

# WHITEMARK COMMUNITY GYM COMMITTEE

## A Special Committee of Flinders Council

*Local Government Act 1993 s.24*

### Terms of Reference

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## 1 DEFINITIONS & INTERPRETATION

1.1 In these Terms of Reference, unless the contrary intention appears:

**Act** means the *Local Government Act 1993*(Tas);

**Committee** means the Whitemark Community Gym Committee which is a special committee of Flinders Council established pursuant to section 24 of the Act by a resolution of Council made on 12 October 2017;

**Chairperson** means the Chairperson of the Committee elected in accordance with clause 4.4 of these Terms of Reference;

**Council** means the Flinders Council;

~~**Deputy Chairperson** means the Deputy Chairperson of the Committee elected in accordance with clause 4.4 of these Terms of Reference;~~

**General Manager** means the person appointed to the position of general manager of the Council in accordance with section 61 of the Act;

**Member** means a member of the Committee appointed or elected in accordance with clause 4.1 of these Terms of Reference;

**Meeting** means a meeting of the Committee convened in accordance with these Terms of Reference;

**Municipal Area** means the municipal area of the Flinders Council prescribed in accordance with section 16 of the Act;

**Secretary** means the person nominated by Council or the Committee to be the secretary of the Committee;

**Qualified Physical Health Worker** means a medical professional, allied health professional or personal trainer.

**Simple Majority** means the majority of Members present and able to vote at a Meeting;

**Terms of Reference** means these Terms of Reference as may be amended, varied or replaced by Council from time to time; and

**Treasurer** means the person nominated to act as treasurer to perform the financial functions of the Committee.

## 2 PURPOSE

- 2.1 The purpose of the Committee is to support, assist and advise in the management and operation of the Whitemark Community Gym
- 2.2 The Committee will achieve this purpose by:
- (a) liaison with users and stakeholders and generally being the point of call for collection and reporting to Council of member / user feedback;
  - (b) monitor member conduct and compliance with rules that are established for member conduct;
  - (c) reporting any malfunctions / disrepair of gym equipment; and
  - (d) assisting in the collection of member fees and bring to Council.
- 2.3 In carrying out its stated purposes the Committee will have the following responsibilities:
- (a) to make recommendations to the Council over the general operation of the Gym and policy considerations generally with respect to the services provided.

## 3 POWERS OF COMMITTEE

- 3.1 The Committee has the power to:
- (a) undertake fundraising and sponsorship initiatives to assist in the development of the gym;
  - (b) undertake appropriate grant applications as auspiced by Council;
  - (c) establish any number of sub-committees to assist the Committee with effectively and efficiently pursuing its purpose; and
  - (d) provide recommendations to Council for consideration.
- 3.2 Any sub-committee established by the Committee must include at least one (1) Member and must be chaired by a Member. The chairperson of each sub-committee must regularly report to the Committee regarding the sub-committee's activities.
- 3.3 Unless otherwise specified in these Terms of Reference, the Committee does not have the authority to enter into agreements or otherwise legally bind Council in any way.

## 4 MEMBERSHIP OF COMMITTEE

- 4.1 The Committee will consist of the following members who will be entitled to vote:
- (a) One (1) elected member of the Council as Chairperson;
  - (b) Council's Qualified Physical Health Worker;
  - (c) One representative of Council's Community Development Team

(d) A minimum of four (4) and a maximum of eight (8) persons from within the Community of the Municipal Area who should:

~~i. possess good communication skills, and think and act strategically and have the ability to disseminate information within the Community;~~

~~i. —~~

~~ii. have a demonstrated ability to think and act strategically be able to attend meetings; and~~

~~ii. have networks within the community of the Municipal Area that use the facility; and have an interest in the health and wellbeing of the Community.~~

~~have a demonstrated capacity to encourage practices and behaviours that will advance the health and wellbeing of the community through the use of the Community Gym. (d)~~

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4.2 The following persons may attend meetings of the Committee in a non-voting capacity:

(a) the General Manager;

(b) the Secretary, if appointed by Council;

(c) ~~One representative of Council's Community Development Team~~; and

(d) One (1) representative of the Flinders Lions Club.

4.3 Membership of the Committee will be determined by Council. Once appointed by Council, the term of membership is a maximum of four (4) years.

4.4 Membership of the Committee will be reviewed by Council every (4) years, and in any event such review will coincide with the local government elections for the Municipal Area.

4.5 A quorum for conducting a Meeting consists of five (5) Members appointed or elected pursuant to clause 4.1.

~~4.6 Once appointed, Members will elect from amongst the membership of the Committee persons to the positions of:~~

~~(a) Chairperson; and~~

~~(b) Deputy Chairperson.~~

~~4.7 On or before 1 July in each calendar year the Members must vote to:~~

~~(a) renew the appointment of Members to the position of Chairperson and Deputy Chairperson (respectively); or~~

~~(b) appoint new Members to the positions of Chairperson and Deputy Chairperson (respectively).~~

4.84.6 Council may, from time to time:

(a) vary the number of Members;

- (b) remove any Member and appoint another person as a Member; and/or
- (c) remove and replace the Chairperson and/or Deputy Chairperson.

4.94.7 All Members and sub-committee members are considered to be volunteers of Council for the purposes of the *Work Health and Safety Act 2012 (Tas)*. All Members must be registered on Council's volunteer register and are required to be inducted with respect to Council's Policies and Procedures, known as the Volunteer Induction.

4.104.8 All Members must work within the parameters of, and abide by, any conditions as set out in the Volunteer Role Statements issued to each Member following their Volunteer Induction.

## 5 VACANCY

5.1 A Member is deemed to have vacated their position on the Committee if they:

- (a) tender their resignation in writing to the Chairperson (or in the case of resignation of the Chairperson, to the Deputy Chairperson);
- (b) die; or
- (c) are absent without reasonable excuse from three (3) consecutive meetings of the Committee.

5.2 In the event of a vacancy, the Chairperson (or in the case of resignation of the Chairperson, the Deputy Chairperson) must notify Council of the vacancy as soon as practicable.

5.3 Following receipt of notice pursuant to clause 5.2 of these Terms of Reference, Council will seek public nominations for membership to the Committee by publishing a request for nominations in the Island News publication and on Council's website. The Committee will consider all nominations received and then make recommendations to Council for the appointment of the replacement Member. Council will consider the Committee's recommendations and appoint the replacement Member at the next available ordinary meeting of Council following receipt of the Committee's recommendations.

## 6 COMMITTEE MEETINGS

6.1 Meetings must be held at least ~~four~~two (24) times in each calendar year at a location mutually agreed by the Members. Members who are unable to attend in person may participate via telephone or video conference.

6.2 The Chairperson must give each Member at least seven (7) days' notice of each Meeting which must include an agenda of the matters to be discussed.

6.3 Meetings will be open to the public at the sole discretion of the Committee.

6.4 The Chairperson (or in their absence, the Deputy Chairperson) is responsible for conducting Meetings. Meetings must be conducted in accordance with the agenda circulated in accordance with clause 6.1 of these Terms of Reference.

6.5 All Committee members unless otherwise exempt must declare interests under terms of section 48 *Local Government Act 1993*.

## 7 VOTING RIGHTS

7.1 Decisions of the Committee are made by a Simple Majority vote.

7.2 Each Member present, either in person or by telephone or video conference and entitled to vote at a Meeting shall be entitled to one (1) vote.

## 8 MINUTES

8.1 Accurate minutes of all proceedings of Meetings must be recorded, securely stored and delivered to the Council within fourteen (14) days of the relevant Meeting at which they were taken.

8.2 The minutes kept pursuant to clause ~~8.1~~ 8.1 of these Terms of Reference must:

(a) contain the following details:

- i. the date of the Meeting;
- ii. the time the Meeting opened and closed;
- iii. the place where the Meeting was held;
- iv. attendance and apologies;
- v. a list of all items considered at the meeting; and
- vi. records of all resolutions;

(b) confirm the identity of the minute-taker;

(c) be confirmed by the Members at the next occurring Meeting; and

~~(d) be signed by the Chairperson of the Meeting at which the proceedings took place or by the Chairperson of the Meeting at which the minutes are confirmed.~~

8.3 The Committee shall follow any policy of minute keeping and record keeping as determined by the Council.

## 9 REPORTS

9.1 Recommendations that require Council consideration are to be brought by the ~~member Councillor~~ Chairperson to the next available ordinary meeting of Council following a Meeting.

~~9.2 If required by Council an annual report of the Committee's activities must be prepared and delivered to the Council at the end of each financial year ending 30 June.~~

## 10 RESOURCES

10.1 Subject to the Council's community development budget, Council will provide resources to assist the Committee to fulfil its objectives and purposes. ~~Such support will include, but not be limited to, provision of the Executive Officer.~~

10.2 The Committee will have the ability to raise its own funds to assist in the conduct of its operations. Such funds shall remain in the dedicated Council budget line established for the purposes of the Committee.

## 11 CIRCUMSTANCES NOT PROVIDED FOR

If any matters arises to which these Terms of Reference are silent, the Chairperson must refer the matter to Council as soon as practicable and, in accordance with s.24 of the Act, Council will determine the procedure to be adopted for addressing the relevant matter.

DATED the ~~12<sup>th</sup> day of October 2018~~

Motion no: ~~255.10.2017~~

DRAFT