



CONSTITUTION OF THE DUNGOG SHOWGROUND & RECREATION RESERVE 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 Dungog Showground & Recreation Reserve.

1. NAME

1.1 The name of the Committee shall be the Dungog Showground & Recreation Reserve Management Committee.

2. ROLE

2.1 The role delegated to the Committee is the care, control and management of the Dungog Showground & Recreation Reserve 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 facilities contained on the Reserve by the various groups providing that no full time occupation of the area shall be allowed by the Committee.

3.1.2 Collect fees, inclusive of GST, from all user groups for the use of the Showground & Recreation Reserve. 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 31st March in each year, being the date prior to the financial year in which the fees and 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 facilities on the Reserve 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 Reserve 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 Reserve in accordance with the following procedure:
- 3.2.1 All applications for usage of the Reserve 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 regular tenants who are likely to be affected by the application are to be 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 Reserve on an annual basis and shall forward such evidence to Council for record-keeping and control purposes.

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 Reserve without the permission of Council.
- 4.7 The waiving or reduction in any fees that are applicable to the facility.

5. RESPONSIBILITIES OF COUNCIL

- 5.1 Payment of water & sewerage charges applicable to the Reserve.
- 5.2 Payment of building insurances for insurable structures on the Reserve.
- 5.3 Inclusion of buildings into Councils pest control management contract with payment for inspections being met by Council.
- 5.4 Regular inspections of the Playground equipment contained within the Playgroup facility.
- 5.5 Council will undertake to slash/mow the facility up to a maximum of three occasions per annum upon request of the Committee. Should Council be required to undertake any additional slashings/ mowings then they will be charged to the Committee as private works at Councils standard plant and equipment hire rates.
- 5.6 Timely response and support to issues raised by the Committee in the carrying out of its duties under this Constitution.
- 5.7 Advertising and calling of any tenders or quotations associated with any works that may be required on the Reserve. Preparation of associated documentation is to be undertaken conjointly between Council and the Committee in conformance with Councils purchasing policy or Local Government Tendering Regulations.

6. MEMBERSHIP

The Committee shall be appointed by Council and shall comprise one (1) Councillor and up to six (6) community members that reside within Dungog Shire.

- 6.1 Members of the Committee and the Executive shall act and render services in an honorary capacity.
- 6.2 Council shall publicly advertise and call for nominations from the community for positions on the management committee.

- 6.3 The committee selection panel shall comprise, the General Manager, Mayor and one Councillor.

7. TERM OF OFFICE OF MEMBERS

- 7.1 Members of the Committee excluding the Councillor shall hold office from the date of their appointment by Council for a period of four years.
- 7.2 Members of the Committee are eligible for re-nomination 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 advise 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 Council will advertise within the local newspaper calling for nominations to fill the vacant position.
- 8.3 Upon closing of nominations the General Manager, Mayor and Chairperson of the Committee will review the nominations and recommend to the Council the appointment of a person to the committee.
- 8.4 Where the vacant position is that of the Councillor, the Council shall appoint a Councillor to fill the vacant position.

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 One half of the 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 positions 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 April to the 31st March, 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 June.
- 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 June.

13. AUDITOR

- 13.1 The Committee shall appoint an appropriately qualified person to act as Auditor.
- 13.2 In the event that the Committee does not appoint an Auditor then Councils Responsible Accounting Officer is to be notified in writing. Councils Responsible Accounting Officer will then either undertake the audit on behalf of Council or where necessary engage Councils independent auditor to undertake the audit where deemed appropriate.

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.

14.2 The Records of the Committee are the records of the Council.

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.

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

The Secretary shall maintain accurate minutes of the proceedings of meetings (including the recording of names of the mover and seconder of each motion), 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 recommendation 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

At the completion of each meeting a copy of the minutes shall be sent to Council.

Code of Conduct:

The Dungog Shire Council Code of Conduct applies to members of this committee and members need to be aware of their obligations particularly in relation to Conflicts of Interest and the need to declare such at the commencement of the meeting proceedings when notice of the Agenda items has been given otherwise during the conduct of the meeting where a conflict of interest may arise or may be perceived to exist by a third party.