



COMMITTEE CHARTER

Merriwa Aged Hostel Committee

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Due for review	At the expiry of the term of the current Council
Responsible officer	Director Environment & Community Services



Purpose and Objectives

Merriwa Aged Hostel Committee Charter

Part I Preliminary

Interpretation

(1) In these rules, except in so far as the context or subject-matter otherwise indicates or requires – “ordinary member” means a member of the committee who is not an officebearer of the committee, as referred to in Part 2 (12); “the Trust” means the Merriwa Aged Hostel Trust.

“The Committee” means the Merriwa Aged Hostel Committee which is a Section 355 Committee of Council in accordance with the New South Wales Local Government Act (1993).

“The Executive” means the Chairperson, Deputy Chairperson, Secretary/Treasurer and one ordinary committee member. The ordinary committee member shall be elected to the executive at the annual general meeting.

“Secretary” means-

- (a) the person holding office under these rules as secretary of the committee; or
- (b) where no such person holds that office-the public officer of the committee;

“Special general meeting” means a general meeting of the Committee.

“Financial year” refers to a 12 month period commencing 1 July and finishing 30 June of the next year.

(2) In these rules-

- (a) a reference to a function includes a reference to a power, authority and duty; and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(3) The provisions of the Interpretation Act, apply to and in respect of these rules in the



same manner as those provision would so apply if these were an instrument made under the Act.

Membership

Membership Qualifications

A person is qualified to be a member of the Committee if, but only if the person is natural person who:

- (a) has been nominated for membership of the Committee as provided by rule 3; and
- (b) has been approved for membership of the Committee by the Committee.

2. Nomination For Membership

(1) A nomination of a person for membership of the Committee:

- (a) shall be made by a member of the association in writing in the form set out in Appendix 1 to these rules; and
- (b) shall be lodged with the secretary of the Committee.

(2) As soon as practicable after receiving a nomination for, the secretary shall refer the nomination to the committee which shall determine whether to approve or reject the nomination.

(3) Where the committee determines to approve a nomination for membership, the secretary shall, as soon as practicable after that determination, notify the nominee of the approval.

(4) The secretary shall, enter the nominee's name in the register of members and, upon the name being so entered, the nominee becomes a member of the committee.

3. Cessation of Membership

A person ceases to be a member of the committee if the person-

- (a) dies;
- (b) resigns that membership;



- (c) fails to attend, without due cause, a minimum of 50% of meetings within any financial year; or
- (d) is expelled from the committee.

4. Membership Entitlements Not Transferable

A right, privilege or obligation which a person has by reason of being a member of the committee-

- (a) is not capable of being transferred or transmitted to another person; and
- (b) terminates upon cessation of the person's membership.

5. Resignation of Membership

(1) A member of the committee is not entitled to resign that membership except in accordance with this rule.

(2) A member of the committee may resign from membership of the committee by first giving notice (being not less than 1 month or not less than such other period as the committee may determine) in writing to the secretary of the members intention to resign

and, upon the expiration of the period of notice, the member ceases to be a member.

(3) Where a member of the committee ceases to be a member pursuant to clause (2), and in

every other case where a member ceases to hold a membership, the secretary shall make

an appropriate entry in the register of members recording the date on which the member

ceased to be a member.

6. Register of Members

(1) The secretary of the committee shall establish and maintain a register of members of the

committee specifying the name and address of each person who is a member of the



committee together with the date on which the person became a member.

(2) The register of members shall be kept at the principal place of administration of the committee and shall be open for inspection, free of charge, by any member of the committee at any reasonable hour.

The Committee

Powers, etc. of Committee

The committee shall be called the Merriwa Aged Hostel Management Committee of the Merriwa Aged Hostel Trust and, subject to the Act, the Regulation and these rules and to any resolution passed by the committee in general meeting-

- (a) shall control and manage the affairs of the Trust;
- (b) may exercise all such functions as may be exercised by the trust other than those functions that are required by these rules; and
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the Trust.

Constitution and Membership

- (1) The committee shall consist of-
- (a) one Merriwa district Councillor or locally nominated representative of the local government area administrating the affairs of Merriwa;
 - (b) the Community Worker employed by the local government area, or nominee;
 - (c) the Trustee, being a local government area appointed nominee that must reside in the Merriwa district;
 - (d) A minimum of eight with a maximum of ten ordinary members whom shall reside in the Merriwa district.



(2) The office-bearers of the committee shall be-

- (a) the chairperson;
- (b) the deputy chairperson;
- (c) the treasurer; and
- (d) the secretary.

(3) Each member of the committee shall, subject to these rules, hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.

(4) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the community to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

Election of Members

(1) Nominations of candidates for election as office-bearers or as ordinary members of the committee-

(a) shall be made in writing, signed by 2 members of the community and accompanied by the written consent of the candidate (which may be endorsed on the form of nominations); and

(b) shall be delivered to the secretary of the committee not less than 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.

(3) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominations shall be deemed to be elected and further nominations shall be received at the annual general meeting.

(4) If insufficient further nominations are received any vacant positions remaining on the



committee shall be deemed to be casual vacancies.

(5) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.

(6) If the number of nominations received exceed the number of vacancies to be filled, a ballot shall be held.

(7) The ballot for the election of office-bearers and ordinary members of the committee shall be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

(8) A nomination of a candidate for election under this clause is valid if the candidate has been nominated for election to another office at the same election and has not been elected to that other position

Casual Vacancies

For the purpose of these rules, a casual vacancy in the office of a member of the committee occurs if the member:

- (a) dies;
- (b) ceases to be a member of the committee;
- (c) resigns office by notice in writing given to the secretary;
- (d) is removed from office under rule 16;
- (e) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- (f) is absent without the consent of the committee from all meetings of the Committee held during a period of six months.

Removal of Member

(1) The committee in a general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of



office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.

(2) Where a member of the committee to whom a proposed resolution referred to in clause relates makes representations in writing to the secretary or president (not exceeding reasonable length) and requests that the representations be notified to the members of the committee, the secretary or the president may send a copy of the representations to each member of the committee or, if they are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

Meetings and Quorum

(1) The committee shall meet at least 3 times in each period of 12 months at such place and time as the committee may determine.

(2) Additional meetings may be convened by the chairperson or by any 3 members of the committee.

(3) Oral or written notice of a meeting of the committee shall be given by the secretary to each member of the committee at least 5 days (or such other period as may be unanimously agreed upon by the members of the committee) before the time appointed for the holding of the meeting.

(4) Notice of a meeting given under clause (3) shall specify the general nature of the business to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.

(5) Any five members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.

(6) No business shall be transacted by the committee unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the



meeting stands adjourned to the same place and at the same hour of the same day in the following week.

(7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.

(8) At a meeting of the committee:-

(a) the chairperson or, in the chairperson's absence, the deputy chairperson shall preside; or

(b) if the chairperson and the deputy chairperson are absent or unwilling to act such one of the remaining members of the committee as may be chosen by the members present at the meeting shall preside.

Delegation by Committee to Sub-Committee

The committee may, by instrument in writing delegate to one or more sub-committees (consisting of such member or members of the committee as the committee think fit) the exercise of such of the functions of the committee as are specified in the instrument other than-

(a) this power of delegation; and

(b) a function which is a duty imposed on the committee by the Act or by any other law.

(2) A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the subcommittee in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation under this rule, the committee may continue to exercise



any function delegated.

(5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the committee.

(6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.

(7) A sub-committee may meet and adjourn as it thinks proper.

Voting and Decisions

(1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee shall be determined by a majority of votes of members of the committee or sub-committee present at the meeting.

(2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

(3) Subject to rule 17(5), the committee may act notwithstanding any vacancy on the committee.

(4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee, appointed by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

Meetings

Annual General Meetings – Holding Of

(1) With the exception of the first annual general meeting of the committee, the committee shall, at least once in each calendar year and within the period of 3 months after the



expiration of each financial year of the committee, convene an annual general meeting of its members.

(2) The committee shall hold its first annual general meeting within the period of 2 months after the expiration of the first financial year of the committee.

(3) Clause (1) and (2) have effect subject to any extension or permission granted by the committee.

20. Annual General Meeting – Calling of and Business at

(1) The annual general meeting of the committee shall, subject to rule 20, be convened on such date and at such place and time as the committee thinks fit.

(2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be:

(a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting;

(b) to receive from the committee reports upon the activities of the committee during the last preceding financial year;

(c) to elect office-bearers of the committee and ordinary members of the committee, and

(d) an annual general meeting shall be specified as such in the notice convening it.

Special General Meetings – Calling Of

(1) The committee may, whenever it thinks fit, convene a special general meeting.

(2) The committee shall, on the requisition in writing of not less than 3 of the total number of members, convene a special general meeting of the committee.

(3) A requisition of members for a special general meeting-

(a) shall state the purpose or purposes of the meeting;

(b) shall be signed by the members making the requisitions;



(c) shall be lodged with the secretary; and

(d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

(4) If the committee fails to convene a special general meeting to be held within 1 month after the date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.

(5) A special meeting convened by a member or members as referred to in clause (4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who thereby incurs expense is entitled to be reimbursed by the committee for any expense so incurred.

Notice

(1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the committee, the secretary shall, at least 5 days before the date fixed for the holding of the general meeting, cause to be sent by pre-paid to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

(2) Where the nature of the business proposed to be dealt with at the general meeting requires a special resolution of the committee, the secretary shall, at least 21 days before the date fixed for the general meeting, cause notice to be sent to each member in the manner provided in clause (1) specifying, in addition to the matter required under clause (1) the intention to propose the resolution as a special resolution.

(3) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business



which may be transacted pursuant to rule 21(2).

(4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.

Procedure

(1) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.

(2) Five members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

(3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned at the same day in the following week at the time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.

(4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall constitute a quorum.

Presiding Member

(1) The Chairperson or, in the Chairperson's absence, the Deputy Chairperson, shall preside as chairperson at each general meeting of the committee.

(2) If the Chairperson and the Deputy Chairperson are absent from a general meeting or unwilling to act, the members present shall elect one of their number to preside as



chairperson at the meeting.

Adjournment

(1) The Chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(2) Where a general meeting is adjourned for 14 days or more, the secretary shall give written or oral notice of the adjourned meeting to each member of the committee stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

(3) Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

Making of Decisions

(2) A question arising at a general meeting of the committee shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a motion has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the committee, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

(3) At a general meeting of the committee, a poll may be demanded by the chairperson or by not less than 3 members present in person or by proxy at the meeting.

(4) Where a poll is demanded at a general meeting the poll shall be taken:-

a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment; or



b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on the matter.

Special Resolutions

A resolution of the committee is a special resolution if:-

(a) it is passed by a majority which comprises not less than three-quarters of such members of the committee as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which not less than 21 days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules; or

(b) where it is made to appear to the Commission that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph (a) the resolution is passed in a manner specified by the Commission.

Voting

(1) Upon any question arising at a general meeting of the committee a member has one vote only.

(2) All votes shall be given personally or by proxy but no member may hold more than 5 proxies.

(3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second casting vote.

(4) A member or proxy is not entitled to vote at any general meeting of the Committee unless all money due and payable by the member or proxy to the Committee has been paid, other than the amount of the annual subscription payable in respect of the then current year.

Appointment of Proxies



(1) Each member shall be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

(2) The notice appointing the proxy shall be in the form set out in appendix 2 of these rules.

Miscellaneous

Insurance

(1) The Committee shall effect and maintain insurances according to legislative requirements.

(2) In addition to the insurance required under clause (1), the Committee may effect and maintain other insurance.

Funds Source

The Committee as such has no funds but can make recommendations to the Trustee on how funds should be dispersed.

Funds Management

(1) Subject to any resolution passed by the Committee in general meeting the funds of the Trust shall be used in pursuance of the objects of the Trust in such manner as the committee determines.

(2) All cheques, draft, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 employees of the trustee, being authorised to do so by the trustee.

Alteration of Objects and Rules

The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the Committee.

Custody of Books etc.



Except as otherwise provided by these rules, the secretary or Trustee shall keep in his or her custody or under his or her control all records, books and other documents relating to the Committee.

Inspection of Books etc.

The records, books and other documents of the Committee shall be open to inspection, free of charge, by a member of the Committee at any reasonable hour.

Service of Notices

(1). For the purpose of these rules, a notice may be served by or on behalf of the Committee upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.

(2) Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purpose of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

Surplus Property

(1) The committee has no property.

Part VI Additional Rules Applicable to Charities

Application of Part

This part applies where the trustee is registered under or is exempted from registration by or under the Charitable Collections Act, 1934.

Payments Etc. of Office Bearers and Members

A member of the Committee shall not be appointed to any salaried office of the Committee paid by fees, and no remuneration or other benefit in money or money's worth shall be given by the Committee to any member of the committee except:

- (a) repayment of out-of-pocket expenses;



- (b) interest at a rate not exceeding interest at the rate for the time being which is or would be charged by the trustees bankers for money lent to the Committee; and
- (c) reasonable and proper rent for premises let to the Committee.

Vacation of Office

Without limiting the operation of rule 15, the office of a member of the Committee shall become vacant if:

- a) the member holds an office of profit in the committee; and
- b) the member is directly or indirectly interested in any contract with the committee.

Notification of Proposed Alteration of Rules

A proposed alteration of the rules or the Constitution of the committee shall be notified to the minister administering the Charitable Act, 1934, in the manner required by the regulations under that Act.

Compliance with Charitable Collection Act, 1934

The Committee shall comply with such of the provisions of the Charitable Collections Act, 1934 and the regulations thereunder as are applicable to it.

Version History

Version No.	Date	CM Ref	Reason for Review
1	<date>		New Policy