



# Greater Hume Council



## Management Committee Guidelines

For Management Committees of Greater Hume Council  
(Including Section 355 and Reference Committees)

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Document Name	Version Number	Date of Issue	Review Date
CORP – Management Committee Guidelines	1.0.2	27 April 2021	As Required

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## Forward

These guidelines provide comprehensive instructions on the management responsibilities, functions and operation of a Management Committee and clarifies Council's role in this partnership. Upon formal approval of a Management Committee by Council, its members are required to adopt and adhere to the conditions set out in this document. Adherence will ensure Council and committee members are aware of their responsibilities and are adequately covered by insurance.

The committees include members of the various Section 355 Committees established by Council to assist with management and control of Council facilities. While the majority of these committees have responsibilities for management of Council's halls and recreation facilities we also have a number of volunteers who serve on various Reference Committees who provide community feedback and recommendations to Council.

Council is conscious of the fact that members of the community volunteer to undertake a variety of services and activities for no reward or recompense. This document has been produced in an attempt to simplify and standardise mandatory procedures and forms that are required to be followed or completed in compliance with legislation.

Changes imposed by other levels of government (eg Work Health & Safety Act) reinforce Council's responsibility to volunteers and this document will assist volunteers in compliance with legislative requirements without the undue burden of "Red Tape".

Greater Hume Council appreciates the tireless efforts of volunteers who become members of Council Management Committees. This is an important role providing a valuable contribution to our local community.

Council looks forward to maintaining our close working relationship to continue to provide community facilities across the Shire in a cost effective manner.

Steven Pinnuck  
**General Manager**

## Introduction

### General

Council encourages community participation in a number of its functions. One way in which citizens can become involved is by becoming a member of a community committee for one of Council's facilities or functions.

The Management Committee Guidelines have been developed to assist Section 355 Committees of Management, whose primary role is to manage facilities such as recreation reserves and public halls, in addition to the appointed Reference Committees of Council who provide valuable feedback and recommendations from the community.

All Committees of Management act on behalf of Council and all decisions made are as if they were made by the Council.

### Council Contact

Business Hours 8.30am – 5.00pm Monday – Friday

Contact with Council Officers can be made by contacting Greater Hume Council  
39 Young Street HOLBROOK – Phone (02) 6036 0100.

### Key Dates for Committees

Committees should note the following expected dates for key committee activities:

Date	Activity
<b>May</b>	Provision of evidence of Capital Works or improvements to be forwarded to Council.
<b>May</b>	Council adopts fees and charges and Councils Delivery Program for the upcoming financial year – effective 1 July.
<b>30 June</b>	Prepare the following reports and submit to Council prior to 31 July <ul style="list-style-type: none"><li>• Annual Financial Reports</li><li>• BAS GST Report</li><li>• Bank Reconciliation</li></ul> These must be submitted in the format as provided.
<b>Between 1 July and 30 September</b>	Annual General Meeting and Community Committee elections held.
<b>October</b>	Notify Council of Committee Members and Office Bearers.
<b>31 December</b>	Committee provide recommended changes for the upcoming financial year to facilities Fees and Charges for inclusion in Council's Delivery Plan adopted in May.

This document and attachments can be downloaded from Greater Hume Council's website [www.greaterhume.nsw.gov.au](http://www.greaterhume.nsw.gov.au).



## Roles and Responsibilities of Management Committees

Upon Council's formal approval of a Section 355 Committee and approval of committee memberships, all committee members are required to adopt and adhere to the conditions set out in this Manual.

Council sets out its delegation of the Committee in a Terms of Reference formally adopted/amended at a formal meeting of Council. Terms of Reference will be reviewed by Council following each Local Government General Election (4 yearly), by Council resolution, at the request of the Committee or at the discretion of the General Manager.

There are a number of legislative requirements that Management Committees of Council must adhere to:

- Section 355 Local Government Act (Committees)
- Section 377 Local Government Act (Delegations)
- Work Health & Safety Act 2011
- Crown Lands Management Act 2017

All committee members must adhere to Council adopted policies including, but not limited to:

- Procurement Policy
- Volunteers Policy
- Sporting and Recreation Reserve Use Policy
- Work Health and Safety Policy
- Drug and Alcohol Policy
- External Grant Applications for Management Committees Policy

Council policies are available on Council's website [www.greaterhume.nsw.gov.au](http://www.greaterhume.nsw.gov.au).

Committees are acting on behalf of Council, and it is important to uphold the principles of equity, accessibility and inclusivity, providing for the whole community.

Consideration of disability and inclusion is now managed by new legislation, the Disability Inclusion Act 2014. The Act requires all government departments and certain public authorities, including councils in NSW, to have a Disability Inclusion Action Plan.

Councils Disability Inclusion Plan will focus on four key areas:

- Developing positive community attitudes and behaviours
- Creating liveable communities
- Supporting access to meaningful employment
- Improving access to services through better systems and processes

There is a greater emphasis on consultation at all stages of planning, implementation, monitoring and direction on how to conduct inclusive consultation.

Greater Hume Council has adopted a Disability Inclusion Action Plan which can be found on Council's website.

For Management Committees, this means that inclusion needs to be considered in all areas of planning and operation of the hall or facility. Critical areas that need to be considered include access to the hall and facilities (including toilets and kitchen), making written and web materials available to sight and hearing impaired people and supporting access to sporting and recreation opportunities.

Greater Hume Council recognises that people with a special need or disability share the same motivations for volunteering as anyone else. They volunteer to learn new skills, to meet new people and to contribute to their community.

There are many benefits to organisations which involve people with a disability in their volunteering programs.

These include:

- the new perspectives that people with a disability can offer;
- the creation of an accessible and inclusive volunteer program that reflects the diversity of the community;
- increased awareness of disability and its implications, leading to improvements in communication and project and program design.

Council welcomes people with a range of different disabilities (cognitive, intellectual & other developmental disabilities, mobility, visual, hearing and mental health disabilities) and their caregivers to be involved in our Management Committees.

## 1.0 Crown Lands Management and Council Management Committees

A revised Crown Lands Management Act commences 1 July 2018 with some notable changes which will affect the way in which Councils and their Management Committees are able to manage Crown Land.

In accordance with the Act, Councils who manage dedicated or reserved Crown Land are now required to employ/engage a Native Title Manager who must ensure compliance with Native Title legislation in every activity on Crown Land for which Council is the trust manager.

The new Act allows councils to manage Crown land under the provisions of the *Local Government Act 1993* for public land. However this also means that Council is responsible for any “act” that has an impact on native title rights and interests and may be liable for any compensation payable by the State for that “act”. Council and/or the committee will be directly responsible to native title holders for any compensation liability in relation to their conduct which affects native title and is valid under the Native Titles Act.

An “act” on Crown Land for the purposes of Native Title may include but is not limited to:

- The grant, issue, variation, extension, renewal, revocation or suspension of a licence, permit, authority or instrument
- The creation, variation, extensions, renewal or extinguishment of any interest in relation to land or waters
- the excavation or clearing of land, and the disposal or storage of any garbage or any poisonous, toxic or hazardous substance
- the construction of new public facilities such as barbecues, toilet blocks, walking tracks, tennis courts, playing fields and grandstands
- extensions to existing buildings or facilities
- new roads, paths or tracks; and/or
- the installation of infrastructure such as stormwater, sewerage pipes, powerlines etc.

All “acts” to be undertaken on Crown Land under the control of Council **must** be reviewed by the Native Title Manager who will determine if there is a requirement under the Native Title Act to notify claimant and native title holder groups, undertake consultation, prepare required reports and seek comment prior to works being undertaken.



Council as a consent authority under the Local Government Act 1993 and the Environmental Planning Act 1979 also needs to consider native title in its decisions if the approval is for an activity or development on Crown land. Council may be held liable if it approves an activity or development on Crown land and that activity/development affects native title in any way. These responsibilities are in addition to the responsibilities that Council, under the Crown Land Management Act 2016, will hold.

Greater Hume Council is currently Trust Manager of 73 Reserves, 25 of which are managed by Sec 355 Committees of Council. Council will need to consider native title on each reserve prior to any “act” being undertaken.

Below is a table identifying council managed (committees) Crown Land. The changes to the act will mean that if your committee manages one of those parcels listed you will need to ensure that you contact Councils Manager Corporate Services who will be undertaking the role of Native Title Manager on behalf of Council, prior to undertaking any works or “act” on the land.

Bowna Public Hall & Recreation Reserve	Bungowannah Cemetery Committee	Bungowannah Recreation Reserve
Burrumbuttock Cemetery Committee	Burrumbuttock Recreation Reserve	Carabost Hall
Cookardinia Cemetery Committee	Cookardinia Public Hall	Cookardinia Recreation Reserve and Tennis Courts
Culcairn Golf Course, Sports & Showgrounds inc Tennis Courts (2)	Gerogery West Tennis Club	Henty Showground
Holbrook Sportsground	Holbrook Swimming Pool	
Little Billabong Hall	Mullengandra Public Hall & Recreation Reserve	Mullengandra Cemetery Committee
Old Wymah Public School	Walbundrie Sportsground	Walbundrie War Memorial Hall
Walla Walla Gum Swamp	Woomargama Hall & Bushfire Shed & Tennis Courts	Wymah Recreation Reserve
Wirraminna Environmental Education Centre (Reserve purpose to be confirmed)	Jindera Recreation Reserve	

## **2.0 Appointment and Election of Management Committees**

### **2.1 Formation of Management Committee**

- a) The appointment of Section 355 Committees is entirely at the discretion of the Council. The Committees are appointed and reappointed in accordance with the provisions of Section 355 and Section 377 of the Local Government Act 1993.
- b) The appointment of Reference Committees is also at the discretion of the Council. The functions and obligations assigned to these committees generally include the consideration of issues affecting their local community and to make recommendations to Council. Councils Reference Committees also include committees such as the Tourism Advisory Committee and Economic Development Committee.
- c) Council aims to appoint committees which are representative of the local community or interest group of the facility which the Committee manages.
- d) Council may call the public meeting by advertising locally, upon a request by local residents, or at Council's discretion.
- e) All nominations for Community Committees are formally submitted in writing to Council for appointment.

### **2.2 Committee Membership**

- a) Committee membership is on an annual basis. Members may stand for re-election at each annual meeting.
- b) Committee membership will not number less than 4 and not more than 12 as appointed by Council including office bearers. If more than 12 persons are nominated to the Committee, a show of hands or a ballot must be held to determine Committee members. Council reserves the right to appoint one if its members to each Committee.
- c) Whilst no particular qualifications are necessary, a commitment to the activities of the Committee and a willingness to be actively involved in committee issues is essential.
- f) New members will be provided with the information they need to begin to understand the basics of the Committee. This can be prepared in an orientation kit and given to any new members.
- g) It is expected that a member would serve a minimum of 1 year.
- h) Be aged 18 years and over.
- i) Be a resident of the local government area (LGA); or if not a resident, be able to demonstrate an interest in the objectives of the committee and ability to attend committee meetings to the satisfaction of Council.
- j) Have a commitment to the activities of the Committee and a willingness to be actively involved in the Committee issues is essential.
- k) The Management Committee will ideally consist of the Office Bearers and a similar number of other Committee Members. The Office Bearers will occupy the positions of:
  - President/Chairperson
  - Secretary
  - Treasurer.

The Management Committee membership should reflect the Community organisations which use the facility (if applicable), and must be open to representatives of user groups and interested community members. Equal representation of each user group is recommended.

Members of Management Committees are volunteers and therefore do not receive payment for services.

### **2.3 Election of Office Bearers**

- a) The Committee shall, from its own members, elect a President/Chairperson, Secretary, and Treasurer. These positions form the Executive of the Committee.
- b) For small Management Committees, a member can hold two positions.
- c) The Committee may, from its members, elect additional positions such as:
  - Vice President;
  - Assistant Secretary;
  - Publicity Officer; or
  - Other positions as deemed necessary

### **2.4 Vacation of Office**

A person shall cease to be a member of a Management Committee if:

- a) The member becomes bankrupt;
- b) The member resigns from office by notification in writing to the Committee and Council;
- c) The member is absent for more than 6 months without leave from meetings of the Committee;
- d) Council passes a resolution to remove the member from the Committee;
- e) The member holds any office of profit under the Committee;
- f) The member fails to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter. For the purposes of this provision “pecuniary interest” has the same meaning as defined in Section 442 of the Local Government Act 1993;
- g) The Member is convicted of an offence referred to in Part 6 Division 6.2A – Money Laundering and organised fraud of the Crimes Act 1900;
- h) The member is prohibited by an Order under Section 230 of the Corporations Law from managing a corporation within the meaning of that Section.

Council has the right to remove any member(s) of the Management Committee after consultation with the Committee.

A member can resign at any time, or at the Annual General Meeting.

### **2.5 Procedure for Resigning from a Management Committee**

- a) Where a member of a Management Committee resigns, a written resignation will be presented to the Management Committee.
- b) Upon receipt of the resignation the Management Committee members will call for nominations from the user group (if applicable) with which the member was affiliated and refer this nomination to Council for concurrence.
- c) Where the member is not a member of a user group, a public meeting will be called and nominations sought from interested members of the public to fill the vacant position. Alternatively, nominations can also be sought through public advertisement in a local paper.

### 3.0 Duties and Responsibilities of Management Committees, Office Bearers and Council

Council sets out the delegation and Terms of Reference of the committee by resolution of Council.

#### 3.1 Responsibilities of Council

##### Funding Major Improvements

The Council shall be responsible for the funding and erection of all major improvement works in the facility, in accordance with the adopted Delivery Plan and availability of funds.

##### Insurance of Assets

The Council shall fully insure all buildings and all fixtures, fittings, and contents owned by Council.

##### Insurance of Committee Members

The Council shall insure the Committee, when they are undertaking its delegated functions, in respect of Public Liability and Professional Indemnity.

##### Improvement Recommendations

As part of the annual budget process, Council will consider all suggestions made by Committees with respect to improvements or additions to community facilities.

#### 3.2 Responsibilities of Management Committees responsible for Council facilities

The Community Committee will be responsible for the **Care, Control and Management of the Facility**, including letting, cleaning, maintenance, minor repairs and operations and the purchase of furniture and fittings up to the value of \$1,000 in any one purchase. The Committee is empowered to use sums for expenditure as is necessary from amounts received from fees and charges to meet costs arising out of the delegation function.

##### Care includes:

- Duty of care to ensure the health, safety and welfare of persons using the facility or participating in a function of the Committee;
- Maintaining the facility and protecting the physical assets from damage, misuse and deterioration;
- Ensuring the security of the facility and that adequate security systems are in place;
- Advising Council of any potential insurance risk that may arise in regard to the use of the facility
- Attaining sufficient funds to maintain the facility as a going concern
- Ensuring sufficient and equitable access of the facility by the community.
- Ensure that all users of the facility conform to the insurance requirements as set out in this manual.

##### Control includes:

- Holding regular meetings with recorded minutes; **minutes to be forwarded to Council**;
- Monitoring and maintaining financial records;
- Submitting Annual Financial Reports and Bank Reconciliation by 31 July;
- Submitting financial reports once yearly in accordance with GST requirements; to 30 June of each year and submitted to Council prior to 31 July of each year;
- Recommending hire fee structures for determination by Council;
- Administering and overseeing the use of the centre by other groups;
  - Have other Users/Hirers complete appropriate Council documentation being either a *'Casual Hire of Council Facilities Application'* or a *'Council Facility User Application and Agreement'* form

- Provide other Users/Hirers with a copy of Councils 'Use or Hire of Council Facilities Terms and Conditions'
  - **Return any forms to Councils Risk & Safety Coordinator by emailing [events@greaterhume.nsw.gov.au](mailto:events@greaterhume.nsw.gov.au)** for approval/processing prior to the hire or use of your facility by other groups or individuals
- Clearly defining the role of officer bearers and committee members;
  - Submit a current list of all contents belonging to the Committee (not User Groups) for inclusion in Council's Insurance Policy, by 31 January each year;
  - Submit a current list of all Committee members including the address and phone number to Council immediately following nominations of the Committee and where there are changes; and
  - Submitting officer bearer names and an audited financial report to Council following the Annual General Meeting.

#### **Management includes:**

- Ensuring that all monies received will be used for the benefit of the facility in an equitable, honest and consistent manner;
- Ensuring that the organisation is not used for the financial gain of individual members;
- Ensuring that the standard hire forms and Terms and Conditions are used;
- Being aware of, and involved in, appropriate community activities, which are compatible with the goals of the facility;
- Developing and updating long terms plans;
- Being accountable to the community and the Council for the Committees actions and initiatives in respect of the facility.

### **3.3 Office Bearers/Executive**

Office Bearers do not have greater decision making powers than other committee members, other than the chairperson who has a casting vote in the event of a tied vote. Whilst office bearers usually have defined roles, each committee member plays an important part in the functioning of the committee.

At a minimum the committee must have:

#### **Chairperson/President**

The Chairperson is usually the spokesperson for the organisation and therefore needs to be certain that the organisation is running smoothly and achieving its aims and objectives.

The chairperson should provide direction, forward planning and vision for the community.

The main responsibilities of the Chairperson 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 Annual General Meeting
- 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

- a quorum is present for all decisions
- meeting decisions are properly minuted
- maintaining order, and
- 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 and in the case of a tied vote, the Chair has a casting vote. This means that the Chair gets a second vote and does not need to vote the same way they voted initially.

If the Chair is absent from any meeting, the Deputy Chair (if one has been appointed) will fill the role for that meeting. Should both the Chair and Deputy Chair be absent from any meeting the Committee may 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.

## **Secretary**

*(One person may fill the joint position of Secretary/Treasurer)*

The Secretary is often the key contact point for the organisation, that is, for correspondence, phone messages, etc. and is required to record the 'minutes' for each meeting.

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
- taking and recording minutes of all meetings and distributing copies to Committee members
- 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, to call 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 looking after the committee's financial business records and is required to present a report of all receipts, payments and other transactions to each committee meeting.

The main responsibilities of the treasurer are:

- maintaining a bank account in the name of the Committee of which the chairman, secretary and treasurer (and any other members as nominated by the committee) shall be signatures, with any two to sign
- alternatively hold a bank account within Council's financial management system
- 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
- reporting at each Committee meeting by presenting a simple financial report and bank reconciliation statement
- ensuring that annual financial statements are prepared and audited prior to adoption at the Annual General Meeting
- presenting a financial report to the Annual General Meeting
- 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 a copy of the audited annual accounts are submitted to Council by 31 July each year
- preparing and returning BAS returns to Council prior to 31 July each year.

### **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
- bringing to the Committee's attention any identified problems or issues
- actively participating in Committee activities and business.

### **3.4 Legal Issues**

From a legal perspective it is important for Committees of Council to be aware that they are in fact acting on Council's behalf. Legally, the committee is 'Council' and any action which the committee undertakes is Council's responsibility.

Committees sometimes believe they are responsible in their own right and that their actions are independent of Council. This is not the situation. Council delegates its authority to the committee to act on Council's behalf and Council can withdraw this delegation if deemed necessary.

The Committee is also a legal entity and the delegated authority of Council was made to a particular Committee by name or title. The Committee cannot change this name without advising the Council of the intention to adopt a new name and Council consent, nor can a Committee merge with another party without prior notice and input from Council. Unauthorised actions by Committees could lead to insurance coverage being withdrawn or cancelled.

The Management Committee can act only within the terms of the delegations as outlined in S377 and S378 of the Local Government Act and in accordance with the requirements of the Management Committee Guidelines.

#### **a) Records of your Committee**

Most of the records of Council Committees, e.g. minutes of meeting, financial reports, etc. should be kept for at least seven years. After this time they should be given to the Council's Corporate Services Section to be archived.

The Community Committees need to be aware of the importance of minutes, because of their legal status and their liability to subpoena in court cases.

The Chairperson/President is required to sign the minutes of a meeting as the true record of proceedings of the meeting. The minutes must record all motions and amendments put to the meeting, and the results. There is no need to record what members said at the meeting, but there may be occasions when it is appropriate to record the thrust of the debate.

The Chairperson/President and the Secretary are responsible for confirming the minutes and must check that there have been no unauthorised alterations to those minutes. The Chairperson/President signs the minutes after they have been confirmed by the appropriate meeting (usually the next committee meeting). The signing must not take place until the motion for confirmation has been completed. The motion to confirm the minutes can only be moved and seconded by a person in attendance at that meeting to which the minutes relate.

b) Pecuniary Interest

A Pecuniary Interest is one of financial benefit by a Committee person or other person with whom the person is associated (that is, spouse, de-facto partner or relative of a Committee person) from an interest that a Committee person has in a Council matter. It does not exist where the interest is so remote or insignificant that it could reasonably be regarded as unlikely to influence any decision. The obligation to disclose is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.

Chapter 14 of the Local Government Act 1993 includes a new and separate framework for the handling of alleged breaches of the pecuniary interest provision of the Act.

The Act is about openness, accountability and transparency in decision making by Councils. A Pecuniary Interest is one of financial benefit.

It is the responsibility of members of committees (who are not Councillors or designated persons):

- To disclose to the meeting any pecuniary interest in a matter before the meeting;
- Not to participate in the discussion of the matter before the committee in which the member has a pecuniary interest;
- Not to vote on the matter before the Community Committee meeting in which the member has a pecuniary interest.

c) Disclosure of Pecuniary Interest

If a Committee member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting or the interest appears to create a conflict with the proper performance of the member's duties in relation to the consideration of the matter, the member must, as soon as possible after the relevant facts have come to the members knowledge, disclose the nature of the interest at the meeting.

A Committee must ensure that particulars of any disclosure made under this clause are recorded in the minutes. After a member of a Committee has disclosed the nature of an interest in any matter, the member must not:

- Be present during any deliberation of the Committee with respect to the matter; or
- Take part in any decision of the Committee with respect to that matter. Please note that a member's absence has a direct impact on numbers for a quorum.

For the purposes of the making of a determination by a Committee as to whether the member has a direct or indirect pecuniary interest in a matter to which the disclosure relates, the member must not be present for the deliberation.

d) Conflict of Interest

A conflict of interest can arise when a member of the committee has other involvements or interests which make it difficult for them to always remain impartial when involved in discussions and decision makings. These can include:

- Business or professional activities;

- Employment or accountability to other people or organisations;
- Membership of other community organisations or service providers; or
- Ownership of property or other assets.

The conflict may lead to:

- Financial benefit e.g. Sale of goods or privileged knowledge;
- Political benefit e.g. Gaining or losing electoral support; or
- Personal benefit e.g. Career advancement or increased standing in the community.

Example: A Committee member is the relative of person using the facility and there is some dispute regarding that person's use of the facility. The member would need to declare this interest.

If a member of a Committee has a direct or indirect pecuniary or non-pecuniary interest in any matters before the meeting, the member must disclose the nature of the interest and not take part in the discussion or voting. This interest must be recorded in the minutes to the meeting.

Committee Members are required to adhere to Councils Code of Conduct.

#### e) Quorum

This refers to the minimum number of members who must be in attendance to conduct a meeting and transact business.

A Quorum will be half the number of Committee Members plus one (the minimal number of members of the Committee who must be present in order for the Committee to make decisions). If after thirty minutes (or some time generally agreed by the Committee as appropriate) from the start of the meeting a quorum has not been obtained, the Chairperson will decide to:

- Postpone the meeting, or
- Conduct the scheduled business of the Committee, but refer all decisions and Motions to a subsequent meeting when a quorum is present for reconsideration and/or ratification.

Note that a member who has made a declaration of interest in a matter before the Committee cannot be counted as part of the quorum

### 3.5 Motions and Voting

#### a) Motions

A motion needs to be lawful, productive, relevant, appropriate, easily understood and be positive in its intent eg *"I move that the facility make application for grant funding for....."*. If the motion does not meet these requirements, the Chairperson can reject it. Reasons must be given for this decision.

Any motion must be "seconded" before it can be accepted by the chairperson and opened for debate.

If there is no seconder the matter lapses. Once a motion has been moved and seconded, the order of debate is:

- Mover (raised original motion)
- Secunder (allows debate on the motion)
- Speaker against the motion
- Speaker for the motion
- Speaker against the motion
- Speaker for the motion.

The debate continues in this manner until there are no further speakers. A member of the committee may speak no more than once to each motion or amendment at the meeting. The mover may then speak again, but in doing so closes the debate. Once the mover has closed the debate the chairperson must put the motion to a vote.

b) Amendments

Amendments may be made after the motion. The amendment must:

- be clear and be part of the motion being considered
- have a seconder
- not exceed the power of the meeting
- not be a direct negative of the motion
- be put to the vote before the motion.

c) Voting

Voting allows members to express their agreement or disagreement. Voting can be conducted in one of two ways.

**Vote verbally**

The chairperson asks people to say “for” or “against” and then decides which group is the largest.

**Vote by show of hands**

The chairperson asks people in favour of the decision to raise their hands, firstly those in favour, counts hands and announces the total, and does the same for those against.

For all motions/recommendations, the committee needs to have an agreement concerning the way a vote will be decided, eg for the vote to be carried, you will need a simple majority (more than half) present. If it is a tied vote the Chairperson/President has the casting vote and this should be recorded in the Minutes.

## 4.0 Hiring of Facility

Hiring of facilities is the central purpose of particular Management Committees. Making the facility readily accessible to the community whilst at the same time raising funds for its maintenance and future improvements, are some of the main objectives.

Committees are acting on behalf of Council, and it is important to uphold the principles of equity, accessibility and inclusivity, providing for the whole community.

The following guidelines form the basis for acceptable hiring procedures.

a) Conditions of Hire

Other Users/Hires of the facility must complete appropriate Council documentation being either a ‘Casual Hire of Council Facilities’ or a ‘Council Facility User Application and Agreement’ form and abide by Council’s ‘Use or Hire of Council Facilities Terms and Conditions’.

b) Fixing Fees and Charges

The schedule of fees and charges is set by Council, taking into consideration the recommendations of the Management Committee and the operating requirements of the facility.

*Only Council has the power under the Local Government Act to set fees and charges. Committees are to review their fees annually and make recommendations to the Council’s contact officer by 31 December for assessment and inclusion in Council’s annual review of fees and charges.*

Figures submitted should show the GST (Goods and Services Tax) inclusive amount. Once Council has adopted the fees and charges a copy will be published on Council’s website.

The committee is not able to provide subsidies or waive hire fees. All requests concerning fee reduction must be referred to Council.

**FEES AND CHARGES MAY NOT BE VARIED WITHOUT THE PRIOR WRITTEN APPROVAL OF COUNCIL**

c) Damage Deposit

The Committee as a safeguard against possible damage may hold a damage deposit (Bond) to the facility or equipment, or to cover the need for additional cleaning, where appropriate.

Hirers should be advised that this will be refunded if all conditions of the hire are adhered to.

Any abnormal costs associated with the hire of the facility will be deducted from the bond including GST.

d) Bookings

Each Management Committee will have a contact person who is responsible for the bookings of the facility. It is anticipated that the person's name and telephone number is well publicised for the benefit of the community.

To make a booking, a person or group contacts the booking officer and books the facility for a particular day and time.

The booking officer will advise the hirer of the fees, bonds and deposits required, provide the application to hire form and the Conditions of Hire and enter the relevant information into the Booking Diary. Fees charged are to be those applicable for the time the function actually takes place and not when the venue is booked (e.g. If a booking is made in March for an event in August – if the fees increase in July the new increased fee is to be charged).

The booking officer will then return any forms to Councils Risk & Safety Coordinator by emailing [events@greaterhume.nsw.gov.au](mailto:events@greaterhume.nsw.gov.au) for approval/processing prior to the hire or use of your facility by other groups or individuals. (Refer section 9.0 *Section 355 Committees - Hire of Facilities* for further information regarding this process).

e) Use of Liquor

Committees are responsible for advising hirers of conditions relating to the use of alcohol. These prohibit:

- the consumption of intoxicating liquor by persons under the age of 18;
- selling alcohol on the premises without a Functions Licence

Hirers wishing to sell alcohol can obtain applications for a Functions Licence from the local Police Station. Further information can be obtained from the Liquor and Gaming NSW website <https://liquorandgaming.justice.nsw.gov.au>.

The application must be lodged by the hirer at least 14 days before the date of the function and can only be obtained by non-proprietary associations.

#### **4.1 Maintenance of Facility**

a) General

The Committee has responsibility for the overall cleanliness and maintenance of the facilities under their control.

b) Purchasing

The Management Committee is able to take advantage of Council's purchasing power.

It is essential that all items purchased are related to the use of Council's facility or function.

c) Contracting

Should Committees need to engage the services of a contractor (e.g. a plumber or cleaner) you **MUST** contact Greater Hume Council's Engineering Administrative Assistant for a list of approved contractors prior to works being undertaken..

d) Volunteer Labour

Projects Involving Voluntary Labour

To ensure that projects involving the use of voluntary labour are not unnecessarily jeopardised, the following procedure will apply:

- At commencement of the improvement project all works and materials should be defined along with the sources of financial, material and labour inputs.
- Council's financial involvement is to be clearly defined as well as all items to be paid for by Council. Major items may be ordered by Council.
- These matters are to be discussed at a joint meeting between Council officers and responsible members of the particular organisation.
- A Risk Assessment of intended activity to be carried out prior to commencement. Council can assist in this process.
- The names of any volunteers must be forwarded to Council prior to any work being carried out.
- The Committee is required to maintain a register of volunteers detailing the names and addresses of volunteers, duties performed, the date and time particular work was commenced and completed and details of any incident involving injury to a volunteer. The volunteers **MUST** sign the "Volunteer Attendance Register" on each day they are so engaged.
- All volunteers carrying out any work on, or associated activities in relation to, the Committee are required to give due regard to the safety of themselves and others, with respect to all activities/work being carried out and equipment being used, and shall receive cover in accordance with Council's Public Liability and Personal Accident insurance.

e) Annual Maintenance Advice

Submission for Annual Maintenance and Improvements

The Council is required to ensure that all funds are used effectively in the provision of community works and services.

In setting priorities, Council identifies service needs, which are then funded in an annual budget.

In respect to community facilities, Council provides funds for:

- Urgent repairs due to damage, excessive wear, safety or security;
- Licensing or statutory requirements; and
- Periodic maintenance.

A Management Committee can make a written request to Council to undertake upgrades or improvements. Such requests are to be forwarded to Council in February each year for consideration in the budget process.

a) Minor Repairs

The Management Committee will be responsible for minor repairs (eg less than \$1,000.00).

b) Advice to Council Regarding Necessary Works

Liaison between the Committee and Council is essential so that the facility is appropriately maintained. Please contact Council regarding any necessary works outside the financial capacity of the Committee.



## 4.2 Finances

Committees are like Council, subject to financial accountability guidelines under the Local Government Act.

All assets held by the Committee belong to Council.

The Committee by definition under the Local Government Act is part of Council. 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 44 970 341 154** when issuing tax invoices for hire/use of facility.

Committees are required to charge GST (10%) on revenue received such as rental and hire fees and are able to claim the GST portion on expenditure incurred.

The General Manager is responsible for the financial procedures of the Council and he will from time to time issue instructions to individual committees or all committees on specific financial matters. Any such instructions must be strictly adhered to.

### 4.2.1 Financial Management of Committee Funds

To establish an effective financial system, Committees will need to maintain the following books and forms or electronic systems:

- Cheque book
- Expenditure documentation
- Receipt books
- Cash book
- Bank deposit book
- Reporting of financials to each meeting
- Yearly GST reporting to Council
- Annual reporting to the committee and Council.

#### **Cheque Book/Direct Credit**

- The Cheque book should normally be held by the treasurer and must only be drawn upon with the joint signatures of two of the executive.
- All payments on behalf of the Committee should be made by cheque which will be crossed and marked “Not Negotiable” or direct credit via internet banking.
- All payments will have some form of supporting documentation.
- All payments will be authorised by the Community Committee.
- All payments must be entered in the Cash Book under the appropriate cost heading.

#### **Expenditure Documentation**

- A Tax Invoice is required to make any payment to a supplier for goods or services. These should be kept in payment order and noted with the cheque number or direct credit receipt number and date of payment for easy reference and to prevent double payment.
- Where a Tax Invoice is not supplied a “Statement by a supplier” (on an approved ATO Form) must be supplied with any account for payment.

#### **Receipt Books**

- All receipt books must bear the Committee's name (a stamp will do), have a fixed duplicate copy and be numbered.
- A receipt must be issued for every payment received and monies should be banked regularly.
- The receipt of cash is an area where strict control is required. The safest method is to have only a limited number of approved people who have the responsibility for receiving funds, issuing receipts and banking monies.

- Keep a record of receipt books detailing the number and location (ie. in use or not). Record receipt number in the Cash Book and on the Deposit form retained by you. Never give change for a cheque payment.
- Avoid altering amounts on receipts. If it is necessary to alter a receipt, cross through the incorrect entry and insert the correct amount. Initial all alterations. It is more acceptable to cancel a receipt and retain both the original and duplicate in the book, than to alter a receipt.
- All amounts must show whether it is “GST inclusive” or not.

### **Cash Book**

- This book is sometimes called the Journal or Ledger. The Cash Book is the organisation’s record of what money is received and spent, the transactions (both incoming and outgoing) that have occurred, and how much cash is on hand at any one time. A twelve (12) or eighteen (18) column cash book gives most committees enough room for details or an electronic format may be used.
- It is essential to have receipts and payment on separate pages or in some cases, separate sections of the cash book.
- Across the page the columns are headed to allow the date, receipt or cheque number, cost or income allocation and totals. Have appropriate and sufficient cost or income headings for frequent transactions, try not to have too many items under sundries or miscellaneous – it makes things difficult when preparing end of year figures.
- Update the Cash Book on a regular basis so it does not become a big job. The totals down the page should always equal the totals across the page – do this each time you rule off a page.
- Check that the totals carried forward onto the next page are correct.
- Bank fees, interests, etc. wherever possible should be written in the Cash Book in the month they were raised or when bank statements are received. This assists with reconciling the cash book to the Bank statements.
- Show all payments made either by cheque or direct credit, during the month in the cash book whether they have been presented or not. Show all income received during the month whether banked or not.
- Reconciliation – Check off the amounts received and cheques written out in the cash book against the bank statement figures. From this, you can compile a list of outstanding deposits or un-presented cheques and it also verifies that an incorrect figure does not appear in either records. Tick or cross entries only once – there is no need for multiple marks against each entry. Simply compare the cash book entry against the bank statement and if they agree, mark each once only. If the bank reconciliation does not agree, find the discrepancy. It will be either a mistake in the Cash Book or on the statement.
- For committees banking through Council a monthly report will be provided to the Committee.

### **Bank Deposit Book**

If not banking through Council, the bank you have nominated supplies this book and it is where all income is recorded for deposit into the Committee’s account.

### **Keeping the Books and Providing Council with Annual Financial Statements**

All Community Management Committees are required to keep complete and accurate records.

The following guidelines and procedures have been prepared to give members of Community Committees a greater understanding of the tasks they have undertaken.

### **Steps Required to Keep Complete and Accurate Records**

- Open a cheque account in the committee’s name.
- Make as many payments as you can by cheque or direct credit. Avoid paying cash.

- Record details on the cheque butt.
- Bank all cash receipts promptly into the cheque account.
- Record all details on the receipt book butt.
- Write up the cash book regularly – at least monthly (this may be completed electronically).
- Reconcile the bank account regularly – generally monthly or each time a bank statement is received and at the end of the financial year.
- Retain supporting documentation or evidence for all cheques drawn.

### Writing up the Cash Book

Cash books are available in various sizes from stationers and office supplies such as Newsagents. Alternatively, an electronic Cash Book will be acceptable and Council is able to provide a template upon request.

- a) Cash Payments
  - Enter appropriate headings in the book, ensuring the first column is “Bank” and the last one “Sundries”.
  - Enter cheques in cheque number order.
  - Ensure every cheque is recorded in the book.
  - Record cancelled cheques, but at no value.
- b) Cash Receipts
  - The same procedures as for cash payments.
  - All amounts received must be receipted.

- c) Bank Reconciliation

Bank reconciliations need to be performed regularly because they:

- Keep track of cheques that are outstanding and possibly lost;
- Ensure that a complete record is kept of all transactions;
- Enable your accountant to prepare a balance sheet and accounts for your committee, and can therefore save you considerable money in professional fees.

Take the monthly bank statement and write all items such as bank fees, direct debits, etc. into the cash book.

Total up the columns; ensure they add the same across as well as down.

Tick off all items appearing in the cash book against the bank statements, noting any that are outstanding.

### To Complete Reconciliation:

Every month or when you receive your bank statement, fill in that month’s bank reconciliation using the “Annual Bank Reconciliation Instructions and Form”. This form provides instructions and a template to use for completion of the Bank Reconciliation.

*A copy of the “Bank Reconciliation Instructions and Form” along with the “Annual Financial Report Instructions and Form” should be forwarded to Council on an annual basis – prior to 31 July.*

**It should be noted to ensure your eligibility for further grants and funding from Council that the above Financial Reporting requirements must be completed. Financial assistance may be ceased until such time as accurate and complete reports have been received.**

### Provision of Annual Financial Reporting for GST Purposes

Financial reports for GST purposes are to be submitted on the “BAS GST Instructions and Form” once yearly in accordance with GST requirements. The reports are required to 30 June of each year and submitted to Council prior to 31 July of each year.

## 5.0 Procurement of Goods and Services

Committees are authorised to draw on the committee's funds for the procurement of goods and services required to undertake their delegated functions provided that:

- The committee has approved the purchase as minuted in meeting minutes or authorised for payment by the Committee member (or their alternative)
- Committee funds are available for the procurement activity without impacting the facility's Operational Budget or Maintenance Budget
- Purchases are made in accordance with Council's Local Preference Purchasing Policy
- Funds are expended in accordance with Council's Procurement Policy and Procurement Procedures.

**The Procurement Policy & Procedures encompasses all facets of Council operations, including Community Committees established under section 355 of the Local Government Act, 1993 and Reference Committees. All Committees must adhere to Council's Procurement Policy and Procedures.**

## 6.0 Grants and Other Funding Opportunities

Council encourages committees to seek out funding opportunities and endeavours to advise committees of relevant funding opportunities as they are identified.

Committees may consider applying for funding to support committee operations, to fund volunteering activities at the facility, and/or to fund projects to improve and/or maintain the facility.

**In all circumstances, committees must seek Council approval to apply for grants and funding opportunities, in accordance with Councils External Grant Application for Management Committees Policy and Procedures.**

### 6.1 Low Interest Loans to Community Groups

In accordance with Councils Loans to Community Groups Policy, Council will consider providing financial assistance by way of interest bearing loans to community groups and organisations within the Greater Hume Council area for the purposes of exercising Council functions of providing community, sporting, and recreational projects, services and facilities.

A copy of the Policy can be found on Councils website [www.greaterhume.nsw.gov.au](http://www.greaterhume.nsw.gov.au).

If your committee is interested in applying for such assistance, please contact Councils Chief Financial Officer on 0260 360100.

## 7.0 Sub Leasing of Crown Land

The NSW Department of Industry is responsible for the overall management of Crown land in NSW.

Crown reserves are land set aside on behalf of the community for a wide range of public purposes including environmental and heritage protection, recreation and sport, open space, community halls and special events. Reserves are created to protect and manage important community resources and are administered under the Crown Lands Management Act 2016. The Act enables crown reserve trusts, with the minister's consent, to enter into leases and licences with individuals and third parties to use all or part of a reserve.

**All leasing and licencing arrangements shall be administered by Council to ensure approval in accordance with the Crown Lands Management Act and Regulations.**

## 8.0 Fundraising – Including Leasing or Use of Excess Land

It is important to keep in mind that money raised through the operation of the reserve, or received through any approved leasing or fundraising activity of part of the reserve, must be used for the purpose of improving and maintaining the reserve.

The reserve trust's funds are not available to assist major users (e.g. a sporting club) or for purposes not connected with the reserve.

In certain circumstances, and only with Council's approval, a reserve trust can donate trust money to other groups for purposes which will benefit the reserve itself (e.g. a donation to assist a major user of the reserve to build or repair facilities), or will benefit the community in some other way.

Before committing to make any form of donation, you must have Council's approval which should be obtained by writing to: The General Manager, Greater Hume Council, PO Box 99, HOLBROOK NSW 2644.

## 9.0 Section 355 Committees - Hire of Facilities

The main purpose of the Management Committee is to manage the hiring of community facilities. This ensures that the facility is accessible to the community and local residents do not need to contact Council directly to gain access to the facility.

Funds raised from hiring the facilities assist in the provision of maintenance and meet operating costs as well as provide for improvements to the facility.

Facility allocations are issued to organisations

Management Committees who are appointed by Council to manage a Council facility will be required to ensure that ALL regular or seasonal users of the facility complete the "Council Facility User Application and Agreement" form and submit to Councils Risk & Safety Coordinator for acceptance and approval.

Those users who would like to use the facility as a one off ie birthdays, private functions will be required to complete the "Casual Hire of Council Facilities Application Form" and submit to Councils Risk & Safety Coordinator for acceptance and approval.

Council recognises three forms of usage for council facilities, being:

### 1. Seasonal Usage

This type of use is non-exclusive and allocated on a consistent basis at specific dates and times during a seasonal period.

To be eligible to enter into a Council Facility User Application and Agreement for use of Council's sports fields and pavilions, user groups must:

- Be a registered business or incorporated identity, as per the Associations Incorporation Act 1981;
- Have public liability insurance to the value of \$20,000,000; and

### 2. School Usage

School usage refers to use of Council's sports fields and pavilions by schools or school sporting associations located within or external to Greater Hume Council.

Schools must hold current public liability insurance to the value of \$20,000,000 and priority will be given to schools located within or school sporting associations servicing the Greater Hume Council area.

### 3. Casual Usage

The definition of a "Casual Hirer" is any person or group of persons (not being a sporting body, club, association, corporation or incorporated body), who hires a Council facility for non-

commercial or nonprofit making purposes, less frequently than once per calendar month or twelve times per calendar year.

Hirers of Council facilities that do not fall under the definition of a Casual Hirer must provide Public Liability Insurance cover for a minimum of \$20 million and a copy of the Certificate of Currency must be attached to their application.

When allocating casual usage of Council's facilities the following criteria will be considered:

- Applicant's history of use and treatment of requested facilities; and
- Not-for-profit organisations will have preference above commercial agencies.

## **10.0 Camping/Caravan**

Camping at Recreation Reserves is not permitted unless the Recreation Reserve Committee has a Local Approval under the Local Government Act 1993 & Regulations from Council.

The approval to operate a caravan park and/or a camping ground in NSW (either on Crown land or freehold land) is required under:

- Section 68 of the Local Government Act 1993 (LG Act), in compliance with the relevant provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Also, the establishment of a new caravan park or camping ground on Crown land requires the Authority's consent (land owners consent) which is subsequently submitted with the development application.

Should any Recreation Reserve Committee wish to commence allotting camping of any sort at or on their facility they should contact Council's Environment and Planning Department for further information.

## **11.0 Use of Council Plant and Equipment**

Community groups wishing to utilise Councils Plant and Equipment must receive permission from Councils Director of Engineering prior to commencing works.

If a licensed/accredited council employee is prepared to operate plant or equipment as a volunteer, Council will provide the use of plant free of charge. The operator will act as a volunteer for the organisation and the plant will only be made available when not required for Council projects, generally this will mean outside normal working hours or on weekends and public holidays.

All requests for use of Council Plant and Equipment must be submitted on Councils "*Use of Council Plant for Community Projects Application Form*".

Further details on the utilisation of Council Plant and Equipment please contact Councils Director of Engineering on 02 6036 0100.



## Risk Management and Insurance

### 12.0 Risk Management

Risk management is a method of taking preventative and precautionary measures to avoid injury, loss or damage, to either persons or property. As a Committee of Council, the Management Committee has a duty of care to ensure the health, safety and welfare of persons using the facility. This involves regular maintenance to keep the facility and grounds safe, clean and tidy as well as a regular inspection regime to detect faults and hazards at an early stage.

#### 12.1 General

Council and Committees of Council, have a wide scope for potential liability.

Liabilities can be based on statute and common law duties of care. To ensure compliance there must be appropriate policies, procedures and practices in place.

The following guidelines are provided for the committee to use to ensure the appropriate documentation is kept to evidence the due diligence process and ensure all reasonable steps are being taken to identify the risk to the committee and users of the facility.

#### 12.2 Hazards

A hazard is a situation which could potentially cause injury to a person or damage to property. If a hazard requires urgent attention a warning should be placed near the hazard to alert users of the facility to the danger. The Management Committee must complete and forward a copy of “*Community Facility Hazard Report Form*” to Council by emailing [mail@greaterhume.nsw.gov.au](mailto:mail@greaterhume.nsw.gov.au) attention Risk & Safety Coordinator.

Committees are urged to apply some common sense rules for hirers of facilities such as restacking of tables and chairs, cleaning spills from floors, rubbish removal

A regular inspection process will alert Committees to possible hazards or faults. Inspections can be carried out periodically using the “*Annual Building Inspection and Management Report*”. The Management Committee must complete and forward a copy of “*Annual Building Inspection and Management Report*” to Council by emailing [mail@greaterhume.nsw.gov.au](mailto:mail@greaterhume.nsw.gov.au) attention Risk & Safety Coordinator.

#### Fire Protection

All Council facilities should be supplied with fire and safety equipment and information on how to use it. If this is not available Council must be notified immediately. Council will arrange for equipment will be inspected twice annually by a qualified contractor at Councils expense. If the equipment is used irresponsibly by a hirer, maintenance and repair costs should be deducted from the hirer’s bond.

#### 12.3 Emergency Exits (Buildings)

All exits must be identified by an illuminated exit sign and inspected by a qualified contractor engaged by Council. Emergency exit routes must be kept clear at all times. Exit doors should not be barred or locked or blocked at any time while the facilities are in use.

## 12.4 Building Inspections

Regular inspections are essential to identify potential risks, and to assist in the defence of claims brought against Council. Inspections must be thoroughly documented. The Committee will be responsible for inspection of the facilities under their control.

Inspections may be either formal or informal.

### Formal Inspections

Inspection of the facilities under the committee's control must occur and be documented using checklists at least once every 12 months using the "Annual Building Inspection and Management Report" and/or "Recreation Reserves Inspection Check List".

### Informal Inspections

Informal inspections are incidental in the course of committee business. Any defect or problem discovered must be dealt with according to the "Community Facility Hazard Report Form".

### Safety Inspections by Hirers

It is the responsibility of the user groups/hirers to ensure that any field or facility is safe for the use immediately before and during its use. This will include ensuring there are no holes likely to cause injury and any broken glass and other hazardous matter is removed.

## 13.0 Event Management

### 13.1 Safe and Successful

It is essential that everyone involved in the organisation of an event, no matter how big or small, understand the need to eliminate or reduce and control the foreseeable risks involved in conducting an event. Event organisers and participants have to recognise that having Public Liability insurance cover does not absolve their obligations to provide a safe and secure event, activities, services and facilities. Everyone attending the event is entitled to enjoy all the benefits of attendance without risk to their health, safety and welfare.

Greater Hume Council commits to the provision of safe community facilities such as parks and reserves, halls and playgrounds etc., for the use to the residents of Greater Hume and the public in general.

The Council is also responsible for the provision of safe and serviceable public thoroughfares, which from time to time are also used as venues for public events, such as the Christmas Carnival and Anzac Day remembrance ceremonies.

Council Committees, as they are acting on behalf of Council, are also responsible for the provision of safe facilities, activities and services, even though they are acting in a voluntary capacity. Committees are performing a function of Council when carrying out the functions delegated to them by Council, and thus are covered by the Public Liability cover obtained by Council; however that coverage also has inherent responsibilities for risk minimisation and compliance with Work Health & Safety legislative requirements.

Council has developed a guide "Greater Hume Council Events Guide" which provides information to assist with your event planning.

**All proposed events shall be notified to Council on the "Event Notification & Application Form". Council may cancel any event which has not been approved at its discretion.**

## 13.2 Duty of Care

Event organisers have to be aware that they have a “Duty of Care” to patrons of the event, and others in the vicinity, to ensure that all reasonable care has been taken to avoid acts or omissions that may adversely affect their health, safety & welfare.

For event organisers, Duty of Care requires all reasonable actions to be taken to prevent any foreseeable risk of injury, loss or harm to people directly affected by or involved in the event. This includes staff, volunteers, performers, patrons and members of the public in surrounding areas.

Some of the main areas of risk to be identified and assessed are:

### **Administration**

The working conditions and management of staff and volunteers must minimise the risks to their health, safety and welfare and consequent possible loss of profit for the event organisers.

### **Marketing and PR**

Ensure that all advertising material portrays the content and activities of the upcoming event accurately, to avoid any patron disappointment and adverse comment or actions.

### **Health and Safety**

Ensure things such as food sanitation, responsible service of alcohol, emergency access & egress, safe access and egress to the venue, traffic management plans, risks involved in activities to be performed or undertaken.

### **Crowd Management and Security**

Ensure that the venue can safely and comfortably accommodate the expected number of patrons. Access to adequate clean and tidy amenities and provision for access control of emergency vehicles if relevant.

### **Transport**

Ensure that transport arrangements to and from the event are controlled, public-parking arrangements are properly organised and if necessary, access for delivery or official vehicles is planned and controlled.

## 14.0 Insurance

### 14.1 General

Council is required to take out insurance policies to cover Council’s liability as a consequence of Council’s business activities. These policies include:

- Public Liability;
- Professional Indemnity;
- Personal Accident;
- Casual Hirers; and
- Property.

## 14.2 Notification

Management Committees and hirer/user groups are instructed that any matter or incident which may give rise to a claim against Council must be reported to Council as soon as practicable using the "Risk Hazard Incident Report". This will ensure that investigations and remedial actions can be undertaken to protect Council's interests.

Council has a responsibility to notify its insurer as soon as a potential claim is known. Management Committees may receive advice regarding potential claims in writing, via a telephone call or by observation. Once the Committee becomes aware of potential claim they are to notify Council immediately. If Council does not notify its insurer of claims which they could reasonably have known about indemnity may be denied by the insurer.

### Volunteer Labour

For projects involving volunteer labour, a register of volunteers involved must be completed for each project. All volunteers must attend an induction session and appropriate induction records shall be kept by the committee and or Council.

### Induction Training

Select committee members will be provided with training and resources from Council that will enable them to induct other committee members or volunteers and record that training on behalf of Council as required.

This training will include:

- Overview of Committees
- Member requirements and responsibilities
- Council Responsibilities
- Code of Conduct
- Risk Management
- Insurance
- Work Health Safety
- Volunteer Management
- Any other topic deemed relevant by Council

This is required to ensure the Health Safety and wellbeing of all Council workers and meet Councils legislative obligations

All documentation pertaining to inductions and volunteer management must be forwarded to Council by emailing to [mail@greaterhume.nsw.gov.au](mailto:mail@greaterhume.nsw.gov.au)

## 14.3 Public Liability Insurance

Public liability insurance provides cover in respect of liability incurred by Council, Council committees and voluntary workers whilst acting within the scope of their duties for and on behalf of Council.

Council's Public Liability Insurance covers Council appointed 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 inducted volunteers are involved that are not Council appointed members of the committee, they MUST also complete a Volunteer Registration Form in order to be covered by Council's Insurance Policy.

Please note that Council's insurance policies do not cover committee members or volunteers for works that require specialist advice, skills or trades i.e. electricians or plumbers.

If a project requires the above the committee must contact Councils Engineering Department on 0260 360100 and have Council staff engage an approved contractor on behalf of the Committee.

**Engaging Contractors directly would mean that the Committee (and its members) would be considered a Person Conducting a Business or Undertaking (PCBU) under current WHS legislation which may result in personal liability (fines and penalties) should an incident or injury occur.**

The Management Committee is responsible for the care, control and management of the facility under Section 355 of the Local Government Act. If a third party suffers property damage or personal injury as a result of Council or Committee negligence they may be covered under the public liability policy.

The Management Committee should note that the policy does not cover participants of events/and or groups/associations or incorporated bodies. All incorporated bodies, sporting clubs and associations must have their own public liability insurance as they are excluded from Council's policy.

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 could result in an insurance claim, the usual investigations will be conducted. Whether or not Council's insurer accepts liability will depend on the outcome of the investigation and the specific circumstances surrounding the incident.

Council's insurers are entitled to enforce the conditions that apply to Council's insurance policies and there is **no guarantee** that any claim will be supported if there has been any breach of any of the policy conditions.

#### **14.4 Workers Compensation Insurance**

Council's Workers Compensation Policy only covers Council employees and does not extend to committee members or volunteers. They are covered by Council's Personal Accident Insurance policy providing that the appropriate volunteers guidelines and induction process has been undertaken.

#### **14.5 Property Insurance**

Council maintains property insurance on all its facilities. This generally includes contents insurance on equipment owned by Council or the Committee, such as furniture.

Council must be notified of any new equipment purchased by the committee so as to allow for its inclusion under the policy.

Other equipment belonging to sports clubs, playgroups etc. is not covered by Council's policy and such groups must be advised to affect their own cover for such items if stored at the facility.

#### **14.6 Professional Indemnity Insurance**

Professional indemnity insurance usually refers to claims where it is alleged that incorrect advice, certificates or incorrect practice has occurred. The Council may be liable for its conduct arising out of its representations or the conduct of its employees, consultants and committee members.

As discussed previously in relation to public liability insurance it is essential that all potential claims are reported as soon as practicable and all documentation is collected and investigations conducted as soon as possible.

#### **14.7 Casual Hirer Insurance**

Council has coverage for casual hirers of its facilities. A casual hirer is a user that hires the facility for a one off activity. Incorporated bodies, sporting clubs or associations of any kind are not casual hirers

and are excluded from the policy. Such excluded groups must have their own Public Liability insurance with a limit of indemnity not less than \$20 million. As discussed previously, the committee must sight and keep a copy of such insurance with the booking documentation.

#### **14.8 Personal Accident Insurance**

Personal accident insurance covers bodily injury for committee members and volunteers whilst engaged in an activity directly connected with or on behalf of Council.

#### **15.0 Work Health & Safety - Volunteers**

The Work Health and Safety Act (WHS Act) aims to protect the health and safety of all workers nationwide, including volunteers. Protecting the health and safety of volunteers demonstrates that their commitment is valued and recognises the vital role they play in the community.

As a Person Conducting a Business or Undertaking (PCBU), Council must ensure the health and safety of workers – including volunteers who we engage – consult with them on WHS matters, and provide them with the necessary information, training and supervision.

A volunteer organisation owes duties to its volunteers under the WHS Act, where it:

- a) Conducts a ‘business or undertaking’ (whether for profit or not), and
- b) Is not a ‘volunteer association’ as defined by the model work health and safety laws.

In this legislation a volunteer association is a group of volunteers that has no employees and they are not considered as a PCBU. A group of volunteers that employs someone to carry out work is not a volunteer association, but rather a PCBU and therefore is not a ‘volunteer association’.

Basically, for a Volunteer Organisation to be considered to be a PCBU it would need to:

- a) Directly employ workers, or
- b) Operate a commercial undertaking such as a retail shop.

As a volunteer, you must take reasonable care for your own and other people’s health and safety. If you are engaged by a PCBU, you are a worker and must comply with any reasonable instructions, policies and procedures relevant to health and safety given by the PCBU.

#### **Volunteers are Responsible for:**

- All volunteers will be required to comply with Workplace Health and Safety Act as is all Council Staff.
- Develop and implement risk assessments for any meetings/events etc. arranged and/or participated in by the committee.
- Conduct site inspections/inductions for meetings/events etc. arranged and/or participated in by the committee.
- Complete a Volunteer/Sign on/off sheet when attending meetings/etc. arranged and/or participated in by the committee.
- Report all Incidents to Council that occur during an activity of the Committee.



## Training

To assist volunteers in managing their activities, statutory requirements and objectives Council will be providing WHS induction training in conjunction with Management Committee Training to ensure that all volunteers are aware of their individual responsibilities and promote a healthy and safe work environment for all.

Training will be conducted in groups.

Council will endeavour to provide volunteers with the resources required to meet their WHS obligations.

*Councils "Greater Hume Volunteer Guidelines" must be read in conjunction with these guidelines. The "Volunteer Guidelines" refers to a "Volunteer Application", which for some activities will be impracticable to complete. This will be acceptable providing that the Volunteer adheres to the "Greater Hume Volunteer Guidelines" and requirements including, but not limited to:*

- Follow the directions of the supervisor
- Be aware of and follow the approved risk management procedures
- Use plant and equipment in accordance with the correct procedures
- Complete a "Volunteer Attendance Registration Form" by way of signing on at commencement and signing off at the completion of the activity
- Ensure you have the knowledge and skills required to undertake the activity in a safe manner.

## Contributions and Ownership

Sporting or Community groups contributing items for the permanent embellishment of the facility will be informed by the Committee that such a contribution will become the property of Council and will not be for that group's exclusive use.

Any items provided and funds raised by the Management Committees are the property of Council, however, Council will ensure where possible these items and funds will be put into the development of the Management Committee's facility or responsible area.

All of the above forms can be found on Greater Hume Council's website [www.greaterhume.nsw.gov.au](http://www.greaterhume.nsw.gov.au)