

# CONSTITUTION OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE

<b>QUALITY CONTROL</b>			
<b>TRIM REFERENCES</b>	D12/14954 – 12/51		
<b>RESPONSIBLE POSITION</b>	Corporate Responsibility Officer		
<b>APPROVED BY</b>	Council		
<b>REVIEW DATE</b>	July 2020	<b>REVISION NUMBER</b>	12
<b>EFFECTIVE DATE</b>	<b>ACTION</b>	<b>MINUTE NUMBER</b>	
1 November 2001	Adopted	39244	
19 December 2001	Amended	39320	
26 June 2002	Amended	29522	
25 June 2003	Amended	39986	
24 September 2003	Amended	40138	
25 October 2006	Amended	42035	
298 November 2006	Amended	42070	
31 January 2007	Amended	42126	
25 August 2010	Amended	42460	
25 January 2012	Amended	43138	
31 July 2013	Amended	44407	
29 March 2017	Adopted	45508	

## 1. INTRODUCTION

- 1.1 The Friends of the Flora and Fauna of the Barrier Ranges Community Committee is a Section 355 Asset Committee established by Council under Section 355 of the Local Government Act.

## 2. COMMITTEE OBJECTIVE

- 2.1 To undertake an advisory role in respect of the care, maintenance, repair, beautification, improvement and management of the Sanctuary; the Committee shall liaise with Council through a Contact Officer or current Councillor representative/s on the Committee, in respect of proposed projects.
- 2.2 To carry out works as approved by Council.

## 3. COMMITTEE NAME

- 3.1 The Committee shall be called the Friends of the Flora and Fauna of the Barrier Ranges Community Committee.

## 4. COMMITTEE ASSET LOCATON AND ADDRESS

- 4.1 The Committee shall manage and maintain the John Simons Flora and Fauna Sanctuary at the Living Desert, situated off Nine Mile Road.
- 4.2 The postal address of the Committee will be "to be advised" and alternatively c/- PO Box 448, Broken Hill NSW 2880.







## **5. COMMITTEE DELEGATION**

Committees are responsible for the tasks delegated by Council which may include letting, cleaning, maintenance, minor repairs and operations.

- 5.1 To assist in the maintenance and future development of native flora and fauna within the Sanctuary.
- 5.2 To present the Sanctuary at a standard of appearance that is satisfactory to the community.
- 5.3 To undertake roles as Volunteer Tour Advisors on a rostered basis.
- 5.4 To assist Council with the opening and closing functions of The Living Desert on a rostered basis.
- 5.5 To recommend to Council an annual works maintenance program and any special projects proposed by the Committee.
- 5.6 To co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance at nil cost and without voting rights.
- 5.7 To ensure that all Committee members abide by all of Council's Work, Health and Safety requirements, that all designated personal protective equipment (e.g. gloves, safety glasses) required by Council are used; and to ensure that safety procedures for use of the Sportsground are monitored.
- 5.8 To bring to Council's attention by way of recommendation through the Council Standing Committee or his/her delegate any item requiring a policy decision outside the authorised delegation of the Committee.

## **6. RESTRICTION OF DELEGATION**

The Committee may not make decisions concerning the following:

- 6.1 The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by

Council Insurance where they are registered with the committee and where they have acted in good faith and lawfully within this instrument of delegation and schedules.

- 6.2 Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control).
- 6.3 Borrowing any monies.
- 6.4 The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended).
- 6.5 The acceptance of tenders which are required to be called by Council, i.e. in excess of Council's discretionary tender threshold (currently \$100,000 GST inclusive).
- 6.6 Formation of submissions to government policies or implementation of policies without the prior written consent of Council.
- 6.7 The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting.
- 6.8 The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work).
- 6.9 As a voluntary Committee, members do not receive payment for their services.
- 6.10 Vote on monies for expenditure on the works, services or operations of Council.
- 6.11 The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.
- 6.12 If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

## 7. COMMITTEE VS COUNCIL RESPONSIBILITY

ITEM	COMMITTEE	COUNCIL
<b>EXTERNAL</b>		
Walls – structure and cladding	Inspection and reporting of defects	Repair and replacement
Walls – finishing	Cleaning, removal of graffiti	Painting and resurfacing
Water supply and fittings – taps and valves	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Water supply and fittings – pipe works	Inspection and reporting of defects Securing off in emergency	Repair and replacement
Plumbing – sewerage lines and septic	Inspection and reporting of defects Emergency unblocking or make safe repairs	Repair and replacement
Guttering, down pipes,	Inspection and reporting of	Repair and replacement

waste pipes and drains	defects Clear foreign objects, blockages, mud etc.	
External roofs, guttering and flashing	No responsibility	Repair and replacement
Skylights	No responsibility	All maintenance and repair as required
Light globes and fittings	Replacements of globes no higher than two meters above head height	Replacement of any street lighting or light fittings Replacement of globes two meters above head height
Doors, including door hardware	Immediate securing where damaged	Repair and replacement
Windows – flywire screening	All regular cleaning and maintenance	Repair and replacement
Windows – frames and locks	Inspection and reporting of defects Lubrication of hardware	Repair and replacement
Windows – glazing	All regular cleaning and maintenance Immediate securing if broken	Repair and replacement
Locks and security systems	Maintain key register Replace keys and locks not on Council Key Register Immediate securing of building if damaged Minor lubrication of locks Engage security service if required	Purchase, installation, service and maintenance where compatible with Council's Key Register
<b>INTERNAL</b>		
Internal walls and ceilings – fabric	Inspection and reporting of defects	Repair and replacement
Internal walls – painting	Cleaning	Painting and resurfacing
Ceilings – structure	Inspection and reporting of defects	Repair and replacement
Ceilings – surfacing	Inspection and reporting of defects	Repair and replacement
Floor structure	Inspection and reporting of defects	Repair and replacement
Floor surfaces and coverings	All regular cleaning and maintenance	Repair and replacement
Doors (including cupboards, doors and door fittings)	Regular cleaning Lubrication of hardware	Repair and replacement
Windows – curtains and blinds	Regular cleaning and minor repair	Replacement
Internal electrical wiring and fittings	Make safe immediately	Repair and replacement
Light globes	Replacement of globes	Replacement of globes where Committee risk assessment unable to manage risk
Light fittings	Inspection and reporting of defects	Repair and replacement
Water supply and fittings	Maintenance and lubrication Inspection and reporting of	Repair and replacement

	defects Replacement of washers	
Internal plumbing – pipes, cisterns, toilet bowls. Hand basins, sinks	Minimise any leakage and further damage	Repair and replacement
Heating, air-conditioning fixtures, hot water systems, appliance	Payment of all gas, water and electricity bills, and inspection and reporting of defects and services	Repair and replacement
Consumables to kitchens, toilets and bathrooms	Supply and replenish	No responsibility
Sanitary disposal	Supply and maintain	No responsibility
Telephone services (where provided)	Payment of all connection, service and use accounts, ensure lines remain operational	No responsibility
<b>ESSENTIAL SERVICES</b>		
Testings and tagging of electrical cords	Regular visual inspections. Remove damaged items from service. Arrange testing and tagging of electrical cords by an Licensed Electrician (or competent person) every two years or at Council's direction	Pay for all testing and tagging. Audit of currency of tags as part of regular inspections
Emergency lighting / exit signs	Inspection and reporting of defects	Six monthly testing Repair and replacement
Evacuation plan	Display prominently	Prepare in consultation with Committee
Paths of travel	Inspect and maintain clear paths of travel at all times Check all door handles on paths of travel	Audit according to regulations
All other Essential Safety Measures	No responsibility	All responsibility
<b>SURROUNDS</b>		
Paths and paved areas	Inspection and reporting of defects	Repair and replacement
Fencing and gates	Inspection and reporting of defects Lubrication of hardware Maintain key register	Repair and replacement
Nature strips and grassed areas	Mowing and regular re-seeding	Returfing
Sport fields and playing surfaces – watering	Water to maintain playable standard	Provide advice
Sports fields and playing surfaces	Minor maintenance, inspection and reporting of defects	Major repairs
Sports fields and playing surfaces – other	Inspection and reporting of defects	Construction, repair and replacement, annual seasonal renovation
Irrigation systems	Maintenance and minor repairs	Major repairs and replacement
Garden beds and shrubs	Watering, fertilising, maintenance, replanting	Construction and refurbishment

	and keeping tidy	
Trees	Inspection and reporting of defects Minor pruning, feeding and watering	Planting and major pruning Tree removal
Outdoor furniture	Inspection and reporting of defects Cleaning	Repair and replacement
Internal roadways and car parks	Inspection and reporting of defects Maintain free of obstructions	Construction, repair and resurfacing, signage
Facility perimeter signage	Inspection and reporting of defects	Installation, repair and replacement
Light towers	No responsibility	Total responsibility for purchase, installation, utility costs, repairs and maintenance
Australian rules football goal posts and nets	Inspection and reporting of defects	Repair and replacement
All other goals and nets	Total responsibility	No responsibility
Nets and goal posts	Total responsibility	No responsibility
Sports surface line marking	Complete as required	No responsibility
Fire prevention works	Remove all flammable materials from around buildings	Audit according to regulations
Hazardous substances and dangerous goods storage	Responsible for storing to relevant Work Health and Safety Standards	Audit according to regulations

## 8. STRUCTURE AND MEMBERSHIP

8.1 The Committee shall consist of twenty three (23) members to be appointed by resolution of the Council, such members to be nominated in the following manner:

- At least one (1) Councillor representative
- Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by executive).

8.2 Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.

8.3 Council reserves the right to amend the number of Committee members and category of representation.

## 9. TERM OF APPOINTMENT

9.1 The term of a committee is the same term as the elected Council.

## 10. PRINCIPAL SPOKESPERSON

10.1 The principal spokesperson for the Committee shall be the Chairperson.

10.2 The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and / or appropriate.

## **11. MEETINGS**

- 11.1 There should be minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.
- 11.2 There should be one Annual General Meeting held per year, at which the Committee will appoint its executive.

## **12. REPORTING REQUIREMENTS**

- 12.1 Annual Report - Committees are to provide Council with an Annual Report inclusive of financial statements by the third (3<sup>rd</sup>) week in August each year.
- 12.2 Finance Reports - Committees are to provide Council with financial statements by third (3<sup>rd</sup>) week in August each year.

Financial Statements are to include the following information:

- Profit & Loss Statement
- Balance Sheet
- Supporting documentation as per clause 10.13 of the Section 355 Asset Committee Manual

- 12.3 Quarterly GST Reporting - Quarterly GST Reporting is to include the following information:
- A profit and loss statement
  - A balance sheet
  - Completed Business Activity Statement (BAS)
- 12.4 Term Report - A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four year term and forwarded to Council by the third (3<sup>rd</sup>) week in August.

## **13. RECORDS**

- 13.1 The Committee is required to keep all proper records.
- 13.2 Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

## **14. FRAMEWORK**

- 14.1 The Committee will comply with all provisions of Section 355 *Local Government Act 1993 (Committees)*, Section 377 *Local Government Act 1993 (Delegations)*, and Section 441-443 *Local Government Act 1993 (Pecuniary Interest)*.
- 14.2 The Committee will comply with all provisions of Council's Section 355 Asset Committee Framework.

## **15. REVIEW**

- 15.1 Review of all Section 355 Committees, their structures, and Framework including Constitutions will be conducted annually in September following presentation of the Committees Annual Reports and Financial Statements.
- 15.2 Constitutions will be reviewed by Council following each Local Government General Election (4 yearly), by Council resolution, at the request of the Committee or at the discretion of the General Manager.



## 16. DEFINITIONS

“**Council**” shall mean Broken Hill City Council.

“**Committee**” shall mean The Friends of the Flora and Fauna of the Barrier Ranges Community Committee.

“**Executive**” shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

“**Sanctuary**” shall mean the Living Desert and the John Simons Flora and Fauna Sanctuary.

“**User Group**” shall mean organisations which are granted use of any portion of the facility on a license, annual, seasonal or longer term basis.