



**Constitution:
Uralla Township and Environs
Committee 2020**

INFORMATION ABOUT THIS DOCUMENT

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3	25 June 2019	Adopted on 25 June 2019 (Resolution No. 25.06/19).
4	July 2020	Amendments following submission period and informal Council workshop.

Related Legislation	<i>NSW Local Government Act 1993</i> <i>NSW Local Government (General) Regulation 2005</i>
Related Policies	Uralla Shire Council Code of Conduct
Related Procedures/ Protocols, Statements, documents	

Contents

1.	Interpretation	4
2.	Purpose of this Constitution.....	4
3.	Objective.....	4
4.	Term	5
5.	Membership.....	5
6.	Appointment of Members	5
7.	Committee Chairperson.....	6
8.	Committee Secretary.....	6
9.	Conduct of Meetings	6
10.	Duties of the Committee.....	7
11.	Councillor Representatives	7
12.	Role of Council Staff	8
13.	Correspondence	8
14.	Media and Publicity.....	8
15.	Limitations of Powers	9
16.	Delegated Authority	9
17.	Ethics and Conflict of Interest	9
18.	Amendment of this Constitution	9
19.	Dispute Resolutions.....	9
20.	Notice	10

Constitution

1. Interpretation

- 1.1 Unless otherwise indicated:
- (a) “Council” means Uralla Shire Council.
 - (b) “Council Officials” means Councillors, Council staff, administrators, Council committee members and delegates of Council.
 - (c) “The Act” means the *Local Government Act 1993*.
 - (d) “Committee” means the Committee established by Council on 27 February 2018 as outlined in Resolution 31.02/18 and constituted under this Constitution.
 - (e) “The General Manager” means the General Manager of Uralla Shire Council appointed under Section 334 of the *Local Government Act 1993*.

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 Act.
- 2.2 This 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 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. Objective

- 3.1 The objective of the Committee constituted under this Constitution is to provide strategic advice to Council on the future development and redevelopment of the public spaces in and near the township of Uralla by:
- (a) Providing guidance for the implementation of public space related planning, design and management;
 - (b) Providing advice to Council on current and emerging issues for public spaces, including issues related to, but not limited to, leisure, education, economic, cultural, social and environmental aspects;
 - (c) Ensuring consideration is given to disability access to public spaces in strategy development;
 - (d) Providing advice on matters strategically relevant to public spaces as required by Council including, but not limited to, development and implementation of Council’s Open Spaces Strategy and Pedestrian and Access Mobility Plan (PAMP);
 - (e) Participating in consultative forums initiated by Council for the purpose of informing and seeking feedback from the community; and
 - (f) Providing clear recommendations based on skills, knowledge and experience of the members.

- 3.2 The Committee may be requested by Council to provide advice on any other related matters deemed relevant by Council, including community consultation, the development of public spaces outside the Uralla township, or any other Council initiative referred to the Committee.
- 3.3 Pursuant to clause 16 of this Constitution, Council may, by resolution, amend the objective of the Committee at any time.

4. Term

- 4.1 This Constitution operates for a twelve (12) month term, commencing from the date on which Council, by resolution, adopts this Constitution.
- 4.2 Pursuant to clause 16 of this Constitution, Council may, by resolution, terminate or extend the term of the Committee at any time.
- 4.3 Should Council extend or terminate the Committee term, formal notice will be provided to the Committee in writing.
- 4.4 In the event the Committee term has been terminated, Council will provide the reason for the termination.

5. Membership

- 5.1 The membership of the Committee shall be not less than six (6) and no more than twelve (12) persons appointed by Council in accordance with this Constitution.
- 5.2 A person remains a member until:
 - (a) Death; or
 - (b) Upon:
 - (i) Delivering, either verbally or in writing, a resignation to a meeting of the Committee;
 - (ii) Being absent from two (2) consecutive meetings of the Committee without leave of absence from the Committee; or
 - (iii) Receiving written notification from Council that the person's membership of the Committee has been terminated.
- 5.3 Casual vacancies may be filled in accordance with Clause 6.4 of this Constitution.

6. Appointment of Members

- 6.1 Council shall invite nominations for membership of the Committee, giving no less than 21 days of public notice.
- 6.2 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 have submitted applications, then Council may select a number from those nominated, the method of selection being at Council's sole discretion.

- 6.3 In appointing members to the Committee, Council shall ensure the membership of the Committee reflects, as far as reasonably possible, the diversity of the township of Uralla and its immediate environs.
- 6.4 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.

7. Committee Chairperson

- 7.1 The Chairperson of the Committee shall be appointed by Council.
- 7.2 The appointed Chairperson is responsible for the conduct of meetings, ensuring fair and equitable opportunities for views and opinions to be voiced and discussed by the Committee.
- 7.3 In the absence of the Chairperson at a meeting or in the event of a conflict of interest in which the Chairperson has recused him or herself from discussion, the Committee shall elect a temporary Chairperson.
- 7.4 A Committee member may not hold the position of Chairperson for more than one (1) consecutive year.
- 7.5 The Chairperson may resign from the position of Chair and remain a member of the Committee.

8. Committee Secretary

- 8.1 At the first meeting of the Committee, the Committee shall elect one of its number as Secretary. The method of election shall be decided by the Committee.
- 8.2 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 and to all members of the Committee; and
 - (d) Retaining all documentation of the Committee as required by the Australian Standard on Records Management.

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 on a quarterly basis with forward meeting dates published on Council's website and in the Council newsletter.
- 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 space. 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 ceases to be a member of the Committee, Council shall appoint a new Chairperson pursuant to Clause 7.1 of this Constitution.
- 9.7 If the 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 vacancy.
- 9.8 The Secretary shall notify Council if any member fails to attend two (2) 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 conferred by Council resolution, as detailed in clause 3 of this Constitution.
- 10.2 To forward to Council within seven (7) days after a Meeting, a copy of the Minutes taken at that Meeting.
- 10.3 To be familiar with the strategies and goals as set out in Council's Community Strategic Plan and Combined Delivery Program and Operational Plan.
- 10.4 To agree to participate in a collaborative meeting format.
- 10.5 To incorporate the expertise, local knowledge and broad community experience of the individual Committee members to its advice and recommendations to Council.
- 10.6 To provide justification to Committee proposals by:
 - a) Describing benefits and disadvantages;
 - b) Identifying potential costs; and
 - c) Illustrating the deliberations the Committee took in forming its opinion. If there are differing views within the Committee, these opinions be communicated to Council to assist Council in understanding the complexities of the issue at hand.

11. Councillor Representatives

- 11.1 Two (2) non-voting councillor representatives are to be elected to the Committee by way of Council resolution during Council's regular appointment of councillor delegates to Council committees, external bodies and advisory committees in accordance with Council policy.

- 11.2 Councillor representatives are non-voting members and therefore their presence does not affect the meeting quorum.
- 11.3 The role of the councillor representatives is to facilitate communication between the Committee and Council by:
- (a) Presenting relevant Council minutes to the Committee;
 - (b) Referring any matters requiring clarification by the Committee to the General Manager or to Council by way of a Councillor Notice of Motion; and
 - (c) Inviting the Committee Chairperson or his or her representative to speak on behalf of the Committee at an ordinary or extraordinary meeting of Council.

12. Role of Council Staff

- 12.1 Council staff may attend Committee meetings as directed by the General Manager.
- 12.2 Council staff, including the General Manager, attend as observers to the meeting. Council staff may request to speak at meetings or answer questions as requested by the Chairperson.
- 12.3 Staff from the Council's Infrastructure and Development Division will:
- (a) Provide timely advice to the Committee regarding future development and redevelopment of the public spaces in and near the township of Uralla; and
 - (b) Provide the minutes and recommendations of the Committee to Council's Ordinary Meetings on a bi-monthly basis or as required.
- 12.4 Staff from Council's Governance and Risk section in the Corporate Services Division will:
- (a) Provide the Committee Constitution and Code of Conduct to new members of the Committee;
 - (b) Facilitate the annual review and readoption of the Committee Constitution;
 - (c) Oversee the public notification period and selection process for committee membership; and
 - (d) Offer training to the Chairperson and Secretary if required.

13. Correspondence

- 13.1 Committees are not permitted to forward official correspondence to government officials, representatives, departments or agencies.
- 13.2 All official correspondence must be signed by the General Manager.

14. Media and Publicity

- 14.1 Committee members are not permitted to speak to the media on any Council matters in their capacity as a committee member. All media requests must be referred to the General Manager.
- 14.2 Committee members are not to make public statements regarding the Committee's activities unless authorised by the General Manager to do so.

15. Limitations of Powers

- 15.1 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 Council Official;
 - (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.

16. Delegated Authority

- 16.1 The Committee does not have any delegated functions pursuant to section 377 of the Act and does not have the power to direct Council Officials.

17. Ethics and Conflict of Interest

- 17.1 As a Committee of Council, Committee members must abide by the ethics of the Uralla Shire Council Code of Conduct.
- 17.2 Committee members are to declare pecuniary conflicts of interest when any such interest arises. The declaration to be recorded in the minutes and the member to abstain from voting on any matter relating to the conflict of interest.

18. Amendment of this Constitution

- 18.1 This Constitution may only be altered by resolution of Council.
- 18.2 The Committee may request Council to consider an amendment to this Constitution once the proposed alteration is submitted to a General Meeting of the Committee and the notice conveying such a meeting contains:
- (a) The proposed alteration and the effect thereof; and
 - (b) Such proposed alteration is approved by at least three-fourths of the members present at such a General Meeting.

Following which the proposed amendment to the Constitution will be put to an Ordinary Meeting of Council for consideration.

19. Dispute Resolutions

- 19.1 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.

20. Notice

- 20.1 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 fifth business day after posting.
- 20.2 Council will copy the Committee Secretary on any notice provided to an individual Committee member. Should the Committee Secretary position be vacant, the copy to be provided to the Chairperson.