

CONSTITUTION OF THE MEMORIAL OVAL COMMUNITY COMMITTEE

QUALITY CONTROL		
TRIM REFERENCES	D12/14766 – 12/52	
RESPONSIBLE POSITION	Director Corporate and Community	
APPROVED BY	Council	
REVIEW DATE	October 2024	REVISION NUMBER 16
EFFECTIVE DATE	ACTION	MINUTE NUMBER
30 June 1976	Adopted	21323
21 October 1976	Amended	21715
25 February 1981	Amended	26554
15 December 1981	Amended	27437
5 November 1986	Amended	31887
3 October 1990	Amended	34351
25 September 1991	Amended	34985
30 September 1992	Amended	35731
2 November 1994	Amended	36759
29 November 1995	Amended	37136
26 November 1997	Amended	42070
31 January 2007	Amended	42126
31 July 2013	Amended	44407
29 March 2017	Adopted	45508
30 March 2022	Adopted	46795
October 2024	2024 Review and update	N/A
30 October 2024	Adopted	47674

1. INTRODUCTION

- 1.1. The Memorial Oval 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 Oval; 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.
- 2.3. To maintain a record of bookings of the Oval and its facilities in the Outlook Calendar associated with the Committee's Council identified email address - memorialoval@brokenhill.nsw.gov.au.
- 2.4. To provide access to the Oval and its facilities for use by citizens of and visitors to Broken Hill without distinction.
- 2.5. To allow any regular user of the Oval to erect structures under such conditions as the Committee shall see fit, provided that no such agreement shall be concluded without the approval in writing of the Council; to ensure any necessary approvals are sought and so that Council's insurers are aware of the event activity.
- 2.6. To ensure a copy of current rules of use of the Oval and its facilities and the current schedule of fees and charges are exhibited in an appropriate public place at the sportsground.
- 2.7. To recommend to Council the making of rules or setting of any fees and charges, none of which to be implemented without formal approval by Council.

3. COMMITTEE NAME

- 3.1. The Committee shall be called the Memorial Oval Community Committee.

4. COMMITTEE ASSET LOCATION AND ADDRESS

- 4.1. The Committee shall manage and maintain the Memorial Oval, situated at 87 Williams Street.
- 4.2. The postal address of the Committee will be c/- PO Box 448, Broken Hill NSW 2880, unless otherwise advised.



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 oversee and conduct the necessary duties of watering, weeding and lawn edging, sundry repairs and maintenance to watering systems and fixtures.
- 5.2. To present the Oval at a standard of appearance that is satisfactory to the community.
- 5.3. To provide a satisfactory service to users of the Oval and to advise Council promptly of safety and maintenance concerns.
- 5.4. To request Council assistance in removal of dead trees and any other task that requires the use of high-risk power tools such as chainsaws.
- 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 recommend to Council any fees and charges for use of the Oval, each financial year for Council's consideration.

- 5.8. To accept all bookings for use of the Oval and keep all necessary records in respect of same.
- 5.9. 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.
- 5.10. To bring to Council's attention by way of recommendation through the Council 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. Formation of submissions to government policies or implementation of policies without the prior written consent of Council.
- 6.6. 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.
- 6.7. 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).
- 6.8. Committee Membership is a voluntary position. Any honorariums for services such as groundskeeping, cleaning etc are to be recommended by the Committee and are subject to the approval of Council through the meeting minutes. Reimbursement of out of pocket expenses for telephone and postage, relating to bookings of the facility are permitted on presentation of detailed receipts, all expenses are to be recorded appropriately.
- 6.9. Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available.
- 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
EXTERNAL		
Walls – structure and cladding	Inspection and reporting of defects to Council Minor repairs	Major repairs and replacement
Walls – finishing	Cleaning, removal of graffiti and paint touch ups	Painting and resurfacing
Water supply and fittings – taps and valves	Maintenance and lubrication Inspection and reporting of defects to Council Replacement of washers	Repair and replacement
Water supply and fittings – pipe works	Inspection and reporting of defects to Council Securing off in emergency	Repair and replacement
Plumbing – sewerage lines and septic	Inspection and reporting of defects to Council Emergency unblocking or make safe repairs	Repair and replacement
Guttering, down pipes, waste pipes and drains	Inspection and reporting of defects to Council Clear foreign objects, blockages, mud etc.	Repair and replacement
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 metres 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 – frames and locks	Inspection and reporting of defects to Council 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
INTERNAL		
Internal walls and ceilings – fabric	Inspection and reporting of defects to Council	Repair and replacement
Internal walls – painting	Cleaning	Painting and resurfacing
Ceilings – structure	Inspection and reporting of defects to Council	Repair and replacement

Ceilings – surfacing	Inspection and reporting of defects to Council	Repair and replacement
Floor structure	Inspection and reporting of defects to Council	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 to Council	Repair and replacement
Water supply and fittings	Maintenance and lubrication Inspection and reporting of defects to Council Replacement of washers	Repair and replacement
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
Cleaning – including all amenities	Full responsibility	No responsibility
ESSENTIAL SERVICES		
Testings and tagging of electrical cords	Regular visual inspections. Remove damaged items from service. Arrange testing and tagging of electrical cords by a 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 to Council	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	Monitor and report to Council	Act as required
First Aid Kits	Maintain and replenish	Initial Supply
SURROUNDS		
Paths and paved areas	Inspection and reporting of defects to Council	Repair and replacement

	Weed maintenance	
Fencing and gates	Inspection and reporting of defects to Council Lubrication of hardware Maintain key register	Repair and replacement
Nature strips and grassed areas	Mowing, regular re-seeding and weed maintenance	Returfing, fertilising, selective herbicide spraying
Sports fields and playing surfaces - watering	Report any concerns or issues with irrigation system to Council	Selection of watering schedules/ amounts/ maintenance or irrigation system including repair works
Sports fields and playing surfaces -	Minor maintenance, inspection and reporting of defects, Whipper snipping of grass around fence line and goal posts. Removal of rubbish and debris.	General maintenance of surface including mowing, herbicide spraying, scarifying, top dressing and fertilising where required. All major repairs
Sports fields and playing surfaces – other	Inspection and reporting of defects to Council	Construction, repair and replacement, annual seasonal renovation (cricket pitch only)
Garden beds and shrubs	Watering, fertilising, maintenance, replanting and keeping tidy	Construction and refurbishment
Trees	Inspection and reporting of defects to Council Feeding and watering	Planting and all pruning, inspection of potential tree removal and removals if necessary
outdoor furniture	Inspection and reporting of defects to Council Cleaning	Repair and replacement
Internal roadways and car parks	Inspection and reporting of defects to Council Maintain free of obstructions	Construction, repair and resurfacing, signage
facility perimeter signage	Inspection and reporting of defects to Council	Installation, repair and replacement
Light towers	Monitoring usage for cost recovery (per Council's Schedule of Fees and Charges)	Total responsibility for purchase, installation, utility costs, repairs and maintenance
Australian rules football goal posts and nets	Inspection and reporting of defects to Council	Repair and replacement
Other Nets and goal posts	Total responsibility	No responsibility
Sports surface line marking	Complete as required	Assist Committee upon request
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 minimum membership for a committee to remain viable is four (4) members, however the Committee shall ideally consist of twelve (12) members to be appointed by resolution of the Council, such members to be nominated in the following manner:
- At least one (1) Councillor representative
 - Allowance for at least one (1) representative per user group
 - Reasonable number of community representatives reflecting the size and operations of the facility (to be approved by Council).
- 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 a 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 (3rd) week in August each year.
- 12.2. Finance Reports - Committees are to provide Council with financial statements by third (3rd) week in August each year.

Financial Statements are to include the following information:

- Profit and Loss Statement
- Balance Sheet
- Supporting documentation as per clause 10.11 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 (3rd) 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 the Model Code of Conduct for all Councils in NSW.
- 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, Framework and Constitutions will be conducted by Council following each Local Government General Election, or 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 Memorial Oval Community Committee.

"Executive" shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

"Oval" shall mean the Memorial Oval.

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