



Constitution:
Bundarra School of Arts
Hall Committee

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Contents

Contents.....	3
Constitution.....	4
1. Interpretation.....	4
2. Purpose of this Constitution	4
3. Term.....	4
4. Membership of the Committee	4
5. Appointment of Members.....	5
6. Committee Chairperson	5
7. Committee Secretary	5
8. Committee Treasurer	6
9. Conduct of Meetings.....	6
10. Duties of the Committee	6
11. Correspondence.....	7
12. Media.....	7
13. FINANCIAL RECORDS - MANAGEMENT COMMITTEES	7
14. Limitations of Powers	8
15. Delegated Authority.....	8
16. Disclosure of Interest	9
17. AMENDMENT OF THE CONSTITUTION.....	9
18. Dispute Resolutions	10
19. Notice.....	10
SCHEDULE.....	10

Constitution

1. Interpretation

1.1 Unless otherwise indicated:

- (a) "Council" means Uralla Shire Council.
- (b) "Act" means the *Local Government Act 1993*.
- (c) "Committee" means the committee noted in the Schedule.

2. Purpose of this Constitution

2.1 Under the *Local Government Act 1993* Council is able to delegate some of its functions to a Committee of Council. A Committee is appointed and reappointed in accordance with the provisions of Section 355 and Section 377 of the *Local Government Act 1993*.

2.2 The Constitution provides a mandatory set of rules that defines the functions that Council has delegated to the Committee, the manner in which those delegated functions are to be undertaken by the Committee, and an administrative structure and procedures to ensure that the Council is able to monitor the conduct and performance of the Committee, particularly with regard to managing potential liabilities that might arise as a result of the activities of the Committee, in a similar manner to that which Council monitors others performing Council's functions under delegation.

3. Term

3.1 This Constitution operates for a term commencing from the date on which Council, by resolution, adopts this Constitution and concluding on the date either set out in the Schedule or three months after the date of the Council election immediately following the date of commencement of this Constitution (whichever occurs first), unless terminated earlier in accordance with this Constitution.

3.2 Committee membership is on a quadrennial basis for the term of Council. Committees are formally appointed by the Councillors in office. Following a General Election of Councillors, the existing committee membership continues until such time as the new council appoints new committee members.

4. Membership of the Committee

4.1 The membership of the Committee shall be not less than six (6), and no more than twelve (12) persons appointed by the Council in accordance with this constitution.

4.2 A person remains a member until:

- (a) death; or
- (b) that person ceasing to be a member upon:
 - (i) delivering, either verbally or in writing, a resignation to a meeting of the Committee;

- (ii) being absent from three (3) consecutive meetings of the Committee without leave of absence from the Committee; or
 - (iii) receiving written notification from Council that that person's membership of the Committee has been terminated.
- 4.3 Casual vacancies may be filled in accordance with Clause 5.4. However, should the members of any committee number less than 6, then Council may call a public meeting and seek nominations for the Committee.

5. Appointment of Members

- 5.1 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 existing Committee should such Committee exist, and shall advertise it prior to the meeting.
- 5.2 At the public meeting, nominations shall be called for membership of the Committee. All former members of the Committee are eligible for re-nomination.
- 5.3 All nominations shall be forwarded to Council for consideration by Council at a Council meeting. Council shall either appoint all nominees to the Committee or, if more than twelve (12) persons, then Council may select a number from those nominated, the method of selection being at Council's sole discretion.
- 5.4 Should a casual vacancy arise, the Committee Secretary should promptly advise Council. Council 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.

6. Committee Chairperson

- 6.1 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.

7. Committee Secretary

- 7.1 At the first meeting of each new Committee, the Committee may, if required, elect one of its number as Secretary. The method of election shall be decided by the Committee.
- 7.2 The Secretary is responsible for:
- (a) Dealing with all incoming and outgoing correspondence and tabling all correspondence at Committee Meetings for appropriate action;
 - (b) Providing notice and agenda of meetings to Committee Members;
 - (c) Accurately recording minutes of each meeting and to promptly forward all minutes to the General Manager (Uralla Shire Council) and to all members of the Committee; and
 - (d) Retaining all documentation of the Committee as required by the Australian Standard on Records Management.

8. Committee Treasurer

- 8.1 At the first meeting of each new Committee, the Committee shall elect one of its members as Treasurer. The method of election shall be decided by the Committee.
- 8.2 The Treasurer is responsible for the following:
 - (a) Receipt of all moneys payable to the Committee and issuing receipts for same;
 - (b) Keeping correct accounts and books showing the financial affairs of the Committee;
 - (c) Banking to Council all moneys received;
 - (d) Submitting financial statements at each Committee meeting;
 - (e) Preparing and having audited, a Balance Sheet and Profit & Loss Statement of the Committee for presentation to the Annual General Meeting to Council;
 - (f) Submitting accounts for approval by the Committee at each meeting for payment by Council.

9. Conduct of Meetings

- 9.1 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.
- 9.2 A Meeting shall not proceed unless a quorum of at least one (1) more than half the number of members are present.
- 9.3 Meetings of the Committee shall be held as often as the Committee decides, but not less than two (2) per year.
- 9.4 Every Committee meeting is a public meeting and members of the public may attend. As such, it should be held in a public place. Members of the public who attend cannot participate unless invited to do so by the Chair.
- 9.5 A record of minutes in the usual form shall be kept by the Secretary of all Meetings, unless a Council officer is present at the Meeting and it is agreed that the Council officer take the minutes.
- 9.6 If the Chairperson or Secretary ceases to be a member of the Committee, the remaining members of the committee shall vote one (1) of their number to fill the executive vacancy.
- 9.7 The Secretary shall forthwith notify Council of:
 - 9.7.1 any member who fails to attend three (3) consecutive meetings of the Committee without leave of absence from the Committee.

10. Duties of the Committee

- 10.1 To undertake functions of Council limited to those set out in its Charter as noted in the Schedule.

- 10.2 To forward to Council within seven (7) days after a Meeting, a copy of the Minutes taken at that Meeting.

11. Correspondence

- 11.1 Committees are not permitted to forward official correspondence to government officials or government departments (eg. Governor-General, Government Ministers).
- 11.2 All official correspondence must be signed by the General Manager.

12. Media

- 12.1 Committee members are not permitted to speak to the media on any Council matters in their capacity as a committee member. All media requests received must be referred to the General Manager whose decision is final.

13. FINANCIAL RECORDS - MANAGEMENT COMMITTEES

- 13.1 Committees appointed under Section 355(b) of the *Local Government Act 1993* are subject to the same standards of financial accountability as Council. All funds and assets held by the Committee belong to Council. The Committee is responsible for the care and control of these funds.
- 13.2 Committees who handle funds, on behalf of Council, are required to comply with Council policy and procedures, which are designed to ensure that records and day-to-day transactions are handled according to required standards.
- 13.3 With the introduction of the Goods and Services Tax effective from 1 July 2000, all Section 355 Committees are obliged to comply with the new tax system:
- (a) All committees are covered under Council's Australian Business Number.
 - (b) Committees are responsible for administering the requirements of GST Legislation that is, charging GST on taxable supplies and correctly identifying input tax credits claimable from ATO.
 - (c) To ensure appropriate taxation treatment of transactions, all transactions should be undertaken through Council for inclusion in Council's monthly Business Activity Statements (BAS).
- 13.4 The Treasurer in addition to the duties set out herein shall be responsible for ensuring:
- (a) The proper keeping of the books and accounts of the Committee, which shall be kept as directed by the General Manager and made available to the Council when required for that purpose by the General Manager.
 - (b) Receiving monies on behalf of the Committee and maintaining accurate records of the receipt of such monies.
 - (c) Organising through Council the payment of accounts and other expenses approved by the Committee on behalf of the Committee.
 - (d) Issuing of tax invoices through Council where applicable.
- 13.5 All monies received by the Committee shall be deposited, within seven (7) days of receipt into the Uralla Shire Council general bank account.

13.6 The Committee must not, at any time, incur any expenditure in excess of the amount held in the Committee's credit in the reserve held in the Committee's name at Council. In any event, no expenses of any member of the Committee or the Committee shall be paid unless in accordance with a budget determined through resolution of the Committee.

13.7 The financial year shall be the period from the 1st July to 30th June.

14. Limitations of Powers

14.1 The Committee must not do anything or allow any person acting under its direction to do anything contrary to the interest of Council. For the purposes of this sub-clause this includes but is not limited to prohibiting the following:

- (a) Acting contrary to any direction from Council, which includes a direction from the General Manager;
- (b) Acting contrary to Council's policies;
- (c) Advising any person that they may have a legal right or action against Council or any Councillor, Council employee or Council contractor exercising a function of Council;
- (d) Making any admission of liability or accepting liability on behalf of Council or the Committee;
- (e) Acting contrary to Council's Code of Conduct;
- (f) Acting outside the limits of the Committee's delegation; and
- (g) Acting or presenting the Committee as independent of Council.

15. Delegated Authority

15.1 The Committee is authorised to elect a person(s) to exercise the function of booking officer for the use of the facility in accordance with the terms of Council's Conditions of Hire.

15.2 The determination of fees and charges is always subject to the approval of the Council in accordance with Section 377 of the *Local Government Act 1993*. Accordingly the Committee is not authorised to waive or discount fees without the prior consent of Council.

15.3 In all other instances, applications should be referred to the Committee.

15.4 The Committee is authorised to carry out routine inspections of the Facility.

15.5 The Committee is appointed and authorised to operate strictly in accordance with the conditions and delegations outlined in this Constitution and instrument of Delegation.

15.6 The Committee will advise the appropriate council officer of any major/external items of repair or maintenance required to the Facility.

15.7 No powers or functions may be delegated by the Committee to any other person or committee unless provided in this Constitution.

16. Disclosure of Interest

- 16.1 The Committee is a Committee of Council and, as such, Chapter Fourteen (Honesty and Disclosure of Interests) of the *Local Government Act 1993* applies to all its members.
- 16.2 The Committee's attention is drawn to the following sections of Chapter Fourteen of the *Local Government Act 1993* (reproduced hereunder) 451, 453, 454, 455 and 456:
- s.451 (1) A Councillor or a member of a Council committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable.
- (2) The Councillor or member must not take part in the consideration or discussion of the matter.
- (3) The Councillor or member must not vote on any question relating to the matter.
- s.453 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- s.454 A general notice given to the general manager in writing by a Councillor or a member of a council committee to the effect that the Councillor or member, or the Councillor's or member's spouse, de facto, partner or relative, is:
- (a) a member, or in the employment, of a specified company or other body;
or
- (b) a partner, or in the employment, of a specified person, unless and until the notice is withdrawn, sufficient disclosure of the Councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- s.455 A Councillor or member of a council committee must not, if the council so resolves, attend a meeting of the council or committee while it has under consideration a matter in which the Councillor or member has an interest required to be disclosed under this Chapter.
- s.456 (1) A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee must disclose any pecuniary interest the person has in the matter to the meeting at the time the advice is given.
- (2) The person is not required to disclose the person's interest as an adviser.

17. AMENDMENT OF THE CONSTITUTION

- 17.1 This Constitution may only be altered by resolution of the Council.
- 17.2 The Committee may request Council to consider an amendment to their Constitution Schedule once the proposed alteration is submitted to a General

Meeting of the Committee and the notice convening such a meeting contains the proposed alteration or the effect thereof AND such proposed alteration is approved by at least three-fourths of the members present at such a General Meeting.

18. Dispute Resolutions

18.1 Where the Committee is unable to reach a determination on any issue, the Committee must refer that issue to the Chairperson for determination. Where the Committee resolves that it is dissatisfied with the resolution of that dispute by the Chairperson it may, by notice in writing request the General Manager review the issue. Should the Committee be dissatisfied with the decision by the General Manager it may, by notice in writing to the General Manager, request that the matter be referred to Council for determination of the dispute by resolution of Council, whose determination of the dispute shall be final and binding upon the Committee.

19. Notice

19.1 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.

SCHEDULE

The Committee is the Bundarra School of Arts Hall Committee.

Its Charter is:

Manage the Bundarra School of Arts Hall

Duties include:

- Hire of the hall.
- Transfer hall hire proceeds to the Council as per the agreed procedure from time to time.
- Maintain the hall in a clean and tidy state.
- Notify the Council of required hall building maintenance.

Provide advice to and work with the Council for the benefit of Bundarra and its surrounding community.

Duties include:

- Liaise with and provide advice to the Council about matters of community interest or concern within Bundarra or the surrounding area.
- Where appropriate work with the Council to apply for funding opportunities for Council owned facilities in Bundarra or the surrounding area.