

CLARE AND GILBERT VALLEYS COUNCIL

TERMS OF REFERENCE

Auburn Recreation Park Management Committee

1 Establishment

Pursuant to Section 41 of the Local Government Act 1999, ("the Act") the Clare & Gilbert Valleys Council ("The Council") established a Committee that is known as the **Auburn Recreation Park Management Committee**.

2 Objectives

The Committee is established for the purpose of:

- a) Undertaking on behalf of the council those functions and powers relative to the management of the **Auburn Recreation Park** in accordance with the delegations made by the Council to the Committee; and
- b) Provide advice to the Council on management of the facilities and activities of the property.

3 Membership

3.1. Membership of the Committee shall be as follows:

- a) Council authorises the Committee to form a membership from the general public with the skills and interest to manage and administer the site. The committee will provide in writing to Council its membership after the AGM.
- b) The membership of a committee will be elected at an Annual General Meeting and should include representation from the main user groups of the facility

3.2 The Council authorises the Committee to elect from its members a Presiding Member and a Deputy Presiding Member of the Committee and a Secretary and Treasurer if deemed necessary.

3.3 Each member of the Committee shall remain a member for a term of **2 years** and may renominate.

3.4 A member of a committee holds office at the pleasure of Council.

3.5 Managers of the caravan park facilities are reporting and advisory officers only and do not hold a voting membership position on the Committee.
The Section 41 Committee determines the budget for the property and activities for which it holds responsibility. As both the volunteer and contractor managers of the Caravan Parks receive a form of remuneration for services rendered, it is inappropriate for those individuals to hold a voting position on the Committee. This stipulation is to ensure compliance with the regulations of the Act of the Independent Commissioner Against Corruption.

3.6 No **civil liability** attaches to a member of the Auburn Recreation Park Management Committee for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the member's or committee's powers, functions or duties.

4 Terms of Reference – Operational Matters

4.1 The Council has delegated to the Committee, and authorised the exercise and performance of, all powers and functions of the Council relevant to and necessary for the management and administration of the performance of the Committee's functions as set out in these Terms of Reference.

- 4.2 The Committee shall provide Minutes to the Council outlining the business of the committee no longer than 5 working days after a meeting of the Committee, and Agendas are to be provided 3 working days prior to a meeting.
- 4.3 The Committee shall act at all times in strict accordance with the Act and Part 2 of the Local Government (Procedures at Meetings) Regulations 2000 ("the Regulations") provided that the Committee may alter in whole or in part the application of Part 2 of the Regulations where it forms the opinion that such alterations are necessary for the better operation of its meeting. A copy of the relevant Act and Regulations shall be made available for perusal by Committee members if and when they request it.
- 4.4 The Committee shall meet on such dates and at such times as the Presiding Member of the Committee, or the Committee, or the Council, may determine, provided that the Committee must meet at least six times per annum.
- 4.5 The quorum for a meeting of the Committee shall be one half of the total number of members of the Committee ignoring any fraction and adding one.
- 4.6 All decisions of the Committee shall be made on the basis of a majority decision of the members present.
- 4.7 If the Presiding Member of the Committee is absent from a meeting, the Deputy Presiding Member shall preside at the meeting. If both the Presiding and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee a member of the Committee chosen from those present shall preside at the meeting.
- 4.8 Insofar as the Act and the Regulations and these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.

5 Functions and Responsibilities

The Committee is charged with undertaking the following functions:

- a) to manage and administer the Auburn Recreation Park including operation of the Auburn Caravan Park
- b) to take necessary and appropriate action to maintain the property; and
- c) to provide regular reports (minutes) to the Council in accordance with Clause 4.2, in particular making the Council aware of any irregularities or issues that have arisen in regards to the property.

6 Amendment of Terms of Reference

The Committee may make recommendations to the Council to amend these Terms of Reference where the Committee forms the opinion that such amendments are necessary for the better operation of the Committee in the performance of its functions and responsibilities.

7 Winding up of the Committee

- 7.1 The Committee may be wound up at any time by resolution of the Council, at its absolute discretion.
- 7.2 If the Council resolves to wind up the Committee, the Council will inform the Clare Regional History Group and the National Trust Auburn Branch of such intention so that these groups may inquire into the action to be taken by the Council regarding the records of the **Auburn Recreation Park Management Committee**.