



EWINGAR HALL MANAGEMENT COMMITTEE

having delegated power under the local government act, 1993

CONSTITUTION

1. Interpretation

Unless otherwise indicated:

“Council” means Clarence Valley Council

“Act” means the Local Government Act, 1993.

“Committee” means the Ewingar Community Sports & Recreation Centre

“Community Asset” means the Ewingar Hall Management Committee (formerly known as Ewingar Community Sports & Recreation Centre)

2. Relationship of the Committee and Council

The Committee is appointed under s.355 of the Act to carry out on behalf of Council the delegations set out in clause 8 and to make recommendations to Council regarding the care, control and management (subject to the Act) of the Community Asset.

3. Membership of the Committee

3.1 Subject to clause 4.3, the membership of the Committee shall be between four (4) and fifteen (15) persons appointed by the Council in accordance with this constitution.

3.2 Subject to clause 3.3, members are appointed until the day before the public meeting referred to in clause 4 below. This appointment is for the period of the current elected Council (generally, this will be a period of approximately four (4) years).

3.3 A person remains a member until:

(a) death, or

(b) that person ceases to be a member upon:

- (i) delivering a written resignation to the Committee which will advise Council,
- (ii) being absent from three (3) consecutive meetings of the committee without leave of absence from the Committee,
- (iii) ceasing to be a permanent resident of the Clarence Valley Council area
- (iv) receiving written notification from Council that that person’s membership of the Committee has been terminated.

3.4 Casual vacancies may be filled in accordance with clause 4.4. However, should the members of any committee number less than 4, then Council may call a public meeting and seek nominations for the Committee.

4. Appointment of Members

4.1 Within six (6) months following a Council election, the Committee shall hold a public meeting to call for nominations for membership of the Committee for the term of the Council. The Committee will determine the date for the public meeting in consultation with the Council and Council shall advertise it prior to the meeting

4.2 At the public meeting, nominations shall be called for membership of the Committee. All former members of the Committee are eligible for renomination.

4.3 All nominations shall be forwarded to Council for endorsement by Council at a Council meeting. If there are fifteen (15) or less nominations, then all nominees will be eligible for membership. If there are more than fifteen (15) nominees then Council may determine to increase the maximum number of members of the Committee to enable all nominees to be members.

4.4 Casual vacancies

Should a casual vacancy arise, the Committee Secretary should promptly advise Council. The Committee will invite nominations from members of the public interested in being a member of the Committee and shall fill the vacancy from the nominations received and shall advise Council of the new member(s) to enable Council to endorse the appointment.

5. Committee chairperson

At the first meeting of each new Committee, the Committee shall elect one of its number as Chairperson. The method of election shall be decided by the Committee.

6. Committee Secretary/Treasurer

At the first meeting of each new Committee, the Committee shall elect one of its number as Secretary/Treasurer. The method of election shall be decided by the Committee. Notwithstanding, the Committee may elect one of its number as Secretary and one of its number as Treasurer.

7. Conduct of Meetings

7.1 At all meetings of the Committee the Chairperson shall occupy the Chair and preside. In the absence of the Chairperson, the Committee shall elect one of its numbers to preside at the Meeting.

7.2 A Meeting shall not proceed unless a quorum of at least one (1) more than half the number of members are present.

7.3 Meetings of the Committee shall be held as often as the Committee decides, but not less than one (1) every three (3) months without the written consent of Council.

7.4 All meetings of the Committee are open to the public and members of the public are entitled to attend those meetings. Meetings should be held in a location that is open to and accessible by the public. Members of the public attending meetings may not address the meeting without the consent of the majority of members present. Members of the public do not have a vote.

- 7.5 Decisions of the Committee shall be by majority of the members present at each Meeting and each member shall have one vote. In the event of voting on any matter being equal for or against, the matter shall be referred to Council for decision. The Chairperson shall not have a casting vote.
- 7.6 A record of minutes in the usual form shall be kept by the Secretary of all Meetings. The Treasurer shall provide a written report to each Committee meeting showing:
- (a) the balance of the Committee's bank account as at the last report
 - (b) all transactions on that account since the last report
 - (c) the balance of the account as at the date of preparation of the report, and
 - (c) a bank reconciliation.
- 7.7 Members shall observe the provisions of the Act in relation to declarations of interest in business placed before the Committee. Members should also be aware of conflicts of interest that they may have and should not vote on any matter in which their private interest conflicts with the matter under discussion. Interest declared by any member shall be recorded in the Minutes of the Meeting.
- 7.8 If the President, Secretary or Treasurer ceases to be a member of the Committee, the remaining members of the committee shall vote one (1) their number to fill the executive vacancy.
- 7.9 The Secretary shall forthwith notify Council of:
- (a) any decision that needs to be referred to Council under paragraph 7.5,
 - (b) any member who fails to attend three (3) consecutive meetings of the Committee without leave of absence, and
 - (c) any member who takes up permanent residence outside the Clarence Valley Council area.

8. Powers and Duties Delegated to the Committee under s.377 of the Act.

- 8.1 Day to day running of the facility; and considering and dealing with requests by sporting or charitable type organisations for the concessional or free use of the facility.
- 8.2 To advise Council by recommendation on all aspects of the development, care, control and management of the Community Asset within the parameters of the Management Plan.
- 8.3 To carry out minor and/or emergency maintenance and repair works on the Community Asset by engaging qualified tradesmen, where required, and to promptly advise Council of any major repairs that are required.
- 8.4 To make recommendations to Council on the setting of fees and hire charges for the Community Asset and to arrange bookings for the use of the Community Asset and the collection of revenue for such use.
- 8.5 Organising Community Social Activities at the hall, including dances and fund raising activities.
- 8.6 To ensure that all incidents occurring at the hall or on hall grounds are promptly reported to Council on the Incident Report form provided by Council.

- 8.7 To ensure that all moneys received under paragraph 8.4 are, as soon as possible after receipt of such moneys, paid into the Committee's bank account.
- 8.8 To forward to Council within seven (7) days after a Meeting, a copy of the Minutes taken at that Meeting.
- 8.9 To observe the financial requirements as outlined in paragraph 9 and as contained in the Act.
- 8.10 To arrange and supervise the cleanliness, tidiness and security of the Community Asset.
- 8.11 No authority is extended to the Committee to:
 - (a) engage any employees or enter into any contracts, other than set out in clause 8.3.
 - (b) further delegate any of these powers and duties to any person or body, or
 - (c) undertake any fundraising activities where the amount intended to be raised exceeds \$1000.

9. Financial Matters

- 9.1 All income from hall hire and fund raising activities shall remain the property of Council but may be banked and expended by the Committee on behalf of Council. Council reserves the right to direct the Committee to utilise these funds on particular projects on the hall and its grounds.
- 9.2 All funds received by the committee shall be banked and accounted for in the proper manner.
- 9.3 All income of the Committee shall be used for no other purpose than for financing the development, management, maintenance and improvement of the Community Asset or for fund raising activities.
- 9.4 The financial records of the Committee will be audited annually, at the close of each financial year (being the 30th June), by the Council. The Treasurer shall ensure that all relevant financial records are forwarded to the Council no later than 14 July in each year.
- 9.5 Council will forward a copy of the audited Financial Statements to the Committee.
- 9.6 The Committee shall be responsible for all expenses related to its activities.
- 9.7 In the event of the demise of the Committee all funds held by the Committee shall be surrendered to the Council. These funds will be earmarked for use only for the improvement or maintenance of the Community Asset or, if it ceases to exist or function, for the benefit of people living in the vicinity of the Community Asset.

10. Notice

- Any notice required to be given by Council under this Constitution may be:
- (a) sent to the last known address of the member, and
 - (b) deemed to be received on the second day after posting.