agreement are binding on Towong Shire Council. The settling ponds will need to be managed in accordance with North East Water and Environmental Protection Agency requirements.
Areas excluded from this agreement are outlined in red and numbered as follows:

1) Truckwash
2) Dump point
3) Public toilets.