

## Special Committees of Council

# Operations Manual

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## 1 Introduction

This manual has been developed to provide an overview of the role and responsibilities of Mount Alexander Shire Council's Special Committees of Council.

Special Committees of Council are established by Council to assist with the everyday operation and management of a number of Council owned community facilities.

Appointed by Council, each committee is governed by the same legal requirements as Council. This manual will help committee members to gain a better understanding of those requirements.

## 2 If you read nothing else read this!

This is an overview of the role of Special Committees of Council to make sure the committee is meeting all of its responsibilities.

The committee is part of Council and is governed by the same requirements and legislation as Council. To ensure compliance with the Local Government Act 1989 all committees must:

- Be familiar with the Instrument of Delegation and the powers and responsibilities of the committee;
- Publicly advertise all committee meetings at least 7 days prior;
- Submit to Council:
  - An Annual Return for each financial year;
  - Minutes from every meeting, and;
  - GST returns each quarter.
- Notify Council of any changes to the membership of the committee;
- Spend funds collected on maintaining the facility;
- Obtain Council approval before spending more than \$500;
- Use Council approved contractors for all works and maintenance at the facility;
- Obtain Council approval before applying for grants;
- Obtain Council approval before making any alterations or additions to the facility;
- Register all volunteers who work with the committee but are not committee members;
- Ensure all hirers of the facility are insured and have signed a user agreement for use of the facility;
- Ensure the committee meets its emergency management responsibilities;
- Direct all enquiries to Council via the committee's appointed contact officer.

This manual provides advice and information to help committees meet their responsibilities.

### 3 About Special Committees of Council

Special Committees of Council are established by Council under Section 86 of the *Local Government Act 1989*. The committees have been appointed to act 'for and on behalf of Council' to manage a number of community facilities within Mount Alexander Shire.

'Acting for and on behalf of Council' means the committee is a part of Council and is therefore governed by the same requirements and legislation, including Council's obligations under the Local Government Act 1989. This includes how committees manage finances, conflicts of interest, obligations under the Occupational Health & Safety Act 2004 and other legislative requirements which are defined in the instrument of delegation.

When a Council delegates its authority under Section 86 of the Local Government Act, this means:

- Lawful actions of the committees are considered actions of the Council.
- Committee members must be appointed by Council.
- Committees can only lawfully do things that have been delegated to them by Council as outlined in an Instrument of Delegation document.
- Committee members are protected by insurance applicable to Council when undertaking their duties.
- Committees of Council cannot be incorporated bodies.

The role of the committee is to:

- Manage, improve, maintain and develop the facility for the overall benefit and safety of users and the community;
- Advise Council in relation to the general development and ongoing maintenance of the facility;
- Be responsible for the day-to-day management of the facility and grounds;
- Manage and report on the finances and other issues as directed by Council;
- Maintain records and administer its affairs in an open and honest manner; and
- Ensure the committee is financially self-sustaining, that is, it has enough income to pay all of its related expenses.

Any specific conditions of appointment for the committee will be detailed in the Instrument of Delegation.

#### 3.1 The Instrument of Delegation

An Instrument of Delegation is a legal document that defines the power and responsibility of the committee. All members should be provided with a copy when they are appointed to the committee and become familiar with its contents as it addresses:

- Objectives of the committee;
- Appointment of committee members;
- Powers, functions and duties of the committee;
- Meeting procedures;
- Financial management and authority;
- Repairs and maintenance responsibilities, and;
- Reporting requirements.

All Instruments of Delegation are reviewed every four years, within 12 months of a Council election. This is a requirement under the Local Government Act.

Copies of all Instruments of Delegation can be viewed on Council's website [www.mountalexander.vic.gov.au](http://www.mountalexander.vic.gov.au) (under About Council > Committees > Special Committees of Council).

For more information about the committee's Instrument of Delegation contact the committee's Council contact officer.

### 3.2 Council Contact Officers

Council has a single point of contact for Special Committees of Council referred to as a Council contact officer. This is to ensure that committees receive consistent advice from Council and that Council has a single and complete view of all requests from each committee.

The role and responsibility of the Council contact officer is to:

- Be the first point of contact for committees;
- Advise Special Committees of Council on all matters relating to the Instrument of Delegation;
- Respond to queries and requests from committees;
- Forward requests and queries that cannot be answered at the first contact, to the appropriate Council officer for action, and;
- Record all interactions and correspondence with the committees.

## 4 Forming the committee

This section provides information on appointing committee members and office bearers, roles of office bearers, resigning from a committee, filling a vacancy and handover to new office bearers.

### 4.1 Appointment of committee members

Your Instrument of Delegation specifies the number of members the committee should have, the type of members required and the term of membership.

All committee members must be appointed via a nomination process. Existing committee members can be nominated to remain on the committee.

All nominations must be forwarded to Council. Council will review the nominations and approve the appointment of members to the committee at a Council Meeting. The committee will receive formal written notification from Council when members have been appointed.

### 4.2 Appointing office bearers

Once committee members have been appointed by Council, the committee can appoint office bearers, including:

- a chairperson or president;
- a secretary;
- a treasurer

To ensure transparency and to reduce the risk of fraud, key office bearers (chair, treasurer and secretary) should not be related to one another.

A call for nominations for office bearers should be aligned with the public notification of the Annual General Meeting (AGM).



### 4.3 Roles and responsibilities of the chairperson or president

The chairperson or president is a key member of the committee. It is their role to:

- Liaise with the Council contact officer in consultation with the secretary;
- Ensure all members are familiar with, and adhere to, the Instrument of Delegation;
- Facilitate meetings in accordance with the Instrument of Delegation;
- Ensure all members are included in the decision-making of the committee;
- Work with the secretary to prepare agendas and approve minutes of the meeting;
- Exercise a second or casting vote when there is a tied vote during a meeting, and;
- Represent the committee in the public domain.

### 4.4 Roles and responsibilities of the secretary

The secretary provides administrative support to the committee. It is their role to:

- Liaise with the Council contact officer in consultation with the chairperson;
- Receive and send all correspondence on behalf of the committee;
- Present a report of all correspondence to the committee at each meeting;
- Liaise with the chairperson to prepare agendas for meetings and minutes of meeting;
- Distribute the notice of meetings, agendas and copies of correspondence, reports etc. to all committee members and the community as required;
- Take minutes of all meetings, and liaise with the chairperson after the meeting to ensure actions are followed up and the minutes confirmed and provided to Council;
- Submit the Annual Return to Council at the end of financial year, and;
- Securely maintain all committee records and documentation for audit purposes.

### 4.5 Roles and responsibilities of the treasurer

The treasurer is responsible for the financial management of the committee. It is their role to:

- Maintain the committee's bank accounts;
- Record, bank and issue receipts for any money received;
- Pay accounts and invoices as authorised by the committee;
- Keep and file all invoices, receipts, bank statements, etc. for audit purposes;
- Provide a report to the committee at each meeting of current bank balances and the committee's financial position;
- Prepare and present an annual financial report at the Annual General Meeting;
- Complete quarterly GST returns and the annual BAS statement and provide them to Council; and
- Provide bank statements and financial statements to the secretary to be filed with the Annual Return to Council.

### 4.6 Responsibilities of all committee members

All committee members share the responsibilities of the key office bearers and support them in making decisions and maintaining the facility. It is their role to:

- Support the office bearers in their roles and share tasks as required;
- Professionally represent the committee and Council in the community;
- Represent the needs and interests of the wider community;
- Treat fellow committee members with respect at all times;
- Attend all committee meetings and participate in decision-making;
- Actively participate in committee activities and business, and;
- Bring to the committee's attention any known problems or issues.

### 4.7 Joining the committee mid-term

Anyone wishing to join the committee mid-term can only do so if there is a vacancy.

If the committee agrees to appoint a new member mid-term, it will need to nominate them formally at a committee meeting. The nomination must be forwarded to Council in the minutes of the meeting. Council will review the nominations and approve the appointment of members to the committee at a Council Meeting. The committee will receive formal written notification when members have been appointed.

The membership of committee members appointed mid-term will expire on the same date as the existing committee.

The new committee member should not commence as a voting member until the committee receives a formal letter from Council confirming their appointment.

### 4.8 Resigning from the committee

Committee members can resign from the committee at any time by formally notifying the committee in writing. The committee must then accept the resignation at the next committee meeting record it in the minutes of the meeting. The minutes and the letter of resignation from the committee member must be sent to Council.



### 4.9 Removing a committee member

Council can remove a member from a committee at any time, if it does not believe that the member is acting in accordance with the Instrument of Delegation. Circumstances under which a committee member may be removed include:

- If the committee member has been absent for three consecutive committee meetings without first obtaining a leave of absence from the committee;
- Bankruptcy;
- A breach of the Instrument of Delegation;
- Conviction of a serious offence, or;
- The committee member becomes incapable of performing committee duties (e.g. chronic illness).

If the committee feels that a member is not carrying out their committee duties satisfactorily, the chairperson or a delegated committee member should first discuss the issues with the member concerned, to try to find resolution. If the issues cannot be resolved, the committee should contact their Council contact officer to seek guidance.

### 4.10 Handing over to a new committee

When handing over operation of the facility to new members, the chairperson should ensure that the handover is completed in a timely and professional manner, and that the incoming committee is adequately briefed. Office bearers should meet with their counterparts, to hand over documents, explain their role, and brief them on current issues.

All members leaving the committee must return all keys to the facility to Council. New office bears will be assigned keys.

Incoming committee members must familiarise themselves with their responsibilities, both as a committee and as individual committee members, by reading the instrument of delegation and this Manual.

Council contact officers are able to assist with this process if required.

### 4.11 Ex-officio members

The committee may co-opt additional people to the committee; however those people do not have voting rights, cannot raise a motion, and are known as ex-officio members.

An ex-officio member may be appointed to join the committee or a sub-committee. Although they cannot be appointed as one of the office bearers (chairperson, secretary or treasurer) they must be listed in the Annual Return as an ex-officio members to be covered by Council's public liability insurance.

### 4.12 Resignation or removing a committee

There are some circumstances under which a committee may wish, or be required, to hand over its management responsibility before its term ends. Council may also remove (known as revoke) the committee's appointment or its Instrument of Delegation at any time and either take direct responsibility for the management of the facility or appoint a new committee.

A committee may resign because of its inability to function as required, inability to meet minimum membership numbers, or because its duties are no longer required. If the resignation is not related to a declining demand for the facility, Council may appoint a new committee. A formal handover must be undertaken with Council or the new committee.

If Council agrees there is no longer a need for a committee to manage the facility, the committee, in consultation with Council, will need to conclude any outstanding issues, settle outstanding debts, reassign bank accounts and utility accounts, and handover all documents, funds and records to Council.

Once handover is completed, Council will take direct responsibility for the facility and all its assets, including decisions on the disposal of any assets, a change of purpose of the facility, and any future use of the facility and site.

Council contact officers will assist the committee with the resignation or revoking process as required.

## 5 Management of Committee

This section suggests good work practices. There are basic procedures to follow that provide solid structures for operations - large or small. Many of these procedures are common to all kinds of committees throughout the community, not just Special Committees of Council.

### 5.1 Code of Conduct

Special Committees of Council are expected to uphold Council's [values](#) in all their responsibilities in managing the facility.

All committee members must:

- Act with integrity;
- Impartially exercise their responsibilities in the interests of the local community;
- Not improperly seek to confer an advantage or disadvantage on any person;
- Endeavour to ensure that public resources are used prudently and solely in the public interest;
- Fulfil obligations to transparently and honestly report the use of Council funds, resources and assets.

All committee members should:

- Treat people with dignity and respect;
- Debate contentious issues without resorting to personal acrimony or insult;
- Share the workload and work cooperatively;
- Accept majority decisions, respected by those for and against the argument;
- Seek advice and guidance when required.

### 5.2 Conflicts of Interest

A conflict of interest arises when a person has to make a decision on an issue in which they have, or are perceived to have, a personal interest in or where they may benefit in a particular outcome. For example, the Committee is voting on whether to hire Fred's Mowing Services and Fred's brother is a member of the committee.

A committee member with a conflict should be disqualified from discussing and voting on issues in which they have a conflict of interest. Often, people will leave the room once they have declared their conflict. However, this is not always practical, particularly since it could mean that the committee no longer has a majority of voting members present (a quorum).

Private interests should not be confused with specialist knowledge, which is not a conflict of interest. For example, a member who is in the field of work, but who is not tendering for the work, may have useful specialist knowledge.

### 5.3 Fraud Control

To ensure transparency and to reduce the risk of fraud:

- Office bearers (chair, treasurer and secretary) should not be related to one another;
- The two office bearers signing off on financial or banking matters should not be related to one another;
- Office bearers cannot reimburse or pay themselves, or a family member, for expenses.

Committee members will be dismissed from the committee if they are found to have committed fraud. Council may also pursue prosecution in the Civil or Criminal Courts, including action to recover losses.

It is the responsibility of all committee members to prevent, detect and report fraud in their area of operation.

Examples of common types of fraud relevant to the operation of a committee include:

- Abuse of position or power for personal gain;
- Accepting kickbacks, gifts or bribes in exchange for preferential treatment;
- Theft of cash collected by the committee;
- Theft of Council assets - this may include computers, stationery, tools, cameras etc;
- Intentional failure to raise invoices;
- Falsifying and paying invoices for goods and services not provided;
- Falsified petty cash claims;
- Purchasing items for unauthorised personal use;
- Unauthorised personal use of Council equipment;
- Misuse of Council information and branding.

### 5.3.1 Reporting fraud

All committee members are expected to report suspected fraud if they become aware of it. It is important not to confront a person suspected of fraud.

If a committee member is invited to participate in fraudulent activities, the committee member must report the suspicion of fraud in writing to Council's Chief Executive Officer marked "Private and Confidential".

If a committee member suspects the CEO is potentially implicated in the fraud, the report must be made in writing to the Mayor marked "Private and Confidential".

The report should be as detailed as possible, including the details of the suspected fraud, the people allegedly involved, reasons for suspicions, and any available evidence.

Council is committed to the aims and objectives of the Whistleblowers Protection Act 2001. Therefore, the identity of the person reporting the suspected fraud will only be disclosed or discussed with those persons who require such knowledge in the proper performance of their office or function. The person reporting the suspected fraud will not be victimised or disadvantaged.

## 5.4 Members and risk management

It is the responsibility of all committee members to take all possible measures to ensure the safety of other members and users of the facility.

The committee may appoint a risk management officer to manage these responsibilities. This is strongly recommended as the most effective way of ensuring these obligations are met.

All members should:

- Develop a basic understanding of Occupational Health & Safety regulations and Risk Management Principles in accordance with Australian Standards;
- Ensure that the committee is aware of and implements measures to mitigate risks at the facility;
- Ensure that Council Occupational Health & Safety policies and procedures are implemented, monitored and reviewed for compliance;
- Ensure all reasonable steps are taken to protect the public, and take reasonable care to avoid foreseeable risk of injury to anyone lawfully entering the facility;
- Carry out inspections of assets under the control of the committee and any user groups. The committee should note any issues and send a copy of the report to Council;
- Report all incidents to Council involving actual or potential harm to persons or property. Reporting incidents to Council also prevents committee members from being prosecuted for failing to report notifiable incidents to WorkSafe, as required by Health and Safety legislation;
- Ensure that user groups of the facility have the necessary public liability and asset protection insurance, where applicable;

- Ensure that hirers of the facility (casual and seasonal) comply with Occupational Health And Safety guidelines;
- Ensure the committee notifies Council and the relevant emergency response agency in the event of a crisis at the facility (i.e. fire, serious injury, etc). Council will be able to provide advice and expertise in helping to manage the crisis.

Council contact officers can assist if required.

## 6 Holding meetings

There are procedures to be followed when the committee holds a meeting. These include notice of the meeting, preparation of the agenda, the way to make decisions, declaring conflicts of interest, and the accurate recording of the meeting through the minutes.

The number of committee meetings that should be held is noted in the instrument of delegation (*Section 10 – Meetings of the special committee*). It is usually at least four times a year including the annual general meeting.

### 6.1 Notice of the meeting

The committee is representing the community and Council in the management of the facility and meetings must be open to the public.

Visitors can take part in discussions only at the invitation of the chairperson, and cannot propose motions or vote. The committee is allowed to exclude visitors from confidential issues.

The committee must give public notice of at least 7 days before a regular meeting or Annual General Meeting (AGM). A “public notice” may constitute a notice in the local newspaper, flyers posted on notice boards, or meeting information posted on social media.

If the committee has notified Council of their meeting schedule, the date of the AGM will be published in the Council Column in the Midland Express and on Council’s website. The committee should also publish general meeting dates online, on community notice boards, or in local newsletters.

The meeting schedule should be included in the committee’s Annual Return.

### 6.2 Preparing the agenda

An agenda template has been provided in the Templates section of this manual. The committee may use its own template, but similar information must be included.

Usually the secretary, in consultation with the chairperson, prepares the agenda, but all committee members can nominate items of business to be included.

The agenda should be sent to all committee members at least a week before the meeting, along with minutes of the previous meeting.

Members of the public can nominate an item for discussion as well, but they must raise it with the secretary in writing before the meeting, and the committee can then decide if the issue needs to be raised at that meeting or deferred to the next one.

A typical agenda will include the following:

- Details of time and place of meeting (Notice of Meeting);
- List of all members, and any non-members invited to attend;
- Apologies;
- Minutes of the previous meeting;
- Conflict of Interest;
- Correspondence inwards;
- Correspondence outwards;
- Reports:
  - secretary’s report;
  - treasurer’s report;
- General business.

### 6.3 Attending meetings

Committee members are expected to attend all meetings, though unexpected circumstances such as illness, family crisis or other approved reasons may result in absences. If a committee member cannot attend a meeting, they should contact the chairperson, secretary or other office bearer, and the apology will be recorded in the minutes. It is important that apologies are sent and accepted by the committee. A member may lose their position on a committee if they miss three consecutive meetings without approval.

If the chairperson has not arrived within 15 minutes after the meeting start time, the committee can elect an alternative chairperson, provided there is a quorum present.

### 6.4 Making sure there is a quorum

For the decision made at a meeting to have legal standing, there must be a quorum present. A quorum is half the membership of the committee plus one, that is, a majority of members. The number of members the committee should have is defined in the Instrument of Delegation.

If a quorum is not present, members can either elect to continue the meeting but hold decisions over until the next meeting, or choose to postpone the meeting. If the meeting is postponed, it must be held within two weeks of the original meeting date.

### 6.5 Making decisions / motions

Each decision of the committee should be made by a formal motion, even if everyone agrees, and recorded in the minutes. Any committee member can raise a motion. Members of the public, co-opted members and ex-officio members cannot raise motions or vote.



The minutes should record the wording of the motion, who moved it, who seconded it, and whether it was passed or defeated. Committees can record who voted for and against a motion if they wish.

Committees may have motions that are more complicated and contentious, arising from their discussions on how to proceed with a project or manage their reserve/facility. In such cases, it may be useful for the motion to be written down and read out or circulated before voting, so that everyone is clear about what is being decided.

If a vote is tied, the chairperson has a second or casting vote. A committee can only make decisions (i.e. move and pass motions) if a quorum of its membership is at the meeting.

### 6.6 Public participation

All committee meetings are open to the public, though members of the public cannot vote. The form of public participation at any committee meeting is at the discretion of the committee, and may range from simply allowing the public to witness the committee's proceedings to actively encouraging input into the discussion of general business.

If a member of the public is disruptive or interrupts a meeting, the chairperson should intervene and request that they be quiet and be seated. If the interruption continues, the chairperson can request that the person leave the meeting.

### 6.7 Conflicts of interest

A conflict of interest arises when a person has to make a decision on an issue in which they have, or are perceived to have, a personal interest in or where they may benefit in a particular outcome. For example, the Committee is voting on whether to hire Fred's Mowing Services and Fred's brother is a member of the committee.

A committee member with a conflict should be disqualified from discussing and voting on issues in which they have a conflict of interest. Often, people will leave the room once they have declared their conflict. However, this is not always practical, particularly since it could mean that the committee no longer has a majority of voting members present (a quorum).

Private interests should not be confused with specialist knowledge, which is not a conflict of interest. For example, a member who is in the field of work, but who is not tendering for the work, may have useful specialist knowledge.

Keeping good public records is crucial for a committee to be regarded as open and transparent in managing conflicts of interest. The committee minutes must record how conflicts of interest were handled.

The minutes must record:

- Which members declared a conflict and what the conflict was;
- If the committee member left the room (at what time he left/returned and at what stage of the discussion), and;
- The result of the discussion and the decision made.

For more information on Conflicts of Interest, please see the Victorian State Government [Conflict of Interest Guide for members of Council Committees](#).

### 6.8 Minutes

Minutes are a legal record of a meeting and must be kept for all meetings of the committee. They should record decisions, rather than who said what. Minutes can be taken by any member of the committee.

At a minimum, the minutes should record:

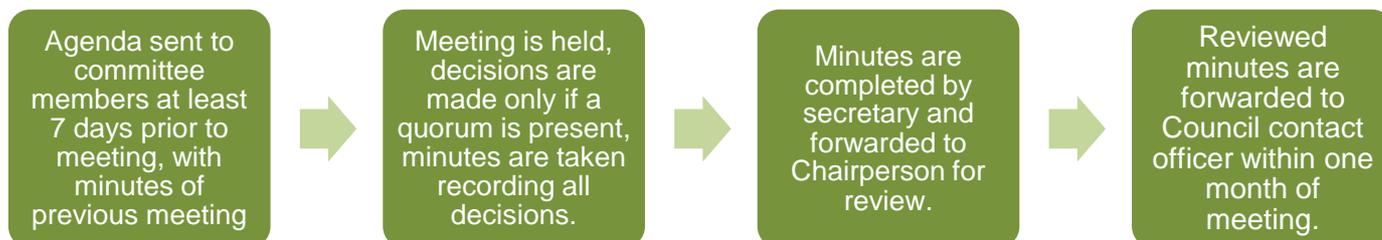
- The time the meeting started and finished;
- The place of the meeting;
- The names of the committee members present;
- The time of any arrivals or departures of members during the meeting;
- A list of all items of business considered;
- The exact wording of any motions moved, including the name of the mover and seconder, and the mover and seconder of any amendments to the motion;
- A record of any or all of the members who supported or opposed the motion, if requested by any member;
- The failure of a quorum;
- The results of consideration of any motions – carried, lost, withdrawn, lapsed or amended;
- Details of any questions taken on notice;
- Details of any deputations made to the committee, or any guest speakers;
- Disclosure of any conflict of interest of any member.

The minutes should enable Council, a committee member or member of the community not present at the meeting to be informed of all actions and decisions arising from the meeting, and the reasons for those actions and decisions.

The minutes should be sent to the chairperson, who reviews them to ensure that they are accurate. The reviewed minutes must be forwarded to the Council contact officer within one month of the meeting.

The minutes should be circulated to the committee with the agenda for the next meeting at least 7 days before the meeting. They are presented at the next committee meeting to be confirmed as being a true and accurate record. The motion endorsing the minutes of a previous meeting should only be moved and seconded by members who actually attended.

Once the minutes have been endorsed by the committee they cannot be altered.



## 6.9 The Annual General Meeting (AGM)

The AGM is a public meeting where the committee reports to its community. The AGM should be held after the end of the financial year, and before the Annual Return is due in November. The AGM is held to:

- Confirm the minutes of the previous AGM;
- Receive and adopt the statements of the chairperson and secretary on the previous 12 months activities;
- Receive and adopt the treasurer's report, including financial statements;
- Confirm the Annual Return is a true and correct record;
- Nominate and elect committee members and office bearers for the coming year.

The AGM should be advertised one month in advance in local newspapers, on public notice boards and via a mail-out to users of the facility. The public notice of an AGM should include the time and place of the meeting and how people can view the agenda and previous minutes.

Committee members should receive the agenda, reports, and minutes from the last AGM at least one week before the meeting. Attendees can ask questions of the committee (only in the time set aside in the meeting to do so), but the AGM is not a forum for taking motions from the floor or for voting on proposals. These actions can only be undertaken by committee members, and any such business should be held over to the next regular meeting.

### 6.9.1 Voting

The chairperson will declare the committee and office bearer positions vacant and hand over the proceedings of the meeting to a third party who is not a member of the committee to:

- List all nominations for membership received prior to the meeting;
- Call for additional nominations;
- Verify the eligibility of all nominations as defined by the instrument of delegation;
- After a reasonable interval, declare nominations closed;
- If the number of candidates is less than the number of vacancies, declare all candidates as the successful recommended candidates;
- If the number of candidates exceeds the number of vacancies, announce that an election will be held;
- Check that all persons wishing to vote are eligible;
- Conduct the vote;
- Announce the result of the vote and confirm the members of the committee.

Everyone present at the AGM is allowed to vote on committee membership. Voting should be done by a show of hands. Proxy votes and postal votes are not allowed.

Once the committee has been appointed, the chairperson can call for nominations for office bearers.

### **6.9.2 Nominating office bearers**

Once the committee members have been appointed, the committee needs to elect office bearers.

Any committee member can nominate to become an office bearer. Nominations can be filed in writing with the committee before the AGM or be tabled at the meeting. Candidates can self-nominate or be nominated by another member of the committee. The committee then vote to accept the nomination or not.

Only committee members present can vote to appoint office bearers.

Where the previous office bearers wish to retain their positions, and there are no new nominations, the committee can vote to reappoint all office bearers.

### **6.9.3 Appointing office bearers to the committee**

After the AGM, a list of members and office bearers must be forwarded to the Council contact officer. The nominations will go to Council for appointment at a Council Meeting. The committee will receive formal notification that its members have been appointed (within two months of nominations being received).

## 7 Keeping records

Special Committees of Council have obligations for record keeping under their instrument of delegation and various acts, i.e. Freedom of Information Act 1982, the Public Records Act 1973 and the Privacy and Data Protection Act 2014. It is important that the committee is aware of its record keeping obligations, that the committee keeps records in accordance with these obligations and provides Council with copies of all relevant records.

### 7.1 Freedom of Information Act 1982

Under the Freedom of Information Act 1982 (FOI), individuals have rights to access documents and other information produced or held by Council, including those held by special committees, whatever form they might be in (electronic, paper, e-mail, fax, etc). In some case there may be exemptions to this, however, assessing these can be complex. Documents included under FOI legislation include correspondence, minutes of meetings, financial records, tenure agreements, or contracts.

Therefore, it is important that a committee keeps accurate records, both secretarial and financial. If the committee receives a request for committee documents under the Freedom of Information Act, the committee must contact the Council contact officer, as Council is legally required to acknowledge receipt of the request within three days. The Council contact officer will then work with the committee to process the request.

### 7.2 Managing records

All records of the committee are public records. The committee is required to store and maintain its records in a way that is consistent with general record-management practice, and compliant with the Public Records Act 1973. This involves:

- Making full and accurate records of the business of the committee, and
- Storing these records responsibly in a readily accessible and secure place.

Records of the committee must be kept secure from tampering or inadvertent access, while being easily identified, located and retrieved by those permitted to do so. All vital records of the committee (for example minutes, contracts, etc) that are essential to its function should be identified and special care taken to prevent their loss or damage.

Documents need to be kept for different periods of time under the Public Records Act 1973:

<b>Document</b>	<b>Retention period</b>
Minutes	Permanent record – cannot be disposed of
Reports tabled at the Annual General Meeting	Permanent record – cannot be disposed of
Annual Return	Permanent record – cannot be disposed of
BAS and GST statements	Must be kept for 7 years
Account and book keeping records	Must be kept for 7 years

Once these documents have been filed with Council, Council will maintain them as a permanent record and the committee may dispose of copies. The committee can forward copies it no longer needs to Council for confidential disposal.

Other documents relating to the administrative practice of the committee are not required to be kept. These include:

- Facilitative, transitory or short-term items including appointment diaries, calendars, 'with compliments' slips, personal emails, messages and emails in personal or shared drives, emails that have been captured into a Councils records management system.

- Rough working papers and/or calculations.
- Drafts not intended for further use or reference – whether in paper or electronic form – including reports, correspondence, addresses, speeches and planning documents that have minor edits for grammar and spelling and do not contain significant or substantial changes or annotations.
- Copies of material retained for reference purposes only.
- Published material not included as part of the committees records.

More information about what documents can be disposed of is available at the [National Archives of Australia](#) website. The Council contact officer can also assist with this process if required.

### 7.3 Archiving of records

Copies of all of the documents kept under the Public Records Act must be forwarded to Council. These are sent to the State Government to be catalogued as part of the public record.

The committee should retain the most recent two years of information for its use in managing the facility. The committee should forward documents it no longer needs to Council for confidential disposal. This can be arranged by the Council contact officer.

### 7.4 Managing electronic records

Any electronic record related to committee business has the status of a public record and the records management principals described above apply. This includes electronic records developed or received by a committee member relating to committee business.

Electronic records should be stored securely, either on a separate storage drive that is locked away, or by password protecting files and folders.

### 7.5 Privacy and Data Protection Act 2014

The Information Privacy Act 2000 requires that committees handle any personal information in a secure and responsible manner and manage in accordance with the set of Australia Privacy Principles (APPs). With limited exemptions, all Victorian government agencies, statutory bodies and local councils must comply with the APPs.

Committees are bound by Council Information Privacy Policy, available on Council's [website](#).

More information about privacy can be found on the Office of Australian Information Commissioner's [website](#).

### 7.6 Financial record-keeping

Committees are urged to maintain suitable records to ensure that they make proper and complete financial reports. The Australian Taxation Office (ATO) provides a resource to help with this:

- Manage your payments, invoices and records: <https://www.ato.gov.au/Business/Manage-your-invoices,-payments-and-records/> (NAT 3029)

The committees's Council contact officer can provide assistance if required.

## 8 Reporting to Council

Special Committees of Council are required to report regularly to Council. The committee reports to Council through the Council contact officer. This section explains what the committee needs to report, when and how.

Committees are required to report to Council regularly:

What to report	Reporting timeframe
Contact information for committee membership	As changes occur
Changes to office bearers	As changes occur
Minutes of committee meetings	Within one month of the meeting
Schedule of meetings for future financial year	By the 30 November as part of the Annual Return
Quarterly GST returns	At the end of March, June, September and December, unless an alternative schedule has been agreed with Council
Annual Return, including treasurers report	By the 30 November each year
Risk and safety Incidents	As they occur
Facility bookings for major events	As available. This allows Council to schedule maintenance and provide support if required.

Reports, minutes and returns must be forwarded to Council contact officer via email or can be delivered by mail to PO Box 185, Castlemaine, 3450.

### 8.1 Completing the annual return

Special committees are an extension of Council, and Council is required to provide an annual account of all its financial activities. The Annual Return helps Council ensure that the committee is financially able to maintain the facility. The information in the return can also highlight areas in which Council can assist committees with planning and management.

The Annual Return must be completed on the *Special Committee of Council Annual Return* form, which is sent to committees at the end of the financial year.

Committees also need to file with the return:

- Minutes of the AGM;
- Copies of Bank Statements for all committee accounts;
- A copy of the treasurer's Report;
- A copy of the fees and charges schedule (if available); and
- A copy of the Asset Register (if available).

The Annual Return should be tabled at the AGM and be confirmed by members via a motion.

The Annual Return must include the balances of all bank accounts and cash on hand, including at call accounts, cheque accounts, term deposits and other investment accounts as at 30 June.

### 8.2 Annual treasurers report

The treasurers report must include the Profit and Loss statement of the committee for the previous financial year. The report should also include any outstanding payments or issues that the committee should be aware of.

### 8.3 GST Summary

At the end of each quarter, committees are required to file a GST return to advise Council of the income and expenses for the quarter, and what GST has been paid and received. Council then includes this information with the Council quarterly GST Return to the Australian Tax Office (ATO).

The GST return form is available on Council's website at <https://www.mountalexander.vic.gov.au/special-committees>. The form must be submitted each quarter, by the below due dates:

- **Quarter 1 (Jul - Sept) – due 31 October**
- **Quarter 2 (Oct - Dec) – due 31 January**
- **Quarter 3 (Jan - Mar) – due 30 April**
- **Quarter 4 (Apr - Jun) – due 31 July**

The form is a **summary** that shows:

- Total income;
- Total expenses;
- GST collected on the income;
- GST paid on the expenses.

Committee have the option of attaching a detailed income list, and detailed expenses list, to support the calculations.

Once the form has been submitted, committees will receive an automated confirmation. At the end of financial year Council will be in contact to confirm whether the committee will receive a GST refund, or a request for GST owing will be notified by invoice.

If GST collected is greater than GST paid then the committee will receive an invoice from Council, with the amount owing.

If GST collected is less than GST paid then Council will pay this amount back to the committee at the end of the financial year.

Council contact officers can provide assistance if required.

## 9 Managing money

As the committee is acting for and on behalf of Council, ownership of any profit or cash holdings lies with Council.

As stated in the instrument of delegation, the committee must “*Apply all funds received firstly to the maintenance and operation of the facility and any other expenses which may be incurred by the committee in its management of the facility.*”

Committees should only hold excessive funds, i.e. more than \$20,000, if there is a planned purpose or project. Council contact officers will work with the committee to develop a capital works plan to ensure it aligns with Council’s priorities and the needs of the wider community.

The committee should refer to the instrument of delegation for restrictions on how the committee is required to raise and spend funds.

Council contact officers can provide assistance if required.

### 9.1 Expenses

The committee will generally be invoiced by the provider for any water, sewerage or electricity services for its facility, including service and usage charges. The committee may also pass these costs on to regular users of the facility, for example, a football club can be asked to cover electricity costs for training at night. These arrangements should be documented in the hire agreement.

The instrument of delegation (Exceptions, Conditions and Limitations) details the limits the committee is allowed to spend without written approval from Council. Committees may spend above this limit, without written approval, for emergency repairs as defined in the instrument of delegation (Schedule 3 – Definitions).

### 9.2 Managing bank accounts

The committee is allowed to set up bank accounts to manage committee funds. Accounts should be held in the name of the committee, with the office bearers as signatories. When these office bearers change, the bank must be notified.

Committees must notify Council of all committee bank accounts as part of the Annual Return.

To ensure transparency and to reduce the risk of fraud:

- The two office bearers signing off on financial or banking matters should not be related to one another;
- Office bearers cannot reimburse or pay themselves, or a family member, for expenses.

Most banks will require a letter from Council, signed by two account signatories from Council, authorising the committee to open a bank account under Council’s ABN. They may also require:

- Photo identification
- The full legal name and address of the committee
- The names of the chairperson, secretary and treasurer
- The legal name, address and date of birth for all account signatories
- A copy of the instrument of delegation
- Signing instructions (As per the instrument of delegation, money can only be drawn from the account with the signature of two office bearers)
- Where statements are to be sent, and how often (monthly, quarterly etc)
- Contact person and phone number
- Minutes of the AGM, including:
  - Date of appointment
  - Who signatories are to be

- Which accounts signatories are to operate on
- What type of access the signatories are to have (phone banking, internet banking etc)
- Signatures of at least two committee members.

Committees may use internet banking, but payments must still be authorised by two account signatories.

### 9.3 Auditing of accounts

Unless specified in the instrument of delegation, a full audit is not required, but because the committee holds public money, the return should be checked by an independent person such as a bank manager or accountant.

### 9.4 Petty cash

Committees are allowed to run a petty cash float of up to \$200, provided that all receipts are kept and all payments are included in the GST and Annual Returns. A petty cash book is an easy way to track this.

Petty cash can be used to pay expenses and services.

All petty cash transactions should be recorded in the treasurer's report tabled at each meeting.

### 9.5 Entering into contracts

Committees are not permitted to employ staff, however they can enter into contracts that are directly related to the day to day operation of the facility. If the value of the contract is greater than \$500 permission from Council is required. Committees can enter into a contract to buy services (such as mowing), buy goods (such as plants and garden supplies) or to undertake a minor works (such as repainting of a hall).

The committee should use contractors from Council's Panel of Contractors. These contractors are approved to complete works on Council facilities and have been through a process to ensure they have all the appropriate insurances and qualifications, and provide a reasonable service at a reasonable rate. The Council contact officer can provide an up-to-date list of current panel contractors.

If the committee elects not to use a Council approved contractor, a public tender process must be undertaken by the committee.

### 9.6 Borrowing money

Committees are not permitted to borrow money. If the committee is struggling to cover day-to-day operating costs, or is seeking additional funds to put towards a project or activity, they should discuss these issues with the Council contact officer.

### 9.7 Applying for grants

Committees must have approval from Council before they can apply for a grant. Council will need to lodge the application on the committees behalf, as the committee has no legal capacity to enter into an agreement with the funder.

Third parties are not permitted to apply for funds on behalf of the committee.

The availability of funding is not necessarily a factor in Council deciding whether or not to support a funding proposal. Requests for changes or improvements to facilities will be considered against the current work priorities for all Council owned and managed buildings. In prioritising works, Council will also consider the needs of the community, use of the asset, and whether there are alternative facilities that meet the same need.

### 9.8 Fundraising

If the committee is unable to cover costs through hire fees, the committee may fundraise to meet the cost of upgrades to the facility:

Permits may be required for some fundraising activities. For further information, please refer to:

- Victorian Commission for Gambling and Liquor Regulation website: [www.vcqlr.vic.gov.au](http://www.vcqlr.vic.gov.au)
- Mount Alexander Shire Council Local Law 6:  
[http://www.mountalexander.vic.gov.au/Page/Page.aspx?Page\\_Id=462](http://www.mountalexander.vic.gov.au/Page/Page.aspx?Page_Id=462)

### 9.9 Giving and Receiving Donations

The committee can accept donations; however funds must be used to maintain the facility or to support committee in running community events.

The committee cannot donate funds or provide sponsorship to any group or individual.

## 10 Managing assets

As part of its financial records, a committee must maintain an asset register with details of all assets at the facility, including buildings. Assets include items required for operation of the facility, such as appliances, and items that improve the useability of the facility, such as chairs and tables.

The register should contain:

- A description of each asset;
- The date it was bought or donated, and;
- An estimate of its value.

The committee may purchase assets for the facility under the \$500 financial limit without Council approval, but must include the asset in the Annual Return.

Any asset purchased with committee funds becomes a Council asset.

### 10.1 Disposing of assets

All committee assets remain the property of Council; this includes property and assets that have been donated to the committee. Under the Instrument the committee is required to seek Council's permission prior to disposing of Council property and adhere to Council's process for disposing of assets.

## 11 Hiring out the facility

The Committee has been appointed to manage a Council facility that is for the use and enjoyment of the community. To cover the cost of the use of the facility users pay a hire fee. It is important that all hirers of the facility enter into a written hire agreement. This section includes hire agreements, terms and conditions of hire, public liability insurance, user fees and Occupational Health and Safety.

### 11.1 Hire Agreements

All hirers must enter into a hire agreement for all casual, short-term, long-term or seasonal use. The hire agreement includes terms and conditions of hire, information about the facility, emergency procedures and cancellation conditions. An example is provided in the Templates section.

This means even regular users, such as football or cricket clubs, must have a user agreement with the committee. If a written hire agreement is not in place, neither the committee nor the facility is covered by insurance.

Seasonal agreements are most easily managed on an annual basis. Council's contact officers can provide assistance with hire or seasonal agreements.

### 11.2 Public Liability Insurance

All organisations or individuals hiring the facility must provide evidence that they have current public liability insurance cover, or evidence that their use is covered by another organisation's public liability insurance. The committee is responsible for ensuring that they obtain a current copy of the certificate of currency for the hire records.

If the hirer is conducting activities that are not for commercial gain then they may purchase coverage through Council or the committee. One fee applies for up to 52 occasions per year and cannot be used for activities that are for commercial gain, sporting activities, rock/pop concerts, high risk activities or festivals.

Committees must charge hirers the current fee as set by Council's Budget for the Hirers Public Liability Insurance to use the facilities and provide the hirer with a receipt showing the Public Liability Insurance payment. The Hirers Insurance fee can be retained by the committee but there must be a record kept of the name of the hirer, the dates of hire and estimated attendance numbers as evidence in the event of a claim.

Each hirer utilising this scheme must be informed that there is an excess on the policy that the hirer must pay in the event of a claim (currently \$250) and the Policy excluded activities. The committee must immediately notify the Council contact officer as soon as they become aware of any insurance or potential insurance claim against any Policy.

Council purchases this insurance on behalf of committees on an annual basis based on the estimated number of casual bookings over the year that would require cover. Therefore committees must include the total amount collected for Hirer's Insurance as part of their Annual Return.

### 11.3 Setting user fees

The committee has the power to set its own fees and charges for use of the facility. Fees should be reviewed at the end of the financial year and updated to meet any rising costs.

Most committees have a fee schedule that includes different fees for:

- Seasonal users, such as sporting clubs;
- Regular users, such as local community groups;
- School groups and not for profit organisations;
- One-off private users;
- Business users.

Fees for use of the facility should aim to cover the cost of operating the facility for the duration of the booking. The committee should consider utilities, cleaning and maintenance costs, the cost of disposables, and waste disposal when setting user fees.

It is also important that fees are affordable for community groups and regular users, so that the facility provides maximum benefit to the community.

It is reasonable for the committee to set different fees for community groups compared to private or commercial users. It is also reasonable for a committee to require a bond to be paid, especially for private, one-off users.

The committee may reduce or waive fees in special circumstances for fundraising events or events of significance, such as an ANZAC Day commemoration ceremony.

### 11.4 Induction for hirers

Committees must provide hirers with an induction to the facility the first time they use it. The induction should include:

- The capacity of the venue;
- Keys and security arrangements;
- The location of light switches and how to use the switchboard;
- Equipment available for them to use;
- Operation of heating and cooling;
- The location of fire exits, first aid kit, extinguishers, and evacuation procedures;
- Who to call if there is a problem;
- Any known safety issues;
- Cleaning arrangements (e.g. immediately cleaning up spills and at the completion of the function);
- What the hirer needs to do when they've finished with the facility (e.g. locking up, switching lights off etc).

This information can also be provided as part of the hire agreement.

### 11.5 Booking during fire season and on Code Red Days

During the fire season the committee must be aware of [fire danger ratings](#). If a Code Red day is declared for the North Central district on the day of a booking, the facility must be closed and the booking postponed or cancelled. It is the committee's responsibility to monitor the fire danger rating and notify the hirer if the booking must be cancelled.

Council will contact the committee if the facility is required as an Emergency Relief or Recovery Centre. The committee must then contact hirers to cancel all bookings. This condition should be included in the booking form for hirers.

Committees should be aware that some facilities are designated as Neighbourhood Safer Places and may be used by the community without notice when an emergency is impacting the township.

Committees should remind facility hirers of their obligation to plan for the safety of attendees during an emergency. Organisers of large events should complete an Emergency Management Plan. Direct hirers to Council's [Event Guide and Application Kit](#) for more information.

The CFA's [Guidelines for Conducting Small Events and Gathering in High Fire Risk Locations](#) provide more information on running events during the fire danger period (typically October to May).

### 11.6 Occupational health & safety

Council and its committees have a legal obligation under health and safety legislation to maintain a healthy and safe environment for committee members, volunteer workers, contractors and anyone entering or using the facilities.

Committees have a duty of care to all of these people not to expose them to risks to their health or safety. Committees should do everything reasonable to provide information, instruction, training and supervision to their volunteers so they can work safely without harming themselves, other volunteers, clients, visitors or passers-by.

Examples of ways in which committees can fulfil these duties are:

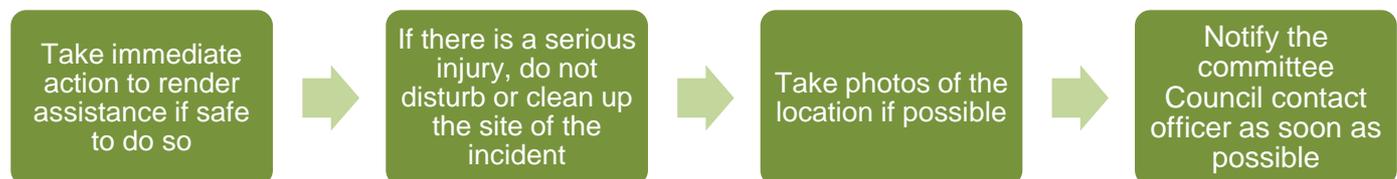
- Regularly inspecting and maintaining facilities and equipment in accordance with these procedures;
- Actively supervising volunteers;
- Informing Council of any health and safety issues and incidents as soon as possible;
- Cooperating with Council's Buildings Officer to comply with the building Essential Safety Services requirements and ensuring that fire fighting equipment is regularly tested;
- Displaying emergency procedures including the location of fire exits, fire fighting equipment and safe outside assembly points;
- Providing and maintaining first aid facilities;
- Signing or removing from use potential hazards or hazardous equipment.

Signs may be necessary to advise members of the public of physical dangers. Care should be taken to ensure the placement of signs is appropriate to the hazard and that they are maintained and are legible. Signs should comply with the relevant Australian Standards. Pictogram signs which can be understood by people unable to read English should be used wherever possible.

### 11.7 Reporting incidents

Committees are responsible for reporting all incidents to Council which involve actual or potential harm to persons or property. Timely reporting of incidents is a crucial step in arranging an adequate response and for the proactive prevention of future incidents. Reporting incidents helps provide a safe environment for users of facilities. Reporting incidents to Council also prevents the committee members from being prosecuted for failing to report notifiable incidents to WorkSafe, as required by Health and Safety legislation.

In all cases where someone has been injured or property has been damaged the committee must:



## 12 Day-to-day maintenance and minor works

As a general principle, Council will take responsibility for all major works, and these works will be subject to prioritisation with Council's wider building program and available budget.

The committee is responsible for day-to-day cleaning, maintenance and replacement of consumable items. It is also responsible for regular inspection of items and ensuring that any defects are reported to Council and logged via the *Lodge a service request* button on Council's [website](#). The committee's instrument of delegation (*Appendix 1 – Maintenance Responsibility*) describes this shared responsibility in detail.

Emergency repairs, as defined in the instrument of delegation (*Schedule 3 – Definitions*), can be completed by the committee immediately if the Council contact officer is not available (such as outside of business hours).

### 12.1 Council's Role

Council will assess the needs of all Council buildings, and then prioritises and programs works for which it is responsible. With limited funds available for maintenance, repair and replacement programs, priorities will be set across Council's entire building portfolio. Committee funds may be used to complete works if required.

Council also recognises that from time to time the committee may not be able to fulfil its responsibilities due to a shortage of funds or limited expertise or capability. In these instances Council will consider additional support in order to preserve the condition and integrity of Council's asset.

All works over \$500 or requiring a statutory certification of completion must be approved by Council prior to works commencing, except in case of an emergency.

Council will not arrange or pay for repair, servicing, inspection, maintenance or replacement of fittings, fixtures, equipment or appliances installed by the committee or for any unauthorised works.

### 12.2 Making a request

If maintenance is required, and it is Council's responsibility, requests should be made via the *Lodge a Service Request* button on Council's [website](#).

### 12.3 Essential Safety Measures

A buildings' occupancy permit, or the Building Code of Australia, will specify the essential safety measures required for the building (fire mains, exit doors, etc) and the maintenance required for those services. Council is responsible for this maintenance.

### 12.4 Keys

Council will issue keys to office bearers. Office bearers are personally responsible for their key and the cost of its replacement if lost. Keys must be returned to Council when a member leaves the committee.

Each committee is also issued one key to be provided for use by hirers.

Committees are not permitted to copy keys. Requests for additional keys will be considered by the committee Council contact officer. Costs may be passed onto the committee if security is compromised and the locks need to be changed.

### 12.5 Vandalism or other damage

All incidents of vandalism or wilful damage to the facility should be reported immediately to Council via the *Lodge a Service Request* button on Council's [website](#).

Emergency repairs, as defined in the instrument of delegation (*Schedule 3 – Definitions*), can be completed by the committee immediately if the Council contact officer is not available (such as outside of business hours).

### 12.6 Damage by hirers

The instrument of delegation (*Appendix 1 – Maintenance Responsibility*) discusses normal wear and tear related to the use of the building. Damage caused by hirers is the responsibility of the committee and should be funded from the security bond charged to hirers.

If the security of the facility is compromised, such as a broken window or door, or there is major damage to a facility the committee should notify the Council contact officer.

Emergency repairs, as defined in the instrument of delegation (*Schedule 3 – Definitions*), can be completed by the committee immediately if the Council contact officer is not available (such as outside of business hours).

The hire agreement should include a statement that the committee and Council have no liability for any loss of or damage to the facilities, any property owned or possessed by Council and situated in the facility, and any person on the premises, from whatever cause.

A bond can be kept by the committee to cover the cost of repairs. Repairs must be completed by an approved Council contractor.

Hirers are not permitted to fix items to walls, ceilings, floors or any painted surfaces. The use of tape, blue tack, glue, screws, nails or staples is forbidden without the prior permission of the committee.

It is a good idea to take photos of the facility before major events to monitor damage, or walk through the facility with the hirer before the event.

## 13 The committee's emergency management responsibilities

The committee is responsible for:

- Preventing emergencies, where possible, by maintaining the facility and addressing issues as they occur;
- Identifying potential risks and taking preventative action;
- Cooperating with emergency services personnel;
- Cooperating with Council's emergency management team;
- Ensuring that evacuation plans for the facility are prominently displayed.

### 13.1 Use of a facility as a relief centre, recovery centre or emergency services staging area

Council will contact the committee if the facility is required as an emergency relief centre, recovery centre or emergency services staging area. The committee must then contact hirers to cancel all bookings.

It is often difficult to know how long a facility will be needed, so the committee should be prepared to contact anyone who has booked the facility and advise that the facility is not available.

Committee members should not attend the facility during an emergency.

Only authorised personal (i.e. Council, Police, Red Cross) are allowed to access or open the facility when a relief or recovery centre is activated.

Committee members should only attend a relief or recover centre is they are personally evacuating or seeking emergency assistance.

Committee members have no responsibility to assist with the operation of a relief or recovery centre and cannot direct the public or emergency services workers attending the facility in how the building is being used.

Damage to the facility while it is being used by emergency services is covered under Council's insurance policy.

Committees should call the Council contact officer to discuss claiming these costs.

### 13.2 Neighbourhood safer places

Committees should be aware that some facilities are designated as Neighbourhood Safer Places (NSP) and may be activated as such without notice.

These facilities are currently designed as Neighbourhood Safer Places:

- Campbells Creek Community Centre
- John Powell Reserve
- Bill Woodfull Recreation Reserve Oval and Pavilion
- Newstead Community Centre
- Taradale Hall

A NSP is a place of last resort in bushfire emergencies only. They are a last resort shelter that may assist people when there is imminent threat of bushfire and they have no plan, or their planned options have failed. NSPs are not locations to relocate to when leaving early. On days when there is advice to leave early people should relocate well away to an area of lower risk either the night before or early in the morning.

No amenities (such as food, water, or medical care) are provided at Neighbourhood Safer Places. NSPs have a key safe and a sign displaying a contact phone number for Council's Municipal Emergency Resource Officer

(MERO) and Victoria Police to help people get access to these buildings when there is an imminent threat of bushfire.

Committee members must not provide access to a facility during an emergency. Only authorised emergency services workers will provide access to ensure there is a record of people at risk at the facility.

Committee members should only attend a NSP if their personal emergency management plans have failed.

Committee members have no responsibility to assist with, or defend, a facility under threat of a bushfire.

### 13.3 Bookings during fire season and on Code Red days

During the fire season the committee must be aware of fire danger ratings. If a Code Red day is declared for the North Central district on the day of a booking, the facility must be closed and the booking postponed or cancelled. It is the committees responsibility to monitor the fire danger rating and notify the hirer if the booking must be cancelled.

Council will contact the committee if the facility is required as an Emergency Relief or Recovery Centre. The committee should then contact hirers to cancel all bookings, if committee members are able to do so and are not impacted by the emergency. This condition should be included in the booking form for hirers.

Committees should be aware that some facilities are designated by the CFA as Neighbourhood Safer Places and may be activated as such without notice.

### 13.4 Fire prevention works

It is the committee's responsibility to ensure that grass is cut to less than 10cm during the fire season, unless an alternative arrangement is noted in the instrument of delegation.

Committees can lodge a service request via Council's website if the facility's gutters are blocked by debris or leaf litter. Any work at height requires a risk assessment to be undertaken, and may require the use of contractors to be undertaken safely. Committees can seek advice from the Council contact officer.

The pruning and maintenance of trees is the responsibility of Council. If there are trees overhanging buildings or coming into contact with powerlines, the committee can lodge a service request via Council's website to have them pruned.

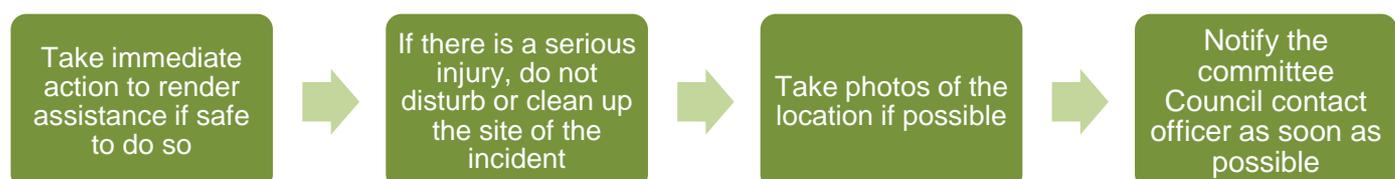
### 13.5 Evacuation plans

Evacuation plans and emergency procedures must be displayed prominently in all facilities.

### 13.6 Reporting incidents

Committees are responsible for reporting all incidents to Council which involve actual or potential harm to persons or property. Timely reporting of incidents is a crucial step in arranging an adequate response and for the proactive prevention of future incidents. Reporting incidents helps provide a safe environment for users of facilities. Reporting incidents to Council also prevents the committee members from being prosecuted for failing to report notifiable incidents to WorkSafe, as required by Health and Safety legislation.

In all cases where someone has been injured or property has been damaged the committee must:



## 14 Insurance and managing risk

Council holds various insurances, this section gives the committee an overview of those insurances and how they relate to the committee, the facility and the users of that facility. The committee must immediately notify their Council contact officer as soon as they become aware of any claim or potential claim for compensation for personal injury or property damage.

If notification of a claim is received either in writing or verbally committees must:

- Not admit responsibility for any incident or make any other comments about the incident, as admission of liability can void Council's insurance policy.
- Provide a written claim or details of a verbal claim to the Council contact officer.

### 14.1 Completing a risk assessment

A risk assessment register is available in the Templates section.

#### **Step 1: Identify the risks**

Note down a comprehensive list of risks that could arise from the committee's activities.

Identifying the risks involves thinking about all the possible causes of injuries, illness or property damage by walking around the facility and talking to members and volunteers. Previous records of incidents may also be checked to identify problem areas.

Potential sources of risk for committees include:

- An unsafe work environment for committee members and other volunteers
- Breach of duty of care to the public
- Acts of nature
- Use of contractors
- Events/hiring out the facilities
- Purchasing of plant and equipment
- Degradation of the environment
- Lack of fraud prevention controls
- Poor governance.

#### **Step 2: Identify who could suffer injury, illness or property damage**

Consider committee members, other volunteers and anyone entering or using the facility.

#### **Step 3: Prioritise and record the risks**

Prioritise and record the risks according to:

- How likely it is that an injury, illness or property damage will occur.
- How serious will an injury, illness or property damage be if it occurred

A risk assessment form template is provided in the templates section of this document.

#### **Step 4: Take steps to remove or control the risks**

Health and safety legislation requires that risks must be removed or controlled "as far as reasonably practicable" having regard to:

- the likelihood of the hazard or risk concerned eventuating,
- the degree of harm that would result if the hazard or risk eventuated,
- what the person concerned knows, or ought reasonably to know, about the hazard or risk and any ways of eliminating or reducing the hazard or risk,

- the availability and suitability of ways to eliminate or reduce the hazard or risk,
- the cost of eliminating or reducing the hazard or risk.

Risks must be controlled in the following order of priority from the most effective and reliable to the least effective and reliable:

1. Eliminate the hazard or risk. This involves taking action to eliminate a hazard (which eliminates all of its associated risks).
2. If hazards or risks cannot be eliminated, risks may be reduced by taking action to change the risk. This can involve substituting the risk with a lesser one, engineering measures or changes to systems of work to achieve reductions, or isolating the hazard or risk from people.
3. If hazards or risks cannot be eliminated or changed to reduce them, action can be taken to reduce people's exposure to the hazard or risk. This can involve administrative actions, provision of instruction and procedures, or the use of personal protective equipment.

Note: If there is an immediate risk to health or safety, the process/activity in question must be stopped immediately until measures are taken to remove the immediate risk.

Committee members and other volunteers must be informed about the risks and associated controls.

### **Step 5: Monitoring and review**

Review the committees risk assessment and control measures and check for new risks at least annually to make sure it is up-to-date.

## 14.2 Personal accident insurance coverage for committee members and volunteers

Committee members are covered under Council's Personal Accident Policy whilst acting for and on behalf of Council within the scope of their duties outlined in their instrument of delegation. Therefore, it is important that committees keep their membership details up to date and ensure that they advise Council of any changes so that members can be properly appointed by Council. Otherwise committee members may not be covered by the insurance.

Volunteers of committees are also covered under Council's Personal Accident Insurances while undertaking work with the knowledge and approval of the committee. Therefore, it is important to keep records of committee approved volunteers, minutes of committee decisions, the dates and times that the volunteer worked and the work undertaken.

A Volunteer Registration form is available in the Templates Section.

## 14.3 Property insurance

Council insures all Council-owned buildings and contents. All claims for property damage should be directed to the committee's Council contact officer.

## 14.4 Public liability insurance

Committees have a duty of care to anyone entering or using the facility. Public Liability Insurance covers those cases where a committee fails in its duty of care and a member of the public suffers injuries or their property is damaged when using or visiting the facility. This only applies if the committee is acting for and on behalf of Council in accordance with its instrument of delegation. If committees are not acting within the terms outlined in the instrument of delegation this insurance may not apply.

Public Liability is not limited to the physical boundaries of the facility. A fundraising stall elsewhere for example could give rise to a claim for injury from a pedestrian tripping or for food poisoning. Therefore, committees must maintain strict compliance with the delegated functions and powers of their instrument of delegation to ensure coverage by Council's Public Liability Insurance.

### 14.4.1 Public liability insurance for facilities on Council land

Public liability claims arising out of a committee's management of facilities on Council land are covered under Council's Public Liability Insurance policy. Other volunteers of Council committees managing facilities on Council land are also covered under Council's Public Liability insurance while they are undertaking work with the knowledge and approval of the committee. For this reason, it is important to keep records of committee approved volunteers, the dates and times that the volunteer worked and the work undertaken. A Volunteer Registration form is available in the Templates Section.

*Note: Council and DELWP's public liability insurance policies do not cover third party users of facilities. Therefore it is imperative that all organisations or groups (such as sporting clubs) that operate seasonally or have annual and ongoing use of a facility have their own public liability insurance. Committees should ensure that such a policy adequately covers all of the third party's activities at the facility including any functions or events that they run. The Council contact officer is available for assistance with this if required.*

### 14.4.2 Public liability insurance for facilities on Crown Land reserves

Public liability claims arising out of a committee's management of facilities on Crown Land are covered under the Department of Environment, Land, Water and Planning (DELWP) Public Liability Insurance Policy.

Other volunteers working for committees managing facilities on Crown Land Reserves are also covered under DELWP's Public Liability insurance while they are undertaking work with the knowledge and approval of the committee. For this reason, it is important to keep records of committee approved volunteers, the dates and times that the volunteer worked and the work undertaken.

A Volunteer Registration form is available in the Templates section.

### 14.4.3 Public liability insurance for seasonal users

Seasonal users must be the holder of a current Public Liability Insurance Policy in respect of their activities providing cover for an amount of at least \$10 million. The seasonal user must provide a Certificate of Currency stating the level of cover, the period of cover and details of any exclusion clauses, as part of the hire agreement.

### 14.4.4 Public liability insurance for casual hirers

Council has a Public Liability Insurance Policy that covers non-commercial casual hirers of Council owned or controlled facilities for small scale standalone events when the hirer does not have their own insurance cover. The insurance is for all casual, ad hoc and regular hirers of Council owned or controlled facilities provided the use occurs no more than 52 times per annum (per hirer). Cover is only provided to the hirer whilst hiring the premises and is not provided to any other parties that may be involved in the hire activity (for example a band engaged for a wedding reception). It is up to the hirer to ensure these other parties have their own public liability insurance in place.

Council purchases this insurance on behalf of committees on an annual basis based on the estimated number of casual bookings over the year that would require cover. Therefore committees must include the total amount collected for Hirer's Insurance as part of their Annual Return to Council each November.

There is no coverage available to commercial entities that hire the facility and charge admission or derive other monetary gain from the actual hire activity. Commercial entities deriving monetary gain from the hire activity must provide their own insurance. However, commercial entities can be covered by Council's insurance for small scale standalone hire activities where there is no monetary gain derived from the actual hire activity. Similarly, not for profit entities can also be covered when charging for fund raising purposes only.

The hirer's Public Liability Insurance cannot be used for hires involving:

- Sporting activities.
- Music concerts.
- High risk activities.

- Festivals - There is no coverage available where the hire is part of a broader festival. The festival organisers are required to have their own Public Liability Insurance covering these festivals. They may be able to access cover via the Community Insurance Website: [www.communityinsurance.net.au](http://www.communityinsurance.net.au)

If in doubt as to whether a hirer or the hire activity can be covered, please discuss it with the Council contact officer.

#### **14.4.4.1 What is the Hirer automatically covered for?**

The hirer's policy provides indemnity to the hirer against all sums which they become legally liable to pay by way of compensation resulting from an occurrence which arises from their negligence whilst hiring the premises.

The hire activity is limited to a maximum period of five (5) consecutive days. Coverage for longer periods may be available and should be referred to the Council contact officer. An additional premium may be required by the insurer for longer periods.

#### **14.4.4.2 What may be covered if approved in advance by the Insurer?**

The following activities cannot be automatically covered under this arrangement and must be cleared in advance with the insurer via the Council contact officer:

- Hires that will involve attendance of more than 1,000 people.
- Hire periods of 5 consecutive days or more.
- Events held on Council roads that have been closed with Council's approval.

These may be subject to an additional premium as determined by the insurer. All events of this significance should be referred to the Council contact officer, who may pass it to Council's Events Officer for action.

#### **14.4.4.3 What is not covered under the hirer's public liability insurance?**

The following is not covered under the hirer's public liability insurance policy:

- Any other parties involved in the hire activity.
- Participation risk in sporting activities.
- Amusements (children's rides, animal rides, amusement rides and devices, inflatable recreation equipment).
- Grandstands.
- Sub-contractors.
- Security personnel.
- Physical abuse.
- Terrorism risks.
- Electronic data.
- Fireworks.
- Illegal activities.

#### **14.4.4.4 What is the process for Casual Hirers Public Liability Insurance?**

The committee must establish whether the hirer has public liability insurance **that covers the proposed activity**. If they do, a copy of the Certificate of Currency must be obtained and filed with the other hire documents. The hirer's insurance is able to be offered if they do not have their own public liability insurance and they meet the eligibility requirements.

Note: **The hire must not proceed if the hirer has no cover and they are ineligible for Hirers Insurance or unwilling to take it out.**

A hire agreement must clearly state that cover is required under the hirers Policy for each hire. The hire agreement must make it clear that the hirer has no other public liability insurance in place and that cover is required.

Committees must charge hirers the current fee as set by Council's budget for the hirers public liability insurance to use the facilities and provide the hirer with a receipt showing the public liability insurance

payment. The Hirers Insurance fee can be retained by the committee but there must be a record kept of the name of the hirer, the dates of hire and estimated attendance numbers as evidence in the event of a claim.

Each hirer utilising Council's Hirer Insurance must be informed that there is an excess on the policy that the hirer must pay in the event of a claim (currently \$250).

### 14.5 Claims by casual users of facilities

If a casual user of a facility, such as a person using the tennis court who is not part of a club, is injured they may lodge a claim with Council, DELWP and/or possibly the Tennis Club and the success of any claim will depend on whether the duty of care to them was breached and by whom, i.e.

- If Council or the committee failed in their duty of care to them resulting in the injury, then Council may be held liable.
- If the Tennis Club failed in their duty of care to them resulting in the injury, then the Tennis Club may be held liable.
- If DELWP failed in their duty of care to them resulting in the injury, then DELWP may be held liable; or
- A combination of the above.

### 14.6 Food safety

#### 14.6.1 Notification of intention to sell food

Any group, including a committee, holding a cake stall, sausage sizzle, fete or similar event is required to contact Council's Environmental Health Officer to obtain a permit. For more information see the fact sheet "[Guide to Food Safety Regulation for Community Groups](#)" from the Victorian Department of Health.

It is recommended that the committee remind users of the facility that they need to discuss the sale of food with Council's Environmental Health Officer to obtain the correct Permit.

The table below may be useful in determining if *Food Act* registration is required:

Catering Regulations and Food Permit Requirements			
Type of Function	Sale of food	Food Preparation	Food Permit Required?
Private Party (Guests not paying to attend function)	No	Food prepared at home	No
Private Party (Guests not paying to attend function)	No	Food prepared in Hall by persons other than Registered Caterer	No
Private Party (Guests not paying to attend function)	No	Registered Caterer	No
Private Party (Guests paying to attend function)	Yes	Food prepared in Hall by persons other than Registered Caterer	Yes
Private Party (Guests paying to attend function)	Yes	Registered Caterer	No
Public Event (Open to all members of the public)	Yes	Food prepared in Hall by persons other than Registered Caterer	Yes
Public Event (Open to all members of the public)	Yes	Registered Caterer	Yes
Corporate Events (Functions for invited guests only)	No	Registered Caterer	No

### **14.6.2 Safe food handling**

Committee and facility users are required to carry out safe food handling practices. For more information refer to the '[Your Guide to Food Safety](#)' guide that is available from the Victorian Department of Health.

Council's Healthy Environment Unit can provide committees with food safety posters to display at their facility.

## 15 When the committee needs assistance or advice

Each facility is assigned a Council contact officer to act as the primary liaison between the committee and Council, and provide advice.

Special Committee of Council	Contact Officer	Email	Phone
Barfold Hall	Gaynor Atkin, Manager Community Partnerships	<a href="mailto:g.atkin@mountalexander.vic.gov.au">g.atkin@mountalexander.vic.gov.au</a>	03 5471 1821
Baringhup Community Association	Gaynor Atkin, Manager Community Partnerships	<a href="mailto:g.atkin@mountalexander.vic.gov.au">g.atkin@mountalexander.vic.gov.au</a>	03 5471 1821
Bill Woodfull Recreation Reserve	Edwina Reid, Active Communities Officer	<a href="mailto:e.reid@mountalexander.vic.gov.au">e.reid@mountalexander.vic.gov.au</a>	03 5471 1740
Camp Reserve	Jacque Phiddian, Team Leader Active Communities	<a href="mailto:j.phiddian@mountalexander.vic.gov.au">j.phiddian@mountalexander.vic.gov.au</a>	03 5471 1787
Campbells Creek Community Centre	Gaynor Atkin, Manager Community Partnerships	<a href="mailto:g.atkin@mountalexander.vic.gov.au">g.atkin@mountalexander.vic.gov.au</a>	03 5471 1821
Campbells Creek Recreation Reserve	Jacque Phiddian, Team Leader Active Communities	<a href="mailto:j.phiddian@mountalexander.vic.gov.au">j.phiddian@mountalexander.vic.gov.au</a>	03 5471 1787
Castlemaine War Memorial Stadium	Jacque Phiddian, Team Leader Active Communities	<a href="mailto:j.phiddian@mountalexander.vic.gov.au">j.phiddian@mountalexander.vic.gov.au</a>	03 5471 1787
Elphinstone Community Facilities	Gaynor Atkin, Manager Community Partnerships	<a href="mailto:g.atkin@mountalexander.vic.gov.au">g.atkin@mountalexander.vic.gov.au</a>	03 5471 1821
Guildford Hall	Gaynor Atkin, Manager Community Partnerships	<a href="mailto:g.atkin@mountalexander.vic.gov.au">g.atkin@mountalexander.vic.gov.au</a>	03 5471 1821
Guildford Recreation Reserve	Edwina Reid, Active Communities Officer	<a href="mailto:e.reid@mountalexander.vic.gov.au">e.reid@mountalexander.vic.gov.au</a>	03 5471 1740
John Powell Reserve & Pavilion	Edwina Reid, Active Communities Officer	<a href="mailto:e.reid@mountalexander.vic.gov.au">e.reid@mountalexander.vic.gov.au</a>	03 5471 1740
Maldon Community Centre	Gaynor Atkin, Manager Community Partnerships	<a href="mailto:g.atkin@mountalexander.vic.gov.au">g.atkin@mountalexander.vic.gov.au</a>	03 5471 1821
Metcalfe Hall	Gaynor Atkin, Manager Community Partnerships	<a href="mailto:g.atkin@mountalexander.vic.gov.au">g.atkin@mountalexander.vic.gov.au</a>	03 5471 1821
Muckleford Community Centre	Gaynor Atkin, Manager Community Partnerships	<a href="mailto:g.atkin@mountalexander.vic.gov.au">g.atkin@mountalexander.vic.gov.au</a>	03 5471 1821
Newstead Community Centre	Gaynor Atkin, Manager Community Partnerships	<a href="mailto:g.atkin@mountalexander.vic.gov.au">g.atkin@mountalexander.vic.gov.au</a>	03 5471 1821
Sutton Grange Hall	Gaynor Atkin, Manager Community Partnerships	<a href="mailto:g.atkin@mountalexander.vic.gov.au">g.atkin@mountalexander.vic.gov.au</a>	03 5471 1821
Taradale Hall	Gaynor Atkin, Manager Community Partnerships	<a href="mailto:g.atkin@mountalexander.vic.gov.au">g.atkin@mountalexander.vic.gov.au</a>	03 5471 1821
Taradale Recreation Reserve	Tamara Fawcett, Active Communities Officer	<a href="mailto:t.fawcett@mountalexander.vic.gov.au">t.fawcett@mountalexander.vic.gov.au</a>	03 5471 1741
Wattle Flat Reserve	Edwina Reid, Active Communities Officer	<a href="mailto:e.reid@mountalexander.vic.gov.au">e.reid@mountalexander.vic.gov.au</a>	03 5471 1740
Wesley Hill Facility	Jacque Phiddian, Team Leader Active Communities	<a href="mailto:j.phiddian@mountalexander.vic.gov.au">j.phiddian@mountalexander.vic.gov.au</a>	03 5471 1787

## 16 Templates

The following templates are available on Council's [website](#):

- Agenda – Annual General Meeting
- Agenda – Ordinary Meeting
- Asset Register
- Casual Hire Agreement
- Facility Inspection Checklist
- Incident Report
- Minutes – Annual General Meeting
- Minutes – Ordinary Meeting
- Risk Assessment Form
- Sample Contract – Cleaning Services
- Seasonal User Agreement
- Volunteer Registration Form – One-off Volunteers
- Volunteer Registration Form – Ongoing Volunteers