This Factsheet provides general information on the role of the Approved Provider of an Outside School Hours Care Service (OSHC). For the purpose of this Factsheet, the term “Management Committee” refers to the Approved Provider of an Incorporated Association operating an OSHC service in NSW. Additional Factsheets are available on the Network website which outline the various committee positions; their roles and responsibilities and management committee meetings. Although every effort has been made to verify the accuracy of items in this Factsheet, users are urged to check independently on matters of specific interest, particularly in relation to requirements under the National Quality Framework (NQF).

WHAT DOES THE MANAGEMENT COMMITTEE DO?
The management committee is the employer and therefore they are responsible for the overall operation of the service, including:
★ Ensuring compliance with Education and Care Services National Regulations and Law.
★ Ensuring compliance with all applicable laws imposed by the Australian Government and the state or territory where the service is located.
★ Employment and management of the staff.
★ Monitoring the day-to-day operation of the service.
★ Publicity, promotion and fundraising.
★ Record keeping.
★ Financial and legal accountability.
★ Maintenance of the premises.

HOW MANY COMMITTEE MEMBERS ARE REQUIRED AND CAN A COMMITTEE MEMBER HOLD MORE THAN ONE POSITION?
The constitution of the association will set down the membership of the management committee. If the incorporated association has adopted the Model constitution developed by NSW Fair Trading, the composition of the committee is to consist of:
★ The President
★ The Vice President
★ The Treasurer
★ The Secretary
★ Plus at least three ordinary committee members.

As currently drafted, the Model constitution allows a committee member to hold more than one position on the committee (other than both the president and vice-president positions).

A committee member, an ordinary member or a person outside the association may hold the position of public officer. The public officer is the official point of contact for an incorporated association and one of the authorised signatories of the association.

WHO CAN BE A MEMBER OF THE MANAGEMENT COMMITTEE?
Under the Model constitution, a person is eligible to be a member of the association if:
★ The person is a natural person*, and
★ The person has been nominated and approved for membership of the association in accordance with Clause 3 of the Model constitution

* A “natural person” is defined by law as “an actual person, as distinguished from a corporation which is often treated at law as a fictitious person”.

An association’s constitution may also set out additional qualifications for membership of the committee.
There is no prohibition in the legislation on an employee being a member of a committee. However, the rules of many associations restrict the number of employees who may be on the committee.

The legislation does not prohibit persons under the age of 18 (minors) becoming a member of the management committee. However, care should be taken in this regard as questions about the legal capacity of minors can be complex. Furthermore, Clause 32 of the Model constitution states that a member who is under 18 years of age is not entitled to vote at any general meeting of the association. An association that wishes to allow persons under the age of 18 years of age to be members of the committee should obtain its own legal advice in relation to this issue.

**HOW LONG CAN SOMEONE STAY ON THE COMMITTEE?**

The association’s constitution should provide guidance on the election of committee members, including the length of time they are able to serve. Committee members are elected at the Annual General Meeting (AGM) and usually hold the position until the next AGM.

**WHAT HAPPENS IF A MEMBER OF THE COMMITTEE LEAVES BEFORE THE END OF THEIR TERM OF OFFICE?**

The constitution of the association will determine how a casual vacancy of the committee is to be filled. If the constitution of an incorporated association does not deal with this issue, the relevant provisions of the Model constitution will apply. Model constitution Clause 18 states that the committee may appoint a member of the association to fill a casual vacancy. The appointed member holds office until the conclusion of the next Annual General Meeting following the date of his or her appointment.

**HOW OFTEN SHOULD MANAGEMENT COMMITTEE MEETINGS BE HELD?**

Meetings should be held frequently enough to ensure that any issues that arise can be dealt with promptly and efficiently. If the committee is unable to meet regularly, they should ensure that there is a process in place for a financial report from the Treasurer and a report from the Nominated Supervisor/Coordinator to be distributed to all members of the management committee.

Information regarding the types of meetings required and how to run meetings is included in a Factsheet, which can be downloaded from the Network website: http://www.netoosh.org.au/oosh_resources.htm

**CAN A MEMBER OF THE MANAGEMENT COMMITTEE BE HELD PERSONALLY RESPONSIBLE IF SOMETHING GOES WRONG AT THE CENTRE?**

As a legal entity in its own right, an association bears liability for its acts. This means that claims made against an association, either as debts or compensation for negligence, are the responsibility of the association. Contact Fair Trading NSW for further information: 13 32 20.

**ESSENTIAL RESOURCES AVAILABLE FROM NETWORK:**

- Keep it Legal!
- Getting to Grips with Money Matters: A Guide to Financial Management for Outside School Hours Care Services.

**OTHER RELEVANT OOSH DEVELOPMENT FACTSHEETS:**

- Approved Provider (Management Committee) Roles and Responsibilities
- Approved Provider (Management Committee) Meetings
- Incorporation

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