



CONSTITUTION OF THE PATERSON SCHOOL OF ARTS **SEC 355 MANAGEMENT COMMITTEE**

Under Section 355 of the Local Government (NSW) Act 1993 a council may establish a committee to which the council delegates a specific function. Such Committees are considered agents of the council and are required to perform their delegated roles in accordance with the council's charter. This Constitution sets out the duties of the Committee to which is delegated the responsibility for the care, control and management of the Clarence Town Community Centre.

1. NAME

- 1.1 The name of the Committee shall be the Paterson School of Arts Committee

2. ROLE

- 2.1 The role delegated to the Committee is the care, control and management of the Paterson School of Arts in accordance with this Constitution and the Charter of Dungog Shire Council as described in Section 8 of the 1993 Local Government Act. The Charter of Dungog Shire Council is provided at Annexure "A" to this Constitution.

3. POWERS AND AUTHORITIES

- 3.1 The Committee shall have, by delegation from the Council under Section 355 of the Local Government Act (1993), the powers and authorities necessary for the proper pursuit of its objects, subject to the limitations imposed by the said Section 355, and to such limitations as the Council may by resolution from time to time impose. The Committee is responsible in particular for the following: -

- 3.1.1 Determine and allocate the use of the School of Arts by community groups and services.

- 3.1.2 Collect fees, inclusive of GST, from all user groups for the use of the Community Centre. The Committee shall base such fees on amounts fixed by Council following a recommendation of the

Committee. The fees are required to be reviewed annually and submitted to the General Manager not later than the 30th April in each year, being the date prior to the financial year in which the charges will apply.

The fees levied by the Committee shall be the income of the Committee. The Committee is responsible to maintain and repair the School of Arts to the best of its ability and out of its own funds, incurring no liability which exceeds funds available to the Committee to meet those commitments.

3.1.3 Paying of accounts for all electricity consumed.

3.1.4 Ensuring the School of Arts is maintained in a presentable standard (subject to the provisions concerning Council's responsibilities referred to hereafter).

3.1.5 Major repairs and maintenance of any of the facilities, to the value of \$5,000, may be carried out by the Committee from its own funds subject to liaison with Council on works proposed.

3.2 The Committee shall determine the use of the Centre in accordance with the following procedure:

3.2.1 All applications for usage of the Centre shall be made in writing to the Secretary.

3.2.2 Applications for usage are to be considered at a meeting of the Committee, to be convened as soon as is practicable after the application is received.

3.2.3 The Committee is to ensure that permanent tenants who are likely to be affected by the application are present at the meeting or, if this is not possible, that they have been consulted about the application.

3.2.4 The Secretary shall forward to the applicant a written response to the application, setting out the Committee's determination and the fees and conditions, which are applicable to the usage.

3.2.5 In cases where the applicant wishes to appeal against a decision of the Committee, he or she should do so in writing to the General Manager of the Council.

3.2.6 The Committee shall obtain evidence of public liability insurance from all organisations using the centre on a regular basis.

4. POWERS WHICH MAY NOT BE EXERCISED BY THE COMMITTEE

4.1 The fixing of any charges or fees, or the borrowing of any money.

4.2 The purchase, sale, exchange, leasing or surrender of any land or other property or the granting of any lease of land.

- 4.3 The acceptance of tenders.
- 4.4 Any application or notice to the Governor or the Minister.
- 4.5 The payment of travelling expenses.
- 4.6 Carrying out any major structural works in excess of \$5,000 to the School of Arts without the permission of Council.

5. RESPONSIBILITIES OF COUNCIL

- 5.1 Payment of water charges applicable to the Community Centre.
- 5.2 Payment of insurances of the School of Arts including public liability for casual users of the Centre (casual users are defined as users who do not use the Centre on a regular basis at a particular time or on a particular day. Council is not responsible for public liability for any activities organised or equipment used by regular users of the centre).
- 5.3 Provision of financial assistance to the Committee where possible and within the sums voted from Council's budget.
- 5.4 Pest control and inspections
- 5.5 Timely response and support to issues raised by the Committee in the carrying out of its duties under this Constitution

6. MEMBERSHIP

- 6.1 The Committee shall be appointed by Council and shall comprise any resident of shire above the age of 18 years. The committee shall up to 10 members consisting of office bearers, community members and a nominated ward councillor. Council representative may attend in an ex officio capacity.
- 6.2 The Committee shall annually elect from its members a Chairperson, Deputy Chairperson, Secretary and Treasurer annually at its Annual General Meeting. The Chairperson, Deputy Chairperson, Secretary and Treasurer shall form the executive of the Committee.
- 6.3 No person shall be a member of the Executive unless also a member of the Committee.
- 6.4 In the event of any user body not continuing its activities at the School of Arts the Committee member(s) of that user body must vacate membership by giving notice in writing to the Committee and to the General Manager of the council PROVIDED THAT if at a later time such user body recommences its use of the School of Arts then a

written application shall be made through the Committee to Council for a representative to be reinstated on to the Committee.

6.5.1 A user body may, if its nominated delegate is unable to attend, appoint an alternate delegate who shall have the same entitlements as its nominated delegate.

6.6 Members of the Committee and the Executive shall act and render services in an honorary capacity.

7. TERM OF OFFICE OF MEMBERS

7.1 Members of the Committee and the Executive shall hold office from the date of their appointment by Council until the following Annual General Meeting of the Committee unless earlier removed by the Committee or Council.

7.2 Members of the Committee and the Executive are eligible for re-election for successive terms.

8. EXTRA-ORDINARY VACANCIES ON THE COMMITTEE

8.1 Any Committee member who wishes to resign shall do so by giving notice in writing to the Secretary of the Committee who shall in turn provide written notice of the resignation to the General Manager of the Council.

8.2 In the event of an extra-ordinary vacancy on the Committee occurring as the result of the resignation of a user group representative the Secretary of the Committee shall invite the user body to nominate a replacement member and the Committee shall submit the name of such replacement member to the Council with its recommendation concerning such appointment for endorsement by the Council.

9. DISQUALIFICATION AND REMOVAL OF MEMBERS

9.1 Any member absent without leave from three consecutive Ordinary Meetings shall be subject to disqualification from membership.

9.2 The Committee may by resolution for what it considers to be sufficient reason, declare a member to be subject to special disqualification.

9.3 The Secretary shall report to the Council the facts of any ordinary or special disqualification, together with the recommendation, if any, of the Committee. The Council may remove any member of the Committee who is subject to ordinary or special disqualification. Members so removed shall not be eligible for re-appointment.

10. MEETINGS

- 10.1 The Committee shall conduct its meetings in accordance with the Code of Meeting Practice as prescribed by the Council, the main elements of which are described at Annexure "B" to this Constitution.
- 10.2 The Chairperson shall preside at all meetings of the Committee at which he or she is present and in his or her absence the Deputy Chairperson shall preside and if he or she also be absent the first business of every such meeting shall be to elect a Chairperson to preside over such meeting and for the purpose of so presiding shall have the powers of the Chairperson appointed by the Council.
- 10.3 In addition to his or her original vote the Chairperson shall in the case of equality of voting at any meeting of the Committee have second or casting vote.
- 10.4 Any five members of the Committee shall constitute a quorum.
- 10.5 The Committee shall decide on the day and time of its meetings, but shall meet at least once in each quarter.
- 10.6 Members of the Committee shall be given at least one weeks notice of an ordinary meeting.
- 10.7 Special meetings shall be called by the Secretary on the authority of the Chairperson or on a written requisition signed by not less than four members.
- 10.8 At special meetings business other than that for which the meeting was called shall not be transferred unless not less than two-thirds of the members are present, and those present unanimously consent to such other business being dealt with.
- 10.9 At least forty-eight hours notice of special meetings shall be given to all members of the Committee, but failure to receive a notice on the part of any member shall not affect the validity of any special meeting.
- 10.10 The Committee shall hold an Annual General Meeting in the first quarter of the new financial year, with business to include adoption of the minutes of the previous Annual Meeting, presentation of audited financial statements, election of the Committee for the coming year, presentation of an Annual Report of the Committee's activities for the year and any other item of business which has been advertised as being part of the meeting. A copy of the Minutes of the Annual Meeting is to be forwarded to the Council by 30th September.

11. FINANCIAL MANAGEMENT

- 11.1 The Treasurer shall keep proper account of the income and expenditure of the Committee and shall comply with any directions of the General Manager regarding the form and manner in which the books of account shall be kept.
- 11.2 All moneys received by the Committee shall be lodged within seven days in a bank account in the name of the Committee.
- 11.3 The Committee shall pay to the Council the amount of GST collected in each quarter, according to the procedures prescribed by the council.
- 11.4 Cheques drawn on the Committee's account shall be signed by two Executive Officers of the Committee, one of whom shall be the Chairperson.
- 11.5 The Committee must not incur liability for expenditure in excess of the amount to its credit at the Bank.
- 11.6 Expenditure may only be incurred in connection with the objects of the Committee.
- 11.7 Accounts for expenses of members shall not be paid until authorised by the Committee and all other expenditure of the Committee funds must be authorised or confirmed by the Committee.
- 11.8 The financial year shall be the period the 1st July to the 30th June, after which time the Treasurer shall arrange for the Committee's books to be audited prior to the Annual Meeting being held.

12. ANNUAL REPORTS, FINANCIAL STATEMENTS AND AUDIT

- 12.1 The Chairperson shall submit an Annual Report on the activities of the Committee to the Annual Meeting and shall send a copy to the Council by 30th September.
- 12.2 The Treasurer shall submit an audited Financial Statement to the Annual Meeting showing financial transactions that occurred during the financial period and statement of financial position as at the period end.
- 12.3 The Treasurer shall ensure that a copy of the audited Financial Statement is submitted to the Council by 30th September.

13. AUDITOR

- 13.1 The Committee shall appoint an appropriately qualified person to act as Auditor.

14. RECORDS

- 14.1 The Secretary shall be responsible for the correct recording of all proceedings of the Committee and for the safe keeping of the Committee's books and papers, other than books and records of account, and shall also be responsible for the conduct of correspondence on the Committee's behalf.

15. RULES OF CONSTITUTION

- 15.1 The Committee shall not have power to alter its rules of constitution.
- 15.2 The Committee may recommend to Council at any time alterations to this constitution, and the Council may by resolution alter, amend or rescind the whole or any part of the constitution.

ANNEXURE “A”

CHARTER OF COUNCIL

The Local Government Act (1993) has determined that the Charter of a local Council shall be:

1. To provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those facilities are managed efficiently and effectively
2. To exercise community leadership
3. To exercise its functions with due regard for the cultural and linguistic needs of its community
4. To promote and to provide and plan for the needs of the target groups as identified in Council's Community Plan- children, youth, aged, people with disabilities, people from different ethnic backgrounds, people with Aboriginal/Torres Strait Islander background, women and men.
5. To properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible
6. To have regard for the long term and cumulative effects of its decisions
7. To bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
8. To facilitate the involvement of Councillors, members of the public, users of facilities and services and council staff in the development, improvement and coordination of Local Government
9. To raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
10. To keep the local community and the State government (and through it, the wider community) informed about its activities
11. To ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
12. To be a responsible employer

ANNEXURE “B”

CODE OF MEETING PRACTICE

The Chairperson shall preside over meetings of the Committee.

Resolutions shall be moved, seconded and voted on by members of the Committee

The Secretary shall maintain accurate minutes of the proceedings of meetings, which shall include the following:

- Date, time and venue of the meeting
- Members present
- Apologies
- Adoption of minutes of previous meeting
- Business Arising
- Correspondence received
- Financial Report
- Other Business discussed by the Committee

The Treasurer shall provide a financial report to each meeting of the Committee, including expenditure, bank reconciliation, accounts to be paid and balance of account.

A resolution of the Committee is required for

- All items of expenditure
- Setting of fees
- Decisions regarding usage of the facility
- Improvements to the building
- Disciplining or expulsion of members
- Adoption of minutes and reports