

NEWCASTLE CITY COUNCIL

CONSTITUTION

as amended at 26 March, 2013

UNDER 355 OF THE LOCAL GOVERNMENT ACT, 1993 as amended

CONSTITUTION OF THE KOTARA PARKS LOCAL COMMITTEE

1. NAME OF THE COMMITTEE

The name of the Committee shall be the Koatara Parks Local Committee (the committee).

2. OBJECTS OF THE COMMITTEE

The objects of the Committee shall be the care, control and management (subject to Newcastle City Council [the Council] and the Ordinances) of Kotara Park, Lugar Street Reserve and Nesbitt Park and having due regard to any special agreements made by the Council and of which the Committee shall be notified.

3. MEMBERSHIP OF THE COMMITTEE

The committee shall consist have up to 15 people with a minimum of two citizen's representatives and where possible one representative from each sporting organisation and any other user group utilising the park. For each of these groups, preference should be given to local residents who live within the suburb or have a proven record of work within the park. This will include the Honorary Secretary – Treasurer of the Committee.

A citizen representative must not have an affiliation with any park user group.

4. OFFICERS

The officers of the Committee shall consist of a Chairperson, Deputy Chairperson, an Honorary Secretary and Treasurer (or joint Secretary/Treasurer) who shall be appointed by the Annual General Meeting annually subject to the Council reserving the right to remove all or any such officer at any time during such term. The Chairperson shall be an impartial citizen representative only.

The Committee shall have a Council staff member nominated to it who will act as a contact person to the committee and may attend meetings. They would not hold a vote on the Committee.

5. ANNUAL GENERAL MEETING

The annual general meeting of the Committee shall be held during the month of February in each year, when the annual report and audited financial statements shall be presented and if any vacancy exists nominations be called.

6. NOTICE OF ANNUAL GENERAL MEETING

Notice of the Annual General Meeting shall be forwarded to the General Manager prior to 15 January, each year to allow Council to give public notice of the meeting in the Newcastle Herald on the last Wednesday of January each year when notice of Committee Annual General Meetings shall be consolidated in the one public notice.

7. PROCEEDINGS AT ANNUAL GENERAL MEETINGS

- (a) The Chairperson or in his/her absence the Deputy Chairperson shall preside at every annual general meeting of the Committee but if they are not present within fifteen minutes after the time appointed for the holding of the meeting, then the members present shall elect one of their number to be Chairperson of the meeting, a simple majority sufficing.
- (b) At annual general meetings a quorum shall consist of seven (7) members. Should within half an hour of the time set down for a meeting to commence, a quorum not be present, then the meeting shall be adjourned to the same time and place seven (7) days later or to a place and time within one month of the date of such meeting, to be determined. If at such adjourned meeting, a quorum not be present, then those members attending shall be deemed to be a quorum, provided the number of such members is not less than four (4).
- (c) The Chairperson may with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting) adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.
- (d) At any annual general meeting a resolution put to the vote of a meeting shall be decided on a show of hands and the Chairperson upon the question being put, record their respective votes in the affirmative or negative, as each shall deem desirable; but if any such member, other than the Chairperson, neglects or refuses to vote shall be counted for the negative.
- (e) Any dissentient may request that his/her name be recorded in the minutes as opposed to the motion, and it shall be so recorded.
- (f) The decision of the Chairperson as to the result of a vote shall be final and conclusive unless such decision be immediately challenged and two members rise and demand a division.

- (g) If a division be duly demanded it shall be taken: the Chairperson and all members present who are entitled to vote shall vote; and the names of the members voting aye and no shall respectively be recorded in the minutes.
- (h) In the case of an equality of votes, whether on a show of hands or a division, it shall be regarded as passing in the negative. The Chairperson should have an original vote but not a casting vote.
- (i) The election of the Committee Executive shall occur at each of the Annual General Meeting.

8. MEETINGS OF THE COMMITTEE

- (a) The Committee shall meet at least twice per season, as well as hold an annual general meeting.
- (b) The Chairperson shall preside at all meetings of the Committee at which he/she is present and in his/her absence the Deputy Chairperson shall preside and if he/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 Committee.
- (c) At all meetings of the Committee four (4) members shall constitute a quorum.
- (d) The Committee shall meet on a day and time to be decided upon by the Committee with the exception of the annual general meeting.
- (e) Special meetings of the Committee shall be summoned by the Honorary Secretary on the authority of the Chairperson or on a written requisition signed by not less than three members of the Committee.
- (f) At all special meetings of the Committee, business other than that for which the meeting has been convened, shall not be transacted unless all the members of the Committee are present with apologies accepted and they unanimously consent to such other business being dealt with.
- (g) At least forty-eight (48) 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.

9. ELECTION OF MEMBERS OF THE COMMITTEE

- (a) The Executive of the Committee shall consist of the Chairperson (Citizen representative), Deputy Chairperson and Secretary / Treasurer who shall preferable be a Citizen representative. In some cases a separate Secretary and Treasurer may occur.

- (b) Election of the members of the Executive Committee shall occur at the Annual General Meeting, whereby a Returning Officer is appointed to act as chair to the voting process. The Returning Officer shall not be nominated as an incoming Executive Committee member.
- (c) Voting on the Executive Committee members, whereby more than one (1) nomination is received, shall occur by written ballot.
- (d) Voting rights, for the election of the Committee and the Executive Committee, shall apply to those attendees who reside within the suburb, any person who is a properly registered member with a membership card for any organised user group and those who have a proven working record within the park.
- (d) All sporting representatives must be nominated through a club / association on an annual basis. Sporting representative's nominations shall be tabled at the annual general meeting for the approval of the Committee. The sporting club / association must also approve of this nomination.
- (e) All citizen representatives shall be appointed for the term of Council that being a four (4) year appointment. At the completion of such term a citizen representative may nominate for a further term of appointment/s.
- (f) Citizen Representative and Sporting Representative nominations are subject to Council approval.
- (g) Election of Citizen's Representatives and Sporting Representatives where a position on the Committee becomes vacant shall occur at a Committee meeting with a majority vote electing the representative, subject to Council approval. This may occur at any normal meeting or Annual General Meeting.

10. DISQUALIFICATION OF MEMBERS OF THE COMMITTEE

- (a) If any member were absent without leave of the Committee from three (3) consecutive ordinary meetings such member shall be disqualified from holding office as a member of the Committee but shall be eligible for re- appointment.
- (b) If for any reason whatever the majority of the members consider that special disqualification of any member is warranted the Honorary Secretary shall report the facts to the Council who shall determine the question.
- (c) The disqualified member has the right of appeal to Council through the Group Manager of City Services and Presentation.

11. DELEGATION AND APPEALS

- (a) Decisions regarding Park Committees shall be delegated by Council to staff at the Group Manager Level.
- (b) The Committee may appeal against any decision. The General Manager shall be the final arbitrator.
- (c) Committees shall abide by section 355 and section 377 of the Local Government Act 1999.

12. DISPOSAL OF REVENUE

- (a) The Honorary Treasurer shall be responsible for the proper keeping of the books and accounts which shall be kept in accordance with the General Manager's directions and shall be made available to the Council's Auditor when required by the General Manager.
- (b) All moneys received by the Committee shall be banked in the name of the Kotara Parks Local Committee with a bank or building society approved by the General Manager or Group Manager City Services and Presentation. Moneys shall not in any case be held for longer than seven (7) days.
- (c) All cheques etc. drawn on behalf of the Committee shall be signed by the Chairperson or Deputy Chairperson and the Honorary Secretary and/or Treasurer.

13. EXPENDITURE BY THE COMMITTEE.

- (a) The Committee is empowered to incur expenditure without the specific consent of the Council, excluding capital expenditure, in connection with the care, control and management, of Kotara Park, Lugar Street Reserve and Nesbitt Park up to an amount not exceeding the total amount of revenue received. In the event of the Committee desiring to expend amounts on items of a capital nature, the authority of the Council shall be first obtained.
- (b) Accounts for expenses incurred shall not be paid unless and until authorised at a duly constituted meeting of the Committee.
- (c) The Committee may authorise the transfer of an amount up to \$200.00 to a separate account to be known as the Petty Cash Account which shall be controlled by the Honorary Secretary/Treasurer subject to any direction by the Chairperson of the Committee.
- (d) The Committee may delegate to the executive the power to authorise accounts in accordance with the amounts voted by the Committee.

For the purpose of this sub-section the executive shall comprise the Honorary Secretary and Treasurer and either the Chairperson or the Deputy Chairperson.

- (e) The Committee is responsible for tax invoicing, collecting and payment of the Government Services Tax (GST).

14. FINANCIAL YEAR

The financial year shall be the period from 1st May to the 30th April.

15. RECORDS OF THE COMMITTEE

The Honorary Secretary/Treasurer shall be responsible for the correct recording of all proceedings of the Committee, conduct all correspondence on behalf of the Committee, the receipt of moneys and payment of accounts and all other things necessary for the proper control of the Committee's affairs.

16. REPORTS AND FINANCIAL STATEMENTS

- (a) The Committee shall report to Council each year concerning use, development and management issues for the park, in addition to finances, allocation of grounds, etc.
- (b) During the month of February in each year the annual general meeting of the Committee shall be held for the purpose of receiving and dealing with the annual report and financial statement of the previous year's transactions. Before being submitted to such meeting, the financial statement shall contain the certificate of the Council's Auditor.
- (c) Such annual report and financial statement shall be prepared by the Honorary Secretary and Treasurer and a copy forwarded to each member of the Committee with the notice to attend such special meeting at least fourteen (14) days prior to the date of the meeting.
- (d) Not later than the 28 February in each year a copy of the annual report duly certified to by the Chairperson and Honorary Secretary shall be submitted to the Group Manager City Services and Presentation.
- (e) Not later than the 30 June each year a half year report on the park usage and the Committee activities shall be submitted by the Honorary Secretary to the Group Manager City Services and Presentation. In addition to a capital program for the next year as part of the ongoing three (3) year program.

17. OCCUPATIONAL HEALTH AND SAFETY

- (a) Council has a legal obligation to ensure the health, safety and welfare of all persons performing work for Council and for any person who may be affected by the performance of that work. The Committee shall ensure compliance with the Occupational Health and Safety Act 1983, relevant Codes of Practice and Council's Occupational health and safety Policies and Procedures.

18. INSURANCE

- (a) The Council shall effect Fire, Storm and Tempest Insurance on buildings belonging to Council. The Committee members, whilst on the business of the Council, shall be covered by Council's Public Liability

Policy for all accidental damage or injury and, in addition members or persons acting in a voluntary capacity for the Committee will be covered by Council's Voluntary Worker Injury Policy if the Occupational Health and Safety Act has been abided by.

- (b) The Committee shall advise all persons, occupying as hirers any part of the facilities managed by the Committee, that it is the hirer's responsibility to insure themselves against liability as occupier to the public against loss or damage to any property brought to or left at the premises by the hirer or for personal injury to persons at the premises for which the Committee or Council cannot be held liable.

19. BUILDINGS

No structural work in or about the undertaking, erection or alteration of any building managed by the Committee on behalf of the Council shall be carried out until the Council has first given all necessary statutory consents and approvals.

20. MAINTENANCE

- (a) The Committee shall, unless otherwise determined by the General Manager, be responsible for the payment, from funds raised by it, of all operating expenses eg: electricity, gas.
- (b) The Committee shall comply with all directions of the Council, or any person delegated by the Council to give such directions, as to the maintenance or other improvements of the undertaking managed by the Committee.
- (c) The Honorary Secretary shall notify Council as soon as practicable of the need to perform maintenance of the undertaking or a need to invest funds of a capital nature to the undertaking.

21. DISSOLUTION OF COMMITTEE

The Committee may be dissolved by resolution of the Council at any time where it deems appropriate. Upon any dissolution all funds and other assets previously held by the Committee shall, after payment of all just expenses and liabilities be handed over to the Council.

22. AMENDMENT TO RULES

The rules now adopted shall not be repealed or altered except by resolution of the Council.

23. OFFICERS AND MEMBERS OF THE COMMITTEE TO ACT IN HONORARY CAPACITY

- (a) The officers and members of the Committee now and at any subsequent time appointed agree that the positions occupied and services rendered by them respectively shall be honorary.
- (b) The Committees role and function is to:
- Provide local knowledge and advice to Council about trends, seasonal and casual use and future development.
 - Encourage seasonal and casual use of the grounds and pavilions, and assist longer term tenants to actively market and promote the facility.
 - Use casual hire fees to contribute to a park fund to assist minor upgrades.
 - Provide access to keys for Seasonal and Casual hire for some designated facilities.
 - Gas electricity / utility apportionment (where necessary)
 - Act as a caretaker; in terms of emergency maintenance, suggestions about improvement to the Park.
 - Identify opportunities for continual improvement, efficiencies etc
 - Assist in the determination of quality / and standards of works required – maintenance etc.
 - Co-ordinate cleaning to be done by users.
 - Liase with Council and grounds person/ curators etc and formally meet once a year to review issues etc.
 - Maintain a seasonal / casual booking system and supply this information to Council's centralised booking system.
 - Assist Council in preparing Development Plans, information on the facility and utilisation.
 - Implement Council's pricing Policy for Sporting fields as per the Sports Policy.