



WOLOWEYAH PARKS AND RESERVES MANAGEMENT COMMITTEE

Having Delegated Power under the Local Government Act, 1993

CONSTITUTION

1. Interpretation

Unless otherwise indicated:

"Act" means the Local Government Act, 1993.

"Committee" means the Wooloweyah Parks and Reserves Management Committee.

"Community Asset" means the assets noted in the Schedule.

"Council" means the Clarence Valley Council.

"Reserve Trust Manager" means Clarence Valley Council which has been appointed as Reserve Trust Manager of Honeyman Park and the Wooloweyah Foreshore Reserve in Wooloweyah.

"Reserve Trusts" are the Wooloweyah Sportsground Reserve Trust charged with the care, control and management of Honeyman Park, Wooloweyah being Crown Reserve No.95748 and the Wooloweyah Foreshore Reserve Trust charged with the care, control and management of the Wooloweyah Foreshore Reserve being Crown Reserve No.95841.

2. Relationship of the Committee and Council

The Committee is appointed under s.355 of the Act to make recommendations to Council as the Reserve Trusts Manager regarding the care, control and management (subject to the Act) of the Community Asset.

3. Membership of the Committee

3.1 The membership of the Committee shall be between six (6) and twelve (12) 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. 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 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 6, 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, Council shall hold a public meeting to call for nominations for membership of the Committee for the term of the Council. Council will determine the date for the public meeting in consultation with the Committee and 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 consideration by Council at a Council meeting. If there are twelve (12) or less nominations, then all nominees will be eligible for membership. If there are more than twelve (12) nominees then Council may select twelve members from those nominated, the method of selection being at Council's sole discretion. Alternatively, 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 number 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) each month 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 as the Reserve Trust Manager 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.
- 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 as the Reserve Trust Manager under paragraph 7.5,
 - (b) any member who fails to attend three (3) consecutive meetings of the Committee, and
 - (c) any member who takes up residence outside the Council area.

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

- 8.1 To assist Council as the Reserve Trust Manager in the implementation of the Management Plan adopted for the Community Asset.

- 8.2 To advise Council as the Reserve Trust Manager 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 conduct fund raising activities for the purpose of development, improvements to and maintenance of the Community Asset.
- 8.4 To make improvements, including structural improvements, to the Community Asset with the consent of Council.
- 8.5 To advise Council as Reserve Trust Manager by recommendation in regard to the setting of fees and hire charges and to arrange bookings for the use of the Community Asset (excluding sportsfields) and the collection of revenue for such use .
- 8.6 Except with the written consent of Council agreeing to alternative disposal, to account to Council for all moneys received under paragraph 8.5, within 7 days of receipt of such moneys.
- 8.7 To forward to Council within seven (7) days after a Meeting, a copy of the Minutes taken at that Meeting.
- 8.8 To observe the financial requirements as outlined in paragraph 9 and as contained in the Act.
- 8.9 To arrange and supervise the cleanliness, tidiness and security of the Community Asset.
- 8.10 No authority is extended to the Committee to:
 - (a) engage any employees or enter into any contracts, or
 - (b) further delegate any of these powers and duties to any person or body.

9. Financial Matters

- 9.1 All income from the conduct of fund raising activities shall remain the property of the Committee and shall be banked and accounted for in the proper manner.
- 9.2 All income of the Committee, except that noted in paragraph 8.6, shall be used for no other purpose than for financing the development, management, maintenance and improvement of the Community Asset, with the exception of expenses incurred in conducting fund raising activities.
- 9.3 The financial records of the Committee are to be audited annually, at the close of each financial year (being the 30th June), by the Council's auditor or by such other auditor as the Council may approve, at the expense of the Council. The Treasurer shall ensure that all relevant financial records are in the auditors hands no later than the 14th July in each year.
- 9.4 The auditor shall forward a copy of its report to the Committee and to Council. The audited Financial Statements shall be forwarded to the Committee which shall make available a copy to Council which shall make it available to the public.

- 9.5 The Committee shall be responsible for all expenses related to its activities.
- 9.6 In the event of the demise of the Committee all funds held by the Committee shall be surrendered to the Council as the Reserve Trust Manager. 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, will be earmarked for use on other Crown Reserves within 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 within the Shire of the member, and
- b. deemed to be received on the second day after posting.

SCHEDULE

The Community Asset is reserve number R95748 Wooloweyah Sports Ground and reserve number R95841 Wooloweyah Foreshore Reserve.

Amendments

Endorsed 18 July 2017 Item 15.136/17.

Amended 26 March 2019 Item 15.033/19.