



Holroyd City
Built Around People

**SECTION 355 COMMITTEES
CONSTITUTION**

SECTION 355 COMMITTEES CONSTITUTION

1. PURPOSE

The purpose of the Parks Committees established under Section 355 of the Local Government Act 1993 is to provide care, control and management of Council parks and facilities in accordance with the policies and procedures adopted from time to time by Council.

2. ADMINISTRATIVE MATTERS

i) MEMBERSHIP

- Open to the residents and ratepayers of the City of Holroyd.
- Persons who are not residents and ratepayers of the City of Holroyd may be accepted for membership of a Committee subject to application and approval by Council.

ii) COMMITTEE MEMBERS

- Thirteen maximum, including three Ward Councillors (automatically), with each sporting body being entitled to two members each. Membership over 13 allowed only with Council's approval.
- Sporting body be defined as a sporting club or association that is the principle organisation/entity and a user of the facility or park.
- At least one member must be a local resident, live in close proximity to the park and not be a member of any sporting body using the facility or park.
- With the exception of Ward Councillors, no committee member shall hold an executive position on more than one Park Committee.

iii) TERM

- Two years with the expiry date being three months after General Election of Council and two years from that date.

iv) OFFICE BEARERS

- Committee to elect President, Vice-President, Secretary and Treasurer, for a two year term.
- Office Bearers must be residents or ratepayers of Holroyd.
- Office Bearers are to be representative of every user of the park as far as practicable.
- Office Bearers who are not residents and ratepayers of the City of Holroyd may be accepted as an Office Bearer subject to application and approval of Council.

v) *DUTIES OF COMMITTEES*

- In providing the care, control and management of the parks and facilities, specific duties include:
 - To ensure widest use of facilities and equal opportunity to all bodies. Hours of use to be fixed to ensure conflict of interest does not occur.
 - Work towards implementation of Plan of Management as prepared by Council, with funds raised and any specific allocations made by Council, upon application being made. Other work not permitted.
 - Report annually to Council on uses made of grounds, improvements effected, and submit a program of works proposed to be carried out by the Committee for the following year.
 - Report damage of facilities to Council promptly for insurance purposes.
 - Advise hirers they are responsible for damage, which may lead to loss of use, if not repaired.
 - Furnish Council in advance a timetable of uses granted, to facilitate preparation of the grounds.

vi) *MEETINGS*

- Meetings will be held at least every 3 months (minimum 4 per year), with an Annual Meeting in the month of December each year, unless otherwise approved by Council. The Annual General Meeting must be advertised in Council's Corporate Page.
- Meetings will be held at the Park or Council Chambers. Committee Members will be notified by the Secretary in writing 7 days prior to the meeting.
- Meetings will not be held on the first, second and third Tuesday of the month.
- Meeting dates and times for the ensuing twelve (12) months will be determined at the Annual General Meeting and forwarded to the Manager of Administrative Services for the information of Councils.

vii) *QUORUM*

- A Quorum will be half the number of Committee Members plus one.

viii) *MINUTES*

- Minutes and other documents, including financial reports, must be kept by the Committee for a minimum period of five (5) years.
- Accurate written record of decisions will be kept of all meetings with copies submitted to Council in draft form within 30 days.
- The Minutes when adopted will be forwarded to the Council within seven (7) days.
- The Minutes, addressed to the General Manager, may be forwarded to the Council electronically through the Manager of Administrative Services.

3. USE OF GROUNDS

- In hiring parks and facilities, the Committee will abide by the following rules and conditions:
 - Council will set ground fees for ground usages. In setting fees Council will consider any recommendation from Park Committees.
 - In allocating use of grounds, due consideration should be given to the rights of long term users, the need to cater for the local community, and the need to provide opportunity for use by as many sporting bodies as possible.
 - The Park Committee will ensure all recreation facilities are accessible to local residents.
 - Public application for ground usage to be invited when necessary.
 - Park users will confirm and submit applications for usage annually.
 - Applications for the use of park facilities for profit by private enterprise will be determined by Council in consultation with the Park Committee.
 - Reasonable access is to be given to schools within the City area. These schools are to have priority of use over schools not within the City.

4. FINANCIAL MATTERS

i) *ACCOUNTS*

- Accounts are to be kept to the satisfaction of the General Manager and in accordance with the requirements of Accounting Standards applicable to Local Government.
- Finalised accounts are to be submitted to the Council for annual audit each year for consolidation in Council's Annual Statement of Accounts. The Committee financial year runs from 1 April to 31 March. Accounts must be submitted within two months from 31 March each year.

ii) *EXPENDITURE OF FUNDS*

- Funds are to be applied solely towards maintenance, improvement and embellishment of the park and facilities.
- The Council's guidelines in regard to procurement of goods and services are to be strictly adhered to.
- Any expenditure in excess of \$2,500, or such amount as determined by Council from time to time, proposed by the Committee is to be referred to Council for approval prior to commitment.
- A summary of works and costs thereof undertaken by the Committee is to be submitted to Council quarterly.

iii) *FUNDS*

- All funds raised are the property of Council.

iv) *INVESTMENT AND BANKING OF FUNDS*

- Funds may be lodged in Council's Trust Fund, to be returned on request of the Committee, or be kept in Savings/Cheque Bank Account or Interest Bearing Deposits established by the Committee.
- All withdrawals of funds must be authorised by two Committee Member signatories.

v) *CONTRIBUTIONS BY CLUBS OR COMMUNITY GROUPS TOWARDS FACILITIES*

- Any contributions are to be accepted on the understanding that such contributions are not for exclusive use, and become Council property after three (3) years.

vi) *SURCHARGE*

- Committees are subject to the surcharge provisions of the Local Government Act 1993 for illegal expenditure.

vii) *GST*

- Committees are required to submit an annual statement of GST collected and incurred during the Committee's financial year. Such statements are to be submitted along with the Committee's financial accounts. Pro formas of the statement can be obtained from Council's Financial Services Section.

5. HIRING ARRANGEMENTS

- All hirings must be in accordance with the rules and conditions set by Council from time to time.
- All hirers are required to complete the hiring form provided to the Committee by Council.
- Particular regard is to be given to complying with the insurance requirements of Council.

6. PLAN OF MANAGEMENT

- The Council establishes a Plan of Management for each Park through the public consultative process in accordance with the Local Government Act 1993.
- Committees are required to implement the requirements of the Plan of Management and in so doing submit an action plan to Council for this purpose.
- The Committee's action plan is to be reviewed annually to ensure that it continues to meet the requirements of the Plan of Management.

7. LIMITATIONS IMPOSED BY COUNCIL

- The following limitations are imposed by Council on the delegation of powers given to the Committees:
 - Committee office bearers and ordinary members of Committees are to be approved by Council.
 - Fees for use of Park facilities are to be approved by Council annually.
 - The Constitution for Section 355 Committees are not to be varied without Council's approval.
 - The Committee is not to deviate from the Plan of Management without Council's express written approval.
 - Payment to Committee members is not permitted.

8. COMPLIANCE

- Committees are required to comply with the rules and conditions set by Council from time to time.
- In the event that rules and conditions are not complied with, Council retains the right to dissolve a Committee.

9. RESOLUTION OF DISPUTES

- The Facilities Management Committee will be the final adjudicator in relation to any dispute arising from the care, control and management of Council's parks and facilities under the auspices of a Park Committee.
- The Consultative Committee in so doing may delegate this role to the General Manager from time to time.

10. TENNIS COURTS

- A set of procedures is appended to this Constitution to be complied with by both Committees and Sub-Committees responsible for managing tennis courts.
- The terms of the Constitution shall apply to the operation of tennis court sub-committees.

APPENDIX TO SECTION 355 COMMITTEES CONSTITUTION

TENNIS COURT PROCEDURES

1. PURPOSE

The purpose of this document is to provide operational procedures to Parks Committees and Sub-Committees managing tennis courts.

These procedures are to be read in conjunction with the Section 355 Constitution.

2. AVAILABILITY AND USE OF COURTS

In allocating courts, consideration should be given to the rights of long term users, the need to cater for the local community and the need to provide the opportunity for use by as many users as possible.

Up to 50% of available court time is to be made available for permanent/long term hirers. The other 50% of available court time is to be made available to casual hirers.

Court hours are from 7.00am to 10.00pm – Monday to Sunday.

Reasonable access for schools within the City area is to be given.

No unauthorised use of tennis courts is permitted. In this regard, courts must be secured (ie, locked up) when not being used.

Where conflict on use exists, the Facilities Management Committee will be the final adjudicator. The Consultative Committee may delegate this role to the General Manager from time to time.

3. REGISTER OF HIRINGS

A register of all hirings is to be kept, both permanent and casual, with a separate list of current permanent hirers and their allocated day, times and courts.

The hiring register is to be annually submitted to Council along with the financial accounts and GST statements.

4. COURT HIRE FEES

Court hire fees are to be in accordance with Council's annually adopted Fees and Charges.

A key bond, in accordance with Council's annually adopted Fees and Charges, is to be taken for any key given to a hirer.

Tennis Court Committees be requested to annually comment on Council's proposed tennis court fees for the upcoming financial year.

5. METHOD OF PAYMENT

Permanent hirers are to pay monthly in advance. Should payments fall two months in arrears the Tennis Court Committee have the right to cancel the permanent booking.

Casual hirers are to pay prior to their casual booking.

GST compliant receipts are to be issued for all payments received.

6. MINIMUM HIRE PERIODS

The minimum hire period for both casual and permanent hirers is one (1) hour.

7. USAGE OF AVAILABLE STORAGE FACILITIES

Storage sheds/kitchens/etc must be made available to permanent hirers at the fee established in Council's annually adopted Fees and Charges.

Tennis Court Committees have the discretion to make storage sheds/kitchens/etc. available to casual hirers at the fee set in Council's annually adopted Fees and Charges.

8. SIGNAGE AT TENNIS COURTS

All requests (from Tennis Court Committees or permanent hirers) for signs to be erected at Council Tennis Courts must be submitted for Council approval.

9. CONTRIBUTIONS BY PERMANENT USERS/TENNIS CLUBS TOWARDS FACILITIES

Received on understanding not for exclusive use, and become Council property after, three (3) years.

10. PAYMENT OF COUNCIL RATES, WATER, ELECTRICITY, TELEPHONE COSTS

Tennis Court Committees to be responsible for water, electricity and telephone costs associated with the tennis court complex.

Council to be responsible for any council rates associated with the tennis court complex.

11. COURT MAINTENANCE

Tennis Courts are to be cleaned regularly and kept in a safe operating condition. Any damage to the courts or related equipment is to be reported to Council immediately.