

## Special Committees of Management Manual

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## 1. About this Manual

This Section 86 Committees of Management Manual (the Manual) has been developed to assist Section 86 Committees of Management, whose primary role is to manage facilities such as recreation reserves and public halls.

All Committees of Management are delegated power to act on behalf of Council. These powers are set out in the Committees Instrument of Delegation.

The Council has introduced a set of guidelines to assist and direct Committees in their ongoing operation. These guidelines have been formally adopted by Council and form the basic requirements and directions for Committees to observe. A copy of the Guidelines applying to the Committee's Instrument of Delegation is included at [Appendix 1](#).

To assist Committees to meet these guidelines, this Manual has been produced to provide additional explanatory notes and advice on where to seek support and resources.

This Manual and support resources are available on the Council's website [www.indigoshire.vic.gov.au](http://www.indigoshire.vic.gov.au).

## 2. Contacting Council

### Primary contacts:

The Team Leader Recreation & Community Development – 02 6028 1145 or 0401 266 960

The Governance Officer – 03 5728 8007

**Email:** [info@indigoshire.vic.gov.au](mailto:info@indigoshire.vic.gov.au).

**Website:** [www.indigoshire.vic.gov.au](http://www.indigoshire.vic.gov.au)

If the matter is urgent please contact Council's main switch on 1300 365 003 and explain the situation and they will ensure that you are directed to the appropriate officer

## Key dates and reporting requirements

Date (due by)	Requirement	Reference		
		Manual	Guidelines	Template
15 January	Submit a meeting schedule to Council outlining the date, time and place of Committee meetings for the following 12 months.	<a href="#">Section 4.2 - Meetings</a>	Section 9.2	
28 February	Complete and submit to Council a Contents Inventory		Section 7.1.4	<a href="#">Appendix 4</a>
28 February	Submit one annual budget to Council (for the financial year commencing 1 July and ending the following 30 June)	<a href="#">Section 6 - Finance</a>	Section 9.3	<a href="#">Appendix 3</a>
28 February	Conduct and submit to Council an Annual Building Inspection checklist	<a href="#">Section 7.2</a>	Section 7.1.7	<a href="#">Appendix 4</a>
31 July	Submit to Council, annual financial statements including: <ul style="list-style-type: none"> <li>- Profit and Loss (Operating statement)</li> <li>- Balance Sheet (Statement of Financial Position)</li> <li>- End of year bank statements</li> </ul>	<a href="#">Section 6 - Finance</a>	Section 10.2	<a href="#">Appendix 3</a>
31 July	Submit to Council the Committees Annual Report summarising the years operational activities and performances	<a href="#">Section 6 - Finance</a>	Section 9.1	<a href="#">Appendix 3</a>
Following each meeting	Submit to Council Committee Minutes			
Before each meeting	Submit to Council Committee Agenda			
Annually	Hold an Annual General Meeting	<a href="#">Section 5.1 - Meetings</a>	Section 12.1	<a href="#">Appendix 3</a>
Annually	Hold at least four general meetings each year	<a href="#">Section 5.1 - Meetings</a>	Section 12.3	<a href="#">Appendix 3</a>

### **3. Information Session**

Information forums will be offered periodically to provide Committees with relevant information and to outline any amendments to the Manual.

All members of Section 86 Committees of Management are encouraged to attend the information session and Council strongly encourages the attendance of at least one member of each Committee.

It is further recommended that each Committee, at its next meeting after the information session, includes a discussion on the Manual update and information session, to ensure all Committee members are informed.

### **4. Membership, Roles and Functions**

#### **4.1 Section 86 Committees of Management**

The Council generally deals with two types of Management Committees that are responsible for the management of local sports facilities, reserves and public halls. These are:

1. Special Committees appointed by the Council under Section 86 of the *Local Government Act 1989* on both Council property and on Crown Land where Council is appointed by the Department of Sustainability and Environment (now known as the Department of Environment and Primary Industries - DEPI) as the managing body. These Committees can also be referred to as Section 86 Committees of Management.
2. Committees of Management who are appointed by the Victorian Governments, Department of Sustainability and Environment (now DEPI) directly.

Where the Council appoints a Special Committee, certain powers, functions, obligations and roles are assigned to that Committee. Generally, Special Committees are responsible for the day to day management and administration of facilities. This Manual has been prepared specifically for Council appointed Committees.

## **Local Government Act 1989 (Section 86)**

The following is extracted from Section 86 of the Act:

- (1) In addition to any Advisory Committees that a Council may establish, a Council may establish one or more Special Committees of the following:
  - (a) Councillors;*
  - (b) Council staff;*
  - (c) Other persons;*
  - (d) Any combination of persons referred to in paragraphs (a), (b) and (c).**
- (2) A Council may appoint members to a Special Committee and may at any time remove a member from a Special Committee.*
- (3) Except as provided in subsection (4), a Council may by Instrument of delegation delegate any of its functions, duties or powers under this or any other Act to a Special Committee.*
- (4) A Council cannot delegate to a Committee the following powers:
  - (a) This power of delegation;*
  - (b) To declare a rate or charge;*
  - (c) To borrow money;*
  - (d) To enter into contracts for an amount exceeding an amount previously determined by the Council;*
  - (e) To incur any expenditure exceeding an amount previously determined by the Council;*
  - (f) Any prescribed power.**
- (5) A Council may require a Special Committee to report to the Council at intervals determined by the Council.*
- (6) The Council must review any delegations to a Special Committee in force under this section within the period of 12 months after a general election.*
- (7) A Committee that exercises the power, or performs a duty or function, of the Council that has been delegated to that Committee under any Act is a Special Committee for the purposes of this Act.*

### **Instrument of Delegation**

An Instrument of Delegation, detailing the powers, functions, exceptions, conditions and limitations of the Committee, is signed and sealed under a Council resolution. A copy of the Instrument of delegation is provided to the Committee in the appendices.

## 4.2 Responsibilities of Committee and Council

Responsibility	Special Committee	Council
<b>Special Committee Coordination</b>		
Notify Council of Committee Membership Changes	✓	
Advertisement calling for applications to join the Committee		✓
Appointment of Committee		✓
Rules of Appointment and Instrument of Delegation to the Committee		✓
Formal Appointment / Rescission of Appointment		✓
Provide a meeting schedule to Council by 15 January each year	✓	
<b>Annual General Meeting</b>		
Agenda preparation and distribution	✓	
Request to Council to advertise Annual General Meeting (on website)	✓	
Advertise Annual General Meeting (on website)		✓
Election of Office Bearers	✓	
Prepare and present Annual Report (including operating statement and statement of financial position)	✓	
Take minutes	✓	
Submission of Annual Report to Council by 31 July each year	✓	
Signing of minutes, Annual Report, by Chair and submission to Council within 14 days of AGM	✓	
Submit minutes to Council within 14 days of the meeting.	✓	
<b>Regular General Meetings</b>		
Agenda preparation and distribution (As per agenda format approved by Council)	✓	
Conduct of meeting	✓	
Prepare and present monthly reports	✓	
Prepare and present monthly financial reports	✓	
Take minutes	✓	
Confirming the minutes	✓	
Signing of minutes by Chair	✓	
Providing copy of minutes to Council within 14 days of the meeting.	✓	
<b>General Administration</b>		
Inwards and outwards correspondence	✓	
Record keeping	✓	
Advertising publicity and promotion of the facility	✓	

Responsibility	Special Committee	Council
Publicity and promotion	✓	
Community liaison	✓	
User group liaison	✓	

Responsibility	Special Committee	Council
<b>Policy and Planning</b>		
Policy recommendation	✓	
Operational policy development	✓	✓
Policy monitoring and enforcement	✓	✓
Long term development planning (Master Plan)	✓	✓
<b>Financial Management</b>		
Annual budget preparation/recommendation	✓	
Submission of annual budget to Council by 28 February each year	✓	
Approval of annual budget		✓
Acceptance of quotes within delegated limits (e.g. \$5000)	✓	
Acceptance of quotes outside delegated limits		✓
Accounts payable	✓	
Accounts receivable	✓	
Accounting	✓	
Fee setting, collection and retention	✓	✓
Submission of Profit and Loss Statement and Balance Sheet to Council by 31 July each year	✓	
Sponsorship collection and retention	✓	
Grants and subsidies	✓	
Leases and licensing		✓
<b>Booking Administration</b>		
Day to day administration	✓	
Booking enquiries	✓	
Setting of booking rules and user protocols		✓
Booking information	✓	
Booking approvals	✓	
Pre and post booking inspections	✓	
Fee collection	✓	
Usage monitoring	✓	
<b>Maintenance, Cleaning and Minor Improvements</b>		
Please refer to the Building Maintenance Guidelines – Responsibilities of Occupier (Committee of Management or equivalent) and Council		
<b>Expenditure</b>		

Responsibility	Special Committee	Council
Rubbish and waste collection for facility	✓	
Water and sewer services and consumption charges for all buildings and structures	✓	
Power for all buildings and structures	✓	
Gas (natural and bottled)	✓	
Contents insurance premiums	✓	
Building insurance excess	✓	
Public liability insurance premiums		✓
Administration, stationary and office equipment	✓	
Public lighting		✓
Telephone and communications	✓	
<b>Risk Management</b>		
Occupational Health and Safety	✓	
Risk Management Inspections	✓	
Risk Management reports	✓	
Essential Safety Measures register update		✓
Emergency Evacuation Plans	✓	
Incident Reports	✓	

### 4.3 Obligations of the Committee

The Committee needs to:

- Provide a written report to Council on the operation of the facility on an annual basis. This shall be deemed to be the Annual Report. The report needs to be sent to Council by no later than **31 July of each year**. [Appendix 3](#) is a template for the annual report.
- Resolve conflicts where these occur in the requirements of the community using the facility.
- Convene or cause to be convened such meetings, forums, seminars or other activities as may be deemed of value by the Committee to meet or assist in meeting its objectives.
- Liaise with the Council and its staff to ensure continuing co-operation and co-ordination of the facility.
- Ensure compliance with all Acts, regulations other legal requirements concerning safety at the facility.

- Not commit, or permit to be committed, any act which will render the operation of any of the Council's insurance policies invalid.
- Publicise and promote interest in the facility.
- Ensure that the facility is kept in a clean condition at all times and is used in a reasonable and lawful manner by organisation or individuals.
- Promptly report to the Council any breakage, damage or mechanical hazard which appears likely to give rise to a risk management issue or any abnormal damage to playing surfaces, surrounds or any other equipment.

#### **4.4 Committee Membership**

The size of Committees of Management will vary, but will provide for equitable representation of all user groups as well as community interest. As a general rule, Committees will comprise of between 5 and 11 members representative of the local community, appointed by resolution of the Council. It may be possible for more people to be appointed to the Committee subject to a resolution from Council.

Member's appointment terms are listed in the Committee delegation (but may be removed by the Council at any time). A member of the Committee shall be eligible for re-appointment at the expiration of his or her period of office.

The Council will call for applications from interested community members by way of a public notice in the local newspapers before appointing community representatives to the Committee.

If a member resigns from the Committee then Council must be notified so that a report can be prepared for Council to formally rescind that person's membership.

It is the responsibility of the Committee to submit to Council any changes to Committee representatives so that Council approval can be obtained. All persons appointed to the Committee shall be subject to the initial and continued approval of Council.

To ensure that Council can maintain an accurate member database, it is important that Council be advised of any changes to member contact details.

Notwithstanding anything else contained herein, a Committee member who is absent from three consecutive Committee meetings without approval of the Committee shall cease to be a member of the Committee.

Additional members are able to join the Committee during the term of a Committee. An application form is included in **Appendix 4** to assist you with this process. Completed forms are returned to Council so that a report can be presented to Council to formally appoint the new member. The applicant does not become a member of the committee until such time as Council formally resolves the appointment.

#### **4.5 Roles and Responsibilities of the Committee**

Committee members hold various positions within the Committee and undertake a variety of roles and responsibilities. During the election of office bearers, a Council Officer can attend the meeting to assist you conduct the election of office bearers.

Office bearers are appointed each year at the Committee's Annual General Meeting (AGM).

##### **The Chair**

The Chair is the principal leader and has overall responsibility for the Committee's administration.

The main responsibilities of the Chair are:

- Chairing meetings of the Committee;
- Being well informed of all Committee activities;
- Being aware of the future directions and plans of members;
- Having a good working knowledge of the delegation and guidelines;
- Managing Committee meetings;
- Managing the AGM;
- Being a supportive leader of all Committee members;
- Ensuring that planning and budgeting is carried out in accordance with the wishes of the members;
- Managing discussion and avoiding members dominating and/or excluding others.

Specifically, during meetings, the Chair is responsible for ensuring:

- Meetings are correctly convened in accordance with Council's Local Law Meeting Procedure ([Appendix 8](#));
- A quorum is present for the duration of the meeting (refer to [Section 5.2](#) for further details);
- Meeting decisions are properly minuted;

- Maintaining order;
- The meeting is conducted while keeping the discussion focused on the business of the meeting and to clarify points and ensure that everyone understands the decisions being considered.

The Chair may vote on any motion considered by the meeting. In the case of a tied vote, the Chair has a casting vote, this means that the Chair gets a second vote and may not necessarily vote the same way they voted initially.

If the Chair is absent from any meeting, the Deputy Chair will fill the role for that meeting. Should both the Chair and Deputy Chair be absent from any meeting the Committee needs to temporarily appoint another of its members to act as the Chair. Appointment of the acting chair must be undertaken by voting with the mover, seconder and outcome of the decision being recorded in the minutes.

#### **The Secretary**

The Secretary is the Chief Administration Officer of the Committee. This person provides the coordinating link between members, the Committee and outside agencies.

The main responsibilities are:

- Arranging the meetings and preparing the Agenda at least 7 days prior to the date of the meeting;
- Keeping Committee members properly informed by sending them notices of meetings, copies of agendas, correspondence, reports, etc. as required;
- Receiving all incoming correspondence, if required, bring it to the attention of the Committee and/or where necessary writing and dispatching all outwards correspondence required by the Committee.
- A report listing all incoming and outgoing correspondence, along with progress reports on any works being done should be presented to Committee meetings;
- Preparing minutes and other associated documents, distributing copies to Committee members and providing a copy of the minutes to Council;
- Liaising with the Chair between meetings so the business of the Committee is attended to and, in consultation with the Chair, organise Special meetings as required;
- Carrying out follow-up action which arises from the business of meetings;
- Organising and delegating tasks;
- Maintaining all Committee records.

### **Treasurer**

The Treasurer is responsible for keeping the Committee's financial records in good order. The financial year shall be 1 July to 30 June of the following year.

The main responsibilities of the Treasurer are:

- Maintaining a bank account of which the Chair, deputy chair, secretary and treasurer (and any other members as nominated by the Committee) shall be signatories, with any two to sign;
- Banking money received as soon as practicable after receipt;
- Paying accounts as authorised by the Committee;
- Providing original tax invoices, receipts, cheque butts, bank statements and all other supporting documentation to Council if requested;
- Reporting at each Committee meeting by presenting a simple financial report;
- Ensuring that annual financial statements are prepared for adoption at the Annual General Meeting;
- Presenting a financial report to the Annual General Meeting;
- Preparing the annual budget;
- Undertaking financial reporting as per the Annual Reporting requirements provided to each Committee;
- Monitoring revenue and expenditure;
- Ensuring that accurate financial records are maintained;
- Ensuring that copies of all bank statements are forwarded to Council including term deposits.

### **Committee Members who are not office bearers**

Committee members should work effectively and efficiently with the office bearers to achieve the best outcome for the Committee.

The main responsibilities of Committee members are:

- Attending all meetings and actively participating in decision making;
- Assisting to manage the facility if appropriate;
- Bringing to the Committee's attention any identified problems or issues;
- Actively participating in Committee activities and business.

## **4.6 Resignation of Committee Members**

**Members who decide to resign from an office bearer position** but not from the Committee need to forward a letter of resignation to the Committee, which is to be accepted and recorded in the minutes. Notification of the resignation will also be forwarded to Council. In all cases a resigning office bearer must hand over all Committee records to the incoming office bearer.

**Members who resign from the Committee** will forward a letter of resignation to the Committee and in doing so should aim to give a reasonable amount of notice to take into account (if necessary) the recruitment of a new member. The Committee must advise Council of any member resignation so that Council can coordinate the process of rescinding the appointment of the resigning member and advertising for a new member.

#### **4.7 Removing a Committee Member**

The Council can remove a member from a Committee at any time, but this power is rarely used.

Committee positions can become vacant for any of these reasons:

- A Committee member is absent for three consecutive meetings without the Committee's approval;
- A Committee member becomes bankrupt;
- A Committee member is convicted of a serious offence;
- A Committee member becomes incapable of performing Committee duties (for example chronic illness).

#### **Removal for 'non-performance'**

It is a difficult and subjective judgement to make that a fellow Committee member is 'not performing' or not carrying out their Committee duties satisfactorily.

If this issue arises, the first step should be for the Chair or whole Committee to discuss the matter with the member concerned. Often this will resolve the issue, with either the member accepting that more is required of them or the member resigning.

If the poor performance continues and the member is reluctant to resign, the other Committee members should contact Council for further direction and advice.

#### **4.8 Filling a Casual Vacancy**

A casual vacancy on a Committee should be filled if:

- There is more than 12 months of the Committee's term remaining;
- The Committee can no longer function or perform its duties, e.g. the Committee has less than five people or a quorum no longer exists;
- The Committee wishes to fill the vacancy;
- The Council wishes to fill the vacancy.

The candidate who fills the vacancy is appointed only for the remaining period of the current term of the Committee.

Vacancies are filled in the same way as the original appointment was made. Person(s) wishing to nominate as Committee members are required to complete the application form and submit to the Committee, who if recommended, will minute their acceptance of the application and forward the minutes to Council. The applicant does not become a member until Council formally accepts the committee's recommendation.

## 5. Governance

### 5.1 Meetings

#### Annual General Meeting

The Committee shall hold an Annual General Meeting (AGM) on a date fixed by the Chair. It is expected that this will be undertaken between March and June each year in order to coincide with the requirement to submit the Committee's Annual Report to Council by **31 July** each year.

The business of the AGM shall be:

1. Welcome
2. Present
3. Apologies\*
4. Disclosure of Conflicts of Interest
5. Confirmation of minutes of previous Annual General Meeting (AGM)\*
6. Adoption of Annual Report\*
7. Adoption of Annual Financial Statements\*
8. Confirm fees and charges for coming year\*
9. Emergency Evacuation Plan update
10. Seasonal user agreements
11. Certificates of Currency – public liability and contents insurance – user groups
12. Building inspection checklist
13. Contents inventory
14. Election of office bearers\*
15. Meeting closed at: .....

The agenda template for an AGM is supplied in [Appendix 3](#).

#### General Meetings

In addition to an AGM the Committee shall hold at least four general meetings during the year on dates determined by the Committee. Meeting dates for the coming year are to be ideally set at the last meeting for the year so that they can be put on Council's website by the

end of January each year. Dates are able to be changed, however notification should be sent to Council so that the website can be updated accordingly.

The agenda template for a general meeting is supplied in [Appendix 3](#)

### **Special Meetings**

Special Meetings of a Committee can be called in two ways. The Chairperson:

1. May call a Special Meeting on his/her own initiative; or
2. Needs to call a Special Meeting upon receiving from any three members of the Committee a written request that such a meeting be called.

The meeting will be held on a date and time fixed by the Chair, provided that, in cases where the Chair calls a meeting in response to a request, the meeting is held within 21 days of the Chair receiving such a request.

The Chair shall arrange for an agenda and notice of the meeting to be given to all Committee members. No other business shall be transacted at that meeting other than what is specified on the agenda.

If a Special Meeting is called then it is expected that Council will be notified so that the date, time and venue of the meeting can be published on Council's website.

## **5.2 Meeting matters**

### **Notice of Meetings / Agenda**

Prior to any meeting a notice of meeting, including an agenda is prepared. Usually the secretary, in consultation with the chair prepares the agenda, however all Committee members can nominate items of business to be included. Committees are encouraged to use the standard agenda template, included at [Appendix 3](#).

Committee members should receive the agenda, including any reports to be considered at the meeting, and minutes from the last meeting at least 48 hours (preferably one week), before the meeting. A copy of the agenda should also be submitted to Council at the same time.

Once the agenda has been sent to Committee members, the order of business for that meeting, or the addition or deletion of items from the order of business, may only be altered by resolution of the Committee.

Council will advertise Committee meetings, in the Special Committees of Council area on its website. Members of the public may attend Committee Meetings and can also request copies of Committee agendas and minutes.

### **Set Meeting Dates for the Year**

Each Committee is required to conduct at least four General Meetings each year. At the AGM you are required to set the dates for your General Meetings over the coming twelve months. These dates are submitted to Council and will then be listed on the website. If additional meetings need to be called then the Committee is able to call a Special Meeting in accordance with the guidelines.

### **Quorum**

The quorum required for a Special Committee meeting is 50 per cent + 1 of the members currently appointed to the Committee.

If 30 minutes after the scheduled starting time of a meeting, a quorum has not been obtained, then the meeting and all business is to be deferred to another time.

If at any time during the meeting a quorum cannot be maintained, the chair will close the meeting and refer any unfinished business to a subsequent meeting.

### **Motions and voting**

It is expected that a Committee will abide by normally accepted meeting procedures where decisions of the Committee involve the following matters of business:

- Noting of Apologies;
- Adoption of the Annual Report;
- Adoption of the Annual Financial Statement;
- Monthly/Quarterly Finance Report;
- Election of Office Bearers;
- Expenditure Committals over \$100.

A motion before a meeting of the Committee is to be determined as follows:

- Each voting member of the Committee is entitled to one vote;
- Unless the procedures of the Committee otherwise provide, voting must be by show of hands; the Chair calls first for those in favour of a motion and then for those opposed to a motion, and then declares the result to the meeting.
- The motion is determined by a majority of the vote;
- In the event of a tied vote, the Chairperson has a casting vote.
- A quorum must be present for the duration of the meeting.

Those committee members with voting rights are specified in the committees Instrument of Delegation. Co-opted members do not have voting rights.

### **Addressing the Meeting**

Generally, Committee members addressing the meeting must direct their comments through the Chair. A Committee member addressing the meeting shall not be interrupted by any other member, except the Chair who has the right to provide any direction to the member regarding the conduct of that address (appropriate language, length of time taken, etc.).

### **Public Participation in meeting**

The form of public participation at any Committee meeting is at the discretion of the Committee. The public can take part in discussions only at the invitation of the chair, but cannot propose motions or vote.

Committee meetings are open to the public however the Committee may resolve to close a meeting to members of the public ONLY if the meeting is discussing any of the following:

- Personnel matters;
- The personal hardship of any resident or ratepayer;
- Industrial matters;
- Contractual matters;
- Proposed developments;
- Legal advice;
- Matters affecting the security of Council property;
- Any other matters which the Committee considers would prejudice the Council or any person; or
- A resolution to close the meeting to members of the public.

To close a meeting to members of the public the Committee need to pass a motion outlining the reason and record it in the minutes.

Suggestions on managing public participation include:

- allowing question time at the start of any meeting
- accepting questions in writing for consideration either at the start of the meeting or as part of general business, and
- encouraging deputations and petitions.

The public can ask questions of the Committee (only in the time set aside in the meeting to do so), but it is not a forum for taking motions from the floor or voting on proposals. These actions can only be undertaken by the Committee members and any such business should be held over to the next regular meeting.

### **5.3 Minutes**

#### **Keeping of Minutes**

Each meeting needs to have minutes taken of each meeting. The original signed copies of all minutes are to be provided to Council at or immediately following the AGM each year.

The following details of the meeting should be included in the minutes:

- The date, time and place;
- The names of those present and the names of those who tendered an apology;
- All declarations of an interest or conflict of interest of any Committee member;
- The arrival and departure times of members, including any temporary departures during the course of the meeting;
- Every motion and amendment moved, including the mover (and seconder) of any motion or amendment;
- The outcome of every motion put to the vote;
- Any other matter that the Chair thinks should be recorded to clarify the intention of the meeting or reading of the minutes.

The Secretary should keep a minute book that will be passed on to the incoming secretary at the end of the secretary's term. The Secretary will also ensure that Council has been provided with all minutes so that they can be stored and archived in accordance with the *Public Records Act 1973*.

### **Confirmation of Minutes**

Minutes of each committee meeting need to be:

- presented to the next meeting for confirmation (the motion endorsing the minutes of a previous meeting should only be moved and seconded by members who actually attended that meeting).
- signed by the Chair of the meeting at which they are confirmed.

A template for Committee Meeting Minutes is contained at [Appendix 3](#).

### **Distribution of minutes**

The minutes of a Committee meeting need to be provided to each committee member and Council as soon as possible following the meeting.

Committee minutes are a public document (except where the meeting is closed due to the discussion of confidential items) and are placed on Councils website.

## **5.4 Referring Decisions to Council**

Any decision of the Committee which is outside its delegated power cannot be implemented until approved by the Council.

If the committee would like to make a recommendation to Council on a matter outside their delegated power the committee needs to pass a motion, this is then forwarded to Council, who may or may not choose to accept the recommendation

In the event of any unresolved dispute arising, the matter shall be submitted to the Council in writing and any decision made thereon by the Council will be final.

## **5.5 Sub-Committees**

The Committee may form sub-Committees from among its members for the purpose of recommending on matters, any recommendations from the sub-committee need to be referred to a full Committee for decision.

Sub-Committees shall only be established by resolution of the Committee and only carry out those functions stated in such resolution. The members of the sub-Committee do not have any voting rights.

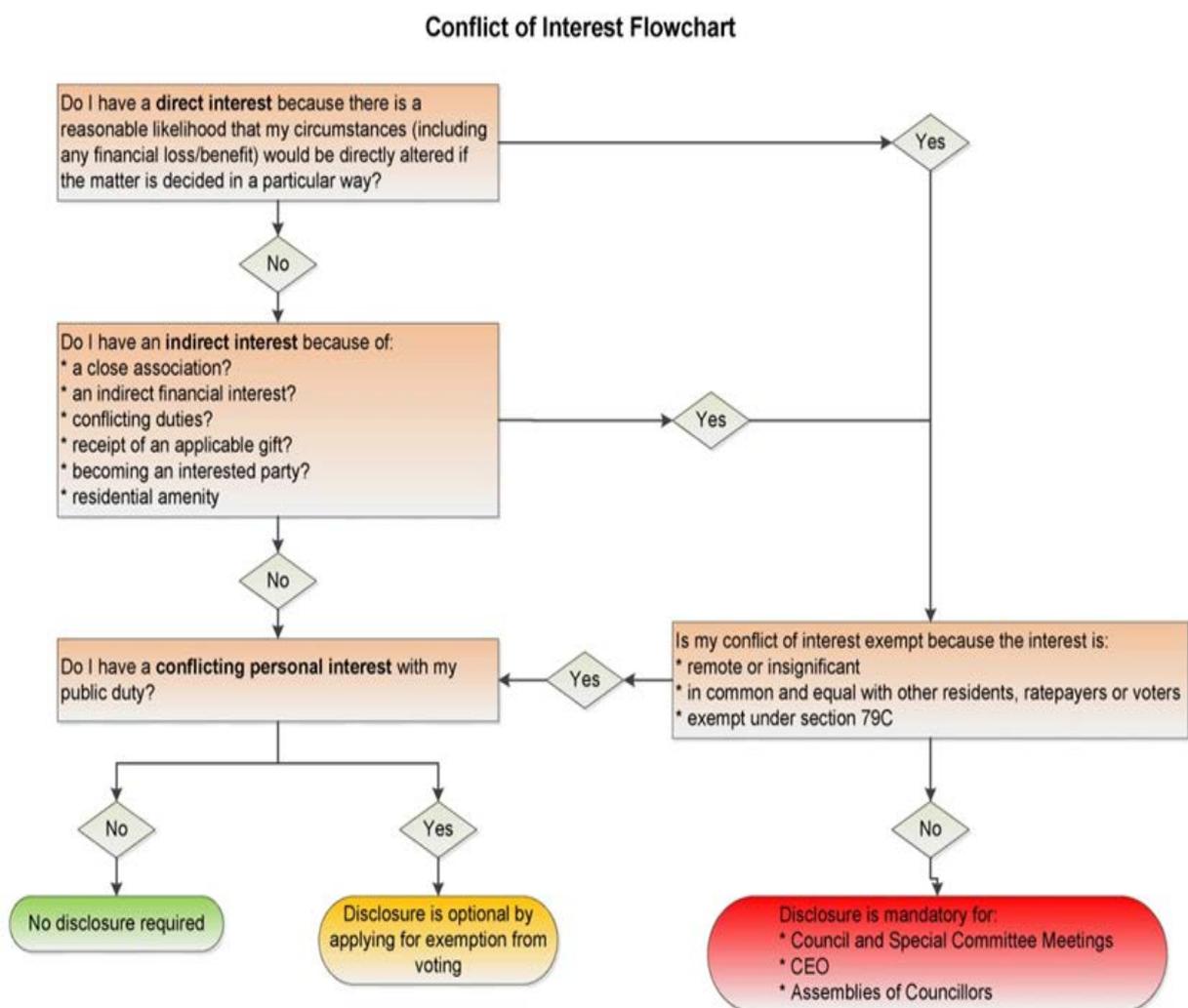
The Chairperson shall be an ex-officio member of all sub-Committees.

## 5.6 Conflict of Interest

Being a member of a Special Committee of Council is a position of trust that involves obligations to the community and Council. It must be clear to everyone that you are not using your position to serve your own interests or the interests of someone close to you.

There are procedures that need to be followed by Committee Members when they have conflicts of interest. While the procedures vary, depending on the particular role and circumstance, they basically involve disclosing the relevant interests in a specific way and then stepping aside from the relevant decision making process or from the exercise of public duty.

The following flowchart assists in understanding whether you have a conflict of interest.



## Disclosure of Conflict of Interest

If you have a conflict of interest it must be disclosed, this involves:

1. Acknowledging the conflict of interest
2. Completing the conflict of interest form (refer appendix 3)
3. Submitting the form to the Chair
4. Declaring the conflict at the start of the meeting as well as immediately before the item is discussed
5. Removing yourself from the discussion/involvement and voting of item

A Committee member who will not be at the meeting may give his or her written disclosure to either the Chair of the Committee or to the Council CEO. If the Chair receives a written disclosure, he or she must give it to the Council CEO. This should be done as soon as practicable.

Council Officers and Council contractors are also required to disclose conflicts of interest they may have when providing a report or advice to the Council or to a Special Committee of the Council.

## Abstaining at Meetings

A Committee member with a conflict of interest must leave the Committee meeting for the duration of discussion on that matter.

The conflict of interest and the fact that the Committee member left the meeting must be recorded in the minutes.

### Example:

The Special Committee that manages the use of the local hall is to consider a request from a stamp collectors club to hold a stamp fair. Person XX is a member of the stamp club and a member of the Special Committee. He also has a conflict of interest in the matter. When the matter comes up at a meeting, Person XX announces:

*"I have a conflict of interest in this matter.*

*"I have an indirect financial interest because I will probably have a stall at the fair.*

*"As required by the Local Government Act, I will leave the meeting while the matter is considered".*

He leaves the meeting and waits outside until he is called in by the chair after the decision has been made. The type of conflict of interest and the fact that Person XX left the room are recorded in the minutes.

## 5.7 Other Personal Interest

### **Conflicting personal interest** (Not applicable if you have a conflict of interest)

There may be a time when you have a connection with a matter that is not a conflict of interest but you still don't think you should vote on the matter.

For example, you may have a close friend who is being considered for work on behalf of the Committee and you don't think it is appropriate to vote on the matter.

Under section 79B of the Act, a member of a Special Committee can seek the consent of the Committee to abstain from the relevant decision if he or she considered that his or her personal interest may conflict with his or her public duty.

### **Process**

If you consider you have a personal interest that is in conflict with your public duty **AND** you do not have a conflict of interest as defined in the Act, you may apply to the Committee to be exempted from voting.

You must make this application immediately before the matter is considered and you must give reasons for your application.

The Committee may consent to your application and it cannot unreasonably withhold its consent. If the Committee gives its consent, you must act as if you have a conflict of interest and leave the meeting.

As an application of this type will require a vote by the Committee, you will have a conflict of interest in the decision, so you must do the following:

After giving the reasons for your application, you must state you have a direct interest in the decision because it directly affects your obligations and then leave the meeting.

- If your application to abstain from voting is approved, you stay outside the meeting until the consideration and voting on all issues relating to the matter are concluded; or
- If your application to abstain from voting is not approved, you return to the meeting and participate in the consideration and voting on the principle matter.

**Further information on Conflicts of Interest can be obtained from the Conflict of Interest Guide at [Appendix 5](#)**

## 5.8 Misuse of Position and Confidential Information

Section 76D (Misuse of Position) and Section 77 (Confidential Information) of the *Local Government Act 1989* also apply to members of Section 86 Special Committees.

### **Misuse of position (Extract from Section 76D of the Local Government Act 1989):**

- (1) *A person who is, or has been, a Councillor or member of a Special Committee must not misuse his or her position—*
- (a) *To gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or*
  - (b) *To cause, or attempt to cause, detriment to the Council or another person.*

*Penalty: 600 penalty units or imprisonment for 5 years or both.*

- (2) *For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a Special Committee include—*
- (a) *Making improper use of information acquired as a result of the position he or she held or holds; or*
  - (b) *Disclosing information that is confidential information within the meaning of section 77(2); or*
  - (c) *Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E; or*
  - (d) *Exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or*
  - (e) *Using public funds or resources in a manner that is improper or unauthorised; or*
  - (f) *Failing to disclose a conflict of interest as required under this Division.*

- (3) *This section—*
- (a) *Has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of Councillors or members of Special Committees; and*
  - (b) *Does not prevent the institution of any criminal or civil proceedings in respect of that liability.*

**Confidential information (Extract of Section 77 of the Local Government Act 1989):**

- (1) A person who is, or has been, a Councillor or a member of a Special Committee, must not release information that the person knows, or should reasonably know, is confidential information.*
  
- (2) For the purposes of this section, information is **confidential information** if—*
  - (a) The information was provided to the Council or a Special Committee in relation to a matter considered by the Council or Special Committee at a meeting closed to members of the public and the Council or Special Committee has not passed a resolution that the information is not confidential; or*
  - (b) The information has been designated as confidential information by a resolution of the Council or a Special Committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or Special Committee has not passed a resolution that the information is not confidential; or*
  - (c) Subject to subsection (3), the information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds' applying under section 89(2) and the Council has not passed a resolution that the information is not confidential.*
  
- (3) Confidential information referred to in subsection (2)(c) ceases to be confidential at the expiry of the period of 50 days after the designation is made unless subsection (2)(a) or (2)(b) applies to the information.*

## **5.9 Duty of Care**

Under Common Law, owners and managers must prevent members and visitors from being exposed to potentially harmful situations.

It is imperative that Committees of Management acknowledge that they have a Duty of Care to all participants attending their facility and that the Committee of Management is active in ensuring that the playing and social environments are as safe as reasonably possible.

Social activities within a sporting community play an important role. Committees need to remember that whilst patrons are attending such functions, they again have a responsibility to provide a safe environment.

Committees and clubs need to be aware of their legal obligations, specifically those relating to the serving of alcohol and providing a smoke free environment.

### 5.11 Record Keeping

There is legislation in place governing record keeping which Council must comply with. Therefore as a committee of Council there is an obligation to assist Council in this process.

This involves Section 86 Committees of Management:

- Submitting records as required as per the Manual;
- Making full and accurate records of the business of its Committee, and storing these Committee records responsibly in a readily accessible and secure place.
- Forwarding essential records to Council for retention and disposal

What records need to be kept?:

- Minutes of every meeting
- Agendas of every meeting
- Financial records (e.g. Committee Annual Report)
- Correspondence (inwards and outwards)

Essential records of the Committee should be identified and special care taken to prevent their loss or damage. **Such records should be duplicated, with the originals forwarded to Council and copies retained by the Committee.**

The records (including electronic) of a committee, however old, are public records.

#### **Freedom of Information Act 1982**

Under the *Freedom of Information Act 1982* (FOI), the community has the right to access documents and other information generated or held by a Committee, whatever form they may be in (electronic, written, e-mail, fax, etc.)

Any requests for a Committee of Management's documents under the FOI Act should be forwarded as soon as possible to Council for processing as a decision must be made on that request within 45 calendar days after it is received by the Committee. The Council will consult with the Committee before releasing any documents to the public.

#### **Information Privacy Act 2000**

The *Information Privacy Act 2000* requires that Committees handle any personal information in a secure and responsible manner and manage the information in accordance with a set of 10 Information Privacy Principles (IPPs). For further detail regarding the 10 IPPs refer to the

website for Privacy Victoria [www.privacy.vic.gov.au](http://www.privacy.vic.gov.au) and the Office of the Victorian Privacy Commissioner.

## **6. Finance**

The Committee must ensure the effective financial control of the Committee, including the submission of an annual budget to Council for consideration and approval by 28 February in each year (for each financial year beginning on 1 July and ending the following 30 June).

The Secretary/Treasurer of the Committee must present the financial statements including Profit and Loss Statement, and balance sheet at the conclusion of each financial year for presentation to the AGM of the Committee.

The Committee may enter into contracts, leases or rental agreements on behalf of the Council associated with the management of the Facility with the consent of Council and subject to any requirements of the *Local Government Act 1989*. Specific contracts shall not exceed \$5,000 as set out in the Instrument of Delegation without Council consent.

The Committee shall have the power, on behalf of the Council, to raise funds, solicit and receive donations and secure government grants, in accordance with the objectives of the Committee, policies of Council and the budget.

The Committee shall have the power, on behalf of the Council, to hold or sponsor functions, stalls and other fundraising means, within the constraints of the budget, to enhance the objectives of the Committee.

The Committee may pay, from funds received the cost of minor maintenance, electricity, water charges or gas used, honorariums, petty cash and secretarial expenses as the Committee determines.

All monies received by the Committee must be paid promptly into the bank account referred to in the Schedule to the Instrument of Delegation. Money must only be able to be drawn from that account on the signature of any two of the following office bearers:

- Chair;
- Deputy Chair;
- Secretary;
- Treasurer or any other authorised Committee member.

A report which reflects the current financial position of the Committee shall be presented to each meeting of the Committee and provided to Council as part of the minutes of that meeting.

The Committee must forward to the Council an annual report each year. The Chair of the Committee shall be responsible for ensuring that the report is lodged with the Council by 31 July each year.

## 6.1 Receipts and Invoicing

The Australian Tax Office has ruled that **Committees cannot have a separate ABN** or separate registration for GST, the Committee must use Council's **ABN 76 877 704 310** when issuing tax invoices for hire/use of facility. A tax invoice template is provided in the appendices

## 6.2 Purchasing

The Committee is not authorised to purchase goods and services or enter into a contract or procure works exceeding the amount set out in their Instrument of Delegation. For Section 86 Committees this limit is set to **\$5,000**. Committees are also not authorised to make any alterations or additions to any buildings or grounds that are part of the facilities managed by the Committee.

When Committees wish to incur expenditure above their delegated limit and/or make any alterations or significant additions to any buildings, they must get approval from Council.

### Quotations

Council's Procurement Policy sets out the rules governing purchasing and the process around obtaining quotes. All purchases must be undertaken in accordance with these guidelines, irrespective of whether the purchase is within the Committee's authorised financial delegation. The quotation rules are set out below but a complete copy of Council's Procurement Policy which is provided in the appendices.

Up to \$500	1 verbal quote must be obtained
\$501 to \$2,000	1 verbal quote and 1 written quote
\$2,001 to less than \$5,000	2 written quotes must be obtained
Greater than \$5,000	Approval required from Council

## **7. Management of the Facility**

### **7.1 Use/Hire of the Facility**

There are a variety of people/organisations that are able to utilise the facility. Use of the facility may be either on a seasonal or a casual basis. Everyone that uses the facility must complete a Booking Form and read the Conditions of Use.

Booking Form templates are provided at [Appendix 4](#)

All users must have Public Liability Insurance and a Certificate of Currency that is valid for duration of the hire of the venue, must be attached to the application.

**Hirers that do not have Public Liability Insurance are not able to use the facility.**

However, users can request to use Council's Community Public Liability Insurance – please refer to Facility Hire Application – Casual Users section below.

#### **Facility Hire Application – Casual Users**

Users who do not have their own Public Liability Insurance may be eligible to request public liability insurance through Council's Community Public Liability Insurance policy. It is not available to organisations, incorporated bodies or clubs that are required to have their own insurance as part of their registration.

Casual Users should complete the Community Public Liability Insurance Request Form (provided at [Appendix 4](#) – Community Liability request Form) and lodge with Council for consideration. If the Community Public Liability Insurance Request is approved, users can pay the fee at any of Councils' Customer Service Centres in Beechworth, Chiltern, Rutherglen or Yackandandah.

In the event of a claim Council does not guarantee insurance coverage.

Council's insurance policies expire annually on 30 June. As part of the renewal process Council will request details about the number of insurance cover requests the Committee have received from casual hire bookings. These figures are used to determine the share of the insurance premium that needs to be charged to your Committee. Once these figures have been obtained Council will invoice the Committee for the amount owing.

There are numerous exclusions to the insurance coverage provided by Council's policy. If there is an insurance claim in relation to any of the following activities, insurance IS NOT available through Council's policy.

**Claims relating to the following activities are excluded from insurance:**

<b>Festivals and Markets</b>	<b>Fireworks</b>
<b>Sporting Activities</b>	<b>Music concerts</b>
<b>Grandstand</b>	<b>Entertainers and performers</b>
<b>Sub-contractors</b>	<b>Security Personnel</b>
<b>Child molestation</b>	<b>Products liability for children's toys</b>
<b>Acts of terrorism</b>	<b>Electronic data</b>
<b>Amusements (included but not limited to children's and animal rides, miniature trains and inflatable recreational equipment)</b>	<b>Events where admission is charged</b>

**Consumption of alcohol at events**

When alcohol is going to be consumed at an event it is important that the hirer checks with the Victorian Commission for Gambling and Liquor Regulation ([www.vcglr.vic.gov.au](http://www.vcglr.vic.gov.au)) that they do not require a Temporary Liquor Licence. The general rule is that where there is a charge or associated charge for alcohol (e.g. free glass of wine on arrival to an event where attendees must pay an admission).

**Regular User Agreements**

All regular user groups must have an agreement with the Committee for use of the facility.

This may be in the form of a:

- Regular User Agreement;
- Lease/licence; or an
- Occupant Agreement

A copy of the Regular User Application is available in **Appendix 3** (if appropriate).

Each user group MUST hold their own public liability and contents insurance and a current Certificate of Currency that is valid for the term of the agreement must be attached to the agreement.

Once the initial agreement has been completed and submitted to Council, user groups must further provide Public Liability and Contents Insurance Certificates of Currency annually.

## **7.2 Building Inspections**

Completion of the Building Inspection checklist is necessary to help meet requirements from Council's Insurer. A copy of the form and the guidelines are available in [Appendix 4](#). If the inspections are undertaken in the prescribed manner, insurance premiums can be reduced because Council's level of exposure to risks is minimised.

The Building Inspection Checklist needs to be completed every year and submitted to Council by the 28<sup>th</sup> of February.

## **7.3 Building Maintenance**

There is a responsibility to adequately maintain community buildings, the purpose of such maintenance is to ensure buildings remain structurally sound and safe for their intended purpose and to maximise their life cycle.

Council will provide support for building maintenance as per the following table (which outlines the committee's responsibility and Council's )subject to the following:

- No guarantee can be given that works required can be funded by Council in any given year.
- On-going support for any building is subject to review based on use and need.
- Where insufficient funding is available, an occupier may choose to proceed with works on its own accord, subject to all works being approved by Council.

Any requests for works are to be in accordance with the following:

- All requests for major maintenance works on community buildings should be directed to Council. It should be noted that works on community buildings located on Crown Land require written permission of the State Government Department of Environment and Primary Industries (DEPI).

- Council operates a register of contractors for miscellaneous building maintenance works and will normally select the appropriate contractor for the works in accordance with this register.
- No directions should be given direct to contractors to undertake works
- Council will not accept requests for payment of works if prior approval is not obtained.

<b>Building maintenance responsibilities</b>		
<b>Item</b>	<b>Occupier's Responsibility</b>	<b>Council's Responsibility</b>
Air conditioning and Heating Appliances	<ul style="list-style-type: none"> <li>▪ Service and repair when required.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Replacement of unit.</li> </ul>
Building	<ul style="list-style-type: none"> <li>▪ Determine and document the specific need of the building relating to <u>any</u> requests to Council for building alterations.</li> <li>▪ Prepare plans and obtain quotes for requests for minor improvements.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Assess all requests submitted.</li> <li>▪ Undertake works required to bring premises and surrounds to appropriate standards to meet the required regulations. This excludes items identified as the lessee's responsibility in a lease or other document.</li> <li>▪ Preparation of long-term development plans</li> <li>▪ Design of major building alterations or major structural works.</li> </ul>
Cleaning	<ul style="list-style-type: none"> <li>▪ Keep premises in clean, sanitary and tidy condition.</li> </ul>	
Ceilings, walls and skylight (internal)	<ul style="list-style-type: none"> <li>▪ Cost of repairs due to major or continual misuse.</li> <li>▪ Regular cleaning.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Major repair and/or replacement due to structural faults/age.</li> </ul>

<b>Building maintenance responsibilities</b>		
<b>Item</b>	<b>Occupier's Responsibility</b>	<b>Council's Responsibility</b>
Curtains/Drapes/Blinds	<ul style="list-style-type: none"> <li>▪ Repair costs.</li> <li>▪ Replacement costs.</li> <li>▪ Supervision of installation of replacement items.</li> <li>▪ Regular cleaning.</li> </ul>	
Disposable/consumables eg toilet paper, soap, paper toweling etc	<ul style="list-style-type: none"> <li>▪ Committee responsibility to replace as required.</li> </ul>	
Doors, (including cupboard doors)	<ul style="list-style-type: none"> <li>▪ Regular cleaning and repair of internal/external doors due to major or continual misuse.</li> <li>▪ Minor adjustments.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Replace whole of facility locks, upgrade to master key system</li> </ul>
Electrical wiring, fittings and lights.	<ul style="list-style-type: none"> <li>▪ Additional or security lighting.</li> <li>▪ Cost of repair and replacement of electrical wiring if damage is due to major or continual misuse.</li> <li>▪ Repair and replacement of all light globes.</li> <li>▪ Regular cleaning of all light fixtures.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Replacement of all building wiring from main supply to switchboard</li> <li>▪ switchboard replacement / upgrade</li> <li>▪ Replacement of light fittings.</li> </ul>
Fire Extinguishers	<ul style="list-style-type: none"> <li>▪ Fill when discharged and replace if stolen.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Service/annual inspection and maintenance charge.</li> </ul>
Floor surfaces and coverings	<ul style="list-style-type: none"> <li>▪ All regular cleaning and maintenance of floor coverings, carpet and tiles.</li> <li>▪ Floor stripping and resurfacing.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Replace to essential areas when excessively worn or dangerous.</li> </ul>

<b>Building maintenance responsibilities</b>		
<b>Item</b>	<b>Occupier's Responsibility</b>	<b>Council's Responsibility</b>
Fly screens	<ul style="list-style-type: none"> <li>▪ Maintain and replace fly wire.</li> <li>▪ Install additional fly screens.</li> </ul>	
Garbage	<ul style="list-style-type: none"> <li>▪ Normal fee for service waste collection.</li> </ul>	
Glass	<ul style="list-style-type: none"> <li>▪ Replace broken or cracked windows arising from misuse.</li> <li>▪ Regular cleaning.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Replace due to breakage arising from structural fault, age.</li> </ul>
Emergency Lights and exit signs	<ul style="list-style-type: none"> <li>▪ Inspection and replacement of globes.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Replacement of fittings.</li> <li>▪ Required testing under essential services measures.</li> </ul>

<b>Building maintenance responsibilities</b>		
<b>Item</b>	<b>Occupier's Responsibility</b>	<b>Council's Responsibility</b>
Grounds and pathways	<ul style="list-style-type: none"> <li>▪ Keep all entry/exit areas clear and sweep regularly.</li> <li>▪ Maintain paths in a safe condition free of trip points.</li> <li>▪ Maintain all grounds associated with building by cutting the grass, minor pruning, replacing bushes and flowers if required.</li> <li>▪ Repair fences.</li> <li>▪ Remove dead foliage.</li> <li>▪ Seed grassed areas.</li> <li>▪ Provide and replace sand and tanbark.</li> <li>▪ Seek Council approval for any modification to the grounds.</li> <li>▪ Supply and apply mulch.</li> <li>▪ Weed garden beds.</li> <li>▪ Maintenance of garden hoses, and sprinklers, etc;</li> <li>▪ Cleaning and weeding of pavement and driveway.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Replacement of essential pavement, driveway, and car park; retaining walls and ramps.</li> <li>▪ Replacement of essential/required fences.</li> </ul>
Internal electrical equipment, lighting and appliances e.g. fans, kettles, food processors, stage lighting	<ul style="list-style-type: none"> <li>▪ Replacement as required of minor kitchen appliances.</li> <li>▪ Required test and tagging.</li> </ul>	

<b>Building maintenance responsibilities</b>		
<b>Item</b>	<b>Occupier's Responsibility</b>	<b>Council's Responsibility</b>
Keys and locks	<ul style="list-style-type: none"> <li>▪ Replacement of lost or damaged keys.</li> <li>▪ Supply of keys for user groups.</li> <li>▪ Repair and replacement of locks including new master key system if required.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Replace whole of facility locks, upgrade to master key system</li> </ul>
Painting	<ul style="list-style-type: none"> <li>▪ Internal painting if damaged through major or continued misuse or colour scheme changes etc.</li> <li>▪ Touch up painting of damaged areas – internal and external.</li> <li>▪ Decorative painting.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Internal and external painting for structural integrity reasons.</li> </ul>
Permanent fixtures	<ul style="list-style-type: none"> <li>▪ Regular cleaning of all fixtures.</li> <li>▪ Repair and/or replace if damaged through major or continual misuse.</li> <li>▪ Repair and replace pergolas, sandpits and playground equipment.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Replace when required the following items –               <ul style="list-style-type: none"> <li>– hot water service</li> <li>– sinks and toilets</li> <li>– verandahs attached to the building.</li> </ul> </li> </ul>
Pest control	<ul style="list-style-type: none"> <li>▪ Keep all areas in a clean and hygienic state.</li> <li>▪ All pest control as required both internal and external.</li> <li>▪ Termite inspection and treatment (major damage to be reported to Council).</li> </ul>	

<b>Building maintenance responsibilities</b>		
<b>Item</b>	<b>Occupier's Responsibility</b>	<b>Council's Responsibility</b>
Plumbing	<ul style="list-style-type: none"> <li>▪ Repair leaking cisterns, pans, urinals.</li> <li>▪ Replacement and minor repair of internal surface plumbing fittings such as toilet seats, taps and washers etc.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Replacement of damaged or corroded major plumbing fittings, toilet bowls and cisterns.</li> <li>▪ Replacement works required for drainage purposes, including sewerage, drains, water pipes and pits.</li> <li>▪ Replacement of gas pipes.</li> <li>▪ Replacement of water supply systems.</li> </ul>
Roof, skylight, external walls, spouting and down pipes	<ul style="list-style-type: none"> <li>▪ Remove leaves from guttering and roof.</li> <li>▪ Maintain storm water pipes and clear minor blockages.</li> <li>▪ Repair minor roof leaks.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Reflash all roof penetrations</li> <li>▪ Replace gutter/downpipes.</li> <li>▪ Replace large sections of stormwater pipes.</li> <li>▪ Replace whole roof.</li> </ul>
Security and fire alarm system.	<ul style="list-style-type: none"> <li>▪ System bills and operating costs.</li> <li>▪ Manage usage and costs of the system.</li> <li>▪ Installation costs of new system.</li> <li>▪ Call out and service costs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Replacement costs of existing systems if deemed required by Council.</li> </ul>
Signage	<ul style="list-style-type: none"> <li>▪ Maintain and replace all internal/external signs relating to the committee.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Identification signage to be provided by Council where required.</li> </ul>
Smoke detectors	<ul style="list-style-type: none"> <li>▪ Repair and replacement of batteries as required.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Installation where hard wire system is required.</li> </ul>

<b>Building maintenance responsibilities</b>		
<b>Item</b>	<b>Occupier's Responsibility</b>	<b>Council's Responsibility</b>
Telecommunications, systems (fax, photocopiers, phones).	<ul style="list-style-type: none"> <li>▪ Purchase, service and maintenance cost.</li> <li>▪ Replacement costs.</li> </ul>	
Trees	<ul style="list-style-type: none"> <li>▪ Tree pruning and lopping.</li> <li>▪ Inspections to identify and report hazards/risks to Council.</li> </ul>	<ul style="list-style-type: none"> <li>• Large trees lopped to meet security/safety requirements where considered dangerous and as identified by occupier.</li> </ul>
Whitegoods eg. refrigerator, dishwasher	<ul style="list-style-type: none"> <li>▪ Service and maintenance costs.</li> <li>▪ Replacement costs.</li> <li>▪ Testing and tagging.</li> </ul>	
Windows	<ul style="list-style-type: none"> <li>▪ Repair minor window damage.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Replace windows as structurally required.</li> </ul>
Vandalism	<ul style="list-style-type: none"> <li>▪ Repair incidental building damage from vandalism up to a value of \$1,000.</li> </ul> <p>Note: Generally in cases where the repair is over \$1,000, an insurance claim will be made. The excess, currently at \$1,000 will be the responsibility of the Committee.</p>	<ul style="list-style-type: none"> <li>▪ Repair major building damage from vandalism over a value of \$1,000.</li> </ul> <p>Note: Generally in cases where the repair is over \$1,000, an insurance claim will be made. The excess, currently at \$1,000 will be the responsibility of the Committee.</p>

### **Control of White Ants in Buildings**

Committees must be active in their control of white ants. If a Council asset is found to have white ant infestation contact must be made with Council as soon as possible. Council will then negotiate repairing the damage, subject to Council's budgetary provision. Contact must be made with Council who will refer the report on to Council's Building Maintenance team.

#### **7.4 Tree Management**

The Committee is responsible for ensuring trees do not interfere with any electric power lines that run through or into the facility, even if no power from that line is used by the facility. This applies only to distribution lines (i.e. ordinary lines) and not transmission lines (i.e. the large steel structures carrying high-voltage lines).

If you have a tree management issue contact Council's Operation Department for advice.

#### **7.5 Fire Prevention Works**

Facilities in rural areas may need to carry out fire prevention works prior to the summer months.

As a first step, Council's Operations Department should be contacted.

#### **7.6 Security**

A Committee needs to make sure its facilities are as safe as possible for all types of users. A facility may meet safety standards for its intended use, but be unsafe for de-facto uses and activities that by default it attracts. If a person is injured undertaking such activities, even though they are (strictly speaking) trespassing, they can sue the Committee if the injury has been caused by the negligence of the Committee or its members or volunteers.

Similarly, a Committee may unwittingly create what is known as an "attractive nuisance" and has an obligation to ensure others cannot enter the site after hours and injure themselves.

Any Committee facility that is to be closed for a period should also be secured. The emphasis in this type of security is not to prevent theft, but to minimise unauthorised use of a facility or area outside supervised times.

## **7.9 Essential Safety Measures Inspections and Logbook**

Council will provide an Essential Safety Measures (ESM) logbook in each facility. The logbook is generally installed in a red cabinet at a prominent location near the facility entrance.

The **Committee of Management is responsible for inspections with periodical completion of the**

**Essential Safety Measures logbook** in the following areas:

1. *Part 2.1 Paths of Travel to Exits* – Every 3 months
2. *Part 2.2 Discharge from Exits* – Every 3 months
3. *Part 2.6 Exit Doors* – Every 3 months
4. *Part 12.1 Mechanical Ventilation* (where kitchen exhaust canopies are installed) – Monthly.

**Council is responsible for organising inspections (using contractors) with periodical completion of the Essential Safety Measures logbook** in the following areas:

1. *Part 4.1 Emergency & Exit Lights* (where installed) – Every 6 months
2. *Part 5.1 Fire Hydrant System* (where installed) – Every 6 months
3. *Part 5.2 Fire Hose Reels* (where installed) – Every 6 months<sup>6</sup>
4. *Part 5.4 Fire Extinguishers - Portable* (where installed) – Every 6 months

The Committee of Management needs to provide access as required for the contractors that Council organises to undertake the above inspections. Contractors will generally liaise directly with the Committee of Management on access arrangements.

## **7.7 Emergency Evacuation Plan**

The aim of the Emergency Evacuation Plan is to enable the optimum coordinated response of all residents to any given emergency point, in the shortest possible time to minimise the loss of life and/or injury to persons and to minimize the damage to property.

A laminated A3 size copy of the Emergency Evacuation Plan is required to be displayed in a visible location in the facility.

If you currently do not have an Emergency Evacuation Plan please notify Council for assistance.

## **Emergency Management Procedures**

The Committee of Management will ensure that the Essential Safety Measures Inspection Log Book, Emergency Action Guide and Evacuation Plan are reviewed annually during the AGM.

All users need to be familiar with the emergency management and inspection procedures for the facility.

### **Training of personnel**

It is important that all committee members are familiar with the site emergency procedures.

Any hirers or contractors also need to be familiar with site emergency procedures through information relayed via a Committee member. In some instances it is appropriate to conduct an evacuation exercise annually to test accuracy of the processes implemented.

### **Crisis/Disaster Management**

If a crisis or disaster occurs, the Committee should immediately report the crisis to the appropriate local authorities, including Council. A crisis situation could be major fire, serious injury or death, or similar. Council will then be able to provide advice to help manage the crisis.

## **8. Risk Management**

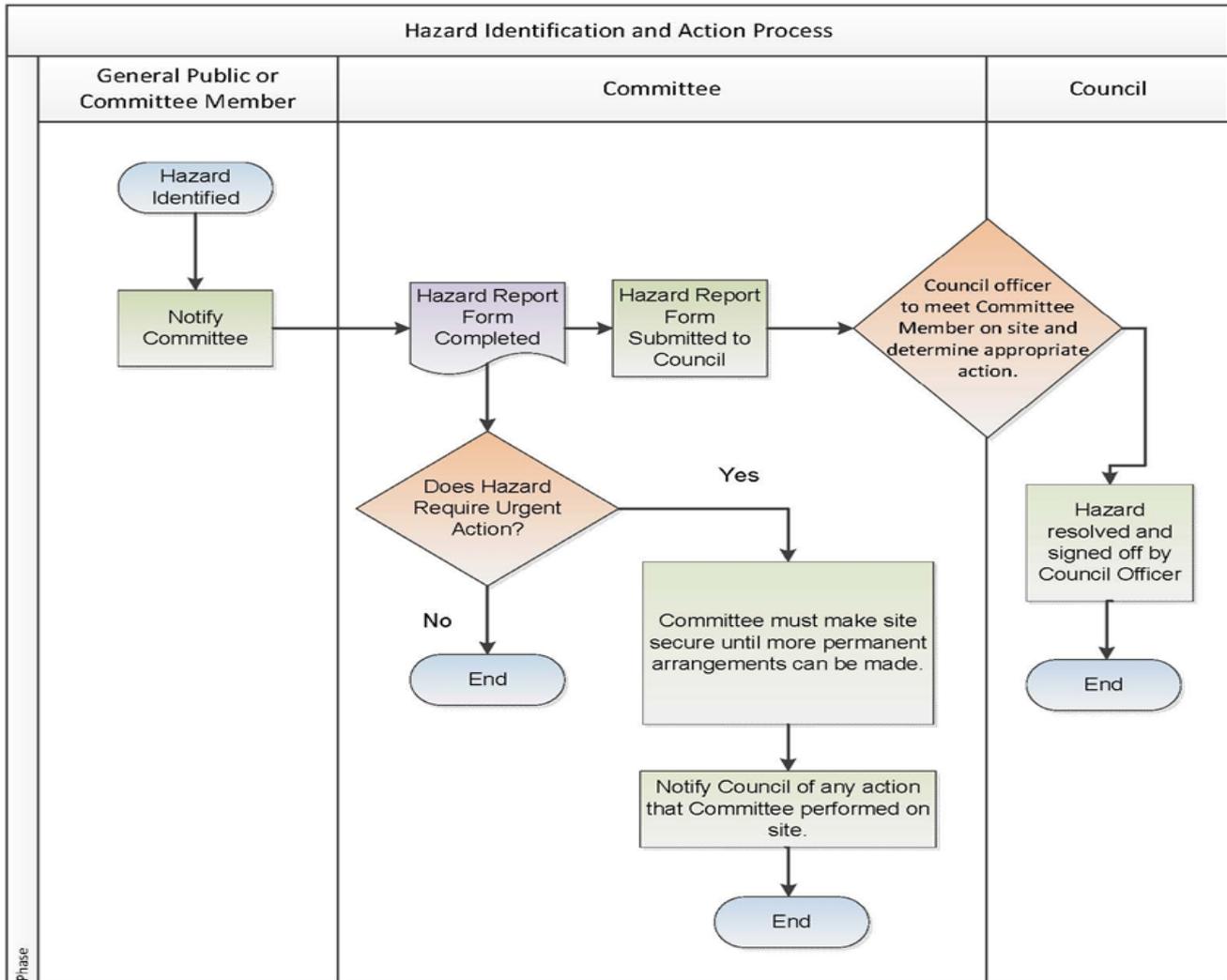
Risk Management Policies/Procedures should identify hazards within your facility and help deal with and prevent further risk and injury to user groups, spectators and the general community.

Council encourages Committees and clubs to be proactive in their approach to risk management rather than reactive.

Strong communication channels are also needed to be in place between individual clubs and the facility's Committee of Management. Safety and Injury Prevention will be at its strongest if all user groups are working towards providing a safe environment.

An Incident/Near Miss/Hazard Report Form is available as part of the Safety Manual attached in **Appendix 1** and this should be used in the identification and reporting of potential or existing hazards.

The following flow chart examines how the Hazard Reporting Forms deal with potential risks:



### 8.1 Occupational Health and Safety

A Safety Manual has been developed to assist Committees to meet their obligations in relation to Occupational Health and Safety requirements. The Safety Manual aims to assist you to reduce accidents and the human and economic costs of work related injuries or illness. The Safety Manual also includes a number of tools (i.e. checklists and forms), a key element in an effective OH&S Program.

In the final sections of the Safety Manual you will also find a range of Fact Sheets which may be used to inform Committee members and volunteers.

Managing health and safety as part of the day-to-day operations will make sure your Committee meets its legal obligations without the cost and effort of establishing additional

systems. It also demonstrates to your volunteers that you value their help and commitment and are serious about their health and safety. This can contribute to higher satisfaction and volunteer retention.

The OH&S Manual is included in [Appendix 1](#).

### **Use of Contractors**

Indigo Shire Council, Greater Shepparton City Council, Benalla Rural City, Shire of Strathbogie Council, City of Wodonga Council, Alpine Shire Council, Rural City of Wangaratta Council and Moira Shire Council have collaborated to develop and implement an Online General OHS Induction Course.

This standardised induction course is designed for contractors who may be engaged to perform work at any site controlled by or on behalf of any Council participating in the North East Council Contractor Induction program. This course will advise contractors of the legislative and expected safety requirements and standards when performing works for participating Councils.

This process can be achieved by having contractors complete Council's General OHS Online Induction Course. As part of Councils OHS Policy, all contractors, their employees and any sub-contractors who may be engaged to perform works or deliver services within any worksite controlled by or on behalf of, any of the above Councils are required to successfully complete the Online Contractor Induction Course prior to works.

The course takes about 20-30 minutes. Being online, courses can be completed anywhere that has access to the internet.

Committees of Management must ensure the contractor they are using has been inducted. All inducted Contractors are included on Council's Contractor Supplier List. As this list is a large and changing document, please contact Council if you would like a contractor approved.

#### **Instructions:**

1. **Open your Web Browser to the website – [www.inductme.com.au/necci](http://www.inductme.com.au/necci)**
2. **Enter the Course Code – [necci101](#)**
3. **Press the Start Course button and follow instructions**

At the end of the course the contractor or their employees will receive an email with an attached Certificate/ID which must be cut out and signed. This completed card must be carried and available if requested within any Council work site.

**Various acts and regulations require us to enforce a [No Induction Card, No Entry](#) policy for all work sites.**

## **Incident Reporting Procedure**

**In the event of an incident please report the details to Council immediately or within 2 working days of the date of the incident. The Committee first and foremost MUST NOT admit any liability.**

A Hazard/Incident/Injury Report Form is provided in [Appendix 2](#) and must be completed and submitted to Council whenever an incident occurs which involves any of the following:

- Damage to Vehicles & Registered Plant (includes members of the public vehicles);
- Damage to Property & Unregistered Plant (Includes members of the public property);
- Personal Injury to Members of the Public.

All incidents need to be handled sensitively and as soon as possible after they occur. No one can anticipate whether an incident will develop into litigation so all incidents should be managed in a professional manner.

Any incident occurring on Council owned or managed property involving either personal injury or property damage must be reported to Council using the Hazard/Incident/Injury Report Form which is available in the OH&S Manual at [Appendix 2](#). The use of a standard form ensures all the necessary information is gathered, in a logical fashion and a record of the investigation is maintained.

All claims reported to the Council will be considered on a “Without Prejudice” basis. While the Council sympathises with anyone suffering an injury or sustaining a loss, the acceptance of a completed claim form by the Council in no way infers negligence on the part of the Council or binds the Council to provide compensation.

If you require any further information regarding insurance please do not hesitate to contact Council’s Organisational Development Department on 5728 8000.

### **Chemical Safety**

Chemicals stored on site must be kept in manufacturer-supplied containers, labelled and stored in a safe manner in accordance with legislative requirements. Appropriate firefighting equipment should be on hand to deal with these chemicals.

### **First Aid**

The Committee should ensure that hirers of the venue have appropriate first aid kit.

## 8.2 Insurance

### Types of Liability Insurance coverage

Members of Committee of Management appointed under section 86 of the *Local Government Act 1989* are covered under Council's insurance program for the following:

- Public Liability, Products Liability and Professional Indemnity Insurance cover for Committee members and Committee appointed volunteers;
- The activities of officially constituted and properly authorised Council Section 86 Committee members while performing their management role;
- Personal Accident Insurance cover for Committee members and Committee appointed volunteers;
- Events under the control of the Committee occurring on land or buildings owned or controlled by Council or a delegated Committee of Management;
- Registered volunteers organised and acting under the direct control of Council or a Council established Committee of Management.

This coverage is subject to the proviso that the member(s) was/were acting in accordance with the Instrument of Delegation.

The following **ARE NOT** covered by Council's public liability insurance:

- The activities or events under the control of independent bodies, such as sporting bodies who occupy Council owned or controlled land or buildings; and
- The activities of private entities, independent community or service groups, Committees not established by Council, sporting bodies and any other groups using the Reserves and facilities. These groups must carry THEIR OWN public liability insurance;
- Volunteers and members of working bees conducted by sporting clubs or other users.

In the event of an incident involving a Committee of Management that an investigation will be conducted.

### Volunteer Management

Council's Public Liability Insurance covers Council appointed Section 86 Committee members for any Committee initiated and approved works carried out on Council owned facilities and reserves.

If your Committee is holding an event or working bee and volunteers are involved that are **NOT** Council appointed members of the Committee, they **MUST** complete a Volunteer Registration Form in order to be covered by Council's Insurance Policy. The completion of the form will provide cover for up to one year.

This form must be completed properly and returned to Council prior to the event. Please note that Council's insurance policies do not cover Committee members or volunteers for works

such as putting up a fence. The Committee would need to employ someone qualified to undertake this work.

Every Council depends on the generosity of its volunteers. It is vital that Council provides its volunteers with the appropriate support, education and acknowledgement. Committee members or other members of the community may volunteer to do some work on a facility.

The Committee may choose to reimburse volunteers for out of pocket expenses, but any additional payment will turn that volunteer into an employee. Volunteers must submit a tax invoice detailing out of pocket expenses to the Committee. Prior to reimbursement, specific approval of the Committee is required to be recorded in the minutes of a properly constituted meeting.

Committees have a Duty of Care to all volunteers to provide a safe working environment, as would be provided to an employee or contractor. At the same time, it is the volunteer's obligation to take ownership of their own personal safety and the safety of others.

A copy of the Volunteer Registration Form is attached at [Appendix 4](#).

## **9. Dispute Resolution**

In the event of any dispute involving any matter relating to the functions of the Committee or any member of a user group of the facility, all parties must make reasonable attempts to promptly resolve the dispute between the parties. In the event that the parties fail to resolve a dispute either party shall notify Council. Council reserves the right to manage or resolve the dispute in any reasonable manner.

Notwithstanding the existence of a dispute, all parties shall continue to perform their duties in accordance with the Indigo Shire Council Instrument of Delegation and the Section 86 Committees of Management Manual.

## **10. Dealing with Public Complaints**

At some stage, a Committee may receive a complaint from a member of the public about something it did or didn't do. Most of these complaints can be resolved fairly easily and to everyone's satisfaction.

Remember that the complaint, decision, actions of the Committee in response and whether the person was satisfied with the outcome should be recorded.

For problems that prove tougher to resolve, the Committee should contact Council. Committees need to be aware that sometimes members of the public may take their concerns to Council, their Member of Parliament or the Ombudsman if they feel that a Committee has not dealt with them adequately.

## **Identifying and Prioritising Works to be Undertaken**

As part of the Facility Improvement Plan, Committees of Management can undertake the process of identifying and prioritising works to be undertaken at their facility.

The Capital Works Request Form may be used. Council will consider, evaluate and prioritise all requests received from Committees. Those selected will then be referred for consideration for inclusion in Council's future budget(s).

The Capital Works Request Form is located in [Appendix 4](#).

## **11. Temporary Food Premises Information**

Council recognises that the sale of food from temporary food stalls is a successful method of raising funds for community organisations and further promotes the work performed by these organisations.

Any person or organisation who sells food needs to ensure they register as a food premises (whether permanent or temporary) to meet legislative requirements. The management of food safety risks from temporary food premises is different to that of fixed food premises.

For further details please refer to the Indigo Shire Website or contact Council on 1300 365 003 and ask to speak with an Environmental Health Officer.

## 12. Appendices

## Appendix 1: Committee Delegation and Guidelines

## **Appendix 2: OH&S Manual**

Includes the following forms and templates:

**Event Management Plan Template**

**Hot Works Permit**

**Incident/Near Miss/Hazard Report Form**

**Induction Handout for Contractors 3-Fold**

## **Appendix 3: Templates**

**Agenda Template – Annual General Meetings**

**Agenda Template – General Meetings**

**Annual Report Template**

**Budget Template – (Profit and Loss and Balance Sheet)**

**Invoice Template**

**Minutes Template – Annual General Meetings**

**Minutes Template – Ordinary Meetings**

## **Appendix 4: Forms and Guidelines**

**Booking Form – Casual Users**

**Booking Form – Sports Fields & Pavilions – Seasonal Users**

**Building Inspection Check List**

**Capital Works Request Form**

**Community Liability Insurance Request Form**

**Complaint Form**

**Conditions of Use – Casual Users**

**Conditions of Use – Seasonal Users**

**Contents Inventory List**

**Co-Opt Member Nomination Form**

**Nomination Form – Section 86 Community Representative**

**Surrounds and Pavilions Condition Assessment (Excel Version)**

**Verbal Quotation File Note Form**

**Volunteer Registration Form**

## **Appendix 5: Conflict of Interest**

### **Conflicts of Interest Guide for Committees Disclosure Form**

## **Appendix 6: Special Committee Expense Reimbursement Policy**

## Appendix 7: Protected Disclosure Policy

## Appendix 8: Indigo Shire Council Local Law No. 3

## **Appendix 9: Fraud Prevention and Control Policy**